Goshen

UNIFIED DEVELOPMENT ORDINANCE



Effective January 1, 2027

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Goshen
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CHAPTER 1:

INTRODUCTION & ADMINISTRATION

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1.1 INTRODUCTORY & GENERAL PROVISIONS

A. Establishment

1. **Title**. This ordinance shall be formally known as the "Unified Development Ordinance," or the "UDO" for the jurisdiction of the City of Goshen Advisory Plan Commission (PC).
2. **Combined Ordinances**. This UDO combines the City's Zoning Ordinance and Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.
   a. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under Indiana law are covered specifically in this UDO by Chapters 2, 3, 4, 5, 7, 8, and 9.
   b. Subdivision Control Ordinance Provisions. The regulations established for the administration of a Subdivision Control Ordinance under Indiana law are covered specifically in this UDO by Chapters 6 7, 8, and 9.
   c. Combined Provisions. Chapters 1, 8, and 9 apply to both zoning and subdivision control.
3. **Intent**. The intent of the UDO is to promote orderly development while aligning with the vision of the Comprehensive Plan and other plans adopted by the City of Goshen to:
   a. Accomplish the purposes of Indiana law: Local Planning and Zoning and further other intents and purposes stated within the various specific sections and provisions of this UDO;
   b. Protect and promote public health, safety, morals, and general welfare of the jurisdiction;
   c. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the Comprehensive Plan, including all of the plan components;
   d. Define the powers and duties of administrative officers and bodies as provided herein, and establish procedures for the implementation and enforcement of this UDO;
   e. Establish reasonable standards and procedures for subdivisions in order to further the orderly layout and use of land;
   f. Protect the character and stability of residential, institutional, business, commercial, industrial, and natural areas;
   g. Encourage compatibility between different land uses and to protect the scale and character of existing structures and uses within each district from the encroachment of incompatible uses;
   h. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities;
   i. Protect the conservation of property values throughout the jurisdiction; and
   j. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.

B. Applicability, Authority & Jurisdiction

1. **Authority**. This UDO is enacted by the legislative body, which includes the Goshen City Council and City Executive (Mayor), pursuant to the authority granted in Indiana law and other applicable State and Federal statutes.
2. **Jurisdiction**. The UDO shall apply to all land within the jurisdiction of the City of Goshen Advisory Plan Commission (PC), which includes all land within the City's corporate boundary.
3. **Applicability**. This UDO is not intended to:
   a. Interfere with, abrogate, or amend any existing easements, covenants, or other agreements between parties;
   b. Repeal, abrogate, annul, or in any way interfere with any existing provision of laws or ordinances not specifically repealed by this UDO or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises;
   c. Affect valid private covenants whose standards are beyond those of this UDO, and which are not enforceable by the PC; or
   d. Other Jurisdictions and Approvals. Nothing in this UDO shall eliminate the need to obtain any other approval, permit, or entitlement required by other provisions of the jurisdiction, the County, the State, or a Federal Agency.

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

C. Defined Terms

Specific words and terms relative to this UDO are defined in Chapter 9: Definitions.

D. Severability

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

E. Interpretation

The provisions of this UDO are the minimum requirements necessary for the protection of health, safety, comfort, morals, and general welfare of the people at large.

F. Burden of Proof

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

G. Minimum Requirements

The standards and regulations within this UDO are the minimum requirements necessary for the protection of the health, safety, comfort morals, and general welfare of the City of Goshen.

H. Statutory Changes

If any Indiana Code cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.

I. Repealer

The following titles are hereby repealed and are replaced by the adoption of this UDO and the Official Zoning Map:

1. Ordinance 3011: Zoning Ordinance for the City of Goshen, Indiana, as amended.
2. Ordinance 3196: Subdivision Control Ordinance for the City of Goshen, Indiana, as amended.
3. Ordinance 2071: Special Use PUD for Goshen College, and all amendments thereto.
4. Official Zoning Map, City of Goshen, Indiana, Adopted March 6, 1972, Amended August 25, 2025.

J. Effective Date

This ordinance shall be in full force and effect on January 1, 2027 upon passage by the City Council for the City of Goshen, Indiana.

1.2 ADMINISTRATION OF THE UDO

A. Role of the Administrator

1. UDO Administration. The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.
2. Duties. The Administrator (including their designees) shall have the following duties:
   a. Administer and enforce the regulations of this UDO.
   b. Serve as the Floodplain Administrator, including administration and enforcement of all floodplain and flood hazard ordinances.
   c. Serve as technical advisor to the PC and BZA, including providing clerical and technical assistance to these boards in the exercise of their duties.
   d. Issue or deny improvement location permits (ILP) prior to the erection, alteration, or use of a building, structure, or use of land, that shall include:
      i. If issued/approved, a certification that the proposed building, structure, and/or use complies with all applicable provisions of this UDO and authorization for the Building Commissioner to issue a building permit; or
      ii. If denied, a statement in writing documenting the reason(s) for such denial.
   e. Maintain current and permanent records of the UDO, including maps, ILPs, certificates of occupancy, variances, amendments, appeals, and non-conforming lots of record, structures, and uses.
   f. Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this UDO.
   g. Receive and transmit to the PC and/or BZA copies of applications for applications and other matters on which the PC or BZA are authorized to decide under this UDO.
   h. Review and approve, modify, or deny approval of other procedures as allowed by this UDO (see Chapter 7: Procedures).
3. Administrative Decisions. Whenever, in the course of administration and enforcement of this UDO, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such a decision shall be made so that the result will not be contrary to the spirit and purpose of this UDO or injurious to the area affected. Any such decision can be appealed to the BZA per Chapter 7.4: Appeal of Administrative Decision Application.

B. Role of the Advisory Plan Commission (PC)

1. PC Establishment & Membership. The PC shall be reestablished and have membership in accordance with Indiana law and as enacted by Ordinance 1297
2. PC Jurisdiction. The PC shall have zoning and subdivision jurisdiction over all land within the jurisdiction of the Goshen Advisory Plan Commission.
3. PC Organization, Actions, Meetings & Employees. The PC organization (including all officers), actions, meetings, minutes, and appointment of employees (including temporary services and professional counsel) shall be in accordance with Indiana law.
4. PC Powers & Duties. The PC shall have the following powers and duties as authorized in Indiana law and in accordance with Chapter 7: Procedures:
   a. Rules and Procedures. The PC shall adopt rules for its administration.
   b. Fees. The PC may establish a fee schedule to defray the administrative costs associated with PC and BZA applications, staff reports, issuing permits, and other permitted actions.
   c. Comprehensive Plan. The PC shall make recommendations to the City Council for adoption and/or amendment of the Comprehensive Plan.
   d. Site Plans. The PC shall make decisions regarding site plans (development plans) or delegate this authority to the Administrator as outlined in Chapter 7.3: Site Plan Application.

e. Street Names and Addresses. The PC shall name or rename streets so that names are easy to understand and avoid duplication or conflict with other street names, and the PC shall delegate assigning addresses to the Administrator on behalf of the PC.
f. Subdivisions. The PC shall make decisions regarding plats, replats, and amendments to plats, including primary plats and secondary plats. The PC may delegate the authority to approve secondary plats to the Administrator.
g. Zone Map Changes. The PC shall make recommendations to the City Council concerning changes to the zoning map.

5. **Technical Review** . The PC may utilize the technical review process that is established by the City of Goshen in the review of PC and/or BZA applications to provide expert advice with regard to technical specifications, adequate capacity, public safety, and/or other specifications.

C. Role of the Board of Zoning Appeals (BZA)

1. **Establishment & Membership**. The Advisory BZA shall be established and have membership in accordance with Indiana law.
2. **Jurisdiction**. The BZA shall have jurisdiction over all land within the jurisdiction of the Goshen Advisory Plan Commission.
3. **Organization, Actions, Meetings & Employees**. The BZA organization, actions, meetings, minutes, and appointment of employees (including temporary services and professional counsel) shall be organized in accordance with Indiana law.
4. **BZA Powers & Duties**. The BZA shall have the following powers and duties as authorized in Indiana law and in accordance with Chapter 7: Procedures:
   a. Rules and Procedures. The BZA shall adopt rules for its administration.
   b. Appeals. The BZA shall make decisions regarding appeals.
   c. Special Uses. The BZA shall make decisions regarding special uses.
   d. Variance from Development Standards. The BZA shall make decisions regarding variances from development standards.
   e. Variance of Use. The BZA shall make decisions regarding variances of use.

1.3 PENDING APPLICATIONS & PERMITS

A. Pending Applications

Complete PC and BZA applications that are received and submitted prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing as outlined in Indiana law. This includes all related applications before the Goshen City Council, the Goshen Advisory Plan Commission, and the Goshen Board of Zoning Appeals as well as applications for Improvement Location Permits (ILP).

B. Approved Permits

1. A permit for an ILP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and under the provisions established by the regulations that were in effect at the time the permit was filed and/or issued.
2. If applicable, a valid permit may be renewed under the provisions established by the regulations that were in effect at the time of filing.
3. All permits that have expired under the provisions established by the regulations that were in effect at the time of filing shall be required to obtain a new permit and shall be subject to the regulations established by this UDO.
4. If expiration provisions were not established by previous regulations, then all permits issued shall expire one year after adoption of this UDO unless otherwise determined by the Administrator.

C. Approved Plats & Subdivisions

Because subdivisions are subject to two phases of approval (primary plat and secondary plat), the following policies for transition apply:

1. Approved Primary Plats. Any primary plat that was approved prior to the adoption of this UDO that has not expired and is still valid under said previous regulations shall continue with secondary plat approval and development in accordance with the respective process and regulations that were in place at the time of filing.
2. Approved Secondary Plats. The rules and regulations (including lot, structure, and utility standards) as well as any previous terms or conditions that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) as long as the primary plat remains valid and has not expired.
3. Approved Commitments or Conditions. Commitments or conditions (whether recorded or not) that were made as part of approval before the City Council, PC, or BZA or as part of an application for an ILP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the applicable process outlined in Chapter 7.10: Other Procedures of this UDO and/or the applicable PC and/or BZA Rules and Procedures.

CHAPTER 2:

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2.1 GENERAL DISTRICT PROVISIONS

A. Zoning & Overlay Districts

1. The zoning districts are intended to provide for orderly and responsible development within the jurisdictional area in order to promote the health, safety, and welfare of the public and community.
2. The overlay districts are intended to further assist the City of Goshen in providing for the public welfare and accomplishing the goals of the Comprehensive Plan through additional development standards that respond to unique characteristics of the properties to which they apply.
3. The development of properties located in an overlay district shall be subject to the requirements of both the overlay district(s) and the underlying district in which they are located. If there are conflicts between standards within the zoning district and an overlay district, the standards of the overlay district shall apply.
4. The jurisdictional area is classified and divided into the zoning districts and overlay districts outlined in the following table.

ZONING DISTRICTS		
Agricultural	Agricultural District	A1
Residential	Low Density Residential District	R1
	Medium Density Residential District	R2
	High Density Residential District	R3
	Manufactured Home Community District	R4
Commercial	Campus Mixed Use District	CM
	Neighborhood Shopping District	B1
	Central Business District	B2
	General Commercial District	B3
	Commercial Shopping Center District	B4
Industrial	Light Industrial District	M1
	Heavy Industrial District	M2
Form Districts	Downtown Form District	DF
	Urban Neighborhood Form District	UF

OVERLAY DISTRICTS	
Planned Development Overlay District	PD
Flood Control Overlay District	FW

B. Zoning Map

1. Official Map. The Official Zoning Map is a geographic coverage layer that is maintained as part of the geographic information system (GIS) under the direction of the Administrator. This map shall be revised as changes are approved as permitted by this UDO (such as rezonings) or to correct drafting errors, clerical errors, or omissions on the map.
2. District Boundaries. The location and boundaries of the zoning districts and overlay districts are established on a map entitled "Official Zoning Map," which accompanies and is hereby incorporated in and made a part of this UDO by reference. The Official Zoning Map may be amended from time to time as permitted by this UDO.
3. Interpretation of Boundaries
   a. All questions concerning the exact location of zoning district boundary lines shall be determined by the Administrator. An appeal of the Administrator's interpretation may be filed with the BZA per Chapter 7.4: Appeal of Administrative Decision Application.
   b. Boundaries of a district shall approximately follow:
      i. Centerlines of streets, alleys, right-of-way lines, and railroad lines;
      ii. Centerlines of streams, rivers, and other bodies of water;
      iii. Platted lot lines;
      iv. City or other corporate boundaries; and
      v. Approximate distance indicated on the map (based on the map scale or other physical or cultural features) for a lot with more than one zoning district or overlay district
4. Zoning Map Production. The Administrator may authorize printed copies of the Official Zoning Map to be produced and shall maintain digital or printed copies of superseded versions of the Official Zoning Map for historical reference.

C. Development Standards for Districts

1. Permitted uses and uses permitted with additional conditions within each district are outlined in Table 2.2: Permitted Land Uses.
2. Chapter 9: Definitions specifies how the lot width, setbacks, corner lots, and building height are measured and defined. Note that building height exemptions are specified in the definition for building height in Chapter 9: Definitions.
3. Development standards for each zoning district apply to a lot or zoning lot and may include:
   a. Structure standards (such as structure height, width, and living area)
   b. Site (Lot) Standards (such as street frontage, lot width, lot area, setbacks, and building coverage)

D. Encroachments in Required Setback or Buffers

1. **Permitted in Setbacks and Buffers.** The land uses and structures outlined in Table 2.1: Allowed Encroachments in Setbacks & Buffers are permitted in any required setback and/or buffer.
2. **Prohibited in Setbacks and Buffers.** All uses and structures are prohibited within a required setback or buffer unless specifically permitted by this section or another section of this UDO.

E. Constructing or Placing Structures on Lots

1. Unless it complies with Chapter 8: Non-Conforming, every structure that is constructed, moved, located, or placed after the effective date of this UDO shall:
   a. Be located on an individual lot which has direct and contiguous street frontage along a public street or an approved private street;
   b. Be located on a lot that conforms with the minimum lot standards for the district in which it is located; and
   c. Meet the zoning district standards and all other sections of this UDO.

F. Other Required Approvals & Standards

1. **Use Conditions Permit.** Approval required for all uses listed as "Allowed with Additional Conditions" or "C" in Table 2.2: Permitted Land Uses (see Chapter 7.2: Obtaining Permits).
2. **Site Plan.** Site plan approval may be required (see as Chapter 7.3: Site Plan Application).
3. **Drainage & Stormwater.** Development must comply with all applicable drainage, erosion control, and stormwater regulations (see Goshen Stormwater Management Ordinance).
4. **Water & Sewage Disposal.** Public sewer and water are required in all zoning districts. Approval is required for all new or modified primary structures or uses that require water and/or sewage disposal.
5. **Subdivision Requirements.** Approval required for all non-exempt subdivisions of lots (see Chapter 6: Subdivisions).
6. **Site Standards.** Development must comply with applicable site standards outlined in Chapter 4: Site Standards.

TABLE 2.1: ALLOWED ENCROACHMENTS IN SETBACKS & BUFFERS

Open & Natural Spaces or Features	▪ Passive recreation or common areas (open spaces), including pedestrian walks, bike trails, park benches, and bicycle lockers or shelters ▪ Natural water features, landscaping, and planting areas
Drainage & Utilities	▪ Easements, drainage or utility structures, and related drainage or utility features
Driveways & Access Drives	▪ Driveways and access drives that are used to access a right-of-way or adjacent zoning lot, but it shall not include parking spaces or areas intended to store a vehicle (except as allowed by this UDO)
Parking Spaces for Single-Family & Two-Family Dwellings	▪ Parking for single-family and two-family uses are permitted in a rear setback ▪ If parking is within a structure, the structure must comply with zoning district setbacks
Accessory Structures	▪ Accessory buildings in residential districts may encroach into front yards provided that they are no closer to the front property line than the front wall of the primary building
Fences	▪ Fences and walls may be located within a required setback or buffer but must comply with Chapter 5.4: Fences & Walls
Signs	▪ Signs may be located within a setback or buffer but shall be at least 5 feet from any property line (measured from nearest edge of sign)
Steps, Stairs & Access Ramps	▪ Steps, stairs, and access ramps attached to an existing structure if the steps, stairs, or access ramps are the minimum size necessary to meet building code and removed when it is no longer needed ▪ Note this does not include architectural features (such as cornices, chimneys, awnings, eaves, sills, canopies, or similar features) or other elements that do not have structural elements that touch the ground may NOT extend into a required setback or buffer

2.2 PERMITTED LAND USES

A. Permitted Uses

1. All land uses in all zoning districts (including form districts) shall only be permitted as outlined in Table 2.2: Permitted Land Uses.
2. A use identified in Table 2.2: Permitted Land Uses may be a primary use or accessory use unless otherwise stated in this UDO.
3. Uses permitted by right, uses permitted with additional conditions, uses permitted by special use approval, and prohibited uses are outlined in Table 2.2: Permitted Land Uses.
   a. Permitted by Right. The use is permitted in the identified district without additional conditions or approval from the PC, BZA, or legislative body. While the use is permitted by right, the use and all development must comply with all regulations within this UDO.
   b. Permitted with Additional Conditions. The use must meet additional conditions (standards) in order to be permitted by right in the identified district without approval from the PC, BZA, or legislative body. If Additional Conditions are required, the Administrator shall verify compliance prior to issuance of a building permit or commencement of the use (see Chapter 3: Additional Conditions for Uses). Additionally, the use and all development must comply with all regulations within this UDO.
   c. Permitted with Special Use Approval. The use is only permitted with approval from the BZA using the criteria outlined in Chapter 7: Procedures.
4. If a use was legally established on a lot or zoning lot under a previous ordinance and the use is only permitted as a special use by this UDO on the same lot or zoning lot, it shall be considered an approved special use only on the lot or zoning lot.
5. A primary use shall allow those accessory uses that are customarily and directly related to the primary use unless specifically excluded by definition or elsewhere in this UDO. For example, a residential dwelling may include a private / personal swimming pool as an accessory use.
6. Accessory uses are not permitted to be established on a lot or zoning lot prior to a primary use being established.

B. Prohibited Uses

1. Any land use that is not permitted by right, permitted with additional conditions, or permitted with special use approval in a zoning district shall be prohibited unless a use variance is approved by the BZA.
2. Any use listed as prohibited within an overlay district is prohibited, even if the underlying zoning district allows the use.

C. Land Uses Not Listed

1. Decision Process. If a land use is not included and/or defined in Table 2.2: Permitted Land Uses, the Administrator shall use the following methodology. An administrative decision may be appealed as outlined in Chapter 7.4: Appeal of Administrative Decision Application.
   a. Similar to a Listed Use. If the Administrator determines that the unlisted use is similar to a land use listed in this UDO based on the Criteria for Classifying Unlisted Land Uses, all processes and development standards for the similar use shall apply to the unlisted use.
   b. Not Similar to a Listed Use. If the Administrator determines that the unlisted use is not similar to any listed land use based on the Criteria for Classifying Unlisted Land Uses, the unlisted use shall be prohibited unless a use variance is approved by the BZA.
2. Criteria for Classifying Unlisted Land Uses. The following criteria shall be used to determine if an unlisted use is similar to a listed use:
   a. Intent. This should compare the compatibility of the unlisted use with the purpose/intent of the subject zoning district and consistency with the Comprehensive Plan.
   b. Intensity. This should compare the amount or level of activity to a listed use. This may include:
      i. The number of people occupying the structure for residential uses.
      ii. The number of people occupying a space or accessing the premises for institutional uses.
      iii. The gross commercial floor area associated with the primary structure, the operation of the business, hours of operation, and anticipated customer volumes for commercial uses.

iv. The amount of noise or noxious exhaust, public safety hazards generated on the site, types of vehicles accessing the site, and/or type of storage (indoor or outdoor) for industrial and agricultural uses.

c. Character. This should compare the physical characteristics, structures, scale, operations, and other features.

d. Accessory Uses and Structures. This should compare the types of potential for accessory uses and/or structures that could be associated with the unlisted use. If the unlisted use is an accessory use, it should compare if the use is incidental to, necessary, and/or compatible with a permitted primary use.

TABLE 2.2: PERMITTED LAND USES

	LAND USE		A1	R1	R2	R3	R4	CM	B1	B2	B3	B4	M1	M2	DF	UF
AGRICULTURAL LAND USES	Agricultural Product Processing		P													
	Agritourism		S													
	Animal Feeding Operation (CAFO / CFO)		S													
	Apiary (Bee Keeping, 3+ Hives)		P					P								
	Equestrian Facility		P													
	Crop Cultivation		P	P	P								P	P		
	Farmer's Market		P					P	P	P	P	P	P	P	P	P
	Grain Elevator													P		
	Greenhouse: Commercial		P								P		P	P		
	Livestock: Production		C													
	Livestock: Auction & Wholesale		S													
	Roadside Stand		P													
RESIDENTIAL LAND USES	Accessory Dwelling Unit (ADU)		C	C	C	C		C	C						C	C
	Dwelling: Loft					P[1]		P[1]	P[1]	P[1]	P[1]				P[1]	P[1]
	Dwelling: Multi-Family (3-8 Unit)				P	P		P	P[1]	P[1]	P[1]				P[1]	P
	Dwelling: Multi-Family (9+ Unit)					P		P	P[1]	P[1]	P[1]				P[1]	P
	Dwelling: Single-Family Detached		P	P	P	P		P	P							P
	Dwelling: Single-Family Attached			P	P	P		P	P						P[1]	P
	Dwelling: Two-Family (Duplex)		P	P	P	P		P	P						P[1]	P
	Group Living	1-6 Residents	P	P	P	P		P	P[1]	P[1]						
		7+ Residents	C		C	C		P		P[1]	P[1]					
	Home Occupation		P	P	P	P	P	P	P	P	P				P	P
	In-Home Childcare	1-5 Children	P	P	P	P	P	P	P	P	P				P	P
		6-16 Children	C	C	C	C	C	C	C	C	C				C	C
	Manufactured Home Park						P									
	Nursing Home & Assisted Living	1-12 Residents	P	P	P	P		P	P	P					P	P
		13+ Residents				P		P	P	P	P[1]					
	Tiny Home Community					S	S	S								

P = Allowed by Right
C = Allowed with Additional Conditions
S = Allowed with Special Use Approval
[ ] = Blank cell indicates prohibited in zoning district

1 - Only permitted on upper floors in buildings with first floor commercial uses

TABLE 2.2: PERMITTED LAND USES

	LAND USE		A1	R1	R2	R3	R4	CM	B1	B2	B3	B4	M1	M2	DF	UF
COMMERCIAL LAND USES	Adult Business												S	S		
	Automotive, Vehicle & Equipment	Sales									P		P	P		
		Service & Repair									C		P	P		
	Bar & Tavern					S			P	P	P	P			P	S
	Bed & Breakfast					P		P	P	P					P	P
	Campground & RV Park		S													
	Club: Private & Philanthropic							P		P	P		P	P	P	S
	Contractor Business		P								C		P	P		
	Day Care Center & Preschool					C		C	C	C	C	C	C	C	C	C
	Event Center & Indoor Movie Theater							P		P	P	P	P	P	P	
	Farm Chemical Supply Sales										P		P	P		
	Funeral Home, Mortuary & Crematory										P		P	P	P	
	Gas Station										P		P	P		
	Golf Course & Driving Range		S	S	S	S					S					
	Hotel & Motel							P		P	P	P			P	
	Kennel: Commercial & Animal Shelter		C			S					C		C	C		
	Liquor & Tabacco Store									P	P	P	P	P	P	
	Medical Offices							P	P	P	P	P			P	
	Mobile Food Vendor (Food Truck)										C	C				
	Parking Garage or Lot (as a Primary Use)							P	S	P	P	S	P	P	S	S
	Professional Services & Business Offices					P[1]		P	P	P	P	P	P	P	P	P
	Recreational & Sports Facility							P		P	P	P	P	P	P	
	Restaurant	Drive-Thru /Drive-In									P	P	P	P		
		Without Drive-Thru/ Drive-In				P[1]		P	P	P	P	P	P	P	P	P
	Retail	General				P[1]		P	P	P	P	P	P	P	P	P
		Service				P[1]		P	P	P	P	P	P	P	P	P
	Shooting Range	Indoor	P							P	P	P	P	P		
		Outdoor											S	S		
	Short-Term Rental		P	P	P	P	P	P	P	P	P				P	P
	Stadium, Arena & Racetrack	Indoor						P			P		P	P		
		Outdoor						S					S	S		
	Storage Units	Indoor									P		P	P		
		Outdoor											P	P		
	Veterinary Services (excluding Kennels)					P[1]			P	P	P		P	P		
	Winery, Brewery & Distillery	Craft & Tasting Room Only							P	P	P	P	P	P	P	P
		Large-Scale & Storage Only	S								P	P	P	P		

P = Allowed by Right
C = Allowed with Additional Conditions
S = Allowed with Special Use Approval
[ ] = Blank cell indicates prohibited in zoning district

1 – Limited to a maximum of 10,000 sq ft of floor area dedicated to all professional services, business offices, veterinary services, and/or retail uses; per zoning lot; only restaurants without a drive-thru; uses shall serve the residential uses on the zoning lot where it is located or adjacent lots

TABLE 2.2: PERMITTED LAND USES

	LAND USE		A1	R1	R2	R3	R4	CM	B1	B2	B3	B4	M1	M2	DF	UF
INDUSTRIAL LAND USES	Battery Energy Storage System (BESS): Tier 2													S		
	Chemical Processing & Hazardous Materials Storage													C		
	Data Center													S		
	General Industry & Manufacturing	Light											P	P		
		Heavy												P		
	Junkyard, Salvage Yard & Vehicle Impound Lot												C	C		
	Landfill, Recycling & Waste Transfer Facility													S		
	Liquefied Petroleum (LP) Gas: Bulk Storage, Bottling &Manufacturing												S	P		
	Meat Processing													S		
	Mineral & Resource Extraction & Processing													S		
	Outdoor Storage (as a Primary Use)		S								S		P	P		
	Passenger Transportation Facility										S	S			S	
	Recycling Drop Off Location										S		S	P		
	Research & Development										P		P	P		
	Solar Energy System (SES): Commercial												S	S		
	Timber Processing													P		
	Trucking Terminal										S		P	P		
	Warehousing, Wholesale & Distribution										P		P	P		
	Wind Energy System: Commercial													S		
INSTITUTIONAL / OTHER LAND USES	Airport & Heliport		S										S	S		
	Columbaria		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Cemetery & Mausoleum		C	C	C	C	C	C								C
	Correctional Facility		S								S	S	S	P		
	Emergency Response Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Fairgrounds		P								P	P				
	Governmental Offices								P	P	P	P			P	P
	Government Maintenance Facilities												P	P		
	Hospital										S	S	S	S		
	Library & Cultural Facility		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Parks & Recreation (Institutional Uses)		C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]	C[1]
	Religious Activity & Place of Worship		P	P	P	P	P	P	P	P	P	P	P	P	P	P
	School	K-12	P	P	P	P	P	P	P	P	P	P	P	P	P	P
		Post-Secondary	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	Major									S		P	P		
		Minor	C	C	C	C	C	C	C	C	P	C	P	P	C	C
	Wireless Communications Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	S

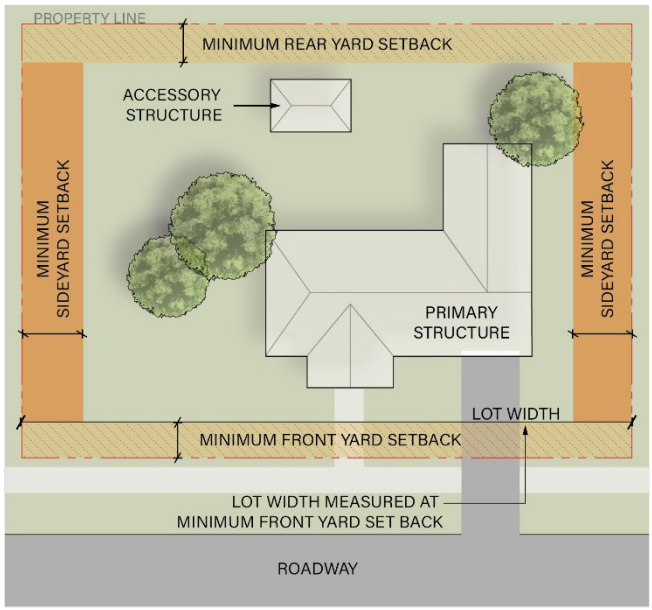
P = Allowed by Right
C = Allowed with Additional Conditions
S = Allowed with Special Use Approval
[ ] = Blank cell indicates prohibited in zoning district

1 – Parks and recreation for institutional uses are permitted with additional conditions if an athletic or play area is included; if there are not athletic or play areas, the use is permitted by right

2.3 AGRICULTURAL ZONING DISTRICTS: A1

A. Agricultural Purpose & Intent

1. **A1 Purpose & Intent.** The purpose of the Agricultural District is to allow the continued use of agricultural lands that have been annexed into the City, protect the integrity of agricultural operations, and limit conflicts with adjacent land uses in the incorporated area. The range of uses allowed within this district include livestock production, farming, and land cultivation as well as limited rural residential structures that serve the on-site farming operations.



Example of minimum setback and lot width measurements

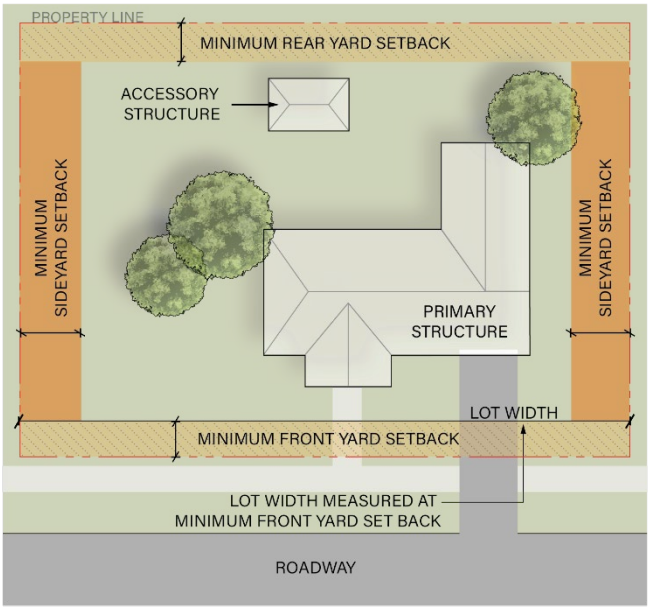
			A1 DISTRICT
LOTS	Minimum Lot Width		100 feet[1] but cannot exceed 2:1 depth-to-width ratio
	Minimum Lot Area		Residential: 20,000 sq ft All Other Uses: 5 acres
	Maximum Number of Primary Uses		1 per zoning lot
	Minimum Front Yard Setback	Local Street	25 feet
		Collector Street	30 feet
		Arterial Street	35 feet
	Minimum Side Yard Setback	Primary Structure	Residential Uses: 10 feet All Other Uses: 20 feet
		Accessory Structure	
	Minimum Rear Yard Setback	Primary Structure	Residential Uses: 25 feet All Other Uses: 25 feet
		Accessory Structure	Residential Uses: 5 feet All Other Uses: 20 feet
	Building Coverage		Lots less than 2 acres: 40% Lots 2+ acres: 20%
STRUCTURES	Maximum Height	Primary Structure	30 feet or 50 feet for agricultural structures
		Accessory Structure	
	Maximum Number of Primary Structures		1 per zoning lot or no limit for agricultural structures
	Minimum Structure Width		20 feet
	Minimum Living Area		800 sq ft per unit

1 – Flag lots where the "flagpole" does not meet the minimum lot width are permitted only in the A1 District

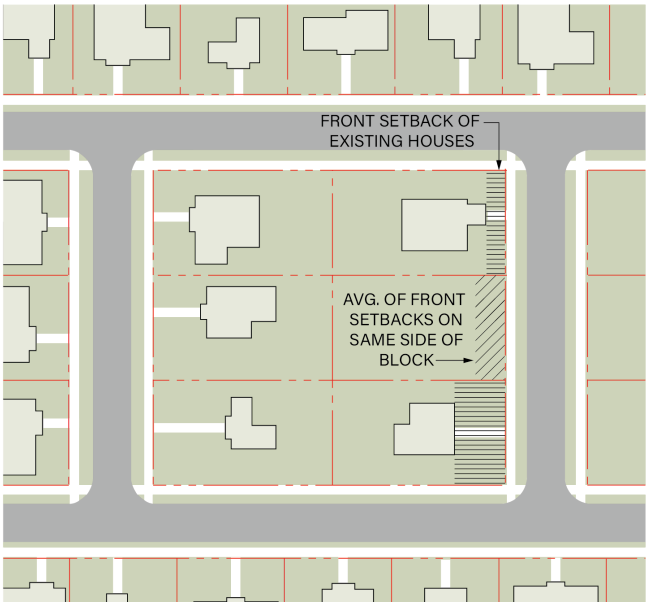
2.4 RESIDENTIAL ZONING DISTRICTS: R1, R2, R3 & R4

A. Residential Purpose & Intent

1. **R1 Purpose & Intent.** The purpose of the Low Density Residential District is to reserve areas within the City for lower density residential neighborhoods with development that is compatible with a primarily single-family neighborhood and connected with sidewalks and open space.
2. **R2 Purpose & Intent.** The purpose of the Medium Density Residential District is to designate areas within the City for the development of moderately dense residential neighborhoods with a range of housing types and connectivity between other neighborhoods and commercial areas.
3. **R3 Purpose & Intent.** The purpose of the High Density Residential District is to accommodate the largest variety of housing options available in the City through well-planned, compact patterns; appropriate and compatible uses; and multi-modal connectivity between other neighborhoods, public spaces, and commercial areas.
4. **R4 Purpose & Intent.** The purpose of the Manufactured Home Community District is to provide additional options for affordable housing through livable communities that are well-connected and provide necessary amenities to residents.



Example of minimum setback and lot width measurements



Example of average front setback for alternative setback option (see footnote 1 on following table)

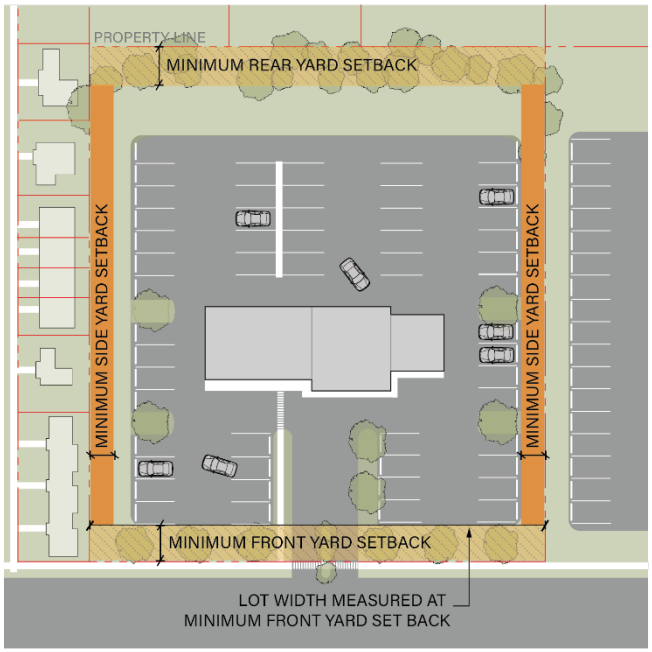
			R1 DISTRICT	R2 DISTRICT	R3 DISTRICT	R4 DISTRICT
LOTS	Minimum Lot Width		50 feet	50 feet or 25 feet if attached	50 feet or 20 feet if attached	80 feet
	Minimum Lot Area		6,000 sq ft	5,000 sq ft or 2,500 sq ft per unit if attached	4,000 sq ft or 2,000 sq ft per unit if attached	3 acres
	Maximum Number of Primary Uses		1 per zoning lot	1 per zoning lot	1 per zoning lot	1 per zoning lot
	Minimum Front Yard Setback	Local Street	25 feet[1]	25 feet[1]	25 feet[1, 2]	25 feet[2]
		Collector Street	30 feet[1]	30 feet[1]	30 feet[1, 2]	30 feet[2]
		Arterial Street	35 feet[1]	35 feet[1]	35 feet[1, 2]	35 feet[2]
	Minimum Side Yard Setback	Primary Structure	8 feet[1]	6 feet[1]	6 feet[1, 2]	20 feet[2] from park boundary; 20 feet between dwellings
		Accessory Structure	5 feet[1]	5 feet[1]	5 feet[1, 2]	
	Minimum Rear Yard Setback	Primary Structure	25 feet	25 feet	25 feet[2]	20 feet[2] from park boundary; 20 feet between dwellings and 10 feet between accessory buildings
		Accessory Structure	5 feet	5 feet	5 feet[2]	
	Building Coverage		40%	40%	40%	40%
STRUCTURES	Maximum Height	Primary Structure	30 feet	30 feet	40 feet	30 feet
		Accessory Structure	Cannot exceed primary structure			
	Maximum Number of Primary Structures		1 per zoning lot	1 per zoning lot	N/A	N/A
	Minimum Structure Width		20 feet	20 feet	20 feet	N/A
	Minimum Living Area[3]		800 sq ft per unit	620 sq ft per unit	720 sq ft per unit or 360 sq ft per unit if attached or 2+ units	N/A

1 – The average front and/or side yard setback of all lots on the same side of the block may be used
2 – Additional setback could be required by a buffer if located adjacent to a non-compatible use (See Chapter 4.8: Street Trees, Buffers & Screening)
3 – Tiny homes, where permitted, are exempt from minimum living area requirements

2.5 COMMERCIAL ZONING DISTRICTS: CM, B1, B2, B3 & B4

A. Commercial Purpose & Intent

1. **CM Purpose & Intent.** The purpose of College Mixed Use District is to accommodate a variety of moderate density residential options as well as compatible neighborhood commercial uses which would serve and enhance college and university campuses and their immediate surrounding areas.
2. **B1 Purpose & Intent.** The purpose of the Neighborhood Shopping District is to provide mixed use areas suitable for small-scale business uses including convenience goods, services, and accessory commercial uses that are compatible with residential uses, are in closer proximity to residential areas, and are easily accessible by bicyclists and pedestrians. These uses should have smaller lot size, building size, and overall scale to reflect residential development patterns.
3. **B2 Purpose & Intent.** The purpose of the Central Business District is to preserve and maintain the distinct architecture and character of the Goshen's downtown and its function as the activity center of the community. This mixed-use district should support a variety of entertainment, retail, restaurant, office, and residential uses with a priority placed on walkability and the physical development patterns. New uses should preserve the use of the historic structures and, where necessary, compatible infill development and redevelopment should reinforce downtown's character.
4. **B3 Purpose & Intent.** The purpose of the General Commercial District is to provide areas suitable for a full range of businesses that offer goods and services to both the local community and the region. Direct access to collector or arterial streets is typically necessary to accommodate traffic and to allow for more intense commercial businesses that require heavy vehicular access.
5. **B4 Purpose & Intent.** The purpose of the Commercial Shopping Center District is to allow for unified commercial developments that are designed for "one-stop" commercial, retail, and service uses with access from arterial or collector streets. These developments emphasize an overall site plan designed to maximize efficiency of internal traffic, ensure safe pedestrian movement, and provide high-quality and aesthetically pleasing appearance through shared parking, integrated building layouts, and high-quality development standards.



Example of minimum setback and lot width measurements

			CM DISTRICT	B1 DISTRICT	B2 DISTRICT	B3 DISTRICT	B4 DISTRICT
LOTS	Minimum Lot Width		50 feet	Residential: N/A All Other: 66 feet	N/A	80 feet	100 feet
	Minimum Lot Area		5,000 sq ft	N/A	N/A	N/A	3 acres
	Maximum Number of Primary Uses		N/A	N/A	N/A	N/A	N/A
	Minimum Front Yard Setback[1]	Local Street	25 feet[1, 2]	25 feet[1, 2]	0 feet	25 feet[1, 2]	25 feet[2]
		Collector Street	30 feet[1, 2]	30 feet[1, 2]	0 feet	30 feet[1, 2]	30 feet[2]
		Arterial Street	35 feet[1, 2]	35 feet[1, 2]	0 feet	35 feet[1, 2]	35 feet[2]
	Minimum Side Yard Setback[1, 2]	Primary Structure	6 feet[1, 2]	10 feet[2]	5 feet or 0 feet if attached	10 feet[2]	20 feet[2]
		Accessory Structure	5 feet[2]	5 feet[2]	5 feet	5 feet[2]	
	Minimum Rear Yard Setback[2]	Primary Structure	25 feet[2]	25 feet[2]	3 feet	25 feet[2]	25 feet[2]
		Accessory Structure	5 feet[2]	5 feet[2]	3 feet	10 feet[2]	
	Building Coverage		35%	50%	90%	50%	40%
STRUCTURES	Maximum Height	Primary Structure	80 feet	30 feet	60 feet	50 feet	30 feet
		Accessory Structure	Cannot exceed primary structure				
	Maximum Number of Primary Structures		N/A	N/A	N/A	N/A	N/A
	Minimum Structure Width		20 feet	20 feet	N/A	N/A	N/A
	Minimum Living Area[3]		620 sq ft or 360 sq ft per unit if attached or 2+ units	360 sq ft per unit	360 sq ft per unit	360 sq ft per unit	360 sq ft per unit
	Maximum Structure Area		N/A	10,000 sq ft	N/A	N/A	N/A
	Required Building Materials		N/A	N/A	Must comply with DF form district required building materials	N/A	N/A

1 – The average front and/or side yard setback of the 3 lots on each side of the lot or zoning lot may be used but no setback shall be less than 50% of the minimum required zoning district setback

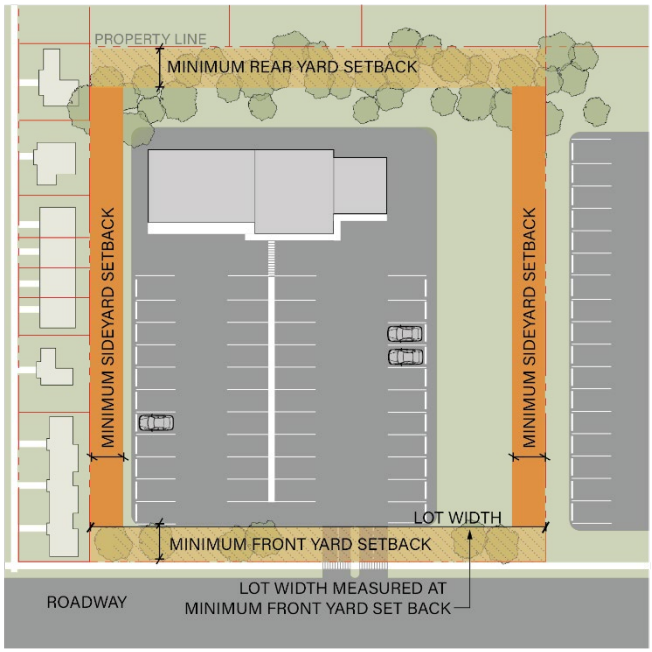
2 – Additional setback could be required by a buffer if located adjacent to a non-compatible use (See Chapter 4.8: Street Trees, Buffers & Screening)

3 – Tiny homes, where permitted, are exempt from minimum living area requirements

2.6 INDUSTRIAL ZONING DISTRICTS: M1 & M2

A. Industrial Purpose & Intent

1. M1 Purpose & Intent. The purpose of the Light Industrial District is to designate areas for clean, quiet, and low-impact industrial activities such as manufacturing, assembly, packaging, and warehousing that are conducted within enclosed buildings or enclosed areas. This district can serve as a transition between heavy industrial and surrounding zoning districts and access should be from arterial streets or collector streets.
2. M2 Purpose & Intent. The purpose of the Heavy Industrial District is to permit intense manufacturing, processing, storage, and material handling that may create significant noise, odor, vibration, traffic, or demands on utilities. Development in this district typically requires large sites, access to arterial streets or railways, and high-capacity utilities.



Example of minimum setback and lot width measurements

			M1 DISTRICT	M2 DISTRICT
LOTS	Minimum Lot Width		70 feet	70 feet
	Minimum Lot Area		N/A	N/A
	Maximum Number of Primary Uses		N/A	N/A
	Minimum Front Yard Setback[1, 2]	Local Street	25 feet[1]	25 feet[1]
		Collector Street	30 feet[1]	30 feet[1]
		Arterial Street	35 feet[1]	35 feet[1]
	Minimum Side Yard Setback[1, 2]	Primary Structure	10 feet[1, 2]	10 feet[1, 2]
		Accessory Structure	5 feet[1, 2]	5 feet[1, 2]
	Minimum Rear Yard Setback[1, 2]	Primary Structure	20 feet[1, 2]	20 feet[1, 2]
		Accessory Structure	10 feet[1, 2]	10 feet[1, 2]
	Building Coverage (including areas used for outdoor storage)		50%	50%
STRUCTURES	Maximum Height	Primary Structure	35 feet or 65 feet with additional seback[3]	35 feet or 65 feet with additional seback[3]
		Accessory Structure	Cannot exceed primary structure	
	Maximum Number of Primary Structures		N/A	N/A
	Minimum Structure Width		N/A	N/A
	Minimum Living Area		N/A	N/A
	Maximum Structure Area		N/A	N/A

1 – Additional setback could be required by a buffer if located adjacent to a non-compatible use (See Chapter 4.8: Street Trees, Buffers & Screening)
2 – Outdoor storage, where permitted, shall comply with primary structure setbacks
3 – Height may be increased to a maximum of 65 feet provided that for every foot of height in excess of 35 feet, the setbacks shall increase by 1 foot

2.7 FORM DISTRICTS: DF & UF

A. Form District Purpose & Intent

1. DF Purpose & Intent. The purpose of the Downtown Form (DF) form district is to protect, reinforce, and support the character of historic downtown Goshen. This district should provide opportunities for new uses to be established in downtown Goshen that complement and enhance the existing uses of the area.
2. UF Purpose & Intent. The purpose of the Urban Neighborhood (UF) Form District is to create, preserve, and enhance accessible and connected mixed-use neighborhoods that promote diverse and compatible housing types while encouraging access to amenities like parks, schools, and public transportation. This district should foster a mix of residential and small-scale commercial uses that increase walkable areas and encourage community interactions.

B. Form District General Standards

1. Development within a form district must comply with:
   a. Permitted land uses
   b. Permitted building types
   c. Form district design standards
2. Unless otherwise stated in this section, the site standards within Chapter 4: Site Standards shall apply to the form districts

C. Form District Permitted Land Uses

1. Land uses within the form districts are regulated in addition to the building type and other development and/or design standards.
2. Permitted land uses within all form districts are regulated by Table 2.2: Permitted Land Uses, and land uses are only permitted as outlined in Table 2.2: Permitted Land Uses.

D. Form District Permitted Building Types

1. Table 2.3: Permitted Building Types outlines the specific building types that are permitted within each form district. If a building type is not permitted within a form district, it is prohibited.
2. All new primary buildings and accessory structures shall conform with all related standards for that specific building type outlined in Chapter 2.8: Form District Building Type Standards.
3. If an existing building type is legally non-conforming, any addition or expansion of the existing building shall conform to the standards of a permitted building type.
4. Accessory structures that are normally associated with the primary use are permitted and shall conform with the development standards for the building type of the primary structure.

E. Form District Design Standards

1. The form district design standards apply to all building types and all form districts unless otherwise stated, and all new or expanded buildings or structures shall conform to Chapter 2.8: Form District Building Type Standards.
2. These standards are intended to improve the physical quality of buildings, increase the long-term value and durability of buildings, and protect the character of the district.
3. Building façades should be visually interesting with a high level of detail and have proportions that are compatible with the intended use.

TABLE 2.3: PERMITTED BUILDING TYPES

BUILDING TYPE	DF FORM DISTRICT	UF FORM DISTRICT
Attached Row (AR)		P
Corner Store (CS)		P
Main Street (MS)	P	
Urban Residence (UR)		P

2.8 FORM DISTRICT BUILDING TYPE STANDARDS

A. Attached Row (AR) General Standards

1. AR Purpose & Intent. This building type is intended to be smaller-scale structures that are typically divided vertically into multiple units that each have an entrance directly to the street. These buildings are typically used for housing, offices, or live-over-work units.
2. AR Character. Buildings have a common (shared) wall with an adjacent building and is typically closer to the sidewalk. The building could include elements that encourage interaction with the public spaces, such as stoops. The scale and architecture should blend with nearby development.
3. AR Location. Within a form district, this building type should be located in areas with traditional street grid patterns and may or may not have alley access in the rear. This building type can provide a transition between commercial uses and single-family uses. Attached dwellings may be located on the same zoning lot where multiple dwellings are permitted or may be subdivided and located on single lots.





Examples of Attached Row Building Type

B. Corner Store (CS) General Standards

1. CS Purpose & Intent. This building type is a small-scale building intended for office, general retail, service-oriented retail, or other uses that compliment and serve the surrounding neighborhoods and may include residential on upper floors.
2. CS Character. Buildings may be an independent building or have a common (shared) wall with an adjacent building that is typically closer to the sidewalk, incorporates storefront or larger windows into front facades, architecturally blends with nearby development.
3. CS Location. Within a form district, this building type is typically located in areas with traditional street grid patterns and adjacent to a collector or higher street classification to project adequate access. It is commonly found on a corner lot but may also be located on a non-corner lot.





Examples of Corner Store Building Type

C. Main Street (MS) General Standards

1. MS Purpose & Intent. This building type is intended to complement and replicate the historic character and mixed use development patterns of downtown Goshen.
2. MS Character. Buildings typically have a common (shared) wall with an adjacent building(s) and are located immediately adjacent to the sidewalk. The buildings should encourage interaction with public spaces within the right-of-way through storefront windows, outdoor dining, and similar elements. They should also architecturally blend with other buildings within the core of downtown.
3. MS Location. Within a form district, this building type should be located in the central area of downtown Goshen where densities are the highest.





Examples of Main Street Building Type

D. Urban Residence (UR) General Standards

1. UR Purpose & Intent. This building type is intended to serve as a dwelling or conversion of a previous dwelling to a small-scale office or service-based retail uses, or smaller-scale structures that are typically divided vertically into multiple units that each have an entrance directly to the street. These buildings are typically used for housing, offices, or live-over-work units.
2. UR Character. Buildings are typically detached structures and are typically not adjacent to the sidewalk. The character reflects the character of a house with a pitched roof, front yard, and potential detached accessory structures.
3. UR Location. This building type should be located in areas with existing residential development and may or may not have alley access in the rear.





Examples of Urban Residence Building Type

E. Building Type: Site Development Standards

			MAIN STREET	CORNER STORE	ATTACHED ROW	URBAN RESIDENCE
LOTS	Minimum Lot Width		N/A	30 feet	20 feet	30 feet
	Front Yard Setback		▪ Minimum: 0 feet[3] ▪ Maximum: 5 feet[3]	▪ Minimum: 0 feet ▪ Maximum: 10 feet if a public plaza is incorporated	▪ Minimum: 5 feet Maximum: Average front setback of all lots on the same side of the block	▪ Within 3 feet (+/-) of the average front setback of all lots on the same side of the block
	Minimum Side Yard Setback[1]		0 feet	5 feet[1] or 0 feet if attached	5 feet[1] or 0 feet if attached	5 feet[1]
	Minimum Rear Yard Setback[1]	Primary Structure	0 feet[1] or 5 feet[1] if abuts alley	15 feet[1] or 5 feet[1] if abuts alley	15 feet[1] or 5 feet[1] if abuts alley	15 feet[1] or 5 feet[1] if abuts alley
		Accessory Structure	5 feet[1]	5 feet[1]	5 feet[1]	5 feet[1]
	Maximum Building Coverage		90%	75%	60%	50%
HEIGHT	Maximum Structure Height		32 feet minimum 60 feet maximum or 40 if adjacent to a lot that is not zoned DF	30 feet	40 feet	36 feet
	Finished Floor To Floor Height	Minimum	Ground: 14 feet Upper: 10 feet	12 feet	9 feet	9 feet
		Maximum	Ground: 18 feet[2] Upper: 14 feet[2]	18 feet	14 feet	14 feet
ACCESS	Garage Door Location		▪ Permitted on rear facades only	▪ Permitted on rear, side, or secondary street facades ▪ Only permitted on a primary street façade if at least 70% transparent	▪ Permitted on rear or secondary street facades	▪ Permitted on rear, side, or secondary street facades (not permitted on primary street façade) ▪ Only permitted on street façade if there is no alley access ▪ Must be recessed behind façade wall
SCREENING	Mechanical Equipment & Other Appurtenances		▪ Must be screened from view from the sidewalk across the street ▪ Rooftop solar panels are exempt from screening ▪ Rooftop screening can consist of parapet walls, interrupting vertical walls, or other elements if permitted by the cap type			N/A

1 – Additional setback could be required by a buffer if located adjacent to a non-compatible use (See Chapter 4.8: Street Trees, Buffers & Screening)

2 – May exceed maximum floor height if delineated as multiple stories on the street façade

3 - If the existing sidewalk is not at least 12 feet in width, the setback may be increased the minimum distance necessary to accommodate an expanded sidewalk if it cannot be located in existing right-of-way, if additional right-of-way cannot be dedicated, or if located on an INDOT right-of-way.

F. Building Type: Structure Standards

			MAIN STREET	CORNER STORE	ATTACHED ROW	URBAN RESIDENCE
FRONTAGE	Permitted Frontage Types for Street Facades (note corner lots have 2 street facades)[1] *(See Building Type: Frontage Type Standards)*		▪ Colonnade or storefront required for 100% of the lot frontage along a public street	▪ Storefront required for 40 feet (from corner if corner lot) unless lot width is less ▪ Plaza may be used for remaining frontage	▪ Porch or stoop required ▪ No restrictions on remaining lot frontage	▪ Porch or stoop required ▪ No restrictions on remaining lot frontage
FAÇADE ELEMENTS	Permitted Cap Type *(See Building Type: Cap Type Standards)*		▪ Parapet ▪ Tower (corner lots only)	▪ Flat ▪ Parapet ▪ Pitched	▪ Pitched ▪ Tower	▪ Pitched ▪ Tower
	Façade Design *(See Building Type: Façade Design Standards)*		▪ All Elements Required	▪ All Elements Required	▪ All Elements Required	▪ All Elements Required
	Minimum Transparency	Primary Street Facade	▪ Ground: 60%[2] ▪ Upper: 30%	▪ 40%	▪ 20%	▪ 20%
		Secondary Street Facade	▪ 30%	▪ 10%	▪ 10%	▪ 10%
ENTRANCES	Entry Elements *(Minimum of 1 required for primary entrance; see Building Type: Entrance Design Standards)*		▪ Awning ▪ Recessed Entrance ▪ Sidelights & Transoms	▪ Awning & Extended Roof ▪ Extended Roof ▪ Recessed Entrance ▪ Sidelights & Transoms	▪ Accent Lighting ▪ Door Transparency ▪ Sidelights & Transoms	▪ Accent Lighting ▪ Door Transparency ▪ Sidelights & Transoms
	Primary Entrance Location (*Chapter 5: Structure Standards Also Applies)*		▪ 1 required on primary street façade every 50 feet; corner entrance optional	▪ 1 required on front façade; corner entrance optional	▪ 1 required on front façade	▪ 1 required on front façade
WINDOW	Window & Shutter *(See Building Type: Window & Shutter Design Standards)*		▪ All elements required on all street facades	▪ All elements required on all street facades	▪ All elements required on all street facades	▪ All elements required on all street facades
MATERIALS	Street Facade Building Material *(See Building Type: Material Standards)*		▪ All Elements Required	▪ All Elements Required	▪ All Elements Required	▪ All Elements Required
	Roof Material *(See Building Type: Material Standards)*		▪ All Elements Required, except roofs with parapet or flat cap are exempt	▪ All Elements Required, except roofs with parapet or flat cap are exempt	▪ All Elements Required	▪ All Elements Required

1 – Any required setback or buffer is not included in the percentage of lot frontage that must be occupied by a building; Permitted primary entrance is excluded from the percentage of lot frontage that must be occupied by a building

2 – If a colonnade frontage is used, minimum required transparency is measured at the portion of the frontmost façade (columns)

G. Building Type: Frontage Type Standards

G. Building Type: Frontage Type Standards

FRONTAGE TYPE DESIGN ELEMENTS	
FRONTAGE TYPE	REQUIRED DESIGN ELEMENTS
Colonnade	▪ Must include a space that is accessible from the public sidewalk by pedestrians
	▪ Space should visually extend the public sidewalk
	▪ Façade behind the colonnade must be at least 40% transparent
	▪ Supports or columns must be attached to the primary building and meet setbacks
Plaza	▪ Must be accessible from the public sidewalk by pedestrians
	▪ Cannot be physically or visually blocked from the sidewalk or limit access to only customers
Porch	▪ Must be at least 4 feet in depth and at least 8 feet in width or extend across 50% of the front building façade (whichever is less) and can be recessed behind front facade
	▪ Must include a canopy that extends from the primary structure and covers the entire porch
	▪ If porch is 18+ inches above ground level, it must have a railing on all sides
Storefront	▪ Historic elements on existing buildings must be preserved when possible
	▪ New construction should incorporate the scale, proportion, and organization of architectural elements of surrounding buildings while recognizing that the architectural style may be different from the historic buildings
	▪ Regular and repeated placement of façade elements, such as windows, columns, doors, is required ▪ Architectural elements must have vertical alignment from ground level to parapet with a minimum of 1 aligned element every 25 feet

	▪ Ground floor facades must have the following clearly defined elements:
	  ▪ Base that includes a bulkhead that is 1-2 feet of a solid base below display windows or similar design element
	  ▪ Middle that includes display windows that consist of large sheets of transparent glass (rather than smaller windows or windows with numerous mullions), transoms, awnings, and/or similar design element
	  ▪ Top that includes cornice element that separates the ground floor storefront from the upper façade or similar design element

	▪ Doors on primary street facades must be at least 50% transparent
	▪ Exterior lighting should be directed to illuminate the façade rather than the surrounding area
	▪ Signboards should be simple and reflect the architectural style of the building
	▪ At least 80% of the ground story must be within at least 18 inches of the adjacent sidewalk grade
Stoop	▪ Must include at least 3 stairs and a railing ▪ Must include a platform that is generally level with the door entry with a dept of at least 36 inches



Example of colonnade frontage type



Example of stoop frontage type



Example of porch frontage type

H. Building Type: Cap Type Standards

1. The major components of any roof shall meet the requirements of one of the cap types permitted for the specific building type.
2. Terraces, green roofs, rooftop gardens, and other outdoor facilities are permitted on any roof. If a shade structure is used over these areas and is visible from any public street, the shape of the shade structure shall be compatible with the building's cap type.

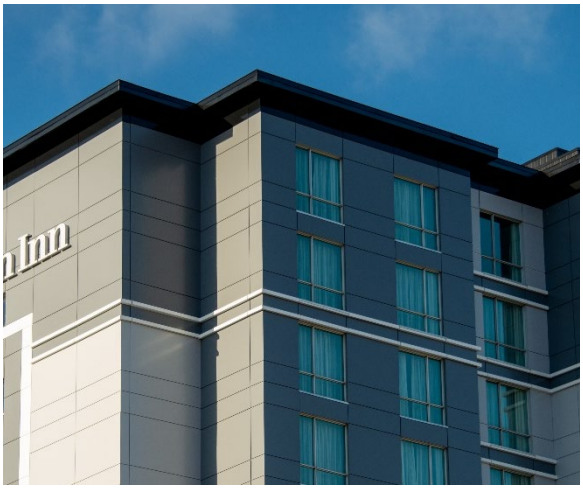
CAP TYPE DESIGN ELEMENTS		
Flat Cap	Design	▪ A flat cap type must have a visibly flat roof with overhanging eaves with: ▪ A depth of at least 14 inches, measured from the building façade to the furthest point away from the building facade; and ▪ A minimum of 6 inches thick, measured on the eave at the furthest point away from the building façade from the bottom of the eave to the top of the eave
	Height	▪ Total building height must comply with maximum structure height for the form district
	Interrupting Vertical Walls	▪ Vertical walls may interrupt the eave and extend above the top of the eave for a maximum of 8 feet without a cap for a maximum of 30% of a street facing facade
	Delineation of Rooflines	▪ At least 1 change in the roof type, plane, or material shall occur every 50 linear feet for flat caps facing a public street
Parapet Cap	Design	▪ A parapet Must have a low wall, railing, or similar structure that projects above a building's roof along the perimeter of the building on all parapets facing a public street
	Height	▪ Height must be between 2 feet and 6 feet, measured from the finished roof grade to the top of the parapet structure ▪ Total building height must comply with maximum structure height for the form district
	Horizontal Shadow Lines	▪ A shadow line shall be incorporated to define the parapet from the upper stories of the building and from the coping cap or cornice
	Delineation of Rooflines	▪ At least 1 change in the roof type, plane, or material shall occur every 50 linear feet for parapet caps facing a public street
Pitched Cap	Design	▪ This cap type must have a pitched (sloped) roof along all sides that face a public street. If a ridge line runs parallel to a public street, a gabled end or perpendicular ridge line shall occur at least every 100 feet ▪ Permitted pitched roof styles include gable and/or hip (2 to 4 sloping sides with a central ridge) with or without dormers. All other pitched roof styles are prohibited
	Height	▪ Total building height must comply with maximum structure height for the form district
	Delineation of Rooflines	▪ If a ridge line runs parallel to a public street, a gabled end or perpendicular ridge line shall occur at least every 100 feet
Tower Cap	Design	▪ A tower is a vertical element that extends above the roof line, typically with a cone, rectangular, or pyramidal shape, that are used with other cap types ▪ Towers must be associated with the façade design and may be capped by a parapet, pitched, or flat roof cap types
	Maximum Number	▪ Up to 2 towers are permitted per structure. An additional 2 towers are permitted if they are on a façade that does not face a public street
	Height	▪ Total building height must comply with maximum structure height for the form district
	Width	▪ Towers cannot exceed 30 feet in width or 30% of the façade (whichever is less) along all facades that face a public street
	Spacing	▪ Towers must be at least 60 feet apart, measured from the nearest edge
	Transparency	▪ If a tower meets the minimum floor-to-floor height of the building type, it shall meet the minimum transparency requirements of the building



Example of pitched cap



Example of parapet cap



Example of flat cap



Example of tower cap



Example of recessed entrance



Example of transoms & sidelights

I. Building Type: Façade Design Standards

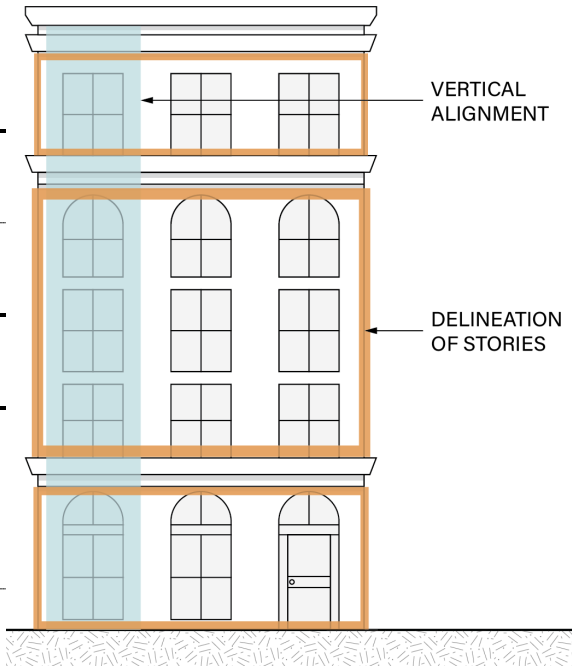
FAÇADE DESIGN ELEMENTS	

Façade Components	▪ Architectural elements that are included in a street façade design shall create a recognizable base, middle, and top to all buildings
	  ▪ Blank walls without openings are prohibited on all facades visible from a street or adjacent lot
	  ▪ A horizontal band, fascia, or similar element that visually separates the ground level from the upper stories is required

	▪ Transitions between facades or buildings should be clearly defined

Façade Variations
(Does not apply to urban residence building type)
	▪ At least 2 façade variations shall be provided for every 60 linear feet of building façade that faces a public street:
	  ▪ Change in the type of dominant material or change in color, scale, or orientation of a building material;
	  ▪ Change in the proportion of recesses and projections; or
	  ▪ Change in building height

Façade Openings	▪ Façade openings (windows, doors, and entryways) shall not span more than 1 story, and the width of the opening shall be less than the height of the opening
Delineation of Stories	▪ Fenestration or shadow lines shall be used to delineate stories of all building façades facing a public street
	▪ Fenestration and window placement shall be organized in a manner that reflects the building stories
Shadow Lines	▪ Horizontal shadow lines and/or lintels shall be used over at least 50% of façade openings
Balconies (balconies on the urban residence building type are exempt from these standards)	▪ For the purposes of this element, balconies shall include any platform (roofed or un-roofed) that projects from the wall of a building above grade and is enclosed only by a parapet or railing
	▪ Balconies shall not extend into an easement (unless approved by all easement holders) or public right-of-way (unless approved by the Board of Works)
	▪ Up to 35% of each façade that faces a public street may consist of balconies, calculated by drawing a rectangle around the platform or floor of all balconies on a single façade including any rails, walls, columns or indentations
	▪ Balconies, if provided, should be integrated into the façade design rather than added onto the façade after the elevation has been designed without considering the composition of other façade elements
	▪ Balconies with a platform depth greater than 18 inches that face Main Street shall have at least 50% of the perimeter of each balcony abut an exterior wall of the building, partially enclosing the balcony
	▪ The balcony support structure shall be integrated with the building façade; separate columns or posts supporting any balcony from the ground are prohibited on facades facing Main Street
	▪ The underside of all balconies shall be finished materials (versus exposed structural members that are not finished materials)



Example of delineation of stories and shadow lines

J. Building Type: Entrance Design Standards

1. At least one of the following design features shall be incorporated into all new primary structures for all building types (not required for accessory structures/buildings).
2. If additional elements are provided on a façade that is visible from a public street, they shall also comply with these standards. Note that other specific elements may also be required by the building type.

ENTRY DESIGN ELEMENTS	
Accent Lighting	▪ Must be a visual focal point ▪ Lighting style must complement architectural design and may include sconce, recessed downlighting, or gooseneck fixtures depending on the architectural style of the building
Awning & Extended Roof	▪ Cannot extend into an easement (unless approved by all easement holders) or public right-of-way (unless approved by the Board of Works) ▪ Must be attached to the building but in a manner that allows removal ▪ Shall provide a minimum of 8 feet of clearance over any walkway and 15 feet of clearance over vehicular areas ▪ Cannot cover or block a transom, window, or distinct architectural element on the building façade ▪ Awning shall be canvas or metal; plastic awnings are prohibited ▪ Awning frames shall be metal, wall-mounted and may be retractable ▪ Awnings cannot include backlighting ▪ Awning type and color shall be consistent if more than 1 is provided on the same structure ▪ If located on a Main Street building type, awning shape must be sloped or shed-type; arched is required if installed over an arched opening ▪ Awning height from the bottom of the valence to its peak shall be kept to a minimum ▪ Extended roof width must be at least as wide as the primary door(s) and be covered by a permanent roof or canopy extending from and differentiating it from the overall building roof type
Recessed Entrance	▪ Must be recessed between 18 inches and 5 feet behind the facade ▪ Width cannot be more than 10% of the façade width or 10 feet in width (whichever is less) ▪ Door shall be at least 50% transparent and meet the same transparency and visibility standards as windows
Sidelights & Transom	▪ Sidelight must be provided on at least 1 side of or above the primary entrance ▪ Sidelights and transoms must align directly with the door or opening (including mullion and muntin) ▪ Transom height must be 10% to 25% of the total opening (door plus transom) ▪ Sidelight width must be proportional to the door or opening ▪ Door shall be at least 50% transparent and meet the same transparency and visibility standards as windows

K. Building Type: Window & Shutter Design Standards

WINDOW & SHUTTER DESIGN REQUIREMENTS	

Window Transparency & Visibility	▪ Windows shall be clear glass that allows visibility and light transmission into the building
	  ▪ Ground level windows shall have a visible light transmittance (VLT) of at least 70%
	  ▪ Highly tinted, frosted, highly reflective, mirrored, smoked, or glass block cannot be used to satisfy transparency requirements for upper floors
	▪ Any windows with non-transparent materials or items (such as signs, vinyl films, paint, security grates, etc.) cannot be used to satisfy the required transparency

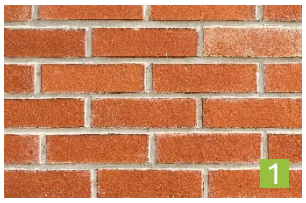
Vertically Oriented	▪ All windows shall be vertically oriented except:
	  ▪ Storefront windows on the Main Street building type; or
	  ▪ Transoms above doors, entrances, larger windows, or similar openings

Shutter Size	▪ All functional and decorative shutters shall be the same size as the adjacent window(s), meaning the shutter would completely cover the window
Expressed Lintels Over Windows	▪ If masonry is used as the primary building material, lintels shall be included above all windows and doors that can include a change in brick coursing, change in material (such as stone), or a separate detail or element ▪ The Urban Residence building type is exempt from this requirement

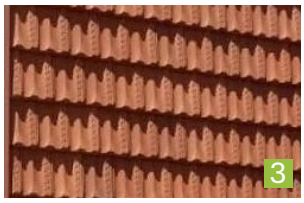
L. Building Type: Material Standards

1. Permitted Building Façade Materials
   a. At least 60% of each street façade (excluding windows, doors, and openings) must be a single permitted primary building material listed in Table 2.4: Permitted Building Materials.
   b. The primary building material and color shall remain the same for at least 60 linear feet.
   c. The remaining 40% of each street façade may be one or more permitted primary or secondary building materials listed in Table 2.4: Permitted Building Materials.
2. Permitted Fence Materials
   a. Fences in all yards of the DF form district must comply with Table 2.4: Permitted Building Materials.
   b. Fences that are visible from the adjacent street in the front yard of the UF form district must comply with Table 2.4: Permitted Building Materials or may be vinyl, PVC, or polymer-coated chain link.
3. Permitted Roof Materials. If required by the building type, all roofs must include one single roof material.
4. Prohibited Building Materials. Any materials that are not listed as permitted are prohibited on any street façade. Building materials are not regulated on non-street facades.

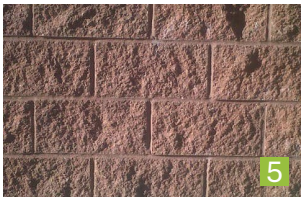
TABLE 2.4: PERMITTED BUILDING MATERIALS (STREET FACADES ONLY)					
		MAIN STREET	CORNER STORE	ATTACHED ROW	URBAN RESIDENCE
1	Brick	Primary	Primary	Primary	Primary
2	Cast Iron	Secondary	Secondary	Secondary	Secondary
3	Ceramic Tile & Terracotta	Secondary	Secondary	Secondary	Primary
4	Concrete : Finished, Stained & Treated	Secondary	Secondary	Secondary	Secondary
5	Concrete Masonry Unit (CMU): Decorative, Ribbed, Split-Face & Stone/Rock-Face		Secondary	Secondary	Secondary
6	Fiber Cement Board		Secondary	Primary	Primary
7	Metal Panels, Excluding Ribbed & Corrugated	Secondary	Secondary	Secondary	Secondary
8	Siding: Aluminum, Vinyl & Wood		Secondary	Secondary	Primary
9	Stone: Natural & Cast	Primary	Primary	Primary	Primary
10	Stone: Polished	Secondary	Secondary	Secondary	Secondary
11	Stucco: Non-Textured Cement	Secondary	Secondary	Secondary	Secondary
12	Wood: Natural, Composite & Engineered	Secondary	Secondary	Secondary	Primary







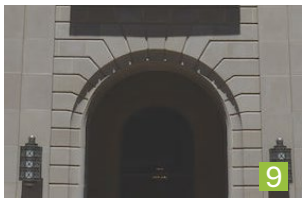


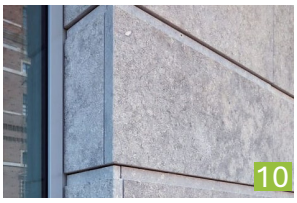


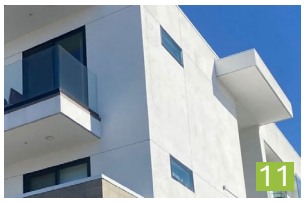


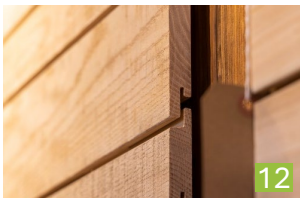












2.9 OVERLAY DISTRICTS

A. Planned Development Overlay District (PD)

1. PD Overlay Purpose & Intent. The purpose of the PD Overlay is to allow for modifications to specific zoning standards that apply to a development, either more restrictive or less restrictive, and/or allow density bonuses for specific aspects of site development. It is also the purpose of a PD Overlay to:
   a. Encourage developers to use a more creative and imaginative approach in land uses and building or site planning;
   b. Encourage more usable and suitably located open space, recreation facilities, and common facilities than would otherwise be provided under conventional development procedures;
   c. Encourage variety in physical development patterns in terms of uses, architectural style, building form, and building relationships;
   d. Allow special consideration of property with unique features, including but not limited to historical significance, unusual topography, size, shape, and landscape amenities;
   e. Promote an efficient use of land through a more economic arrangement of buildings, circulation systems, utilities, and land uses;
   f. Achieve flexibility and incentives for development which will produce a wider range of choice; and
   g. Simplify the processing of development proposals for developers and the PC by providing concurrent review of land use, public improvements, and site considerations.
2. Underlying Zoning District
   a. All standards within the underlying zoning district shall apply to the PD Overlay unless specifically specified in the PD Overlay.
   b. If the standards for a zoning district within this UDO are amended, the amended standards shall apply unless an alternative standard is included in the PD Overlay.
3. PD Overlay Modified Standards
   a. A PD Overlay may modify any standards within the underlying zoning district, including but not limited to:
      i. Permitted land uses;
      ii. Zoning standards, such as lot standards and structures standards;
      iii. Additional conditions for uses;
      iv. Site standards; and/or
      v. Structure standards.
4. Standards that Cannot be Modified
   a. A PD Overlay cannot vary from any subdivision standards (including street design, right-of-way width, water or sewer design, etc.) unless approved as part of the subdivision process.
   b. Procedures outlined in Chapter 7: Procedures cannot be modified.
5. PD Overlay General Requirements
   a. Ownership. The lots or zoning lots for a PD Overlay may be owned, leased, or controlled either by a single person, corporation or by a group of individuals or corporation. In the case of multiple ownership, the PD Overlay, including the approved final site plan, shall be binding on all owners.
   b. Continuance. All lots that are rezoned to include PD Overlay shall be binding upon current and future owners of the lot(s) in the same manner as rezoning the underlying zoning district.
   c. Interpretation. Development shall be planned, reviewed, and carried out in conformation with all municipal, State and other laws and regulations. However, if there is a conflict between the PD Overlay and the underlying zoning district or other sections of this UDO, the PD Overlay shall control.
   d. General Considerations. Important aspects of a PD Overlay include policy issues such as density, external and internal land uses, open space quantity and maintenance, ownership information, and general spatial characteristics such as setbacks, lot frontage, and lot size.
6. PD Overlay General Design Standards. All PD Overlays shall be designed with the PD Overlay general designs standards as determined by the PC and/or City Council.

PD OVERLAY GENERAL DESIGN STANDARDS	
Schools, Parks and Recreation Facilities	▪ Suitable sites that are adequate for future schools, parks, playgrounds, drainage ways and other public uses shall be provided if these uses are identified or designated in the Comprehensive Plan, Official Zoning Map, Park and Recreation Comprehensive Plan, or other developmental plans of the City
Adequacy of Design	▪ Design standards and requirements outlined in this section will be utilized by the PC in determining the adequacy of all plans for proposed PD Overlays
Comprehensive Plan	▪ Consideration shall be given to applicable provisions of the City's Comprehensive Plan as it pertains to water supply and sewage treatment systems, highway and street alignments, environmental integrity, and other public facilities, where appropriate
Existing Adjacent Development	▪ The development of the proposed PD Overlay shall take into consideration relevant features of adjacent existing development
Unsafe or Hazardous Conditions	▪ Land with unsafe or hazardous conditions (such as open quarries, unconsolidated fill, flood plains, wetlands, or steep slopes) shall not be developed unless the PD Overlay provides for adequate safeguards which are approved as part of the rezoning
Natural Features	▪ Physical layout and form of all streets shall be designed with regard to the topography and natural features of the site

Visual Aspects	▪ Consideration should be given to the visual aspects of the development, including:
	  ▪ The overall design should provide for the appearance of external unity throughout the entire development; and
	  ▪ Housing and other facilities near the periphery of the PD Overlay shall be designed to be harmonious with the neighboring areas

Accommodation of Pedestrian Traffic	▪ Sidewalks, other walkways, trails, and bicycle paths shall be provided, where necessary, for the safety and convenience of pedestrian and cyclist traffic within PD Overlay ▪ The design of all pedestrian facilities shall comply with Chapter 4.6: Sidewalks and all design standards adopted by the Board of Works ▪ Special attention shall be given to pedestrian connections between the dwellings, common open space, recreation facilities, commercial development, and parking facilities or areas
Minimum Development (Project) Area	▪ No minimum overall development (total project) area or size
Public Improvements	▪ If a PD Overlay is being subdivided, all improvements within the PD Overlay (such as streets, water, surface water drainage, and sewer layouts) shall be dedicated to the public as required by Chapter 6: Subdivisions

B. Flood Control Overlay District (FW)

1. FW Overlay Purpose & Intent
   a. The general intent of the Flood Control Overlay District is to guide development in areas where potential for damage from floodwater exists, in order to reduce the potential for loss of life and property, to reduce the potential for health and safety hazards, to reduce the potential for extraordinary public expenditures for flood protection and relief, to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas.
   b. The identification of these areas was made by the Department of Homeland Security's Federal Emergency Management Agency (FEMA) and are shown on the Flood Insurance Rate Map (FIRM) dated August 2, 2011. For A Zones, or in the absence of a published FEMA map, or in the absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available (best available flood data/layer) as provided by the Indiana Department of Natural Resources. These maps, along with the Flood Insurance Study (FIS), dated August 2, 2011, are incorporated herein by reference and are made a part of this UDO.
   c. The Floodplain, Floodway, and Floodway Fringe districts are intended to be "overlay" districts and will put forth additional requirements on top of the other zoning regulations placed on the land by the other sections of this UDO.
2. Statutory Authorization. Indiana law has granted the power to local government units to control land use within their jurisdictions.
3. Findings of Fact
   a. The flood hazard areas of the City of Goshen are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
   b. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands. Structures which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages also contribute to the flood loss.
   c. The Flood Control Overlay District Regulations are adopted in order to minimize the threat of flood damages and to achieve the purposes hereinafter set forth.
4. Statement of Purpose and Methods.
   a. The purpose of these Flood Control Overlay District Regulations are to guide development in the flood hazard areas in order to:
      i. Protect human life and health;
      ii. Minimize expenditure of public money for costly flood control projects;
      iii. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
      iv. Minimize prolonged business interruptions;
      v. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
      vi. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
      vii. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
      viii. Minimize the impact of development on adjacent properties within and near flood prone areas;
      ix. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
      x. Minimize the impact of development on the natural, beneficial values of the floodplain;
      xi. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
      xii. Meet community participation requirements of the National Flood Insurance Program.
   b. To accomplish its purposes, these regulations include methods and provisions to:

i. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
ii. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
iii. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters, in order to ensure the flood storage and conveyance functions of the floodplain are maintained;
iv. Control filling, grading, dredging, and other development which may increase erosion or flood damage;
v. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
vi. Lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
vii. Maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas; and
viii. Make Federal flood insurance available for structures and their contents in the City of Goshen by fulfilling the requirements of the National Flood Insurance Program.

5. Objectives. The objectives of the Flood Control Overlay District Regulations are:
   a. To protect human life and health;
   b. To minimize expenditure of public money for costly flood control projects;
   c. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
   d. To minimize prolonged business interruptions;
   e. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
   f. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood-blighted areas; and
   g. To ensure that potential homebuyers are notified that property is in a flood area.
6. Lands to Which the Flood Control Overlay District Regulations Apply. The Flood Control Overlay District Regulations shall apply to all SFHAs (Special Flood Hazard Area) within the jurisdiction of the City of Goshen, Indiana, as identified in Basis for Establishing Special Flood Hazard Areas.
7. Basis for Establishing Special Flood Hazard Areas.
   a. The regulatory flood elevation, floodway, and floodway fringe limits for the studied SFHAs within the jurisdiction of the City of Goshen, delineated as an "AE Zone" on the Elkhart County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 2, 2011, shall be determined from the one percent (1%) annual chance flood profiles in the Flood Insurance Study of Elkhart County, Indiana, and Incorporated Areas, and the corresponding Flood Insurance Rate Map (FIRM) dated August 2, 2011, as well as any subsequent updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an "AE Zone," the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
   b. The regulatory flood elevation, floodway, and floodway fringe limits for each of the SFHAs within the jurisdiction of the City of Goshen, delineated as an "A Zone" on the FIRM of Elkhart County, Indiana, and Incorporated Areas dated August 2, 2011, as well as any subsequent updates, amendments or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be

submitted to the Indiana Department of Natural Resources for review and subsequently approved.

c. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and floodway fringe limits of any watercourse in the community's known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.

d. Upon issuance of a Letter of Final Determination (LFD) by FEMA, any more restrictive data in the new (not yet effective) mapping/study shall be used for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

8. **Establishment of Floodplain Development Permit.** A floodplain development permit shall be required in conformance with the provisions of the Flood Control Overlay District Regulations prior to the commencement of any development activities in SFHAs.

9. **Compliance**
   a. No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of the Flood Control Overlay District Regulations and other applicable regulations.
   b. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations (BFE), or both, the development activity must comply with the provisions of this UDO applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
   c. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of the Flood Control Overlay District Regulations and other applicable regulations.

10. **Abrogation and Greater Restrictions.** The Flood Control Overlay District Regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this UDO and another ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

11. **Discrepancy between Mapped Floodplain and Actual Ground Elevations**
   a. In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
   b. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
   c. If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

12. **Interpretation.** In the interpretation and application of the Flood Control Overlay District Regulations all provisions shall be:
   a. Considered as minimum requirements;
   b. Liberally construed in favor of the governing body; and
   c. Deemed neither to limit nor repeal any other powers granted under State statutes.

13. **Warning and Disclaimer of Liability.** The degree of flood protection required by the Flood Control Overlay District Regulations 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, the Flood Control Overlay District Regulations does not create any liability on the part of the City of Goshen, the Plan Commission, the Board of Zoning Appeals, the Indiana Department of Natural Resources, or the State of Indiana, or any elected official, appointed official, or employee thereof, for any flood damage that result from reliance on the Flood Control Overlay District Regulations or any administrative decision made lawfully thereunder.

14. **Penalties for Violation.** Failure to obtain a floodplain development permit in the SFHA or failure to comply with the requirements of a floodplain development permit or conditions of a variance shall be deemed to

be a violation of this UDO. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of this UDO for the City of Goshen. All violations shall be punishable by a fine not exceeding $2,500 for each offense.

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

15. **Designation of Administrator.** The Administrator is appointed to administer and implement the provisions of the Flood Control Overlay District Regulations, and related provisions, and is herein referred to as the Floodplain Administrator.
16. **Floodplain Development Permit and Certification Requirements.** Application for a floodplain development permit shall be made to the Floodplain Administrator on forms furnished by the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified SFHA. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction. Such applications shall include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
    a. Application Stage:
        i. A description of the proposed development.
        ii. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing streets and streams.
        iii. A legal description of the property site.
        iv. For the reconstruction, rehabilitation, or improvement of an existing non-conforming structure, or an addition to an existing non-conforming building, a detailed contractor cost estimate and description of the total work to be completed, including but not limited to interior work, exterior work, and labor, as well as a certified valuation of the existing (pre-improved or pre-damaged) structure.
        v. A site development plan showing existing and proposed development locations and existing and proposed land grades.
        vi. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
        vii. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AH, and AE. Elevation should be in NAVD 88.
        viii. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed.
        ix. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade.
        x. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant.
        xi. Plans showing how any proposed structure will be anchored to resist flotation or collapse.
        xii. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88.
        xiii. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required and any watercourse changes submitted to Indiana Department of Natural Resources for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision

must be obtained prior to construction. See additional information in following sections.

xiv. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this UDO.

xv. All provisions of Chapter 7.2: Obtaining Permits.

b. Construction Stage

i. Upon placement of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the permit holder to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the elevation certificate or failure to make said corrections required hereby shall be cause to issue a stop work order for the project.

ii. Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the permit holder to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by the same. The Floodplain Administrator shall review the floodproofing certification submitted. The permit holder shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make required corrections shall be cause to issue a stop work order for the project.

c. Finished Construction

i. Upon completion of construction of any structure requiring certification of elevation, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the permit holder to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same.

ii. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

iii. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.

17. Duties and Responsibilities of the Floodplain Administrator

a. The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of the Flood Control Overlay District Regulations, and related provisions. The Floodplain Administrator is further authorized to render interpretations of the Flood Control Overlay District Regulations, and related provisions, which are consistent with its spirit and purpose.

b. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

i. Review all floodplain development permits to ensure that the permit requirements of the Flood Control Overlay District Regulations have been satisfied.

ii. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.

iii. Provide information and assistance to citizens upon request about floodplain development permit procedures.

iv. Issue floodplain development permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.

v. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas, must meet the development standards of these regulations.

vi. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to the Floodways (Riverine) and SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine) sections of the Flood Control Overlay District Regulations, and maintain a record of such authorization, either copy of actual permit/authorization or floodplain analysis and regulatory assessment.

vii. Advise applicant that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.

viii. Maintain and track permit records involving additions and improvements to residences located in the floodway.

ix. For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:

(a) Verify and document the market value of the pre-damaged or pre-improved structure.

(b) Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community.

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, and the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage.

(d) Notify the applicant if it is determined the work constitutes substantial improvement or repair of substantial damage, and that compliance with the applicable general and specific standards of the Flood Control Overlay District Regulations is required.

x. Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if construction authorization by Indiana DNR is applicable.

xi. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), Federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to the Flood Control Overlay District Regulations.

xii. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

xiii. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.

xiv. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

xv. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the permit procedures outlined in the Floodplain Development Permit and Certification Requirements section of the Flood Control Overlay District.

xvi. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with the permit procedures outlined in the Floodplain Development Permit and Certification Requirements section of the Flood Control Overlay District.

xvii. Conduct on-site inspections of projects in accordance with the Administrative Procedures section of the Flood Control Overlay District.

xviii. Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for Increased Cost of Compliance (ICC) funds.

xix. Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen, or other facilities requiring disposal of wastewater.

xx. Provide information, testimony, or other evidence as needed during variance hearings.

xxi. Serve notices of violations, issue stop work orders, revoke permits, and take corrective actions in accordance with Flood Control Overlay District Regulations, and related provisions.

xxii. Coordinate map maintenance activities and associated FEMA follow up in accordance with the Map Maintenance Activities section of the Flood Control Overlay District.

xxiii. Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the Flood Control Overlay District Regulations.

xxiv. Enforce the provisions of the Flood Control Overlay District.

18. Administrative Procedures

a. Inspections

i. Work in Progress Inspections. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure the work is being done according to the provisions of the Flood Control Overlay District Regulations and the terms of the floodplain development permit. In exercising this power, the Floodplain Administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.

ii. Periodic Inspections. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the City of Goshen at any reasonable hour for the purposes of inspection or other enforcement action.

b. Stop Work Orders

i. Upon written notice from the Floodplain Administrator, the Building Commissioner shall issue a stop work order when work on any building, structure or premises is being done contrary to the Flood Control Overlay District Regulations.

ii. Upon notice from the Building Commissioner, work on any building, structure or premises that is being done contrary to the provisions of the Flood Control Overlay District Regulations shall immediately cease.

iii. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

c. Revocation of Floodplain Development Permits
   i. The Floodplain Administrator may revoke a floodplain development permit or approval issued under the provisions of the Flood Control Overlay District Regulations in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the floodplain development permit or approval was based.
   ii. The Floodplain Administrator may revoke a floodplain development permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the floodplain development permit was issued is in violation of, or not in conformity with, the provisions of the Flood Control Overlay District Regulations.
d. Floodplain Management Records
   i. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of the Flood Control Overlay District Regulations shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include floodplain development permit applications, plans, certifications, Flood Insurance Rate Maps, Letters of Map Change, records of issuance of permits and denial of permits, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage, required design certifications and documentation of elevations, notifications to adjacent communities, FEMA, and the state related to alterations of watercourses, assurances that the flood carrying capacity of altered watercourses will be maintained, documentation related to appeals and variances including justification for issuance or denial, and records of enforcement actions taken pursuant to the Flood Control Overlay District Regulations.
   ii. These records shall be available for public inspection at Goshen Plan Commission office, 204 East Jefferson Street, Suite 4, Goshen, Indiana 46528.

19. Provisions for Flood Hazard Reduction
   a. General Standards. In all SFHAs the following provisions are required:
      i. New construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
      ii. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
      iii. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the Flood Protection Grade (FPG).
      iv. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
      v. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
      vi. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
      vii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

viii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

ix. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of the Flood Control Overlay District Regulations shall meet the requirements of "new construction" as contained in this UDO.

x. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured homes parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.

xi. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of the Flood Control Overlay District Regulations, shall be undertaken only if said non-conformity is not further, extended, or replaced.

xii. Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the Flood Control Overlay District Regulations applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.

xiii. Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

xiv. Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in SFHAs.

b. Specific Standards. In all SFHAs where base flood elevation data or flood depths have been provided, as set forth in the Basis for Establishing Special Flood Hazard Areas section of this overlay, the following provisions are required:

i. Building Protection Requirement. In addition to the requirements of the General Standards of the Flood Control Overlay District, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

(a) Construction or placement of any new structure having a floor area greater than 400 square feet.

(b) Construction or placement of a residential structure.

(c) Construction or placement of a non-residential structure.

(d) Addition or improvement made to any existing non-conforming structure where the cost of the addition or improvement equals or exceeds 50% of the market value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes.

(e) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred. The costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost.

(f) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

(g) Installing a manufactured home on a new site or a new manufactured home on an existing site. The Flood Control Overlay District Regulations do not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

(h) Reconstruction or repairs made to a repetitive loss structure.

ii. Residential Construction
(a) New construction or substantial improvement of any residential structures shall meet applicable standards of the Provisions for Flood Hazard Reduction section of the Flood Control Overlay District.
(b) In Zone A and Zone AE, new construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of the Elevated Structures section of the Flood Control Overlay District. Should fill be used to elevate a structure, the standards of the Structures Constructed on Fill section of the Flood Control Overlay District must be met.
(c) A residential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

iii. Non-Residential Construction.
(a) New construction or substantial improvement of any non-residential structures (excluding accessory structures) shall meet applicable standards of the Provisions for Flood Hazard Reduction section of this overlay.
(b) In Zone A and Zone AE, new construction or substantial improvement of any commercial, industrial, or non-residential structure shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of the Elevated Structures section of the Flood Control Overlay District. Should fill be used to elevate a structure, the standards of the Structures Constructed on Fill section of this overlay must be met.
(c) A nonresidential structure may be floodproofed in accordance with the following:
1. A registered professional engineer or architect shall certify the structure has been designed so that below the FPG the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
(d) A nonresidential structure may be constructed using a stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

iv. Elevated Structures. Residential and non-residential elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall meet the following requirements:
(a) Be designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be

designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:

1. Provide a minimum of two openings located on different sides of an enclosure. If there are multiple enclosed areas, each is required to meet the requirements for enclosures, including the requirement for flood openings in exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
2. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening.
3. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
4. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG.
5. Doors and windows do not qualify as openings.
6. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(b) The floor of such enclosed area must be at or above grade on at least one side.

v. Structures Constructed on Fill. A residential or non-residential structure may be constructed on fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95 percent of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

(b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the BFE.

(c) The fill shall be protected against erosion and scour during the flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three feet horizontal to one foot vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) Fill shall be composed of clean granular or earthen material.

vi. Standards for Manufactured Homes and Recreational Vehicles.

(a) These requirements apply to all manufactured homes to be placed on a site in the SFHA:

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 flotation, collapse, and lateral movement.
2. Fully enclosed areas formed by the foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in the Elevated Structures section of the Flood Control Overlay District.
3. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

(b) Recreational vehicles placed on a site in the SFHA shall either:

1. Be on the site for less than 180 days; and;
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" as stated earlier in this section.

vii. Accessory Structures. Within SFHAs, new construction or placement of accessory structures shall meet the following standards:
(a) Shall have a floor area of 400 square feet or less.
(b) Use shall be limited to parking of vehicles and limited storage.
(c) Shall not be used for human habitation.
(d) Shall be constructed of flood resistant materials.
(e) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
(f) Shall be firmly anchored to prevent flotation or lateral movement.
(g) Service facilities such as electrical or heating equipment shall be elevated or floodproofed to or above the FPG.
(h) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in the Elevated Structures section of the Flood Control Overlay District.
(i) Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

viii. Above Ground Gas or Liquid Storage Tanks. Within SFHAs, all newly placed above ground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in the Non-Residential Construction section of the Flood Control Overlay District.

ix. Freestanding Pavilions, Gazebos, Decks, Carports, and Similar Development. Within SFHAs, new construction or placement of freestanding pavilions, gazebos, decks, carports, and similar development must meet the following standards:
(a) Shall have open sides (having not more than one rigid wall).
(b) Shall be anchored to prevent flotation or lateral movement.
(c) Shall be constructed of flood resistant materials below the FPG.
(d) Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG.
(e) Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a free-standing pavilion, gazebo, carport, or similar open-sided development.

c. Standards for Subdivision Proposals
i. All subdivision proposals shall be consistent with the need to minimize flood damage.
ii. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage.
iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
iv. Developers shall record the elevation of the SFHA on all subdivision plats containing lands within the SFHA prior to submitting the plats for approval by the Plan Commission.
v. In all SFHAs where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals (including manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser.
vi. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
vii. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

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

to or above the FPG shall be provided to all critical facilities to the extent possible.

e. Floodplain Status Standards

i. Floodways (Riverine). Located within SFHAs, established in the Basis for Establishing Special Flood Hazard Areas section of the Flood Control Overlay District, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1), a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing, and paving, undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

(a) If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).

(b) No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act.

(c) After approval has been granted by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions of the Flood Control Overlay District Regulations have been met. The floodplain development permit cannot be less restrictive than an approval for construction in a floodway issued by the Indiana Department of Natural Resources, or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.

(d) In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of the Map Maintenance Activities section of the Flood Control Overlay District. A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.

(e) In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

(f) For all projects involving channel modifications or fill (including levees) the City of Goshen shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

ii. Fringe (Riverine). If the site is located in an identified floodway fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), then the Floodplain Administrator may issue the local floodplain development permit provided the provisions contained in the Provisions for Flood Hazard Reduction section of the Flood Control Overlay District Regulations have been met.

iii. SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine)

(a) Drainage area upstream of the site is greater than one square mile: If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

1. No action shall be taken by the Floodplain Administrator until either written approval (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended FPG has been received from the Indiana Department of Natural Resources.
2. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

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

1. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.
2. Upon receipt, the Floodplain Administrator may issue the local floodplain development permit, provided the provisions contained in the Provisions for Flood Hazard Reduction of the Flood Control Overlay District Regulations have been met.

iv. SFHAs not Identified on a Map

(a) If a proposed development site is near a watercourse with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

(b) No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

(c) Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a floodplain development permit may be issued, provided the conditions of the floodplain development permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in the Provisions for Flood Hazard Reduction of the Flood Control Overlay District Regulations have been met.

20. Variance Procedures in Flood Districts.

a. Designation of Variance and Appeals Board. The Board of Zoning Appeals as established by the Common Council of the City of Goshen shall hear and decide appeals and requests for variances from requirements of the Flood Control Overlay District Regulations.

b. Duties of Variance and Appeals Board. The Board of Zoning Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of the Flood Control Overlay District Regulations. Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to a court of competent jurisdiction.

c. Variance Procedures

i. In considering such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this UDO, and:

(a) The danger of life and property due to flooding or erosion damage;

(b) The danger that materials may be swept onto other lands to the injury of others;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location, where applicable;

(f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected height, velocity, duration, rate of rise, and sediment transport of the floodwaters at the site; and

(k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

ii. A written report addressing each of the above factors shall be submitted by the applicant with the application for a variance.

d. Conditions for Variances

i. Variances from the provisions of the Flood Control Overlay District Regulations shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

ii. No variance for a residential use within a floodway subject to the Floodways (Riverine), SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine), or SFHAs not Identified on a Map of the Flood Control Overlay District Regulations may be granted.

iii. Any variance granted in a floodway subject to Floodways (Riverine), SFHAs Without Established Base Flood Elevation and/or Floodways/Floodway Fringes (Riverine), or SFHAs not Identified on a Map of the Flood Control Overlay District Regulations will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

iv. Variances to the provisions for flood hazard reduction of the Provisions for Flood Hazard Reduction section of the Flood Control Overlay District 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 FPG.

v. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

vii. Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.

viii. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ix. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

e. Special Conditions. Upon the consideration of the factors listed in the Variance Procedures in Flood Districts section of this overlay, and the purposes of the Flood Control Overlay District Regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of the Flood Control Overlay District Regulations.

21. Map Maintenance Activities. To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Goshen flood maps, studies and other data identified in the Basis for Establishing Special Flood Hazard Areas section of the Flood Control Overlay District. accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

a. Requirement to Submit New Technical Data

i. For all development proposals that impact floodway delineations or base flood elevations, the City of Goshen shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:

(a) Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries.

(b) Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area.

(c) Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and subdivision or large-scale development proposals requiring the establishment of base flood elevations.

ii. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

iii. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.

iv. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

b. Right to Submit New Technical Data. The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of the City of Goshen and may be submitted to FEMA at any time.

c. Annexation/Detachment. Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Goshen have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Elkhart County and Incorporated Areas Flood Insurance Rate Map accurately represent the City of Goshen boundaries, include within such notification a copy of a map of the City of Goshen suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Goshen has assumed or relinquished floodplain management regulatory authority.

22. Severability. If any section, subsection, clause, sentence, or phrase of the Flood Control Overlay District Regulations is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this UDO.

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CHAPTER 3:

ADDITIONAL CONDITIONS FOR USES

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3.1 GENERAL PROVISIONS

A. Purpose

The purpose of these use standards is to offset and/or mitigate the potential impacts or conflicts of certain land uses on adjacent properties, infrastructure, utilities, and/or the community in order to protect the health, safety, and welfare of the public and community.

B. Applicability of Additional Conditions for Land Uses

1. The standards included in this chapter apply to the specific land use ONLY when that use is identified as "C / Allowed with Additional Conditions" in Table 2.2: Permitted Land Uses.
2. These standards DO NOT apply to the specific land use if the use is listed as "P / Allowed by Right" or "S / Allowed by Special Use Approval" in Table 2.2: Permitted Land Uses.
3. The additional conditions and standards in this chapter are in addition to all other regulations within this UDO, including the zoning district in which they are located, unless a development standards variance is approved by the BZA.
   a. If any development standard within this chapter conflicts with the zoning district standards or other sections of this UDO, the more restrictive shall apply.
   b. If a use variance or special use approval is required, the BZA may impose additional conditions or commitments above and beyond this chapter if additional restrictions are necessary to mitigate potential impacts.
4. The land uses listed in this chapter shall only be permitted as outlined in Table 2.2: Permitted Land Uses.

C. Use Conditions Permit & Site Plan Approval Required

1. If a use is required to comply with the additional conditions within this chapter, a use conditions permit shall be required (see Chapter 7: Procedures), where the Administrator shall verify that the use complies with all applicable standards of this chapter, prior to establishment of the use and/or issuance of a building permit.
2. Site plan approval is required for all uses with additional conditions, and site plan review shall be submitted at the same time as the use conditions permit application.

3.2 ACCESSORY DWELLING UNIT (ADU)

A. Purpose

The purpose of these standards is to promote additional housing options within the community that allows for affordable housing, care for family members, infill within residential areas, and additional income for homeowners.

ACCESSORY DWELLING UNIT (ADU) ADDITIONAL STANDARDS	
ADDITIONAL LOT STANDARDS	
Ownership	• Lot or zoning lot shall have an existing, lawfully constructed, single-family dwelling or two-family dwelling (duplex) • ADU shall be under the same ownership as the primary dwelling • If the lot is subdivided in the future, the ADU must be located on the same lot as the primary dwelling unit
Address	• Address shall be assigned and approved by the addressing entity
Minimum Setback	• Shall comply with the zoning district setbacks for an accessory structure
Location	• Shall be located behind the front elevation of the primary dwelling
Site Access	• ADU shall use the same driveway or access as the primary dwelling unless an additional driveway is approved by Board of Works
ADDITIONAL STRUCTURE STANDARDS	
Maximum Units & Accessory Structures	• 1 ADU per zoning lot • ADU cannot have its own accessory structures
Living Area	• Minimum of 300 sq ft of living area • Maximum of 1,000 sq ft of living area but cannot exceed 75% of the habitable area of the primary dwelling
Architecture & Building Materials	• Building form, colors, and materials shall be similar to and compatible with the primary dwelling
Dwelling Components	• Must be a self-contained living unit that includes its own cooking, sleeping, and sanitation facilities • Must comply with, unless exempt, all applicable building codes, fire safety codes, and public health and safety laws
Permitted Types of Structures	• Shall be detached from the primary dwelling unit • Can be site-built, modular, or manufactured home but must meet all building codes requirements for a single-family dwelling
Prohibited Types of Structures	• Cannot be within a recreational vehicle, travel trailer, motor vehicle, part of a motor vehicle, or similar structure • Cannot be within any structure that does not meet all building code requirements for a single-family dwelling or does not meet all use standards for an accessory dwelling unit
ADDITIONAL UTILITY STANDARDS	
Utilities	• ADU must be served by public water and sewer

3.3 ATHLETIC & PLAY AREAS FOR INSTITUTIONAL & OTHER USES

A. Purpose

The purpose of these standards is to allow flexibility in the design and layout of recreational, sports, and play areas for land uses that are listed as institutional and other uses in Table 2.2: Permitted Land Uses because they have specific needs for unique structures and areas (such as athletic fields, sports courts, and play areas) but also need to mitigate impacts they may have on nearby non-compatible land uses. These standards only apply to the athletic and play areas associated with institutional and other uses; they do not apply to other structures or uses not associated with these uses.

ATHLETIC & PLAY AREAS ADDITIONAL STANDARDS	
ADDITIONAL LOT STANDARDS	
Noise	• Noise from the use or facility shall comply with City Code
ADDITIONAL LOT STANDARDS	

Minimum Setback	Setbacks of zoning district apply unless one of the following apply:
	• If adjacent to a residential land use, the following minimum setback shall apply:
	  • 25 feet for athletic and play areas without structures (such as open space, parking or driving areas (except for required access drives to the public street), practice fields, etc.)
	  • 100 feet for amphitheaters, stages, bleachers, and uses with public address speakers or loudspeaker systems
	  • 50 feet for all other structures
	• Minimum setback for structures within a park that is less than 0.75 acres shall be 10 feet for all yards, regardless of the zoning district setbacks
	• Park benches, bicycle shelters, paths or trails, drop boxes, and similar uses or structures are exempt from setback requirements in all parks and recreation areas (see also Table 2.1: Allowed Encroachments in Setbacks & Buffers)

ADDITIONAL STRUCTURE STANDARDS	
Maximum Structure Height	• 45 feet for primary and accessory structures for athletic and play areas unless a greater height is allowed by the zoning district • 1 additional foot of height is allowed for every additional foot of setback beyond the minimum required setback but no structure shall exceed 100 feet in height • Structures within a park or plaza that are less than 0.75 acres shall not exceed 20 feet • Accessory structures may exceed the height of the primary structure
Fences	• Fences may be a maximum of 8 feet in height if located outside of the required front yard setback; fences within a required front yard setback cannot exceed 4 feet • Chain link fence is not permitted unless it is black and vinyl, PVC, or polymer-coated
Signs	• Additional signs are allowed as outlined in Table 4.8: Additional Sign Allowances

3.4 AUTOMOTIVE, VEHICLE & EQUIPMENT: SERVICE & REPAIR

A. Purpose

The purpose of these standards is to ensure the aesthetic appearance of the facility is maintained while also reducing other impacts on adjacent properties and the community.

AUTOMOTIVE, VEHICLE & EQUIPMENT: SERVICE & REPAIR ADDITIONAL STANDARDS	
ADDITIONAL OPERATIONAL STANDARDS	
Work & Repairs	• All work and repairs to vehicles, business operations, and other activities shall be conducted within an enclosed building • Painting shall be conducted within a spray booth that is approved by the Building Code Department
Outdoor Storage	• Automobile parts, discarded tires, or similar materials must be stored within an enclosed building or in an area that is not visible from a public street or adjacent lot, except for vehicles as outlined in this section
Vehicle Storage	• Up to 3 vehicles awaiting repairs or service may be parked or stored outdoors or in an area that is not visible from a public street or adjacent lot at one time but cannot be located within any right-of-way, required setback, or buffer • Employee vehicles and short-term parking for customer vehicles that will not be serviced may be parked in a parking lot that complies with this UDO • Service and tow trucks used by the establishment and rental vehicles may be stored on site but must be located on an improved surface and outside of any required setback • Abandoned vehicles and all other vehicles and equipment, such as vehicles or equipment for sale, shall not be parked or stored on the premises unless that use is also permitted within the zoning district
ADDITIONAL LOT STANDARDS	
Minimum Lot Size	• 15,000 sq ft plus 2,000 sq ft for each service bay over the 2 operated in connection with the service station or in connection with an accessory automobile washing and waxing facility
Minimum Setback from Residential Uses	• 25 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district unless a greater setback is required by the zoning district, buffer, or other section of this UDO
Screening	• Type C screening (see Chapter 4.8: Street Trees, Buffers & Screening) shall be provided along any property line (or portion of property line) that abuts a residential use or residential zoning district unless a greater screening is required by the zoning district, buffer, or other section of this UDO

3.5 CEMETERY & MAUSOLEUM

A. Purpose

The purpose of these standards is to ensure that cemeteries and associated uses are properly accessible, gravesites are protected, and potential impacts to adjacent lots and the community are mitigated.

CEMETERY & MAUSOLEUM ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Site Plan Required	• A site plan shall be required with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL LOT STANDARDS	
Site Access	• Direct access to/from an arterial street or collector street is required
Minimum Setback	• 25 feet for all gravesites unless a greater setback is required by the zoning district, buffer, or other section of this UDO

3.6 CHEMICAL PROCESSING & HAZARDOUS MATERIAL STORAGE

A. Purpose

The purpose of these standards is to ensure that adjacent lots are properly protected from any chemicals and operations associated with the facility while also protecting the health, safety, and welfare of the public and community.

CHEMICAL PROCESSING & HAZARDOUS MATERIAL STORAGE ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Development Plan Required	• Development plan approval shall be required prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL OPERATIONAL STANDARDS	
Outdoor Storage & Operations	• All manufacturing, processing, and storage of chemicals must be in a completely enclosed building
ADDITIONAL LOT STANDARDS	
Minimum Setback	• Structures storing any hazardous material must be at least 500 feet from the property line of a lot or zoning lot with a residential use or residential zoning district

3.7 CONTRACTOR BUSINESS

A. Purpose

The intent of this section is to establish provisions for contractors, including landscape contractors, that require outside storage of materials and supplies to ensure they do not have a negative impact on surrounding properties.

CONTRACTOR BUSINESS ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Site Plan Required	• A site plan shall be required with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL LOT STANDARDS	
Site Access	• Adequate measures shall be taken to maintain safety for trucks and vehicles entering the public street at slower speeds, including but not limited to, deceleration/acceleration lanes or passing blisters
Outside Storage	• All outside storage areas for materials and supplies shall be screened by an opaque fence at least 6 feet in height • All outside storage areas shall be subordinate in area to the primary structure on the property
Minimum Setback	• 50 feet from the property line of a lot or zoning lot with a residential use or residential zoning district

3.8 DAY CARE CENTER & PRESCHOOL

A. Purpose

The purpose of these standards is to ensure that commercial day care centers and preschool facilities adequately protect those clients who are cared for and educated and mitigate potential impacts and conflicts with compatibility. This does not include schools or in-home child care uses that are within a dwelling (see Chapter 9: Definitions).

DAYCARE CENTER & PRESCHOOL CHILDCARE ADDITIONAL STANDARDS	
ADDITIONAL LOT STANDARDS	
Minimum Setback	• 25 ft from all property lines unless a greater setback is required by the zoning district, buffer, or other section of this UDO
Screening	• Type B screening (see Chapter 4.8: Street Trees, Buffers & Screening) shall be provided along all property lines unless greater screening is required by the zoning district, buffer, or other section of this UDO
Dedicated Pick Up Area	• A designated off-street pickup area must be provided on the same zoning lot that provides spaces or a drop off / pick up stacking space for at least 50% of the children currently enrolled • All stacking must be located on the same zoning lot (no stacking can occur in a public street or right-of-way

3.9 GROUP LIVING

A. Purpose

The purpose of these standards is to provide for the health and safety of residents as well as to mitigate potential impacts to the adjacent lots and larger community.

GROUP LIVING ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Development Plan Required	• Development plan approval shall be required prior to issuance of a building permit (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL LOT STANDARDS	
Minimum Lot Area	• At least 750 square feet per resident based on maximum capacity of the facility
Minimum Separation	• Minimum of 500 feet between recovery residences and group home uses, measured by a line drawn along the right-of-way of the street between the closest edge of property lines
Minimum Setback	• 20 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district
Parking	• Parking areas shall be fully screened with a solid fence or landscaping from any residential use or a residential zoning district boundary line

3.10 IN-HOME CHILDCARE

A. Purpose

The purpose of these standards is to ensure that in-home childcares adequately protect those clients who are cared for and educated and mitigate potential impacts and conflicts with compatibility. This does not include schools or commercial daycares or preschools that are not in a dwelling (see Chapter 9: Definitions).

IN-HOME CHILDCARE ADDITIONAL STANDARDS	
ADDITIONAL LOT STANDARDS	
Minimum Setback	• 25 feet or Type B screening (see Chapter 4.8: Street Trees, Buffers & Screening) along all property lines unless a greater setback is required by the zoning district, buffer, or other section of this UDO

Dedicated Pick Up Area	• A written plan that shows how drop-off and pick-up will occur must be provided with the use conditions permit application that includes"
	  • A site map showings the adjacent streets and surrounding neighborhood; and
	  • How the proposed drop-off and pick-up will not adversely impact neighbors or traffic flow

3.11 JUNKYARD, SALVAGE YARD & VEHICLE IMPOUND LOT

A. Purpose

The purpose of these standards is to mitigate potential impacts from the operation on adjacent lots and the surrounding area while also protecting the operation and community from hazards.

JUNKYARD, SALVAGE YARD & VEHICLE IMPOUND LOT ADDITIONAL STANDARDS	
ADDITIONAL OPERATIONAL STANDARDS	
Disposal of Waste & Materials	• Batteries, lubricants, fluids, coolants, refrigerants, and the similar components shall be removed immediately upon receipt and recycled or disposed in accordance with all applicable State and Federal laws regarding disposal of waste and hazardous materials • Material cannot be placed in a manner that it is capable of being transferred by wind, water, or other natural causes
Burning	• Burning of any material is prohibited
Limitations on Dumping	• Cannot be used as a dump by the general public
ADDITIONAL LOT STANDARDS	
Site Access	• Direct access to/from an arterial street or collector street is required
Minimum Setback	• 500 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district
Location	• No portion of the operation shall be located within an area designated as a special flood hazard area
Outdoor Storage	• All storage of any junk, materials, vehicles, parts, or similar items shall be within an enclosed building or fully screened with vegetation, earthen berm, masonry wall, opaque fence, or similar so it is not visible from any public street or adjacent lot or zoning lot year-round
Fences & Screening	• An 8-foot opaque fence shall surround any area used to store junk, materials, vehicles, parts, or similar items • All fencing shall be securely locked unless being actively supervised for ingress or egress • Type D screening (see Chapter 4.8: Street Trees, Buffers & Screening) shall be provided along all property lines unless a greater screening is required by the zoning district, buffer, or other section of this UDO

3.12 KENNEL: COMMERCIAL & ANIMAL SHELTER

A. Purpose

The purpose of these standards is to provide adequate space and sanitation for the animals being cared for as well as minimize impacts on adjacent and nearby residential uses.

KENNEL ADDITIONAL STANDARDS	
ADDITIONAL LOT STANDARDS	
Minimum Setback	• All areas or outdoor structures used for housing or confinement longer than 30 consecutive minutes or 90 total minutes during a 24-hour period must be 300 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district • All other areas and structures must be 100 feet from all property lines
Fences & Screening	• An 8-foot opaque fence shall surround any area used as an outdoor kennel or run • Type B screening (see Chapter 4.8: Street Trees, Buffers & Screening) shall be provided along all property lines with an outdoor kennel or run unless a greater screening is required by the zoning district, buffer, or other section of this UDO
ADDITIONAL STRUCTURE STANDARDS	
Outdoor Kennels & Run	• If outdoor kennels or runs are provided, there must be either an opening for animals to enter the building or a cover over a portion of the kennel must be provided in case of inclement weather

3.13 LIVESTOCK: PRODUCTION

A. Purpose

The purpose of these standards is to mitigate potential impacts from agricultural activities with livestock and protect neighboring properties and the larger area from potential negative impacts.

PRODUCTION LIVESTOCK ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Site Plan Required	• A site plan shall be required with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL LOT STANDARDS	
Minimum Setback	• Areas or buildings where animals are kept shall be at least 100 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district, excluding any dwelling(s) on the same lot or zoning lot as the livestock, and a minimum of 100 feet from all other property lines

3.14 MOBILE FOOD VENDOR (FOOD TRUCK)

A. Purpose

The purpose of these standards is to ensure mobile food vendors are properly registered and located in appropriate areas of the City.

MOBILE FOOD VENDOR ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	

Exemptions	• These standards do not apply to vendor food sales that last for less than 1 day and are in conjunction with:
	  • Sales by or sponsored through societies acting for charities, religious or public purposes, schools, or other legally established not-for-profit organizations; or
	  • Community events or City of Goshen sponsored or authorized event approved by the Board of Works

Permit Required	• Annual use conditions permit required • Locations with a site plan must be included with the permit application • Written approval from the owner of the zoning lot where the vendor is proposed to be located shall be included with the permit application
Local & State Approvals or Permits	• Vendors shall be registered with the Elkhart County Health Department for a retail food establishment and have an approved inspection report on file with the vendor vehicle and with the Administrator • All applicable State and local permits shall be on file with the vendor vehicle and with the Administrator
Limitation on Use	• Limited to the sale of food and beverage products only • No outside tables or other temporary or permanent structures related to this use are permitted • Walk-up pedestrian traffic only; no drive-up service is permitted
ADDITIONAL OPERATION STANDARDS	
Duration	• Vendor vehicle may be located on a particular zoning lot for no more than 8 consecutive hours in 1 calendar day
Number of Locations	• A single vendor may have permits for a maximum of 3 different locations within the City of Goshen per calendar year • Each vending site shall be reviewed separately with a separate use conditions permit
Maximum Vendors	• Up to 2 vendors may have a permit for a zoning lot at any one time provided they operate at different times of the day
ADDITIONAL LOT STANDARDS	
Accessory Use	• Must be located on a zoning lot with a separate, active, permitted, primary use on it
Site Access & Visibility	• Driveway or site access and sight triangle visibility shall be unimpeded
Parking	• Parking must be provided as required by Chapter 4.5: Parking • Parking spaces cannot be counted towards 2 uses that have the same operational hours
Signs	• Additional signage is allowed as outlined in Table 4.8: Additional Sign Allowances

3.15 UTILITY FACILITY: MINOR

A. Purpose

The purpose of these standards is to ensure there is adequate space for the facility, and it is integrated into the surrounding area to minimize its presence and impacts.

MINOR UTILITY FACILITY ADDITIONAL STANDARDS	
ADDITIONAL PROCEDURE STANDARDS	
Site Plan Required	• A site plan shall be required with any building permit application (or prior to occupancy if a building permit is not required) showing compliance with all regulations of this UDO
ADDITIONAL LOT STANDARDS	
Site Access	• All access points shall be from a collector or arterial road / street
Minimum Lot Area	• 6,000 sq ft
Minimum Setback	• 50 feet from the nearest property line of a lot or zoning lot with adjacent residential use or residential zoning district
Fences & Screening	• Type B screening (see Chapter 4.8: Street Trees, Buffers & Screening) is required along all property lines that abut a residential land use and along all property lines adjacent to a street unless greater screening is required by the zoning district, buffer, or other section of this UDO
ADDITIONAL STRUCTURE STANDARDS	
Architectural Compatibility	• If located within or adjacent to a residential use or residential zoning district, the architectural character of all buildings shall be compatible with or similar to residential development

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CHAPTER 4:

SITE STANDARDS

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4.1 GENERAL PROVISIONS

A. Purpose & Intent

The site standards within this UDO provide the minimum requirements for site development elements in order to protect the health, safety, and general welfare of the community

B. Applicability

1. The site standards included in this chapter shall apply to all lots, zoning lots, and zoning districts unless otherwise stated.
2. The standards in this chapter are required in addition to all other applicable standards within this UDO.

C. Thresholds That Require Compliance

1. Specific thresholds are identified for each site element in this chapter that specify when full compliance, partial compliance, or no compliance is required.
2. If the threshold(s) are met or occur for a specific site element, that individual or single site element must comply, or be brought into compliance, with the standards of this chapter.
3. Regular maintenance that is required for safety, to prevent failures, and to maintain upkeep that does not meet any thresholds specified in this chapter does not require compliance with current site standards.

4.2 ACCESS & DRIVEWAYS

A. Purpose & Intent

The purpose of these standards is to allow safe and controlled access to public streets, increase safety for vehicles accessing public streets, increase access between developments, reduce or prevent damage to public streets and infrastructure, and mitigate congestion.

B. Required Approvals & Related Standards

Driveway Review. All new, expanded, or modified driveways or access points onto a public street and/or alterations within a public right-of-way shall be submitted with a site plan application or as part of an improvement location permit. Driveways shall also obtain a right-of-way permit from the City (or INDOT if applicable).

C. Applicability & Thresholds for Compliance

1. Full Compliance Required. All access and driveway requirements within this section shall be met (including existing and new access points or driveways) if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
2. Partial Compliance Required. If full compliance is not required, only new, modified, relocated, or altered access points and driveways must comply with this section.
3. No Compliance Required. Any changes that do not meet the thresholds above do not have to comply with these standards.

DRIVEWAY DESIGN STANDARDS	
LOT ACCESS	
Emergency Services Site Access	• Adequate site access shall be provided for emergency services, such as fire, to ensure that large equipment (such as fire trucks) can adequately access the site during an emergency
Cross-Development Access	• Commercial and multi-family land uses are encouraged to provide a vehicular driveway connection on side yards to adjacent lots or zoning lots • If an adjacent lot(s) is not developed, the driveway connection shall be extended to the lot boundary at a logical location that would encourage and facilitate circulation without directly accessing public streets

Shared Driveways	• Note that driveways for all land uses used to access the lot from the adjacent road are permitted in a required setback as outlined in Chapter 2.1: General District Provisions
	• All shared driveways shall have:
	  • An easement that is approved by the Administrator and recorded by the property owner; and
	  • A written and recorded maintenance agreement between the zoning lots that access the private driveway

Driveway Location & Separation	• Driveways must be adequately separated from street intersections and other driveways and cannot create traffic or safety hazards and comply with applicable standards as adopted by the Board of Works
DRIVEWAY DESIGN	
Driveway Dimensions	• Driveway width for all land uses shall comply with the applicable standards adopted by the Board of Works
Driveway Materials	• Driveway material for all land uses shall comply with the Design Standards and Specifications for Parking and Driveway Surfaces and all other applicable standards as adopted by the Board of Works
Visibility	• Fences, plantings, and other structures or items shall not be allowed to grow, placed, or erected in a manner that impedes vision within the sight triangle (see Chapter 9: Definitions to determine sight triangle location) unless approved by the Goshen Engineering Department

4.3 LIGHTING

A. Purpose & Intent

The purpose of these standards is to support the City's desire to minimize light pollution and its negative impacts by minimizing impacts of lighting on adjacent lots and public streets, reducing glare and light trespass, and providing a safe nighttime environment for people and vehicles.

B. Required Approvals & Related Standards

Lighting Plan. A lighting plan that shows compliance with this section shall be submitted with a site plan application or as part of an improvement location permit. The Administrator, BZA, or PC may require photometric analysis, at the applicant's expense, to determine impacts on adjacent zoning lots and streets.

C. Applicability & Thresholds for Compliance

1. Full Compliance Required. All lighting (existing and new) must comply with this section if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
   c. 50% or more of the exterior lighting fixtures on the zoning lot as of January 1, 2027, are moved, altered, or changed (excluding regular maintenance or replacement with identical fixtures).
   d. The total number of exterior lighting fixtures on the zoning lot as of January 1, 2027, is increased by 50% or more.
2. Partial Compliance Required. If full compliance is not required, only new or relocated exterior lighting fixtures must comply with this section.
3. No Compliance Required. Any changes that do not meet the thresholds above do not have to comply with these standards.

D. Exempt Lighting

The following are exempt from the lighting standards:

1. Hazard warning lighting required or regulated by the FAA or other State or Federal agency.
2. Temporary emergency lighting required by local law enforcement, emergency management, or utility providers.
3. Lighting within the public right-of-way, including traffic control, that is approved by a local or State agency.
4. Low-wattage lighting that have a maximum output of 1,600 lumens (equal to one 100-watt incandescent light) per fixture. This includes, but is not limited to, landscaping lighting, seasonal decorations, underwater lighting (such as in a pool or water feature), and recessed lighting in eaves or ceilings.
5. Lighting for temporary events, festivals, and carnivals that is not used for more than a 24-hour period and is not used between midnight and 7:00 am.

E. Lighting Design Standards

1. The design of exterior lighting and the size of the fixtures shall be harmonious with the design of the building, land use, and adjacent land uses. All lighting fixtures within a single development should be compatible in style, design, height, size, and color.
2. Pole-mounted lighting fixtures shall not exceed 25 feet in height.
   a. The height of pole-mounted lighting fixtures for outdoor athletic fields may exceed this height if the fixture is at least 50 feet from all property lines plus one additional foot of setback for every foot in height that is over 25 feet.
3. Lighting for nighttime activities shall be arranged and sheltered to prevent illumination, glare, and reflection on adjacent properties.
4. All lighting fixtures shall be aimed downward and fully shielded with a 90° angle or less and an opaque material to prevent glare on adjacent lots and streets. This does not apply to:
   a. Lighting for recreational facilities that are at least 100 feet from any residential use
   b. Sign lighting that is internally illuminated or concealed that complies with Chapter 4.7: Signs.
   c. Lighting that is decorative and mounted to a building facade, wall, or similar structure that is consistent with the style of the building and that does not create glare on adjacent lots or streets.
5. Sign Lighting. Sign illumination is only allowed as outlined in Chapter 4.7: Signs.

MAXIMUM LIGHTING LEVELS

LIGHTING MEASUREMENT LOCATION	MAXIMUM FOOT-CANDLES
At edge of pavement of a public street	1.0 foot-candles
At the property line of a residential use or residential zoning district	0.5 foot-candles
At the property line of a non-residential use or non-residential zoning district	1.0 foot-candles

4.4 OUTDOOR STORAGE

A. Purpose & Intent

The purpose of these standards is to reduce visual obstructions or nuisances caused by outdoor storage of vehicles, equipment, and other items on lots, and prevent unsafe conditions to ensure the health, safety, and welfare of the community.

B. Outdoor Display of Merchandise

1. **Applicability.** Display of merchandise standards apply to items that are available for purchase by the general public that are located in an outdoor area or an area that is not within a fully enclosed building.
2. **Permitted Districts.** Outdoor display of goods and merchandise that are immediately available for purchase are permitted as outlined in this section.
3. **Setbacks.** All outdoor display of goods and merchandise must meet the minimum setback for the primary structure for the zoning district. It may be located in a parking area if the minimum number of required parking spaces is maintained and it meets the required setback.
4. **Within Right-of-Way.** All outdoor display of goods and merchandise within the right-of-way, including a sidewalk, shall be approved by the Board of Works and does not have to comply with zoning district setbacks.

OUTDOOR DISPLAY OF MERCHANDISE	
A1	Not Permitted
R1, R2, R3, & R4	Not Permitted
CM & B1	Not Permitted
B2, B3 & B4	Permitted if directly related to the primary use
M1 & M2	Permitted if directly related to the primary use
DF	Permitted if directly related to the primary use
UF	Not Permitted

C. Bulk Outdoor Storage

1. **Applicability**. Bulk outdoor storage standards apply to storage of bulk, large, heavy, and uncontained goods, items, and materials located outside of an enclosed building for commercial, industrial, and institutional / other land uses.
2. **Location**
   a. All bulk outdoor storage must be located behind the front façade of the primary structure, cannot be located within a required setback, buffer, and cannot be within a sight triangle or create a safety hazard.
   b. It may be located in a parking area if the minimum number of required parking spaces is maintained and it meets the required setback.
3. **Screening**. Bulk outdoor storage cannot be visible from any street.

D. Vehicle & Equipment Storage

1. **Applicability**
   a. These standards only apply to outdoor storage of vehicles, equipment, and other items outside of an enclosed building (as defined by Chapter 9: Definitions) on a lot. This does not apply structures that otherwise are regulated as a site element within this chapter.
   b. Vehicles and equipment storage, for the purpose of this section, includes the following:
      i. Semi-tractors and semi-trailers
      ii. Trailers exceeding 18 feet in overall exterior length and/or eight feet in overall exterior height (from grade)
      iii. Trailers with more than one axle
      iv. Busses
      v. Box trucks and freight trucks
      vi. Tow trucks
      vii. Dump trucks
      viii. Motorized food trucks (mobile food vendors)
      ix. Major equipment and vehicles used for construction, agricultural, and industrial operations

2. Location. All parked or stored vehicles and equipment located on a lot must be on an improved surface, located in a legal parking space that complies with Chapter 4.5: Parking, and meet the minimum setback for the primary structure for the zoning district.
3. A1, R1, R2, R3, R4, DF & UF. Parking or storage of heavy equipment and vehicles is prohibited within these districts. Lots that are zoned A1 with a residential use and an active agricultural use are exempt from these standards.
4. B1, B2, B3, B4, M1 & M2. Parking and storage of heavy equipment and vehicles is permitted on lots if directly related to the primary use but is prohibited on all City / public parking lots.

E. Occupancy of Vehicles

1. Recreational vehicles, boats, vehicles, equipment, and similar vehicles shall not be occupied or used for living or sleeping purposes or connected to any utilities (electric, water, sewage, etc.) at any time while parked or stored.
   a. Recreational vehicles are permitted only for occupancy within campgrounds and RV parks in accordance with Chapter 2: Zoning & Overlay Districts.

4.5 PARKING

A. Purpose & Intent

The purpose of these standards is to provide adequate off-street parking and similar vehicular areas for development, minimize pedestrian and vehicular conflicts, and protect the health, safety, and welfare of the community.

B. Required Approvals & Related Standards

1. Parking Plan. A parking plan that shows compliance with this section shall be submitted with a site plan application or as part of an improvement location permit.
2. City Standards. All parking shall comply with the Design Standards and Specifications for Parking and Driveway Surfaces that is adopted by the Board of Works.
3. Driveways. Driveways and access points onto a public street shall comply with Chapter 4.2: Access & Driveways.

C. Applicability & Thresholds for Compliance

1. Full Compliance Required. All parking requirements within this section shall be met (including existing and new parking areas) if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
   c. A change in land use (defined as a change from one use listed in Table 2.2: Permitted Land Uses to another use) on a lot or zoning lot that has an existing, legally permitted primary structure and use.
   d. 50% or more of the existing parking area on the zoning lot as of January 1, 2027 are replaced, moved, altered, or changed (excluding regular maintenance).
   e. The total number of parking spaces on the zoning lot as of January 1, 2027 has increased by 50% or more.
   f. If a primary structure is expanded by 33% or more as of January 1, 2027 or if the value of remodeling or renovation of a primary structure is more than 50% of the structure's value, unless exempt by this section. The value of the structure shall be determined by the assessed value or appraisal provided by the property owner, whichever is greater.
2. Partial Compliance Required. If full compliance is not required, only new, modified, relocated, or altered parking areas must comply with this section.
3. No Compliance Required. Any changes that do not meet the thresholds above do not have to comply with these standards.

D. Required Parking Spaces

1. All lots or zoning lots shall comply with the minimum required number of parking spaces outlined in Table 4.3: Minimum Parking Required, which is based on the land use (not zoning district).
   a. Additional parking that exceeds the minimum may be provided.
   b. Any fraction of a required parking space shall be rounded up to the whole number.
   c. Parking spaces within a garage, carport, or similar structure that complies with this section may be used to satisfy the minimum requirements.
   d. If a use is not specifically listed, the Administrator shall determine the parking requirements based on a listed use of similar characteristics and parking demand.
2. Handicap spaces may count towards the minimum number of required parking spaces.
3. Areas used for outdoor storage, equipment storage, or temporary storage in commercial and industrial districts are not considered parking areas for the purpose of this section.

4. Shared off-site parking is permitted for non-residential land uses if all required parking spaces are within 300 feet of the nearest edge of the structure it serves.
   a. The number of parking spaces provided for shared parking, where permitted, shall not be less than the minimum number of spaces required for each use as identified in Table 4.3: Minimum Parking Required.
   b. Parking spaces for uses that operate at different times may be credited to both uses.
   c. Any zoning lot with shared parking shall have a written and recorded shared parking agreement that is signed by all property owners and approved by the Administrator. The agreement shall outline the provisions for easements (if applicable), maintenance, snow removal, ownership, and liability. If a shared parking agreement expires or otherwise terminates, each lot or zoning lot must provide the minimum required parking on-site or through a new shared parking agreement.

E. Parking Exemptions & Reductions

1. The following are exempt from providing the required number of spaces or the required number may be reduced. However, if parking is provided, it shall comply with all standards within this section. Any reduction in spaces shall be documented in writing by the Administrator with the justification.
   a. B2 & DF Districts. All land uses within the B2 and DF zoning districts, except for residential uses that are located on the first floor of a structure, are exempt from providing required parking spaces.
   b. Non-Residential Uses in All Districts. For non-residential uses, the minimum number of parking spaces may be reduced if the applicant provides documented justification and calculations showing the minimum number of spaces needed for the specific use(s) by using the most recent version of the Institute of Transportation Engineers (ITE) "Parking Generation Manual," the ITE "ITEParkGen" application, or the Urban Land Institute (ULI) "Shared Parking Manual."
   c. Bus Stop. If the main entrance to a multi-family residential structure, school, government building, or library is located within 1,000 feet of a public transportation location (such as a bus stop or bus terminal), the required number of parking spaces may be reduced by 10%.
   d. Bicycle Parking. For every two covered bicycle spaces or eight non-covered bicycle spaces provided, the required parking spaces may be reduced by one space. Bicycle spaces must comply with Table 4.1: Bicycle Parking Specifications and be maintained and free from hazards.
   e. Alley Access. If an alley is provided within the UF district and a lot uses the alley for parking access, parking may be reduced by 50%.



Example of weather-protected bicycle parking

TABLE 4.1: BICYCLE PARKING SPECIFICATIONS	

Permitted Types of Racks	• May be ground-mounted or wall-mounted
	• Covered racks may be located:
	  • Under a pavilion, extended roof canopy, or similar structure
	  • Within an individual, weather-protected locker
	  • Within an indoor location

Location	• Must be located within 100 feet of primary entrance (outside or within the building) • Cannot block a sidewalk, pedestrian path, or ADA-route
Minimum Clearance Requirements	• 6-foot by 2-foot storage area for each bicycle (clear area to park/secure bike on bicycle rack) • 7-foot overhead clearance • 4.5-foot clearance area in front of each rack • 3-foot minimum setback from all walls, buildings, curbs, or other bicycle racks

F. Required Stacking Spaces & Design Standards

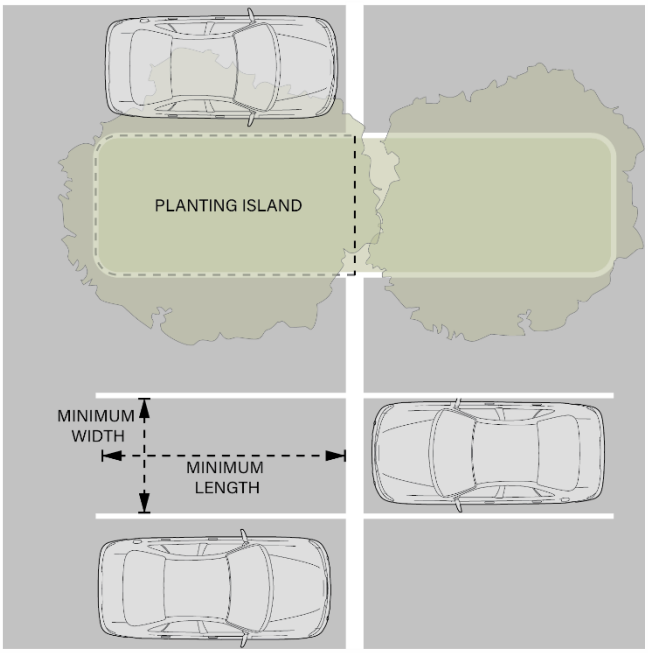
1. Drive-thru facilities, including those at restaurants, banks, and other uses, require a minimum of five stacking spaces for every drive-thru window lane, measured from the first drive-thru window in each lane.
2. Stacking spaces shall be at least 8 feet by 18 feet.
3. Stacking lanes shall be separated from other stacking lanes, bypass lanes, or from other site areas with a raised concrete median, concrete curb, landscaping, or painted striping.
4. Vehicles shall not be permitted to wait, stack, or idle within the public right-of-way.

G. General Design Standards for Parking & Stacking

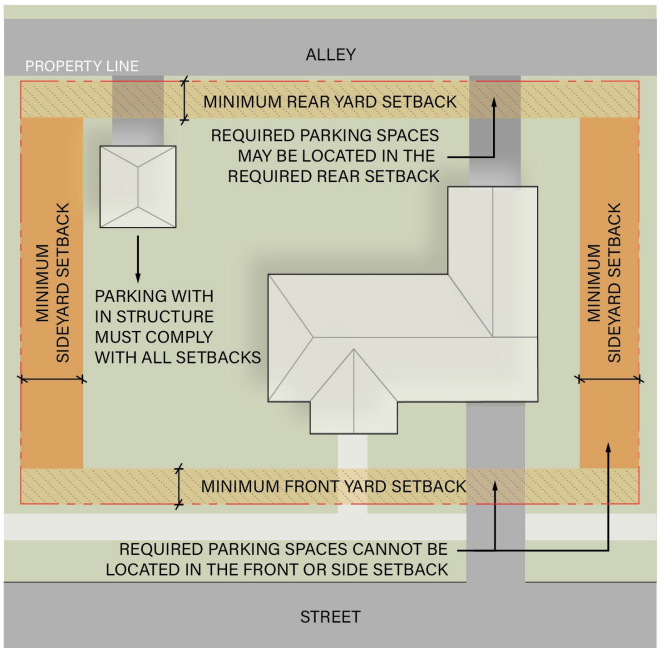
1. **Location & Encroachment.** All parking areas, spaces, driving aisles (excluding driveways used to access a public or adjacent street), stacking spaces, and similar areas:
   a. Must comply with accessory structure setbacks, unless parking is specifically allowed to encroach into a setback or buffer as allowed in Chapter 2.1D: Encroachments in Required Setback or Buffers
   b. May be located to the front, side, or rear of the primary structure in all districts except:
      i. B2: A maximum of 20% of parking spaces may be located in in front of the primary structure (at least 80% of spaces must be to the side or rear of the primary structure
      ii. DF: All parking spaces must be located to the side or rear of the primary structure (cannot be located between the front façade of the primary building and front property line).
2. **Layout**
   a. All parking spaces, driving aisles, stacking spaces, and similar areas shall be accessed from an internal circulation driveway. Individual parking areas and spaces shall be designed so that a vehicle cannot back into or maneuver within a public or private street from the parking space or driving aisle.
   b. All parking areas, driving aisles, stacking spaces, and similar areas shall be striped and channelized (including directional arrows) as necessary to safely direct internal traffic.
3. **Materials.** All parking areas, driving aisles, stacking spaces, and areas used for maneuvering shall be an improved surface as required by the Design Standards and Specifications for Parking and Driveway Surfaces adopted by the Board of Works.
4. **Lighting.** If provided, lighting shall comply with Chapter 4.3: Lighting.
5. **Dimensions.** Parking spaces and aisles shall comply with Table 4.2: Minimum Parking Dimensions.
6. **Parking Area Screening, Islands & Landscaping.** Screening, parking islands, and landscaping shall be provided as outlined in Chapter 4.8: Street Trees, Buffers & Screening.

H. Maintenance

1. Trees and vegetation shall be replaced as required to maintain the minimum required landscaping in accordance with the Plant Installation and Maintenance section of Chapter 4.8: Street Trees, Buffers & Screening.
2. Vegetation shall be maintained for adequate sight visibility in all vehicular areas, including in the sight triangle.



Example of parking stall dimensions



Example of single-family and two-family residential parking locations

TABLE 4.2: MINIMUM PARKING DIMENSIONS

PARKING SPACE TYPE	STALL WIDTH	STALL LENGTH	TRAVEL AISLE WIDTH
0 Degrees (Parallel)	9 feet	23 feet	One Way: 12 feet Two-Way: 24 feet
30 Degrees	9 feet	17 feet	One Way: 11 feet Two-Way: 21 feet
45 Degrees	9 feet	19.5 feet	One Way: 13 feet Two-Way: 22 feet
60 Degrees	9 feet	21 feet	One Way: 18 feet Two-Way: 23 feet
90 Degrees	9 feet	18 feet	One Way: 24 feet Two-Way: 24 feet

TABLE 4.3: MINIMUM PARKING REQUIRED[1]

AGRICULTURAL LAND USES		MINIMUM NUMBER OF SPACES
Agricultural Use with Employees		0.5 space per employee based on the largest shift
Agricultural Use with Employees and Visitors[2]		1 space per 400 sq ft of indoor floor area accessible by visitors *OR* 1 space per 6 customers based on maximum operation capacity
Agricultural Use without Employees or Visitors		N/A
RESIDENTIAL LAND USES		**MINIMUM NUMBER OF SPACES**
Single-family Dwelling (Attached & Detached)		2 spaces per dwelling unit
Accessory Dwelling Unit (ADU)		1 space per dwelling unit except 0 spaces in UF
Co-Housing (Tiny Home) Community		1 space per dwelling unit
Multi-family Dwelling Manufactured Home Park Two-family Dwelling		1.5 spaces per dwelling unit
Home Occupation		N/A
In-Home Childcare		1 space per employee at the largest shift
Nursing Home & Assisted Living		1 space per 4 patient rooms
Group Living		0.5 spaces per occupiable bedrooms
COMMERCIAL LAND USES		**MINIMUM NUMBER OF SPACES**
Day Care Center & Preschool		3 spaces per classroom
Mobile Food Vendor		3 spaces per vendor
Medical Offices[2]		1 space per patient room (non-overnight uses) OR 1 space per 4 overnight patient rooms
Contractor Professional Services & Business Offices		1 space per employee based on the largest shift
Bed & Breakfast Campground & RV Park Hotel & Motel		0.5 space per guest room in the DF district 1 space per guest room or campsite in all other districts
Storage Units		0.5 space per employee based on the largest shift
All Other Commercial Uses[2]		1 space per 400 sq ft of floor area accessible by visitors OR 1 space per person based maximum building or operation capacity OR 0.5 space per employee based on the largest shift
INDUSTRIAL LAND USES		**MINIMUM NUMBER OF SPACES**
All Industrial Uses		0.75 spaces per employee based on the largest shift
INSTITUTIONAL / OTHER LAND USES		**MINIMUM NUMBER OF SPACES**
Airport & Heliport Cemetery, Columbaria & Mausoleum Correctional Facility Emergency Response Facility Governmental Offices Utility Facility: Major & Minor Wireless Communication Facility		1 space per employee based on the largest shift
Hospital		1 space per 4 patient rooms
School	Non-Driving Age Students	3 spaces per classroom
	Driving Age Students	0.25 spaces per total number of students and staff
All Other Institutional Uses[2]		1 space per 400 sq ft of floor area accessible by visitors OR 1 space per 6 customers / visitors based on maximum occupancy

1 – If the total number of parking spaces on a lot or zoning lot in the B3 or B4 district exceeds 150% of the minimum number of required parking spaces, the number of required parking islands and trees shall be doubled

2 – If a land use includes more than 1 option for calculating the minimum number of spaces, the lesser value may be used. Maximum occupancy is determined by maximum number of seats the building is designed to accommodate and maximum operation capacity is determined by the maximum number of guests the use / facility is designed to accommodate at one time. Applicant must provide occupancy, operation capacity, and number of employees, and Administrator may request justification for these numbers.

4.6 SIDEWALKS

A. Purpose & Intent

These purpose of these standards is to provide safe facilities for pedestrians, reduce potential conflicts between cars and/or people, create a connected sidewalk network through the City, and reinforce the character of the community.

B. Required Approvals & Related Standards

All sidewalks and streetscape elements shall be submitted with a site plan application or as part of an improvement location permit. Sidewalks within the right-of-way shall also obtain approval from the City (or INDOT if applicable).

C. Applicability & Thresholds for Compliance

1. Full Compliance Required. All sidewalks (existing and new) must comply with this section if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
   c. 50% or more of the sidewalk on the zoning lot as of January 1, 2027 is moved, altered, or changed.
   d. If a primary structure is expanded by 50% or more as of January 1, 2027 or if the value of remodeling or renovation of a primary structure is more than 50% of the structure's value, unless exempt by this section. The value of the structure shall be determined by the assessed value or appraisal provided by the property owner, whichever is greater.
2. Partial Compliance Required. If full compliance is not required, only new, modified, or reconstructed sidewalks must comply with this section.
3. No Compliance Required. Any changes that do not meet the thresholds above do not have to comply with these standards.

D. Sidewalk Exemptions

1. Sidewalks and compliance with this section are not required if the sidewalk is located along a street where the Goshen Engineering Department has identified for no sidewalks.
2. If an existing sidewalk complies with these standards, it may be used to satisfy this section.

E. Sidewalk Location

1. Sidewalks shall be located within the existing public right-of-way, easement, or if improvements cannot be located within the existing public right-of-way, an area adjacent to an existing right-of-way that is dedicated and conveyed to the City as public right-of-way prior to issuance of a certificate of occupancy.
   a. If the adjacent street is private, sidewalks shall be located adjacent to the private street and shall have a public access easement. A landscaped area or trees may be installed between the sidewalk and private street.
   b. Sidewalks located adjacent to a private street may be installed on a lot (private property) if located within a public access easement.
2. The width and setback from street shall comply with the City Standards.

F. Sidewalk Design Standards

A pedestrian connection that is separated from vehicular traffic through curbing, striping, or similar methods shall be provided within all commercial developments between the primary entrance of the primary structure(s) and the public right- of-way, and adjacent zoning lots (if appropriate). These pedestrian connections shall be located on the zoning lot and shall not be dedicated as public infrastructure.



Example of striped pedestrian connection through a parking lot

4.7 SIGNS

A. Purpose & Intent

The purpose of these standards is to minimize distractions and hazards to motorists from sign clutter, limit the overabundance of signs, improve the appearance and character of the City, encourage compatibility between sign scale and land use, and promote the health, safety, and welfare of the community.

B. Required Approvals & Related Standards

An improvement location permit is required for signs as outlined in Chapter 7: Procedures. A dimensioned sign plan and elevation drawings (or renderings) that show compliance with this section shall be submitted with the improvement location permit.

C. Applicability & Thresholds for Compliance

1. **Full Compliance Required**. All sign requirements within this section shall be met (including existing and new signs) if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
2. **Partial Compliance Required**. If full compliance is not required, only new, modified, relocated, or altered signs must comply with this section.
   a. The following are considered regular maintenance and not considered an expansion or a structural alteration (see Chapter 7.2: Obtaining Permits):
      x. Replacement of structural components or other components with components that have identical dimensions;
      xi. Changing the face on a sign;
      xii. Painting or updating the finish of the sign or sign components; and
      xiii. Replacing light bulbs on a sign structure.
3. **No Compliance Required**. Any changes that do not meet the thresholds above do not have to comply with these standards.

D. Prohibited, Exempt & Permitted Signs

1. **Prohibited Signs**. All signs included in Table 4.4: Prohibited Sign Types, Locations & Features are prohibited in all districts. Any sign that is not expressly permitted in this UDO is also considered prohibited.
2. **Exempt Signs**. Exempt signs are exempt from the sign standards set forth in this section unless specified otherwise. If a sign contains a component that is otherwise regulated by this section or does not comply with the sign description in Table 4.5: Exempt Signs, the sign is not considered an exempt sign.
3. **Permitted Signs**. Temporary and permanent signs in Table 4.7: Allowed Signs shall be permitted in the identified zoning districts if they comply with the standards in this section, including Table 4.6: Sign Specifications & Standards.

E. Sign Illumination

1. All lighting and illumination for signs shall comply with Chapter 4.3: Lighting.
2. Illumination shall not strike or cause glare on the street or adjacent properties.
3. Illumination shall be constant in intensity and color over the face of the sign with no bright spots.
4. External illumination shall be concealed by fixtures so that no reflectors, extension arms, or fixtures are visible from the street. The only exception shall be decorative fixtures that are consistent with the style of the building.
5. Internal and external illumination is permitted within the districts below if the specific sign type allows for illumination.

SIGN ILLUMINATION	
A1	Not Permitted
R1, R2, R3, & R4	Not Permitted
CM & B1	Permitted but sign must be at least 100 feet from all existing residential uses (measured from nearest edge of sign to nearest property line of residential use)
B2, B3 & B4	
M1 & M2	
DF	
UF	Not Permitted

F. Digital Signs

1. Digital and electronic signs (including electronic variable message signs or electronic variable message signs) are only permitted as specifically allowed in Table 4.6: Sign Specifications & Standards and Table 4.7: Allowed Signs .
   a. Digital portions of signs are counted towards the allowed sign area / size for the sign they are located on.
   b. If permitted, only one digital sign is permitted per zoning lot.
2. Digital signs shall:
   a. Not have or appear to have continuous motion, changes in intensity of illumination, or flashing, scintillating, chasing, or animated lights (continuous scrolling of messages is prohibited)
   b. Have a static message that remains for a minimum of eight seconds.
   c. Have automatic light intensity sensors that dim the sign to no more than 250 NITS from dawn to dusk and no more than 125 NITS from dusk to dawn.
   d. Be a maximum of 75% of the sign area unless otherwise stated.

G. Changeable Copy Signs

1. Changeable copy signs are only permitted as specifically allowed in 4.7: Allowed Signs.
   a. Changeable copy portions of signs are counted towards the allowed sign area / size for the sign they are located on.
2. Changeable copy signs shall not exceed 75% of the sign face unless otherwise specified.

H. Sign Maintenance, Inspection & Removal

1. Any sign that requires a permit may be inspected periodically by the Administrator for compliance with this UDO and other codes of this or other jurisdictions.
2. All signs, including the frame, illumination, supporting structures, and all components, shall be professionally installed and be kept in a state of good condition and repair. If failure to maintain a sign is determined by the Administrator, violations, as allowed by Chapter 7.10: Other Procedures, shall apply.

I. Additional Allowances

Additional signs identified in Table 4.8: Additional Sign Allowances are permitted for specific land uses regardless of the zoning district where they are located. These sign allowances are in addition to the signs that are permitted by the zoning district.

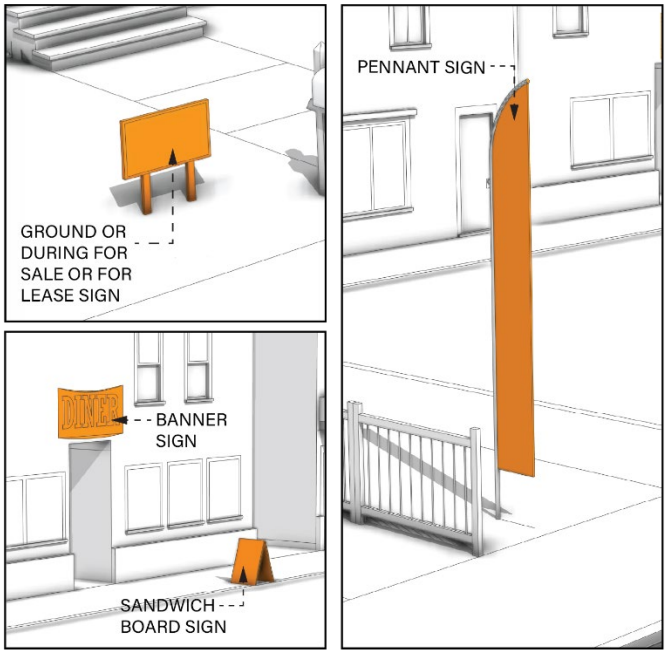
TABLE 4.4: PROHIBITED SIGN TYPES, LOCATIONS & FEATURES	
Emitting Signs	• Signs that emit audible sound, odor, or visible matter
Flashing Signs	• Signs with flashing, blinking, fluttering or use any motion of pictures, revolving or rotating beams of light, or change light intensity or brightness (note scrolling text is permitted where digital sign components are allowed)
Human Signs	• Signs that are worn or held by a person and visible from a public right-of-way
Imitation Signs	• Signs that emulate emergency service vehicles, street equipment, traffic signs (such as Stop, Slow, or Caution), or similar items that mislead, confuse, or interfere with traffic
Inflatable & Revolving Signs	• Signs with any three-dimensional, ambient air-filled, or gas-filled display or sign (note, this does not include feather signs or signs that move by mechanical means)
Obstructing Signs	• Signs that obstruct any sidewalk, public way, door, fire escape, stairway, or any opening intended to provide entry or exit from any building or structure • Signs that obstruct the view of vehicular or pedestrian traffic, any sight clearance or sight triangle of an intersection or driveway, street sign, signal, or other device
Right-of-Way	• Signs within any right-of-way (including on any traffic control device, street sign, tree, utility pole, sidewalk, or similar location) unless permitted by this section and authorized by the Goshen Board of Works and/or INDOT
Roof Signs	• Signs that extend above the roof line or parapet of a building or signs that are mounted to the roof of a structure
Setback or Buffer	• Signs are allowed within a required setback or buffer as outlined in Table 2.1: Allowed Encroachments in Setbacks & Buffers
String Signs	• Strings of pennants, propellers, pinwheels, streamers and other similar small objects except as permitted as temporary signs
Unsafe Signs	• Signs that are structurally unsafe as determined by the Building Commissioner

Vehicle Signs	• Signs placed on vehicles or trailers that are parked on public or private property with the primary purpose of displaying the sign
	• This does not include passenger vehicles and non-passenger vehicles (such as box trucks, semi-trucks, trailers, etc.) that are lawfully:
	  • Parked overnight during non-business hours at a driver's residence or business;
	  • Parked while conducting lawful business; and
	  • Parked on a construction site in conjunction with construction operations

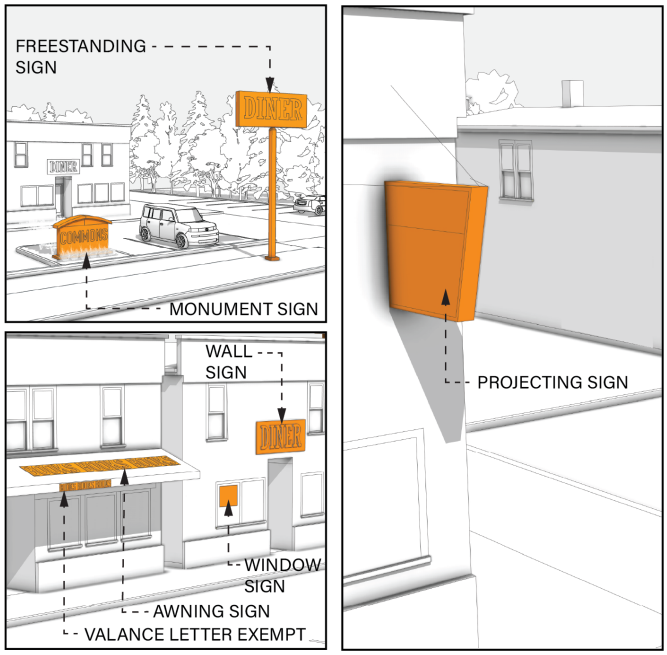
TABLE 4.5: EXEMPT SIGNS	
Non-Visible Signs	• Any non-illuminated sign intended to be visible only inside the property and not legible from any adjacent property or right-of-way
Required Signs	• Signs that are installed or required by the City, State, or Federal Government
Awning Lettering	• Lettering on valences of awning that do not exceed 8 inches in height

TABLE 4.6: SIGN SPECIFICATIONS & STANDARDS

TEMPORARY SIGN TYPES	
Banners	• Maximum of 50 sq ft of sign area • Maximum duration of 60 days within a 12-month period • Cannot be illuminated or digital
Pennants (Feather Banners)	• Maximum duration of 120 days and no more than twice within a 12-month period • Fringe streamers may be displayed permanently provided they are kept in good repair • Cannot be illuminated or digital
During For Sale or For Lease Sign	• 1 additional sign permitted while the property is for sale or rent; must be removed within 7 days of closing or lease transaction • Cannot be illuminated or digital
Sandwich Board	• Maximum of 12 sq ft of sign area and 4 ft height • Cannot be permanently anchored to the ground • Can only be displayed during business hours • Cannot block a sidewalk, right-of-way, sight triangle, or create a safety or hazard • Only permitted within the right-of-way or sidewalk with approval from Board of Works • Cannot be illuminated or digital



Example of temporary sign types



Example of permanent sign types

PERMANENT SIGN TYPES	

Freestanding Sign or Monument Sign	• Maximum Height & Sign Face Area:
	  • 8 ft height and 32 sq ft area for lots or zoning lots that are 1-100 feet in width
	  • 12 ft height and 40 sq ft area for lots or zoning lots that are 101-200 feet in width
	  • 15 ft height and 50 sq ft area for lots or zoning lots that are over 200 feet in width
	  • B3 Exceptions: B3 lots along US 33 (south of College Avenue or north of Riverside Boulevard) are permitted the following:
	  • 18 ft height and 60 sq ft area for lots or zoning lots that are 1-200 feet in width
	  • 18 ft height and 70 sq ft area for lots or zoning lots that are 201+ feet in width
	• Nearest edge of sign must be at least 5 feet of all property lines
	• All structural components and framework for the lateral support shall not be visible (must be contained within the body of the sign or structure); exposed guy wires, chains, or other connections cannot be visible
	• May be illuminated or digital if permitted within the zoning district by this section unless otherwise stated
	• Must be in a landscaped area that is maintained and kept in a good state of repair and include:
	  • 2 sq ft of landscaping area for each sq ft of sign face (only 1 sign face shall be used for calculations on double-faced signs)
	  • A separation (such as a curb or other protection) from all parking areas and vehicular areas

Ground Sign	• Maximum of 8 sq ft of sign face and 3 feet in height • Must be freestanding • Cannot be illuminated or digital
Projecting Sign	• Lateral supports, guy wires, chains, and other supports must be contained within the framework of the sign or run parallel to the sign frame • Top of sign shall not extend above the roof line of the building or 16 feet above grade, whichever is less • Lowest point of the sign must be at least 10 feet above grade • Cannot project more than 5 feet from a building wall • Closest edge of the sign must be at least 5 feet from all property lines and right-of-way • May be internally or externally illuminated or digital if permitted within the zoning district by this section unless otherwise stated
Wall & Awning Sign	• Must be flush-mounted • Must be located on a wall of a primary building or awning that is visible from a public street • Cannot project more than 18 inches from building wall if located on a wall • Awning signs must be located on the awning (lettering on valance is not considered a sign) • Top of wall sign cannot project above any portion of the façade • May be internally or externally illuminated if permitted within the zoning district by this section unless otherwise stated but cannot be digital
Window Sign	• Must be attached to, erected against, or painted on a window • May be internally or externally illuminated if permitted within the zoning district by this section unless otherwise stated but cannot be digital

TABLE 4.7: ALLOWED SIGNS

A1, R1, R2, R3, R4 & UF DISTRICTS		
Tem	During For Sale or For Lease Sign	• 1 per zoning lot with a maximum of 12 sq ft of sign area
Per	Ground Sign	• 1 per zoning lot
CM DISTRICT		
	All Signs	• A sign master plan shall be required for all rezoning applications for the CM district that shall govern sign requirements for each zoning lot(s) to allow flexibility in sign type, location, quantity, and size within this district • The approved freestanding sign master plan titled "23-03MI, Goshen College PUD, Minor Change for Campus Master Plan for Freestanding Signs" as amended
B1 DISTRICT		
Temporary	Banner Sign	• 1 per zoning lot
	Pennant Sign	• 1 per street facade
	During For Sale or For Lease Sign	• 1 per zoning lot with a maximum of 32 sq ft of sign area
Permanent	Ground Sign	• 1 per zoning lot
	Monument Sign	• 1 per zoning lot • Maximum of 32 sq ft in sign area and 8 ft height • Digital signs are not permitted • May incorporate manual changeable copy that is a maximum of 60% of the sign area
	Wall Sign	• Maximum of 20% of the signable wall area per street façade • May only be externally illuminated
	Window Sign	• Maximum of 20 sq ft per street façade but cannot exceed 25% of the total area of all windows on a single street façade
B2, B3, B4, M1 & M2 DISTRICTS		
Tempor	Banner Sign	• 1 per zoning lot
	Pennant Sign	• 1 per street facade
	During For Sale or For Lease Sign	• 1 per zoning lot with a maximum of 32 sq ft of sign area

Permanent	Freestanding or Monument Sign	• 1 per zoning lot PLUS
		  • 1 additional monument sign (maximum of 32 sq ft of sign area and 8 ft height) for corner lots with 2 + street frontages; OR
		  • 1 additional monument sign (maximum of 32 sq ft of sign area and 8 ft height) for every 300 linear feet of lot frontage over 200 feet
		• May incorporate manual changeable copy or digital signs that is a maximum of 75% of the sign area (maximum of 1 digital sign component per zoning lot in B2)

	Ground Sign	• 1 per vehicular entrance or exit plus 1 additional per zoning lot
	Projecting Sign	• 1 per ground floor use with a separate entrance located on a street façade • Maximum of 25 sq ft of sign face per sign • Digital signs are not permitted
	Wall Sign	• Cannot exceed 40% of the signable wall area • May incorporate manual changeable copy or digital signs that is a maximum of 75% of the sign area (maximum of 1 digital sign component per zoning lot in B2) • May only be externally illuminated
	Window Sign	• Maximum of 20 sq ft per street facade but cannot exceed 25% of the total area of all windows on a single street façade

		DF DISTRICT
Temp.	Banners	• 1 per street frontage
	Sandwich Board	• 1 per zoning lot
	During For Sale or For Lease Sign	• 1 per zoning lot with a maximum of 32 sq ft of sign area

Permanent	Freestanding or Monument Sign	• 1 per street frontage that is a maximum of 36 sq ft of sign area and 8 ft height
		• Cannot be located:
		  • Within 5 feet of any property lines or right-of-way
		  • Within 50 feet of another freestanding sign on the same lot or zoning lot
		  • Within a sight triangle or location that creates a traffic or safety hazard
		  • In an area that overhangs a structure, parking area, or driveway
		• May incorporate manual changeable copy that is a maximum of 60% of the sign area
		• Digital signs are not permitted

	Projecting Sign	• 1 sign that is a maximum of 32 sq ft of sign area per street frontages adjacent to Lincoln Avenue, 3rd Street, and Main Street • Alternatively, 1 projecting sign may be permitted per business with an external entrance onto these streets but the combined size of all projecting signs shall not exceed 32 sq ft • Digital signs are not permitted

	Wall or Awning Sign	• Street Facades
		  • 1 wall or awning sign per business with an external entrance
		  • Maximum of 24 sq ft of sign area and 5 ft height per sign
		  • Must be located above or adjacent to the entrance or on an awning
		• Side Facades: 1 wall sign that is a maximum of 10 sq ft of sign area and 5 ft height is permitted if there is a municipally owned parking lot on the adjacent lot
		• Rear Facades: 1 wall or awning sign that is a maximum of 32 sq ft of sign area is permitted if there is an exterior entrance on the rear façade
		• Wall signs may incorporate manual changeable copy that is a maximum of 60% of the sign area

	Window Sign	• 1 per business that is a maximum of 25% of the window area or 20 sq ft of sign area (whichever is less)

TABLE 4.8: ADDITIONAL SIGN ALLOWANCES

Elementary, Middle & High Schools Parks	• 1 additional wall sign per lot frontage that is a maximum of 32 sq ft of sign area in Agricultural and Residential zoning districts • 1 additional monument sign per lot frontage that is a maximum of 8 ft in height and 48 sq ft of sign area on the primary frontage and 32 sq ft on all other frontages in Agricultural and Residential zoning districts • 1 additional ground sign per entrance or exit in Agricultural and Residential zoning districts
Emergency Response Facilities Religious Activity & Places of Worship Libraries & Cultural Facilities	• 1 wall sign per lot frontage that is a maximum of 32 sq ft of sign area in Agricultural and Residential zoning districts • 1 monument sign per lot frontage that is a maximum of 8 ft in height and 32 sq ft of sign area in Agricultural and Residential zoning districts • 1 additional ground sign per entrance or exit in Agricultural and Residential zoning districts
Multi-Family Dwelling Complexes Residential Subdivisions, 20+ Lots Manufactured Home Parks	• 1 monument sign per lot frontage that is not illuminated and a maximum of 8 ft in height and 32 sq ft of sign area • 1 additional ground sign per entrance or exit in Agricultural and Residential zoning districts
Mobile Food Vendors (Food Truck	• 1 additional sandwich board sign (portable sign) per vendor that is not illuminated and a maximum of 4 ft in height and 8 sq ft of sign area only when the mobile food vendor is open for food sales
Home Occupations	• 1 non-illuminated wall sign that is a maximum of 2 sq ft of sign area

4.8 STREETTREES, BUFFERS & SCREENING

A. Purpose & Intent

1. Street Trees & Parking Lot Trees Purpose and Intent. The purpose of these standards is to provide tree-lined streets and parking areas throughout the City to expand the existing urban tree canopy and contribute to the numerous benefits that trees offer, including providing shade, reducing the urban heat island effect, providing wildlife habitat, capturing stormwater, removing carbon and purifying the air, and adding beauty to the City's landscape.
2. Buffers and Screening Purpose and Intent. The purpose of these standards is to mitigate impacts between non-compatible or less compatible land uses, maintain the character of the community through screening and separation, and minimize the potential impacts to the larger community.

B. Required Approvals & Related Standards

1. Landscape & Screening Plan
   a. A scaled landscape or screening plan that shows compliance with this section shall be submitted with a site plan application or as part of an improvement location permit that includes the location(s) of:
      i. All trees and plantings (including plant type) used to satisfy this UDO;
      ii. All existing and proposed buildings and an improved surfaces;
      iii. All overhead and underground utilities; and
      iv. All easements.
   b. Before the certificate of occupancy is issued, the property owner shall acknowledge in writing that he/she has reviewed the approved landscape plan and has a plan for installing and maintaining the required landscaping in accordance with this UDO.

C. Applicability & Thresholds for Compliance

1. Full Compliance Required. All buffer, screening, and tree requirements within this section shall be met if ANY of the following occur:
   a. A new primary structure(s) is constructed.
   b. A new land use(s) is established on a vacant lot or zoning lot.
2. Partial Compliance Required. The street tree, buffer, and screening requirements within this section shall be met to the greatest extent possible based on the layout of existing structures and existing site elements if ANY of the following occur:
   a. A change in land use (defined as a change from one use listed in Table 2.2: Permitted Land Uses to another use) on a lot or zoning lot that has an existing, legally permitted primary structure and use shall comply to the greatest extent possible.
   b. An exterior structural alteration(s) to a primary structure(s), including additions, enlargements, and relocations (only the portion of the site adjacent to the alteration is required to comply to the extent possible).
   c. A parking area is modified or expanded in a way that requires full compliance with the parking standards outlined in Chapter 4.5: Parking shall comply to the greatest extent possible.
3. No Compliance Required. Any changes that do not meet the thresholds above do not have to comply with these standards.

D. General Provisions

1. Adjacent Jurisdiction. If the lot or zoning lot borders a lot that is a PUD or a lot that is outside of Goshen's jurisdiction, the buffer, screening, and tree requirements shall be based on the zoning district most comparable to this UDO as determined by the Administrator.
2. Encroachments & Uses within Buffers
   a. Only the land uses and structures specifically allowed within a buffer by Chapter 2.1: General District Provisions are allowed within a buffer. Any use, activity, and/or structure not identified as being a permitted encroachment is prohibited.
   b. Screening shall not be located within a sight triangle or an easement (including a utility or drainage easement) without permission from the easement holder.
3. Tree Ordinance Applies. All City ordinances and standards related to trees shall apply in addition to the standards within this section and the UDO.

4. Specifications
   a. A tree or shrub used to satisfy the parking lot tree requirements cannot be also used to satisfy another planting or screening requirement of this UDO. For example, a required street tree cannot also be counted as a required tree for screening.
   b. A tree and shrub used to satisfy the street tree, parking lot screening, or property line screening requirements may be used to satisfy a required tree or shrub for both parking lot screening and property line screening if it complies with all requirements.
   c. All plant material required by this UDO shall comply with the planting specifications within this section.

E. Exemptions

1. The buffer, screening, and/or tree requirements outlined in this section may be reduced or omitted at the discretion of the Administrator in the following instances. This decision shall be documented in writing by the Administrator, justifying the decision.
   a. If a proposed use is similar to the existing land use on the adjacent zoning lot in terms of land use, size, density, and lot size, the most similar zoning district can be determined by the Administrator.
   b. If the use on an adjacent lot or zoning lot is legally non-conforming or a use variance was approved, the most similar zoning district can be determined by the Administrator and used.
   c. If a fence, berm, or wall is required for screening and the adjacent property owner has an existing fence, berm, or wall that complies with the standards in this section, the fence, berm, or wall can be omitted along the portion of the property line where it exists.
      i. If the fence, berm, or wall is removed or becomes non-compliant, the fence, berm, or wall will then be required to be installed.
   d. If site conditions cannot accommodate the required tree size and/or maximum spacing, the size and/or spacing may be reduced but the required number of trees shall then comply with the spacing for that specific tree type.
   e. If Type C or Type D property line screening is required, parking area screening is not required along that property line.

F. Minimum Requirements

1. Street Trees. Street trees shall be provided for all land uses in all districts.
2. Parking Lot Islands and Screening
   a. Parking lot trees and islands shall be provided for all lots or zoning lots with 30 or more parking spaces.
   b. Parking screening shall be provided for all land uses in all districts (single-family, two-family, and agricultural land uses are exempt from screening).
3. Buffers and Property Line Screening. Buffers and property line screening are required for all districts and all land uses as outlined.

STREET TREE REQUIREMENTS	

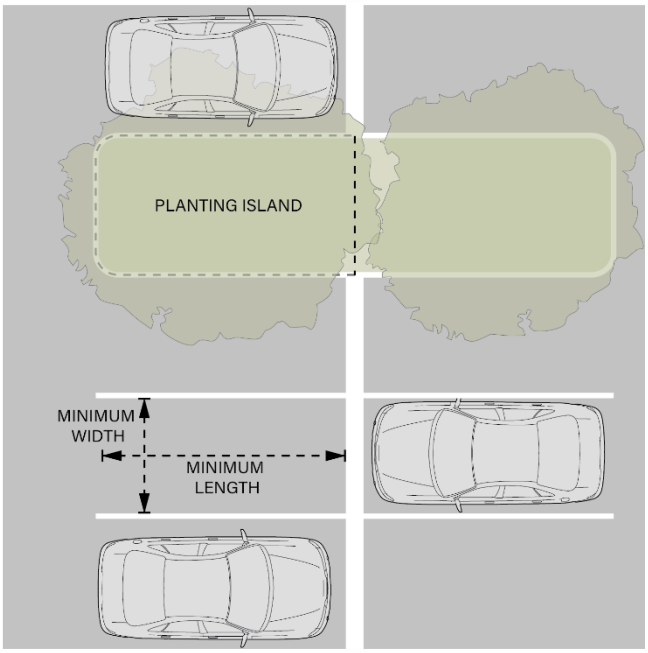
Minimum Street Trees Required	• 1 large shade tree per 40 linear feet of lot width[1] with maximum spacing of 60 feet
	• If a large shade tree cannot be accommodated due to site conditions, the following may be provided (largest tree possible shall be used):
	  • 1 medium shade tree per 30 linear feet of lot width[1] with maximum spacing of 40 feet
	  • 1 small shade tree per 20 linear feet of lot width[1] with maximum spacing of 30 feet

Location	• Must be within the front yard setback or may be placed in the right-of-way if approved by the Goshen Engineering Department • The administrator may approve an alternative location for street trees if there are site limitations or other site constraints, but the number and type of required tree shall be met; any alternative location shall be documented in writing by the Administrator with the justification

1 – Lot width excludes driveways (up to 24 feet in width) and lot width is measured as outlined in Chapter 9: Definitions

PARKING LOT TREE & ISLAND REQUIREMENTS	
Minimum Islands Required	• 1 island for every 20 parking spaces or spaces used to store or display vehicles
Minimum Island Size	• 9 feet by 18 feet
Minimum Plantings Required	• 1 large shade tree with ground cover, mulch, or stone in the remainder of the island • Medium or small shade trees may be substituted when site constraints prevent the use of large shade trees
Combined Islands & Perimeter Areas	• Up to 4 landscape islands may be aggregated / combined into a larger landscape island that provides the minimum required area and plantings to preserve existing trees, define vehicular and pedestrian traffic patterns, or create boulevard treatments, landscape features, or common open space areas for passive recreational activities • Up to 25% of the required island trees may be placed on the perimeter of the parking area if located within 10 feet of the edge of pavement

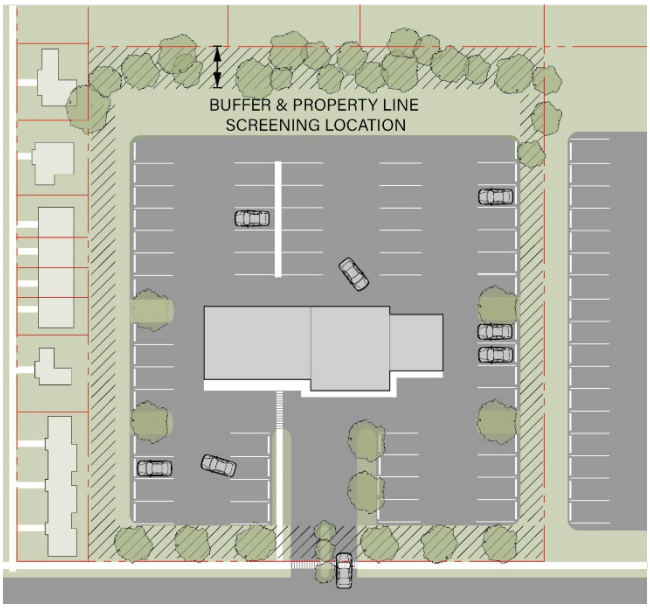
PARKING LOT SCREENING REQUIREMENTS	
Minimum Screening Required	• Required for any portion of a parking lot that is within 50 feet of a lot or zoning lot with a residential use or residential zoning district (excluding adjacent lots or zoning lots with residential uses only on the upper floors) • 1 row of evergreen trees or evergreen shrubs (placed no greater than 4-feet on center) OR solid fence that is at least 4 feet in height
Location	• Shall be located between the edge of the parking area or drive aisle and the property line where the residential use or residential zoning district is located for the entire length of the parking area and drive aisle



Example of parking trees & islands

BUFFER & PROPERTY LINE SCREENING[1, 2]			
LOT WITH DEVELOPMENT	USE ON ADJACENT LOT OR ZONING LOT	BUFFER REQUIRED[3]	SCREENING REQUIRED[4]
R3, CM & B1	Single-Family Dwelling Two-Family Dwelling	15 feet	Type A Screening OR Fence, Berm, or Wall
R4, B3 & B4	All Residential Land Uses	20 feet	Type A Screening + Fence, Berm, or Wall OR Type B Screening
M1	Single-Family Dwelling Two-Family Dwelling	70 feet	Type D Screening + Fence, Berm, or Wall
	All Other Residential Land Uses (excluding accessory uses)	40 feet	Type D Screening + Fence, Berm, or Wall
M2	Single-Family Dwelling Two-Family Dwelling	150 feet	Type D Screening + Fence, Berm, or Wall
	All Other Residential Land Uses (excluding accessory uses)	110 feet	Type D Screening + Fence, Berm, or Wall
PROPERTY LINE SCREENING SPECIFICATIONS[4]			
Type A	• 3 Large Shade Trees, 3 Evergreen Trees & 8 Shrubs per 100 linear feet		
Type B	• 6 Large Shade Trees, 6 Evergreen Trees & 12 Shrubs per 100 linear feet		
Type C	• 8 Large Shade Trees, 12 Evergreen Trees & 16 Shrubs per 100 linear feet		
Type D	• 8 Large Shade Trees, 24 Evergreen Trees & 24 Shrubs per 100 linear feet		

1 – No buffer or property line screening is required for development on lots zoned A1, R1, R2, B2, DF, and UF
2 – Buffer and property line screening required on all yards (front, side, and rear)
3 – Buffer width is measured inward from the property line; the required buffer width may include a required setback outlined in Chapter 2: Zoning & Overlay Districts; buffers are NOT intended to be in addition to these setbacks
4 – Screening shall be located within the buffer; plantings required per 100 linear feet of property line excluding driveways (up to 24 feet in width); if a fence, berm, or wall is required in addition to plantings, the plantings shall be located between the fence, berm, or wall and the property line



Example of buffers and property line screening

G. Fence, Wall & Berm Specifications

1. Fences and Walls. All fences or walls used to satisfy this section shall be opaque and minimum of six feet in height unless otherwise specified. Note that fence and wall requirements do not apply to front yards.
2. Berms. All berms used to satisfy this section shall:
   a. Be earthen;
   b. Vary in height (vertically) between five and seven feet and offset (horizontally) to create visual interest;
   c. Have a maximum slope of 3:1 with a crown width that is equal to the berm height; and
   d. Have permanent automatic irrigation if landscaping is installed on the berm

H. Planting Material Specifications

1. Plant Type and Diversity
   a. All trees used to satisfy the tree requirements shall be a species included in Table 4.11: Allowed Plant List and the planting material standards.
      i. Alternative plant material may be proposed and approved by the Administrator if the applicant demonstrates that the alterative meets the intent of the required plant material and complies with this section. The applicant shall provide the plant common and scientific name, height at maturity, and crown width at maturity of all alternatives.
   b. Plant material included in Table 4.10: Prohibited Plants, plant material listed on the current Indiana DNR list of invasive plant species, or plant material prohibited by other City ordinances cannot be used to satisfy any requirements of this section.
   c. Plants must be suitable for Elkhart County's soil, climatic conditions, and the plant's solar exposure.
   d. Trees shall be of a diverse genera when more than one tree is required. For example, for "eastern redbud" the genera is "Cercis."
      i. If four or more trees are required by this section (street trees, parking lot trees or screening, and property line screening), no genera may exceed 50% of the total required tree count.
      ii. If 10 or more trees are required, no genera may exceed more than 40% of the total required tree count.
   e. All unimproved areas of a buffer shall have groundcover.
2. Existing Plantings
   a. Existing plant material that meets the requirements of this section may be counted towards the requirements for plantings.
   b. The protection of mature trees is encouraged, including site layouts that configure structures and improvements to allow for maintenance and protection of mature trees.
3. Plant Location
   a. Unless specifically stated, plantings should generally be spread along the entire length of the property line. However, required plantings may be grouped or clustered to provide a more natural appearance, improve site design, accommodate vehicular and pedestrian access, avoid utility infrastructure, and/or loading and maintenance areas. This does not apply to parking lot screening.
   a. All trees shall meet the setbacks outlined in Table 4.9: Planting Specifications. Planting area shall be adequate in size to accommodate the minimum setbacks of the largest tree type, given site conditions.
4. Installation Specifications
   a. At the time of installation, the minimum plant sizes shall meet the standards in Table 4.9: Planting Specifications.
   b. All trees used to satisfy planting requirements of this UDO shall be installed according to City standards.
   c. The property owner shall install all required plantings before establishing a land use and/or before a property or building is occupied. Compliance with the approved landscape plan and the landscape requirements of this UDO shall be confirmed by the Administrator with a site inspection.
   d. If establishment or occupancy occurs outside of the optimal planting season (which are any dates outside of February 15 to May 15 or October 15 to December 15), the property owner may request that the Administrator allow delayed installation of the required landscaping after use or occupancy of the site to the next optimal planting season.

5. Maintenance
   a. The property owner is responsible for the regular maintenance of all required screening and plant material. All landscape materials shall be alive, healthy, free from disease and pests, and exhibit normal growth. All landscaped areas shall be properly drained, regularly maintained, and free of weeds, dirt, trash, and debris. Street trees shall be regularly pruned to avoid conflicts with adjacent sidewalks, streets, and utilities.
   b. All plant material used to satisfy the requirements of this UDO that dies or no longer exhibits healthy and normal growth shall be replaced by the property owner within six months of being notified by the Administrator. Failure to maintain compliance with the minimum requirements of this section is a violation of this UDO and subject to the violations and enforcement provisions of Chapter 7.10: Other Procedures.

TABLE 4.9: PLANTING SPECIFICATIONS

MINIMUM INSTALLATION & MATURITY REQUIREMENTS	
Large Shade Tree	• 1.5-inch minimum caliper DBH with a minimum of 40-foot height at maturity
Medium Shade Tree	• 1.5-inch minimum caliper DBH with a minimum of 20-foot height at maturity
Small Shade Tree	• 1.0-inch minimum caliper DBH with a minimum of 10-foot height at maturity
Evergreen Tree	• 5-foot minimum height with a minimum of 20-foot height at maturity
Shrub	• 18-inch minimum height with minimum 4-foot height at maturity
MINIMUM SETBACK & LAWN WIDTH[1]	
Large Shade Trees	• 6-foot setback from pavement or building or 12-foot for specimen trees • 30+ feet from overhead utilities • Lawns 12+ feet in width or 24+ feet in width for specimen trees
Medium Shade Tree	• 4-foot setback from pavement or building • 21-30 feet from overhead utilities • Lawns 8+ feet in width
Small Shade Tree	• 2-foot setback from pavement or building • 0 to 20 feet from overhead utilities • Lawn 5+ feet in width

1 – Measured from center of tree to nearest edge of specified object or point

TABLE 4.10: PROHIBITED PLANTS

- Ash, *Fraxinus genus*
- Autumn olive, *Elaeagnus umbellata*
- Blue (Colorado) spruce, *Picea pungens*
- Burning bush, *Euonymus alatus*
- Callery pear, *Pyrus calleryana* (all varieties)
- European buckthorn, *Rhamnus cathartica*
- Ginko, *Ginkgo biloba* (female)
- Mulberry, *Morus genus*
- Norway maple, *Acer platanoides*
- Siberian Elm, *Ulmus pumila*
- Silver maple, *Acer accharinum*
- Tree of Heaven, *Ailanthus altissima*
- Willow, *Salix genus*

TABLE 4.11: ALLOWED PLANT LIST

SMALL TREE TYPES

- American hornbeam *Carpinus caroliniana*
- Bladdernut, *Staphylea trifolia*
- Crabapple, *Malus genus*
- Dogwood, *Cornus genus*
- *Eastern redbud, *Cercis canadensis*
- *Pawpaw, *Asimina triloba*
- *Serviceberry, *Amelanchier genus*
- Thornless cockspur hawthorn, *Crategus crus-galli inermis*
- Other species approved by Administrator

MEDIUM TREE TYPES

- American hophornbeam, *Ostrya virginiana*
- *Blackgum, *Nyssa sylvatica*
- European hornbeam, *Carpinus betulus*
- River birch, *Betula nigra*
- Tricolor beach, *Fagus sylvatica 'Roseop-marginata*
- Yellowwood, *Caldrastis kentukea*
- Other species approved by Administrator

LARGE TREE TYPES

- American basswood, *Tilia americana*
- Bald cypress, *Taxodium distichum*
- Bur oak, *Quercus macrocarpa*
- Catalpa, *Catalpa speciosa*
- *Chinkapin oak, *Quercus muehlenbergii*
- Common baldcypress, *Taxodium distichum*
- +Ginkgo, *Ginkgo biloba* (male only)
- +*Hackberry, *Celtis occidentalis*
- Kentucky coffeetree, *Gynoclanus dioica*
- +London planetree, *Platanus x acerifolia*
- Red oak, *Quercus rubra*
- Scarlet oak, *Quercus coccinea*
- Shingle oak, *Quercus imbricaria*
- Swamp white oak, *Quercus bicolor*
- Sweetgum (seedless), *Liquidambar styraciflua*
- +Thornless honeylocust, *Gleditsia triancanthos inermis*
- Other species approved by Administrator

LARGE TREE TYPES (SPECIMEN TREES)

- Buckeye, *Aesculus genus*
- *Hickory & pecan, *Carya genus*
- Persimmon, *Diospyros virginiana*
- American beech, *Fagus grandifolia*
- Black walnut, *Juglans genus*
- Tulip, *Liriondendron tulipifera*
- Magnolia, *Magnolia genus*
- White pine, *Pinus strobus*
- Black cherry, *Prunus serotina*
- White oak, *Quercus alba*
- Other species approved by Administrator

EVERGREEN TREE TYPES

- Concolor fir, *Abies concolor*
- Northern white cedar, *Arborvitae* (large varieties)
- +*Eastern red cedar, *Juniperus virginiana*
- Black spruce, *Picea mariana*
- Canadian hemlock, *Tsuga canadensis*
- Other species approved by Administrator

** Trees that typically require less maintenance and/or experience to maintain*
+ Trees that are typically salt tolerant and suitable for parking islands and urban soils with a minimum of 162 sq ft of lawn

CHAPTER 5:

STRUCTURE STANDARDS

INTHIS CHAPTER:

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5.1 GENERAL PROVISIONS

A. Purpose & Intent

These standards are necessary to prevent unsafe building and structure conditions and to promote the health, safety, and welfare of the community.

B. Applicability & Thresholds for Compliance

1. All new structures shall comply with the respective structure standards in this chapter and the zoning district. This includes structure and design standards within a form district.
2. If an existing, legally constructed structure is moved or exterior structural alteration(s) are made to the structure (including additions, enlargements, and relocations), that structure shall comply with all structure standards within this section and all zoning district standards (including structure and design standards within a form district).
    a. Regular maintenance does not require compliance with these structure standards. Note that an internal remodel/renovation that does not alter a structural component of the exterior is not considered an exterior structure alteration.

A. Purpose & Intent

These standards are necessary to prevent unsafe building and structure conditions and to promote the health, safety, and welfare of the community.

B. Applicability & Thresholds for Compliance

1. All new structures shall comply with the respective structure standards in this chapter and the zoning district. This includes structure and design standards within a form district.
2. If an existing, legally constructed structure is moved or exterior structural alteration(s) are made to the structure (including additions, enlargements, and relocations), that structure shall comply with all structure standards within this section and all zoning district standards (including structure and design standards within a form district).
    a. Regular maintenance does not require compliance with these structure standards. Note that an internal remodel/renovation that does not alter a structural component of the exterior is not considered an exterior structure alteration.

5.2 GENERAL STRUCTURE STANDARDS

A. General Structure Standards

1. All structures shall conform with all standards set forth in this UDO, including required permits, unless the structure is legally non-conforming as outlined in Chapter 8: Non-Conforming.
2. The structure standards in this chapter are required in addition to all other applicable standards within this UDO, including structure and design standards for form districts outlined in Chapter 2: Zoning & Overlay Districts.
3. Every structure erected, reconstructed, moved, placed, or structurally altered after the effective date of this UDO shall meet all standards outlined in this UDO.
4. Structures that are relocated from one lot or zoning lot to another lot or zoning lot shall not be moved unless the structure and its placement conform to all standards of this UDO (including design standards if within a form district).
5. Structures (including fences and walls) shall not be located within any type of easement, including drainage, access, and utility easements, unless it is specifically allowed by this UDO or local ordinance and it is approved by the easement holder.

B. Accessory Structure Standards

1. Applicability. Unless otherwise stated in this UDO, accessory structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts provided it complies with all requirements of this UDO.
2. Dwelling. At no time shall an accessory structure be used as living quarters except in accordance with Chapter 3.2: Accessory Dwelling Unit (ADU).
3. Subordinate to Primary
   a. All accessory structures shall be supplemental and complementary to the primary land use.
   b. Within the R1, R2, R3, R4, and UF districts, accessory structures shall be subordinate in height, area, bulk, and extent to the primary structure(s) and the cumulative square footage of all accessory structures on a zoning lot shall not exceed 100% of the total footprint of the primary structure(s). Fences and swimming pools shall not be included in this calculation.
   c. Accessory structures are not permitted to be placed or constructed on a lot or zoning lot prior to a primary structure being constructed (or the primary use being established in the event a primary structure is not applicable) except within the A1 district.
4. Location of Accessory Structures
   a. Only fences, light fixtures, benches, bike racks / storage lockers, transit shelters, mailboxes, and similar structures are allowed to be within the minimum setback for front, side, and rear yards or the minimum buffer width unless otherwise stated in this UDO.
   b. Accessory structures may be located in front of the primary structure (but not within a required setback or buffer) in the A1, B1, B3, B3, B4, M1, M2, and DF districts.
   c. The following accessory structures cannot be located in a front yard (must be behind the front façade of the primary structure) within the R1, R2, R3, R4, and UF districts unless otherwise allowed by this UDO:
      i. Accessory structures that require a building permit (see Chapter 7.2: Obtaining Permits), excluding fences and mailboxes.
      ii. Enclosed structures or buildings, even if a building permit is not required
      iii. In-ground and above-ground swimming pools
      iv. Commercial mechanical or electrical equipment
      v. Swing sets, trampolines, and similar play structures

C. Primary Structure Standards

1. Applicability. Primary structures that serve permitted land use are allowed within that respective zoning district.
2. Orientation. All new primary structures shall be oriented towards the highest classification of street unless:
   a. It is located within a major residential subdivision, in which case it shall face the internal subdivision street;
   b. The lot or zoning lot is a corner lot, in which case the primary structure shall be oriented towards the street with the highest classification or the secondary street with the approval of the Administrator.
3. Access
   a. Every primary structure shall have direct access to a public street or an approved private street.
   b. Primary structures shall be located to provide safe and convenient access for servicing, fire protection, emergency vehicles, and any off-street required parking.
4. Windows on Street Facades. Blank walls without any openings (windows or doors) are prohibited on all street facades in all zoning districts.

D. Temporary Structure Standards

1. Applicability. Unless otherwise stated in this UDO, temporary structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts provided it complies with all requirements of this UDO and a building permit or improvement location permit is obtained (if required).

C. Primary Structure Standards

1. Applicability. Primary structures that serve permitted land use are allowed within that respective zoning district.
2. Orientation. All new primary structures shall be oriented towards the highest classification of street unless:
   a. It is located within a major residential subdivision, in which case it shall face the internal subdivision street;
   b. The lot or zoning lot is a corner lot, in which case the primary structure shall be oriented towards the street with the highest classification or the secondary street with the approval of the Administrator.
3. Access
   a. Every primary structure shall have direct access to a public street or an approved private street.
   b. Primary structures shall be located to provide safe and convenient access for servicing, fire protection, emergency vehicles, and any off-street required parking.
4. Windows on Street Facades. Blank walls without any openings (windows or doors) are prohibited on all street facades in all zoning districts.

D. Temporary Structure Standards

1. Applicability. Unless otherwise stated in this UDO, temporary structures that are incidental to a permitted or approved primary use shall be allowed in all zoning districts provided it complies with all requirements of this UDO and a building permit or improvement location permit is obtained (if required).

5.3 DUMPSTERS &TRASH COLLECTION STRUCTURES

A. Applicability

1. These standards apply to all new permanent and temporary dumpsters but do not apply to personal trash cans.
2. Permanent dumpsters, trash collection areas, and similar outdoor trash containers (including commercial grease traps/receptacles) are permitted for all commercial, industrial, multi-family, institutional, and agricultural business uses.

B. Additional Structure Standards: Permanent Dumpsters

1. All dumpsters, trash collection areas, and similar outdoor trash containers shall:
   a. Be located on the same zoning lot as the use they serve;
   b. Be located outside of the public right-of-way unless approved by the Board of Works;
   c. Be located behind the front façade of the primary structure;
   d. Be located outside of any required setback, easement, drainage pathway, or buffer; and
   e. Be accessible without maneuvering within the right-of-way, including a sidewalk (alleys are exempt).
2. All dumpsters, trash collection areas, and similar outdoor trash containers must be completely screened on all sides with a permanent opaque fence (wood or vinyl) or masonry wall so that the dumpster and trash are not visible from outside of the enclosure. One side shall be gated and must remain closed except when the receptacles are being accessed.
   a. If located within a form district, dumpster screening shall comply with permitted building materials.
3. An improvement location permit is required for placing dumpsters.

5.4 FENCES & WALLS

A. Applicability

1. These standards apply to all new fences and walls, excluding retaining walls whose purpose is to provide structural support in grading and elevation changes and fences.
2. Fences and walls are permitted in all zoning districts.

B. Additional Structure Standards

All fences and walls shall meet the following structure requirements.

FENCE & WALL STANDARDS		
Location		• Fences and walls cannot create a traffic hazard, be located within a sight triangle, or be hazardous or dangerous to persons or animals • Fences or walls cannot be located within any type of easement, including drainage, access, and utility easements unless approved by the easement holder • Fences and walls may be placed up to (adjacent to) the property line; fences and walls cannot be placed on the property line (see also Table 2.1: Allowed Encroachments in Setbacks & Buffers)

Building Materials		• Razor wire, barbed wire, spikes, broken glass, sharp or dangerous objects and electrified fences (excluding underground pet fence systems) are prohibited
		  • In industrial zoning districts, barbed wire may be used at the top of a permitted fence or wall if located more than 6 feet above grade; the barbed wire shall be considered part of the total fence height
		  • Barbed wire may be permitted if it is required by State building code or State or Federal statute
		• All other materials that are not traditionally used for fences shall be prohibited (such as pallets, doors, and building materials not commonly used for fences)
		• Fence material within form districts are regulated by the permitted building materials outlined in Chapter 2.8: Form District Building Type Standards

Maximum Height[1,2]	Industrial Districts	• All Yards: 12 feet
	All Other Districts	• Front Yards (in front of the primary structure): 4 feet[3, 4] • Side & Rear Yards (behind the front façade of the primary structure): 8 feet

1 – Fences may only exceed these height requirements if a greater height is required by Federal code, State code, or local ordinance or if a greater height is specifically otherwise by this UDO

2 – Fence height is measured from the ground level adjacent to the fence to the top of the fence. Where topography is not uniform, the average site elevation may be used to determine fence height at the discretion of the Administrator

3 – If 2 corner lots are adjacent to each other (side by side), the fence along their shared street may comply with the side yard fence height

4 – On through lots, the yard that functions as a rear yard may have a fence that complies with the rear yard fence height

5.5 MANUFACTURED HOMES

A. Applicability

Manufactured homes may be placed on an individual lot or zoning lot as a single-family dwelling when located in a district where a single-family dwelling is permitted; they may also be placed within an approved manufactured home park.

B. Additional Structure Standards

All manufactured homes on individual lots, zoning lots, or within manufactured home parks shall meet the following structure requirements.

MANUFACTURED HOME STANDARDS		
HUD Code		• Manufactured homes shall be built to the Manufactured Home Construction and Safety Standards (HUD Code) and display a red certification label on the exterior of each transportable section
Foundation		• The structure shall be attached and anchored to a permanent foundation in conformance with the appropriate building code and with manufacturer's installation specifications • The wheels, axles, and hitches shall be removed
Skirting	Within a Manufactured Home Park	• The entire area between the floor joists of the structure and the underfloor grade shall be completely enclosed (skirted) in accordance with the terms of the appropriate building code; the manufacturer's installation specifications; and requirements set forth by the Indiana Administrative Building Council
	On an Individual Lot or Zoning Lot	• A concrete block foundation shall be installed for the entire area between the floor joists of the structure and the underfloor grade so that it is completely enclosed on all sides • Basements are permitted if designed to comply with all building codes
Utilities		• The structure shall possess all necessary building, water, and sewage disposal permits prior to placement of the structure on a zoning lot
Orientation		• The front door on manufactured homes on an individual lot or zoning lot shall face the primary street from which it gains access
Building Materials & Design		• Manufactured homes on an individual lot or zoning lot shall be covered with an exterior material and roof material that is permitted for site-built structures and have a pitched roof

5.6 SOLAR ENERGY SYSTEMS (SES): ACCESSORY

A. Applicability

1. These standards apply to all accessory SES.
2. Accessory SES are permitted as an accessory structure in all districts as outlined in this section.

B. Additional Structure Standards

All accessory SES shall meet the following structure requirements.

ACCESSORY SES STANDARDS	
Location	• Solar collection devices are permitted to be attached to a primary structure in all districts, and shall comply with the primary structure setbacks • Solar collection devices are permitted to be a detached accessory structure in all districts and shall comply with the accessory structure setbacks • If there is not a primary use on the zoning lot, detached solar collection devices must be located within industrial district; comply with the primary structure setbacks; and meet the definition of accessory SES
Glare	• Solar collection devices shall be located such that reflected solar glare shall not be directed onto adjacent structures, properties or roadways
Maintenance & Removal	• Solar collection devices shall be kept in a state of good repair • Inoperable, non-functioning, and poorly maintained solar collection devices shall be removed by the owner, agent or person having the beneficial use of the building, structure or zoning lot upon which the solar collection devices are located within 90 days after given notice

5.7 SCOREBOARDS

A. Applicability

1. These standards apply to all scoreboards for athletic and park facilities.
2. Scoreboards are permitted as an accessory structure for schools and parks.

B. Additional Structure Standards

All scoreboards shall meet the following structure requirements.

SCOREBOARD STANDARDS	
Maximum Number	• 2 scoreboards are permitted per athletic field
Maximum Size & Height	• 480 sq ft for front of scoreboard (back of structure must be blank) • 20 ft height
Illumination	• Illumination permitted on front of structure but must comply with Chapter 4.3: Lighting (back must be non-illuminated)
Location	• Nearest edge of scoreboard structure must be within 20 feet of nearest edge of athletic field it serves

5.8 SWIMMING POOLS

A. Applicability

1. Private swimming pools are permitted as an accessory structure on a lot or zoning lot in all districts where a single-family dwelling is permitted.
2. Quasi-public pools, such as a neighborhood or shared community swimming pools, are permitted as an accessory structure on a lot or zoning lot in all districts where multi-family dwellings are permitted; within a platted residential subdivision; or a permitted commercial use that is commonly associated with a swimming pool (such as a private club or fitness facility).
    a. Community swimming pools that do not meet the above requirements are considered a recreational facility.
3. Public pools owned and/or operated by a public entity are exempt from these standards.

B. Additional Structure Standards

All swimming pools shall meet the following structure requirements.

SWIMMING POOL STANDARDS		
Related Codes		• Swimming pools shall comply with all applicable State requirements and are subject to all requirements of the Indiana Swimming Pool Code as amended (675 IAC 20-4-7) • Swimming pool discharges shall comply with all applicable sections of the City of Goshen's Stormwater Management Ordinance (No. 5228) and Elkhart County Groundwater Protection Code as amended or replaced from time to time • The location, installation, design, and construction of a swimming pool, water supply, treatment, and drainage systems, and appurtenant structures, installations, and equipment, including showers, dressing rooms, and plumbing, heating, or air conditioning equipment shall be subject to approval by the Building Commissioner and applicable State regulations
Location	Private Pool	• Pool, pavement surrounding the pool, and all decks or platforms shall be located behind the front façade of the primary structure and comply with the minimum setback for an accessory structure
	Quasi-Public Pool	• All buildings, structures, and equipment (such as pumps, filters, etc.) must be at least 50 feet from any residential use or residential zoning district; fences are excluded from this setback • No building or structure, excluding fences shall be located closer than 50 feet from an adjacent residential use or residential zoning district
Building Coverage		• In-ground pools and pavement around pools that is at relatively the same grade as the surrounding area shall be excluded from building coverage calculations • Above-ground pools, decks, platforms, and similar structures shall be included in building coverage calculations

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CHAPTER 6:

SUBDIVISIONS

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6.1 GENERAL PROVISIONS

A. Purpose

The purpose of this chapter is to:

1. Establish regulations that define, regulate, and control the subdivision of land in order to achieve orderly development;
2. Promote the public health, safety, and general welfare of the community;
3. Provide guidance for future growth and development in accordance with the Comprehensive Plan and other guiding plans;
4. Provide for the conservation, protection, and use through adequate circulation, utilities, and services;
5. Establish standards for the installation of adequate utilities, safe and effective street design, safe access, and other improvements essential to service the subdivided land;
6. Provide a safe, convenient, and functional system for vehicular, pedestrian, and bicycle circulation;
7. Provide for streets that are suitable in location, width, and improvement to accommodate potential traffic and adequate access to police, fire fighting, snow removal, sanitation, and street maintenance equipment; and
8. Limit uncontrolled growth that results in unnecessary or inefficient expansion of public infrastructure.

B. Applicability & Jurisdiction

1. The standards within this chapter apply to all areas within jurisdiction of the City of Goshen Advisory Plan Commission.
2. These standards apply to all divisions of land unless exempt by this chapter.
   a. Note that Planned Development Overlay Districts are considered a zoning district and not a subdivision of land. All PD Overlays shall conform to the standards within this chapter unless a waiver is approved by the PC.
3. Only the subdivision types outlined in this chapter shall be permitted within the jurisdiction. All other subdivisions shall be prohibited.
4. No improvement location permit shall be issued for any lot or plat that was not legally created.
5. Subdivision approval may be withheld if a subdivision does not comply with all requirements of this chapter, all other sections of this UDO, and all other applicable local, State, and/or Federal regulations.

C. General Provisions

1. All improvements within a subdivision shall comply with the design standards adopted by the City of Goshen.
2. All subdivisions shall comply with the procedures outlined in Chapter 7: Procedures.
3. All divisions of land shall comply with the minimum requirements of this chapter and UDO as well as all other applicable local, State, and Federal laws, rules, and regulations.

6.2 TYPES OF SUBDIVISIONS

A. Purpose & Intent

1. **Exempt Subdivisions**. Exempt subdivisions are intended to allow for the subdivision of land to occur under specific situations without a required approval process because impacts are minimal or non-existent.
2. **Minor Subdivisions.** Minor subdivisions are intended to be an expedited process with streamlined design standards for residential and non-residential subdivisions with minimal lots.
3. **Major Subdivisions.** Major subdivisions are intended to allow divisions of land for residential and non-residential uses if the subdivision complies with the process and requirements for this type of subdivision.

B. Establishment of Subdivision Types

1. The following types of divisions of land are permitted within the City of Goshen's jurisdiction. Any type of subdivision that is not included is prohibited.
2. Table 6.2: Subdivision Qualification Requirements shall be used to determine the type of subdivision,
3. Every division of land shall comply with Table 6.2: Subdivision Qualification Requirements unless it is an exempt subdivision that complies with Table 6.1: Exempt Subdivisions.

PERMITTED TYPES OF SUBDIVISIONS
Exempt Subdivisions
Minor Subdivisions
Major Subdivisions

C. Exempt Subdivisions

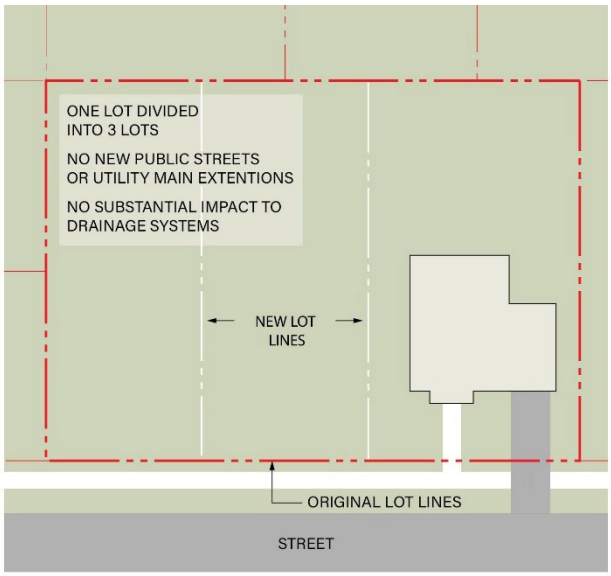
1. The divisions of land in Table 6.1: Exempt Subdivisions are exempt from the subdivision provisions of this UDO but shall still comply with all zoning provisions.
2. It is the responsibility of the person subdividing land to verify with the Administrator if a division of land is exempt before recording the lot(s).
3. Lots created under the exempt provisions are not guaranteed to be buildable or guaranteed to qualify for the issuance of a building permit.

TABLE 6.1: EXEMPT SUBDIVISIONS

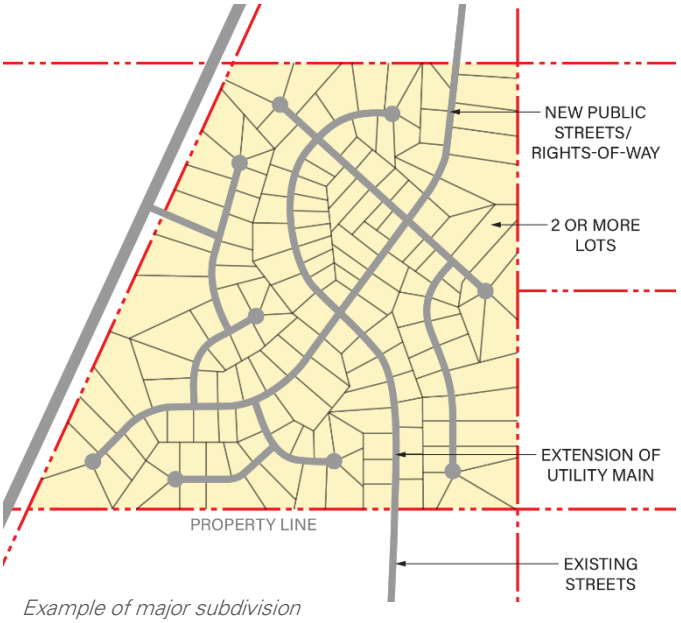
Cemetery Plots	• A division of land into cemetery plots for the purpose of burial of corpses
Condominiums	• A division of land for condominiums pursuant to Indiana law
Correcting Errors	• A division of land to correct errors in an existing legal description or boundary, provided that no additional lots are created and all lots conform with the standards of this UDO
Government or Court Ordered	• A division of land that is government or court ordered
Public Right-of-Way or Easement	• A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement for a public utility or public use
Shifting Property Lines	• A division of land that combines, shifts, or reconstitutes property lines between abutting lots (platted or un-platted) such that no additional lots are created, and all lots comply with the standards of this UDO

TABLE 6.2: SUBDIVISION QUALIFICATION REQUIREMENTS

	MINOR SUBDIVISION	MAJOR SUBDIVISION
Maximum Number of Lots	3 or fewer lots, including the remnant lot	2 or more lots, including the remnant lot
Previous Subdivisions	A lot that was part of a previous minor subdivision may be included in another minor subdivision and/or re-plat	
Creation or Dedication of New Rights-of-Way, Subdivision Streets, or Access Easements	Not Permitted	Permitted
Drainage Systems	Cannot substantially affect existing drainage systems	N/A
Extension of Utility Main	Not Permitted	Permitted



Example of minor subdivision



Example of major subdivision

6.3 SUBDIVISION DESIGN REQUIREMENTS

A. General Provisions

1. All subdivisions shall comply with the requirements outlined in Table 6.3: Subdivision Design Requirement Summary and Chapter 6.3: Subdivision Design Requirements based on the subdivision type.
2. All lots within a subdivision shall comply with all standards of the zoning district.
3. The Goshen Engineering Department shall inspect and approve all public improvements within a subdivision.

TABLE 6.3: SUBDIVISION DESIGN REQUIREMENT SUMMARY

	MINOR SUBDIVISION	MAJOR SUBDIVISION
Block & Lot Layout Standards	• All standards apply except Block Layout standards	• All standards apply
Covenant Standards	• Only required if common areas are voluntarily provided	• All standards apply • Covenants required
Common Area & Amenity Standards	• Standards do not apply unless common areas are voluntarily provided	• All standards apply • For subdivisions over 10 gross acres, at least 20% of the gross area within a residential subdivision or 5% within a non-residential shall be common areas
Drainage & Utility Standards	• All standards apply except Utility Requirement standards	• All standards apply
Name Standards	• Standards do not apply	• All standards apply

Street & Driveway Standards	• Only the following standards apply:
	  • Dedication of Additional Right-of-Way
	  • Subdivision and Lot Access Standards
	  • Private Driveway Standards
	• Private driveways are permitted but shall not exceed the maximum number of lots that can be served as allowed by Board of Works or this UDO
		• All standards apply
		• Internal streets within residential subdivisions shall be public streets with dedicated public right-of-way unless a private street is approved by the PC
		• All internal streets within non-residential subdivisions shall be private streets unless the street provides access to a single-family or two-family residential use; or a public street is approved by the PC
		• Driveways for individual lots (excluding the remnant lot) shall gain access from an internal subdivision street (not an existing perimeter street)

	• Additional right-of-way shall be dedicated if the subdivision abuts an existing right-of-way that does not conform to the required width	
Sidewalk & Trail Standards	• All standards apply • Sidewalks shall be provided along all existing perimeter public streets • Sidewalks not required along internal driveways	• All standards apply • Sidewalks shall be provided along all existing perimeter public streets and along both sides of all internal streets
Survey Standards	• All standards apply	• All standards apply

B. Block Layout Standards

1. Block Layout

a. Blocks that are bounded by streets on all sides shall not exceed 1,000 feet in length unless the PC determines that a longer length will not be detrimental to local traffic flow and emergency response.
b. Blocks should be wide enough to accommodate two tiers of lots to maximize public infrastructure.
c. The PC may require pedestrian walks, access easements, tree easements, or drainage/utility easements through the center of blocks when necessary to provide pedestrian circulation, accommodate utilities and drainage facilities, or provide access to adjacent uses or facilities.
d. Block layout shall be compatible with the topography and other physical conditions of the land.

2. Lot Layout

a. The lot line running along a public right-of-way (or private driveway if no public right-of-way) shall be considered the front lot line.
b. Double frontage lots, through lots, and reverse frontage lots shall be avoided except where necessary to accommodate existing perimeter streets (exterior lots) within a subdivision or to overcome difficulties of topography and orientation.
c. All lots shall be designated by a number and the corresponding street name.

3. Lot Dimensions

a. Lot dimensions shall comply with the minimum standards of the underlying zoning district.
b. Lots shall be suitable in size and dimensions for the type of development anticipated (including required site elements such as parking) and not result in insufficient areas to build on after building setback lines are established in accordance with this UDO.
c. Dimensions of corner lots shall be large enough to allow for construction of buildings and driveway separation from intersections, noting that corner lots have 2 front yards.
d. All lots shall demonstrate that City requirements for utilities, drainage/stormwater, landscaping, and vehicle parking can be accommodated on the lot.

C. Covenant Standards

1. General Requirements

a. Covenants are required for any subdivision that includes common area or other shared open space to provide a mechanism for maintenance of these spaces and protect property values.
b. Covenants shall not supersede, contradict, or replace any local, State, or Federal regulations.
c. Covenants shall be indicated or referenced on the secondary plat and recorded by the subdivider at the time the secondary plat is recorded.
d. The covenants shall be a copy of the recorded and the applicant shall provide a recorded copy to the Administrator, recognizing that covenants may be amended over time after they are initially recorded.

2. Enforcement of Covenants

a. The City of Goshen, PC, and/or Administrator are not responsible for approving, denying, enforcing, and/or identifying conflicts between the covenants and the UDO.
b. Only regulations within this UDO or other adopted ordinances are enforceable by the PC and/or the Administrator. Restrictive covenants will not be enforced by the City of Goshen, the PC, or the Administrator.

D. Common Area & Amenity Standards

1. General Requirements

a. Common areas shall not be used as a reserve strip or placed in a way that prevents future access from an adjacent lot to an existing or future public right-of-way.
b. All common areas, open spaces, and other amenities within a subdivision shall support the goals of the Comprehensive Plan, comply with all requirements of this UDO, and comply with all other applicable health, flood control, and other regulations of the jurisdiction or state.
c. Consideration shall be given to preserving the natural environment and historic monuments (as designated by the State or National Registry of Historic Buildings and Monuments).
d. Natural features, such as large trees, water courses, wetlands, drainage pathways, and historical assets should be preserved when possible.
e. Common areas shall be used for an active or passive park, playground, and other useable open space.
    i. Utility easements may only be used as required common area if they allow recreation and are useable for recreational purposes.
    ii. Storm drainage features, required buffers, and bodies of water do not qualify as common area unless approved by the Goshen Engineering Department and the PC.
f. All common areas shall be suitable in size and general character for the intended purpose(s)
g. Common areas shall be at least 30 feet in width to allow for adequate maintenance and access.

2. Common Area Access and Easements

a. Common areas shall not be sold or developed and must remain held and used in the common interest of the subdivision.
b. All common areas shall have street and/or pedestrian access (through an access easement) to adequately serve the intended purpose(s), and all residents within the subdivision shall have the right to access all common areas.
c. An access easement (minimum of 30 feet in width) to a public street shall be provided for all areas designated or used as common areas or open spaces that are not adjacent to a public street.

3. Phasing.

If common areas are provided as a requirement of this UDO, the phasing of development and common areas/amenities is allowed if the minimum common area is proportional to the developed area.

4. Ownership and Maintenance of Common Area

a. The PC shall require proof of ownership or written documentation approving the dedication prior to secondary plat approval.
b. A maintenance agreement shall be provided with the secondary plat (such as Homeowners Association (HOA) covenants).
c. All common areas shall be indicated on the primary plat and secondary plat and dedicated as common area, unless otherwise allowed by this UDO.
    i. If areas or land are being dedicated to an entity other than an HOA, the respective entity accepting the land shall provide written documentation approving the dedication prior to secondary plat approval.
d. The City of Goshen shall not assume responsibility for the maintenance and safety of common areas unless approved by the PC and the Board of Works.

5. Centralized Mail Delivery

a. If centralized mail delivery is required by the local USPS Postmaster or the designated local USPS Growth Manager, the location of the mail delivery shall be identified on the plans submitted with the secondary plat.
b. All mail delivery structures shall be located in a common area or easement and comply with all USPS regulations.

E. Drainage & Utility Standards

1. Drainage Requirements

a. A drainage plan shall be prepared and certified by a Registered Engineer or a Registered Land Surveyor that complies with the standards as adopted by the Board of Works. The drainage plan shall be approved by the Board of Works before secondary plat approval by the PC.
b. All stormwater and runoff data, analysis, and calculations as required by Indiana law.
c. Drainage and stream channels shall not be altered without approval from all required local, State, and Federal entities.
d. Drainage facilities shall be maintained as required by the Board of Works, including requirements of a post-construction stormwater management plan (PCSMP).

2. Drainage and Utility Easements

a. Easements shall be provided for public utilities and drainage and shall be suitable for the size and location of necessary utilities or drainage area as required by the public utility provider and/or Board of Works.
b. Easements shall comply with the design standards adopted by the Board of Works, including easement location.
c. All easements shall be dimensioned and labeled with their specific use on the primary plat and secondary plat.

3. Utility Requirements.

All buildable lots shall install the following utilities and infrastructure in accordance with the minimum standards for the respective utility provider(s), the design standards adopted by the Board of Works, and/or all other appropriate local, State, and Federal agency regulations.

a. The subdivider shall be responsible for installing the required sewer and water infrastructure to serve each lot to the specifications of the provider, including all required sanitary sewerage facilities (including the installation of laterals in the right-of-way) and water mains and infrastructure (including fire hydrants).
b. Public sanitary sewer facilities or other approved on-site sewage disposal system if sewer provider cannot serve the subdivision or lot.
    i. If a sanitary sewer system and/or public water supply is available within 300 feet of any boundary of a proposed subdivision and easements and/or rights-of-way are in place to access the system, the subdivision shall connect to the system unless the sewer and/or water provider does not accept or does not approve the connection.
c. A connection to a public water system capable of providing water for health and emergency purposes, including an adequate fire protection system.

F. Name Standards

1. Subdivision Name Standards

a. The PC shall have final authority to approve the name of the subdivision, which shall be determined at primary plat approval.
b. The proposed subdivision name shall be indicated on the primary plat and secondary plat.
c. The proposed subdivision name shall not duplicate or closely replicate the name of any other subdivision or development within the City of Goshen and surrounding areas.
d. The name of a subdivision that is re-platted shall include the original subdivision name but shall not be identical to the original subdivision name.

2. Street Name Standards

a. The PC shall make recommendations for public street names at the time of primary plat approval.
b. Proposed street names shall be indicated on the primary plat and secondary plat.
c. Names shall be sufficiently different in sound and spelling from other street names in the City of Goshen and unincorporated areas of the county to prevent confusion.
d. A street which is (or is planned) as a continuation of an existing street shall have the same name except loop streets and cul-de-sacs which are an extension of existing streets but will never be continued shall not duplicate the name of the existing street.
e. Contiguous streets that have major directional change shall have a change in street name for each directional change.

G. Sidewalk & Trail Standards

1. All sidewalks and trails, even if voluntarily provided, shall comply with City standards.
2. Sidewalks and/or trails shall be required for subdivisions as outlined in Table 6.3: Subdivision Design Requirement Summary.
   a. A trail or similar facility that complies with the standards adopted by the Board of Works may be required instead of a sidewalk at the discretion of the PC and/or Board of Works.
   b. The PC and/or Board of Works may require an additional sidewalk, trail, or similar access connection if:
      i. A subdivision is adjacent to a park, school, or other public community facility; or
      ii. An adopted plan identifies the location of a trail or sidewalk within the subdivision.
3. All sidewalks shall be at least 5-feet in width unless a greater width is required by standards adopted by the Board of Works.
4. If sidewalks are not located within the right-of-way or located along a private street, it shall be approved by the Board of Works and an access easement as determined by Board of Works shall be provided and noted on the primary and/or secondary plat.

H. Street & Driveway Standards

1. General Street Standards

a. All public street shall be planned to meet the goals of the Comprehensive Plan.
c. All streets shall be functionally classified based on Table 6.4: Street Design Standards.
d. All access easements and rights-of-way that provide access to a public street shall be approved by the PC and Board of Works.
e. Whenever access to the subdivision requires the approval from another jurisdiction or agency, the PC shall request an affidavit from the subdivider stating that access is legally enabled by that jurisdiction or agency.
f. Streets, rights-of-way, and easements shall be constructed to promote the logical extension of public infrastructure and connections to adjacent lot and also continue existing or proposed public streets between adjacent lots for the effective movement of traffic, extension of utilities, and/or effective fire protection.
g. Residential streets shall be laid out to discourage high speed traffic and shall conform to the design standards adopted by the City of Goshen.
h. Non-residential streets shall allow for adequate traffic movement into, out of, and within the subdivision without interfering with external or through traffic or creating hazards for adjacent residential areas.

2. Extension of Infrastructure & Stub Street Standards

a. All public improvements, rights-of-way, public streets, and required easements shall be extended to the boundary lines of the subdivision unless the PC determines that the extension to the boundary lines of the subdivision is not necessary if it is:
   i. Not feasible due to topography or other physical conditions; or
   ii. Not necessary or desirable for the coordination of the subdivision based on future development of adjacent lots.
b. All stub streets of abutting subdivisions shall be continued into the proposed and existing street system. Existing stub streets in abutting subdivision which are to be continued and are un-improved shall be improved by the subdivider of the proposed subdivision.
c. If a proposed public street is extending an existing public street that exceeds the minimum dimensions required by this UDO, the Board of Works may require the subdivider to taper or match the width of the existing public street if the new street is narrower than the existing street.

3. Dedication of Right-of-Way and Public Improvements

a. If a subdivision abuts or includes an existing public street that does not conform to the minimum right-of-way width as established by this UDO and City standards, the subdivider shall dedicate additional right-of-way width as required to meet the minimum standards of this UDO.
b. The subdivider may be required by the Board of Works to provide deceleration lanes, acceleration lanes, passing blisters, or other improvements to the public streets within or immediately adjacent to the subdivision to allow for safe and efficient travel.

4. Subdivision and Lot Access Standards
   a. The creation of reserve strips of land to deny access to adjacent streets are prohibited.
   b. All subdivisions shall have direct access and frontage onto an existing public right-of-way.
   c. A subdivision shall not landlock an adjacent lot or continue to landlock an adjacent lot.
   d. Individual lots within a residential subdivision shall be prohibited from accessing an existing perimeter public street.
   e. A five-foot no-access easement shall be provided along the existing arterial streets and indicated on the secondary plat.
   f. The PC may require one or more of the following for access to individual lots within a subdivision:
      i. Private Frontage or Service Streets. Frontage or service streets that are separated from the arterial or collector street by a planting area or grass strip and a five--foot no-access easement that is indicated on the secondary plat. Frontage streets shall have access to the adjacent public street at suitable points as approved by the Board of Works.
      ii. Shared Private Driveway. A shared private driveway with an adjacent lot(s) that includes a private access easement to a local street.
      iii. Other Access Management Techniques. Other, similar treatments deemed necessary for the adequate preservation of the public street functionality, safety, protection of properties, and separation of through and local traffic.
5. Residential Subdivision Entrance Design Standards
   a. Minimum Number of Entrances. All residential subdivisions shall provide the minimum number of entrances required for safe ingress and egress.
   b. Traffic Mitigation Measures Required. The subdivider shall construct any required and approved traffic mitigation measures to provide adequate street capacity, safety, and access for the proposed development, such as acceleration lanes, deceleration lanes, or other similar improvements.
6. Subdivision Street Design Standards
   a. All public streets, private streets, and driveways shall comply with this section and the applicable design standards adopted by the Board of Works and be constructed to grades shown on plans, profiles, and cross-sections prepared by a registered Professional Land Surveyor and/or registered Professional Engineer that is licensed to practice in the State of Indiana.
   b. Individual subdivisions may warrant additional requirements that are dictated by sound engineering practices as determined by the Board of Works, and if required shall be made conditions of the approval for the primary and/or secondary plat.
   c. Bridges and/or culverts required to accommodate site access and circulation shall be installed by the subdivider and approved by the Board of Works.
   d. Building sites shall be at or above the grades of the public streets unless existing topography does not reasonably allow this to occur and necessary drainage improvements have been approved by the City to ensure the lot(s) does will not have drainage issues and/or flooding issue after development occurs.
   e. Gutters and curbs shall comply with the design standards adopted by the Board of Works.
7. Intersection Design Standards
   a. Right-angle intersections (90 degrees) shall be used wherever practical and extend for at least 100 feet, measured along the centerline.
   b. Intersections shall not intersect at less than 80 degrees.
   c. Proposed new intersections should align with any existing intersections on the opposite side of the public street.
   d. Intersections shall not have more than four approaches to the intersection. Three-legged intersections may be used wherever appropriate, particularly in residential areas.
   e. No intersection shall create a traffic hazard by limiting visibility.
   f. Minimum sight distance at intersections within a subdivision (sight triangles) should be determined by a design professional and approved as part of the secondary plat as defined by Chapter 9: Definitions.

8. Cul-de-Sac Design Standards
   a. Dead-end streets shall be prohibited unless designed as a permanent cul-de-sacs or temporary stub streets.
   b. A permanent cul-de-sac, when allowed by the PC, shall terminate in a circular right-of-way with a turn-around and shall comply with the design standards adopted by the Board of Works.
   c. Cul-de-Sac blocks shall not exceed 1,000 feet in length (measured along the centerline of the street from center of intersection to center of turnaround) unless the PC determines that a longer length will not be detrimental to local traffic flow and emergency response.
   d. A temporary dead-end street (stub street) without a cul-de-sac is only permitted if the street does not provide access to a lot within the subdivision.
9. Private Driveway Standards
   a. All shared driveways shall be private and not dedicated as a public street or public right-of-way.
   b. All driveways shall comply with this section and Section #: Access & Driveways and the standards adopted by the Board of Works.

I. Survey Standards

1. Monuments shall be installed on all lot corners to the standard as set forth under 865 I.A.C. 1-12-18.
2. A signed and sealed land surveyor certificate shall be included on all secondary plats generally stating the following:
   a. I, (*INSERT NAME*), hereby certify that I am a Land Surveyor, licensed in compliance with the laws of the State of Indiana, and that this plat correctly represents a survey completed or certified by me on (*INSERT DATE*); that all the monuments (are) (will be, within six months of recording plat,) installed in accordance with the provisions of the platting ordinance; and that their location, size, type and materials are accurately shown.

TABLE 6.4: STREET DESIGN STANDARDS[1]

	ARTERIAL	COLLECTOR	LOCAL	CUL-DE-SAC	ALLEY
Right-of-Way Width	80 feet	60 feet	50 feet	60-foot radius for residential and 66-foot radius for all other	24 feet
Minimum Pavement Width[2]	To Be Determined by Goshen Engineering Department		28 feet	20 feet with 48-foot radius for residential and 55-foot radius for all other	14 feet

1 – If there is a conflict between the UDO and those adopted by the Board of Works, the Board of Works standards shall control
2 – Measured from back of curb to back of curb

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CHAPTER 7:

PROCEDURES

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7.1 GENERAL PROVISIONS

A. Compliance with Procedures and UDO Standards

1. All development, structures, uses of land, and the subdivision of land shall comply with the following in order to achieve orderly, planned, efficient, and responsible growth.
   a. All applicable regulations and procedures within this UDO;
   b. All requirements outlined in the applicable application packet(s), including submittal deadlines;
   c. All rules and procedures established by this UDO and the PC Rules and Procedures and/or BZA Rules and Procedures, including meeting dates or schedule;
   d. All requirements of other City, County, State, or Federal departments and/or entities; and
   e. Any additional standards, conditions, or commitments that may have been required by the PC and/or BZA as part of other or previous approvals for a lot.
2. The regulations of this UDO shall be considered the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of people and properties within Goshen.
3. No permit shall be issued for any lot or plat unless it conforms with the provisions of this UDO.
4. No owner or agent may sell or lease any lot within a subdivision before a plat has been approved and recorded as required by this UDO.
5. The BZA may approve variances from the development standards of the zoning provisions of this UDO (standards outlined in Chapters 2, 3, 4, or 5) or approve a variance of use in accordance with the procedures within this UDO.
6. The PC may approve a waiver from the subdivision provisions in Chapter 6: Subdivisions of this UDO in accordance with the procedures within this UDO.
7. The PC or the Administrator shall not have the authority to approve any subdivision as a buildable lot unless it complies with this UDO, a variance has been granted by the BZA, and/or a waiver has been granted by the PC.

B. Application Requirements

1. All applications shall include all items required by this UDO and the application itself. Incomplete or illegible applications will not be accepted.
2. After an application is submitted, the Administrator shall determine if all required documents and information are provided. If so, the application is considered complete and the Administrator shall assign a docket number and create a file.
   a. This does not include a thorough / technical review of drawings and information to determine if the request complies with all standards within this UDO, which typically occurs during either staff review and/or technical review.

C. Process Requirements that Apply to All Applications

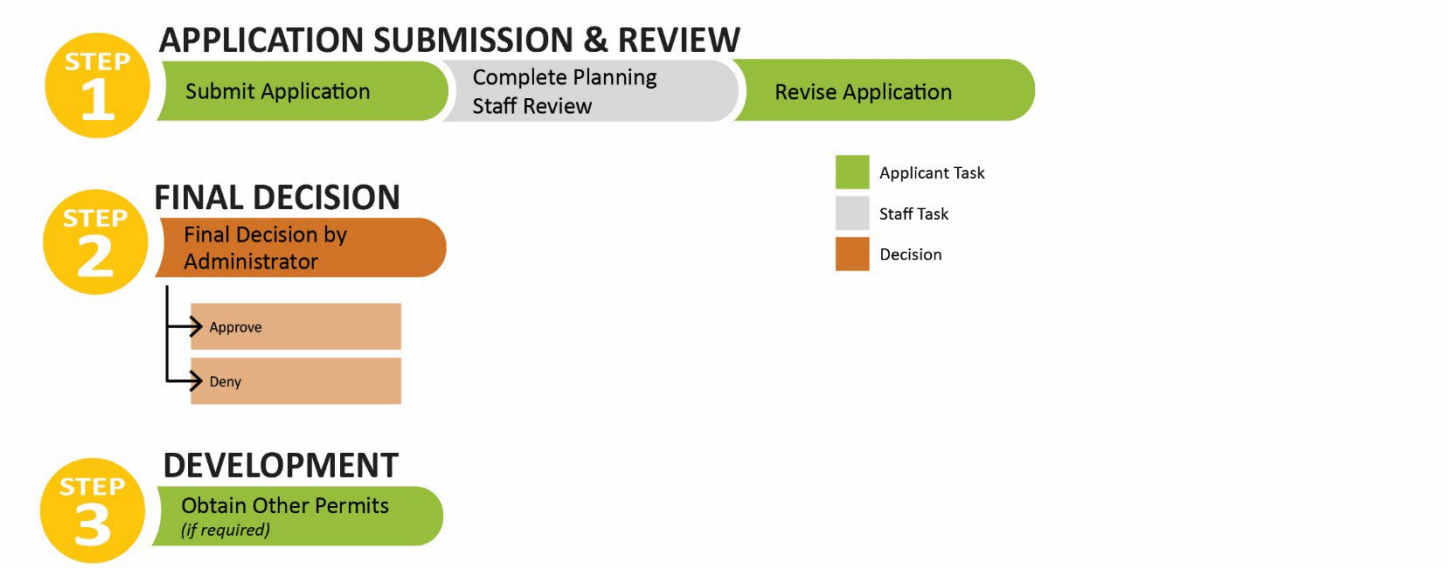
1. Pre-Application Meeting. A pre-application meeting (when required or requested by the Administrator) may be held in-person, virtually (video conference), or by phone. Staff from applicable City departments may attend as necessary. The intent of this meeting is to discuss the procedures for approval and the requirements and regulations for development prior to submitting an application.
2. Applicant Attendance at Meetings. The applicant or their representative shall be in attendance at the applicable PC, BZA and/or Council meeting where the application is being considered to present their application and address any questions or concerns.
3. Planning Staff Review. After a complete application is received, the Administrator shall review the application for compliance with the respective standards of evaluation and other requirements of this UDO in addition to any technical requirements based on the application type. The Administrator may also confer with other City, County, or similar departments or entities as needed. All comments from planning staff review, if applicable, shall be forwarded to the applicant.

4. **Technical Review.** If the application is required to be for Technical Review, the applicant shall also submit a separate application for this. Note that the requirements and procedures for technical review are not governed by this UDO and may include multiple departments who evaluate compliance with technical requirements that are not governed by this UDO, such as drainage, traffic, and sewer.
   a. This UDO identifies when technical review may be required in order to help applicants understand this concurrent, but independent, process. If this UDO identifies technical review within a procedure and technical review is not required, it shall not be required. Technical review requirements and thresholds that require technical review shall technical review are not governed by this UDO, and nothing in this UDO shall be construed or interpreted as final determination on when technical review is required.
5. **Revisions to Application.** The applicant shall make the necessary modifications to an application and resubmit the application within the required timeframe. If comments are not adequately addressed by the applicant, the application shall still be placed on the next PC or BZA agenda and any pending revisions shall be identified in the staff report.
6. **Public Notices, Public Hearings & Public Meetings**
   a. The Administrator shall complete all forms of public notice that are required by the PC and/or BZA Rules and Procedures and application.
   b. A public meeting does not require public comment. A public hearing requires public comment (as outlined in the Rules and Procedures).
7. **Staff Report & Meeting Packet.** The Administrator may complete a written report making recommendations to the PC and/or BZA.

D. Fee Schedule

1. Applications and petitions that are filed as required by this UDO shall be accompanied by the applicable fee(s) specified in Appendix B: Fee Schedule.
2. Fees shall be collected by the Administrator at the time the application is filed and shall be made payable to the City of Goshen.
3. PC, BZA, and other application fees are non-refundable; however, fees paid in error may be refunded at the discretion of the Administrator.

7.2 OBTAINING PERMITS



A. STEP 1: Application Submission & Review

1. Submit Application
   a. Use Conditions Permit. A use conditions permit is required prior to establishment of any use identified in Table 2.2: Permitted Land Uses as "Permitted with Additional Conditions – C."
   b. Improvement Location Permit (ILP) / Zoning Clearance Form. An improvement location permit (ILP), also referred to as zoning clearance, is required to be issued by the Administrator before any office, department, or employee of the City of Goshen issues a permit or approval for the erection, alteration, and/or use of or improvements to land or any lot within a subdivision (including technical review). This is intended to ensure adherence to PC and/or BZA conditions or commitments (if applicable) and compliance with all requirements of this UDO. An ILP may be issued as part of a building permit.
2. Complete Planning Staff Review. The proposed or intended use, structure, and site development shall comply with all requirements of this UDO, including other required approvals or permits, prior to issuance of an ILP / zoning clearance.
   a. If required by this UDO, the Administrator may forward the application to other City departments as necessary.
   b. Note that some applications may require technical review approval, and if so, the applicant shall also submit an application for technical review.
3. Revise Application

REQUIRED APPLICATION ITEMS FOR IMPROVEMENT LOCATION PERMIT & USE CONDITIONS PERMIT

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Sketch Plan, drawn to scale, that shows compliance with this UDO and includes:
  - ☐ Existing property lines and dimensions (survey may be required by Administrator)
  - ☐ Location and size of existing buildings and structures
  - ☐ Location and size of proposed uses and structures, including height and setbacks
  - ☐ Location of open space, buffers, plantings, and screening
  - ☐ Location and details of lighting and signs
  - ☐ The location, dimensions, and character of proposed streets, alleys, driveways, curb cuts, entrances / exits,
  - ☐ Parking, stacking, and loading areas, including numbers of spaces
- ☐ Letter from the City Engineer, if required, indicating that City sewer and water are available and that storm water drainage plan has been accepted
- ☐ Other information necessary to show compliance with the UDO

B. STEP 2: Final Decision

1. **Final Decision by Administrator.** Improvement location permits shall be issued and approved or denied by the Administrator and shall only authorize construction based on the plans and applications included in the approved application. Any changes shall require an amended or new permit. No public hearing, public comment, or public notice is required for approval.
   a. An improvement location permit shall become null and void if a building permit is not issued and work is not substantially under way within six months of the issuance unless a variance is approved by the BZA.

C. STEP 3: Development

1. **Obtain Other Permits.** The applicant shall obtain all other required building permits, certificates of occupancy, right-of-way permits, and other approvals as applicable.

7.3 SITE PLAN APPLICATION

WHEN IS A SITE PLAN APPLICATION REQUIRED?

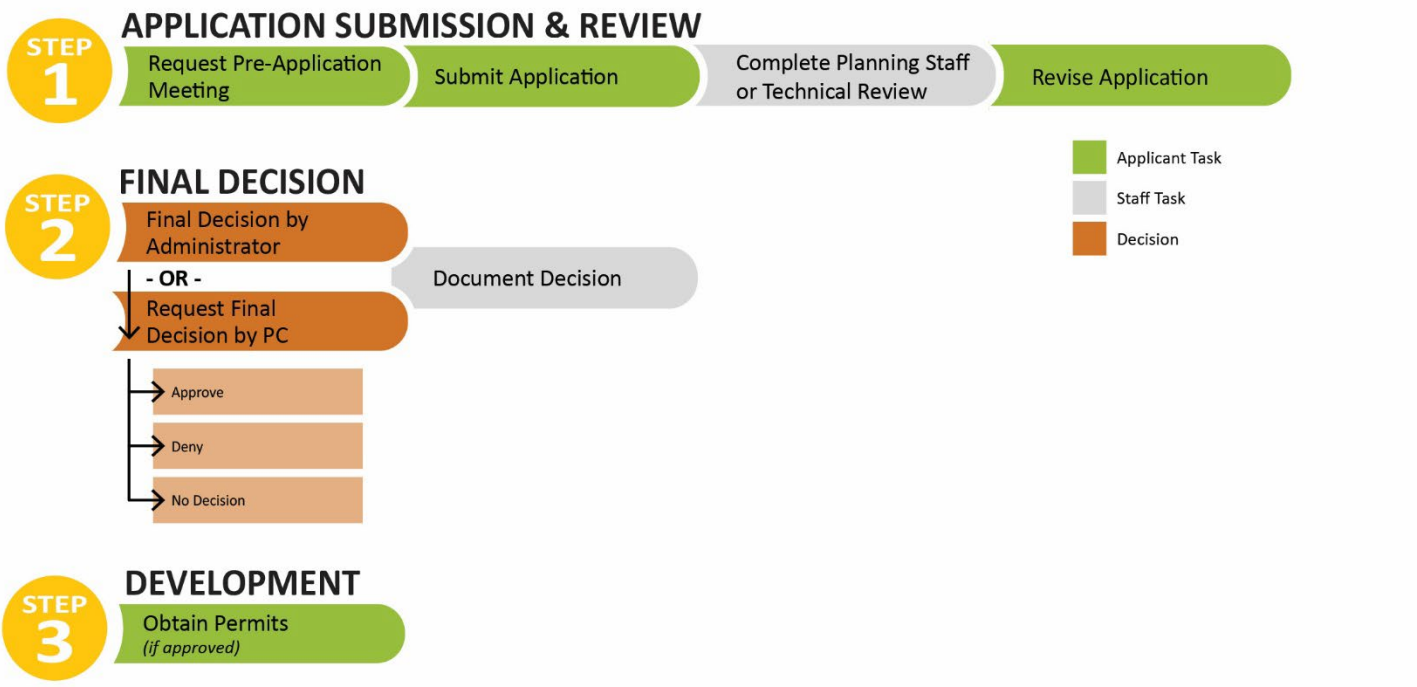
☐ Prior to establishing the following land uses:
- Any land use where site plan approval is required by Chapter 2: Zoning & Overlay Districts or Chapter 3: Additional Conditions for Uses
- All special uses (see Table 2.2: Permitted Land Uses)

☐ Prior to construction of any structure or site element where site plan approval is required by Chapter 2: Zoning & Overlay Districts or Chapter 4: Site Standards

☐ Concurrently with all Planned Development Overlay applications

☐ As otherwise required by any other section of this UDO

Note that the Goshen City Council authorizes the Administrator to review and approve site plans in accordance with Indiana law, the PC Rules and Procedures, and this section.



PRELIMINARY SITE PLAN DRAWING REQUIREMENTS

A preliminary site plan either shall be drawn to scale or have sufficient dimensions and shall include the following:

- ☐ Lot or zoning lot boundaries and adjacent streets
- ☐ Proposed land uses, including the number, type, and living area of units (if residential)
- ☐ Compliance with lot and structure standards for the zoning district, including height, setbacks from all property lines / rights-of-way, and location of buildings structures (including signs), and other standards in Chapters 2, 3, and 4
- ☐ Compliance with Chapter 3: Additional conditions for Uses (if applicable)
- ☐ Compliance with all standards in Chapter 4: Site Standards
- ☐ Compliance with all standards in Chapter 5: Structure Standards
- ☐ Other information necessary to demonstrate compliance with this UDO

FINAL SITE PLAN DRAWING REQUIREMENTS

All final site plans shall be drawn to scale and shall include, but not be limited to, the following:

- ☐ All preliminary site plan drawing requirements with exact locations and dimensions
- ☐ If located on an arterial or collector, the location of all curb cuts within 500 feet
- ☐ Proposed new cut(s) onto public rights-of-way with turning radii width, material use, and slope
- ☐ Dimensions of all rights-of-way
- ☐ A note showing where nearest connections of City sewer and water are located
- ☐ Estimated number of residents (if residential)
- ☐ If the proposed development is more than 1 acre in gross area, a topographical map showing existing and proposed contours and all natural features
- ☐ Other information necessary to demonstrate compliance with this UDO

REQUIRED APPLICATION ITEMS FOR SITE PLAN

- ☐ Application form (zoning clearance form) & application fee (if applicable)
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Preliminary or final site plan drawing (that complies with drawing requirements)
- ☐ Traffic analysis (if required by Chapter 7.10A: Traffic Impact Analysis)

SITE PLAN STANDARDS OF EVALUATION

The Administrator or PC shall determine if the site plan complies with the following standards of evaluation:

- ☐ All development requirements are satisfied (if applicable)
- ☐ The site plan substantially conforms with any preliminary site plan that was required for another application (if applicable)
- ☐ The applicant has adequately addressed the comments from the technical review, including technical requirements
- ☐ All approvals that are required from local, State, and Federal entities prior to construction have been obtained
- ☐ The site plan complies with all applicable standards within this UDO

A. STEP 1: Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application
3. Complete Planning Staff Review or Technical Review. Some applications may require technical review approval, and if so, the applicant shall also submit an application for technical review. If the application is exempt from the technical review process, planning staff review is still required.
4. Revise Application

B. STEP 2: Final Decision

1. **Final Decision by Administrator.** The Administrator shall make the final decision unless the site plan is part of a rezoning or planned development overlay application. No public hearing, public comment, or public notice is required for site plan approval.
   a. Approve. If the site plan complies with all standards of this UDO, the Administrator shall approve the site plan.
   b. Deny. If the site plan does not comply with all standards of this UDO and adequate revisions are not made, the Administrator shall deny the site plan application. If the site plan is officially denied, the applicant may:
      i. Appeal the Administrator's decision to the PC as outlined below; or
      ii. Resubmit one revised site plan that addresses the reason for denial within 60 days. If the resubmittal is denied, a new site plan application, including fee, is required.
   c. No Decision. If the Administer does not take any action on the site plan application within 60 days of receiving a complete application, the site plan is deemed approved unless the applicant requests additional time in writing.
2. **Request Final Decision by PC**
   a. Request by Applicant. The applicant may request, in writing, a decision by the PC at a public meeting instead of the Administrator for any reason. Additionally, if the application was denied by the Administrator, the applicant may appeal the decision directly to the PC within 20 days of the denial. Upon receipt of this written request, the Administrator shall set a date for a public meeting by the PC.
   b. Request by Administrator. The Administrator may request a decision by the PC instead of the Administrator for any reason by setting a date for a public meeting by the PC and placing the application on the agenda.
   c. Attend PC Public Meeting. The PC shall approve or deny the site plan based on the standards of evaluation at a public meeting. No public hearing, public comment, or public notice is required for site plan approval.
3. **Document Decision.** The Administrator shall provide written approval or denial by mail or email to the applicant, City Council, and PC. If the site plan is denied, the specific reasons/findings for denial shall be provided.
   a. Expiration. Site plan approval is valid for two years from the date of approval. Site plan approval is valid for two years from the date of approval. If a building permit has not been issued within that period, the approval is void and the applicant must reapply. Once a building permit is issued, the approval remains valid while the permit is in effect if the permit expires or is revoked before construction commences, the approval lapses with it. Once construction has commenced under a valid building permit, the approval does not expire.
   b. Amendment. All amendments or changes (except those specifically stated as allowed changes) to the site plan shall be considered a new site plan application. If a site plan was approved by the PC or City Council as part of a planned development overlay, the PC or City Council must approve any amendments (see Chapter 7.7: Rezoning Application).

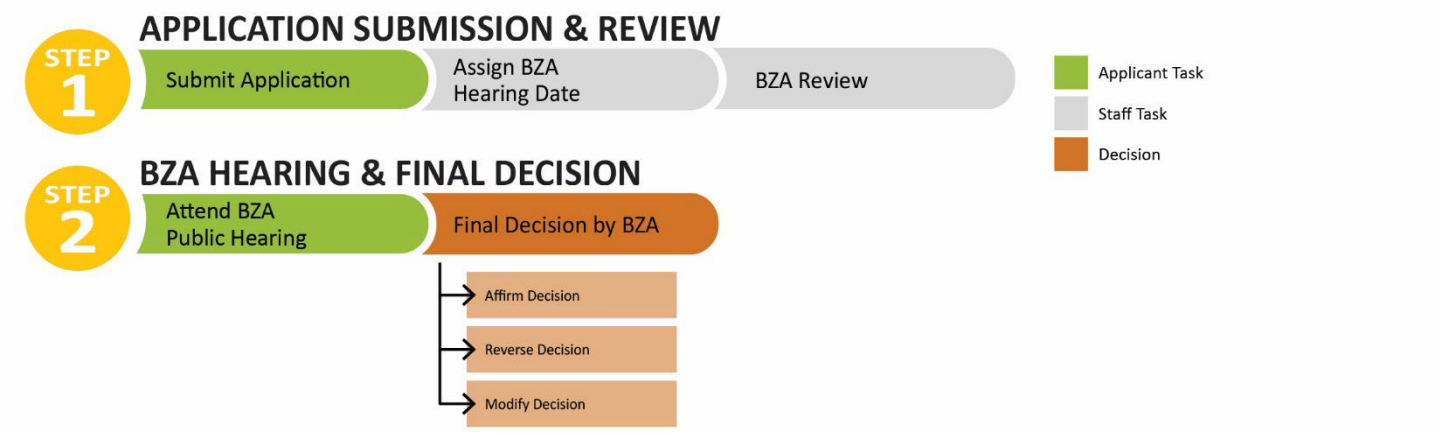
C. STEP 3: Development

1. **Obtain Other Permits.** The applicant shall obtain all other required building permits, certificates of occupancy, right-of-way permits, and other approvals as applicable.

7.4 ADMINISTRATIVE APPEAL

WHEN IS AN APPEAL APPLICATION REQUIRED?

- To appeal any administrative decision (including any order, requirement, or determination) that was made by an administrative official, staff member, hearing officer, or administrative committee or body related to any standard or regulation within this UDO; enforcement of this UDO; or enforcement of an ordinance adopted under this UDO requiring a permit pursuant to Indiana law.
  - Zoning decisions, as outlined in Indiana law, cannot be appealed to the BZA and are subject to judicial review by filing a petition for review in the appropriate court in accordance with Indiana law. This includes, but is not limited to, final decisions of the BZA, specific decisions of the PC, final decisions of a preservation commission, and other decisions outlined in Indiana law.



A. STEP 1: Application Submission & Review

1. **Submit Application**. An application shall be submitted within 30 days of the subject of the appeal. An appeal shall stay all proceedings, operation, and work on the lot or zoning lot concerned as allowed by Indiana law.
2. **Assign BZA Hearing Date**
3. **BZA Review**. The Administrator shall transmit documents, plans, and other information related to the appeal to the BZA.

B. STEP 2: BZA Hearing & Final Decision

1. **Attend BZA Public Hearing**
2. **Final Decision by BZA**. The BZA shall consider the appeal at a public hearing.
   a. The BZA may affirm, reverse, or modify the administrative decision, interpretation, order, or action that is the subject of the appeal. The BZA may also add conditions to their decision.

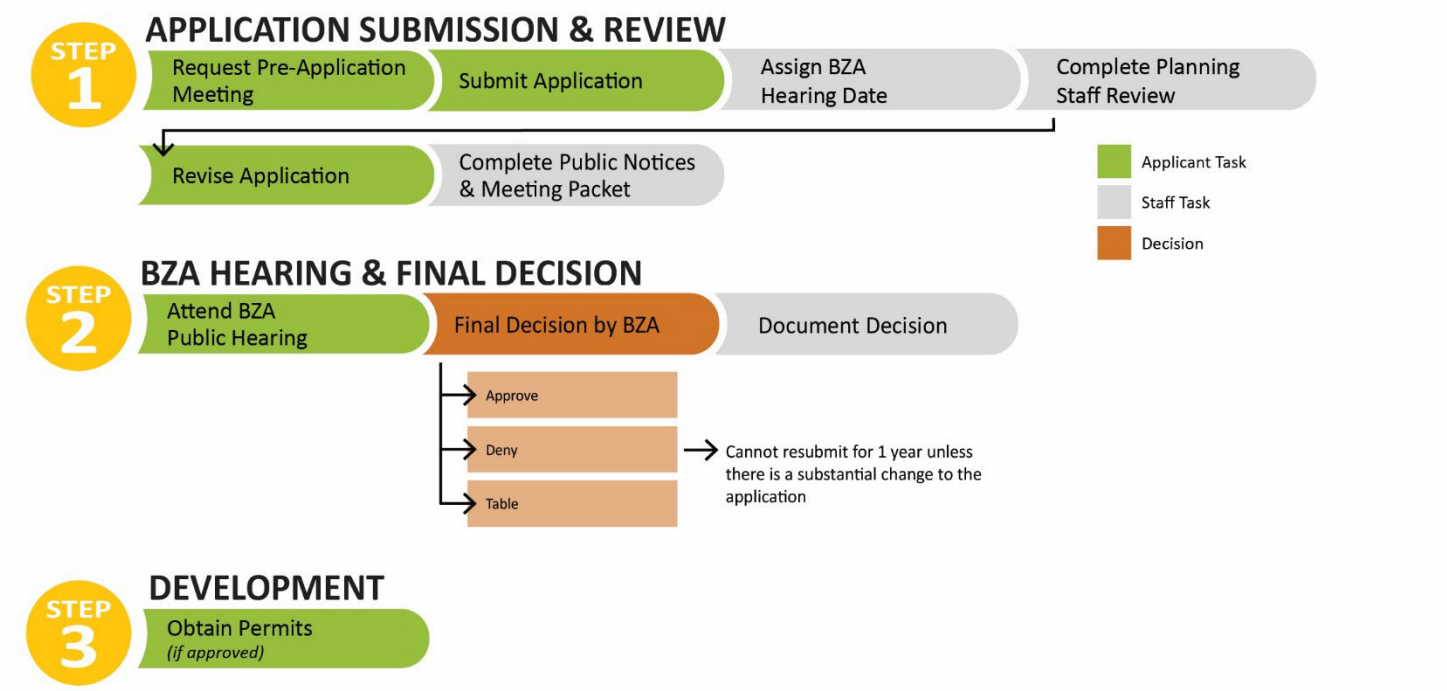
REQUIRED APPLICATION ITEMS FOR APPEAL

- Application form & application fee
- Current recorded deed for all applicable real estate
- Property owner authorization
- Relevant documents and specific detailed description of the decision being appealed and the disagreement with the decision

7.5 VARIANCE APPLICATION

WHEN IS A VARIANCE APPLICATION REQUIRED?

- ☐ If requesting to deviate from a structure, lot, or other zoning standard within Chapters 2, 3, 4, and 5 of this UDO in accordance with Indiana law.
- ☐ If requesting to establish a land use that is not permitted in the specific zoning district as a use that is permitted, permitted with additional conditions, or permitted as special use in accordance with Indiana law.



A. STEP 1: Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application
3. Assign BZA Hearing Date
4. Complete Planning Staff Review
5. Revise Application
6. Complete Public Notices & Meeting Packet. Public notice is required, and the Administrator shall provide the application and staff report to the BZA prior to the hearing.

REQUIRED APPLICATION ITEMS FOR VARIANCE

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Variance justification statement (identify the requested variance and fully explain the grounds for the application and all the facts relied upon to justify the variance. The applicant must show that practical difficulties and the unnecessary hardship would result if the standards were strictly adhered to)
- ☐ Scaled and dimensioned site plan
- ☐ Traffic analysis (if required by Chapter 7.10A: Traffic Impact Analysis)

B. STEP 2: BZA Hearing & Final Decision

1. **Attend BZA Public Hearing**. Public comment shall be allowed in accordance with the BZA Rules and Procedures.
2. **Final Decision by BZA**. The BZA shall consider the variance application at a public hearing and make a final decision on the application.
   a. Approve. If all of the standards of evaluation for a special use have been satisfied, the BZA shall approve the special use and include findings of fact supporting the reason for approval.
      i. Written Commitments. Any approval may include written commitments in accordance with Chapter 7.10: Other Procedures.
      ii. Modifications. The BZA may require revisions or modifications as a condition of their approval.
   b. Deny. If one or more of the standards of evaluation for a special use have NOT been satisfied, the BZA shall deny the special use and include findings of fact supporting the reason for denial. If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
   c. Table. The BZA may require additional information to be provided by the applicant, and if so, the application may be tabled to a future meeting. The applicant shall provide the necessary information or revisions within the required timeframe, and if this is not provided, the BZA may deny the application.
3. **Document Decision**. The Administrator shall provide written approval or denial by mail or email to the applicant that includes the findings of fact supporting the decision and, if it was approved, also includes any required revisions, conditions, or written commitments that were required as terms of the approval.
   a. Expiration. Approval of a variance shall run with the land unless the following occur, in which case the special use approval shall become void:
      i. The BZA includes an expiration in the approval (cannot be less than one year from the approval)
      ii. The use is not established within three years of the BZA approval (if applicable)
      iii. Construction has not started within three years of the BZA approval (including having an active (not expired) building permit)

DEVELOPMENT STANDARDS VARIANCE STANDARDS OF EVALUATION

The BZA shall determine if the development standards variance meets the following standards of evaluation in accordance with Indiana law. All standards shall be satisfied to approve the application.

- ☐ The approval will not be injurious to the public health, safety, morals, and general welfare of the community
- ☐ The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
- ☐ The strict application of the terms of the ordinance will result in a practical difficulty in the use of the property. This practical difficulty cannot be based upon a personal financial hardship, personal inconvenience, or be self-created

USE VARIANCE STANDARDS OF EVALUATION

The BZA shall determine if the use variance meets the following standards of evaluation in accordance with Indiana law. All standards shall be satisfied to approve the application.

- ☐ The approval will not be injurious to the public health, safety, morals, and general welfare of the community
- ☐ The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner
- ☐ The need for the variance arises from some condition peculiar to the property involved
- ☐ The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought
- ☐ The approval does not interfere substantially with the Comprehensive Plan

   b. Amendment. An amendment, including an amendment to a site plan that was included, to a variance shall follow the same process as a new application.
      i. An amendment to a written commitment shall be done in accordance with Chapter 7.10: Other Procedures.

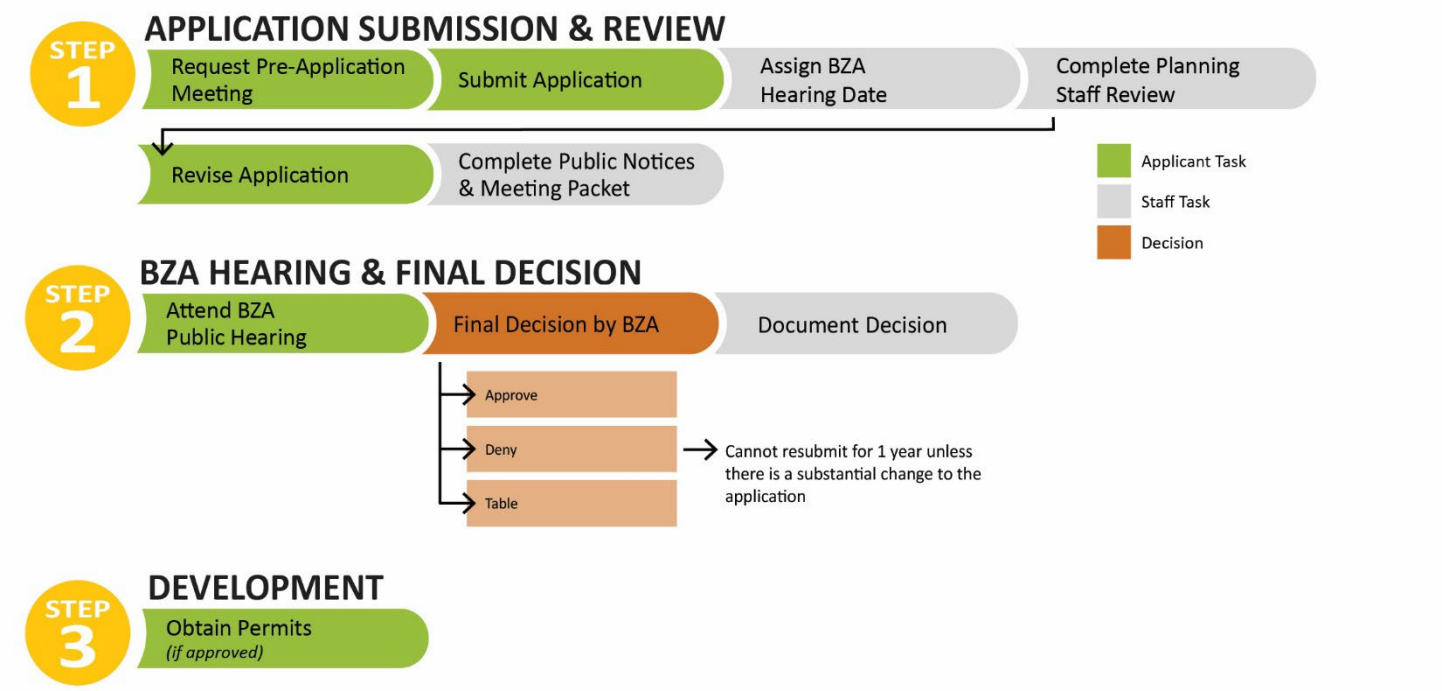
C. STEP 3: Development

1. **Obtain Other Permits**. The applicant shall obtain all other required building permits, certificates of occupancy, right-of-way permits, and other approvals as applicable.

7.6 SPECIAL USE APPLICATION

WHEN IS A SPECIAL USE APPLICATION REQUIRED?

☐ Prior to establishing (or issuing an improvement location permit or other permit on the same lot) for a use that is listed as a special use in a specific zoning district on Table 2.2: Permitted Land Uses in accordance with Indiana law.



A. STEP 1: Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application. If a preliminary site plan is required to be submitted with a special use application (see Chapter 3: Additional Conditions for Uses), it shall comply with the preliminary site plan requirements outlined in Chapter 7.3: Site Plan Application and be approved by the BZA as part of the application. The applicant must then submit a plan application (including fee) and final site plan obtain approval within 12 months of the special use approval and prior to establishing the use or applying for any permit (see Chapter 7.3: Site Plan Application).
3. Assign BZA Hearing Date. The BZA shall hold a public hearing to decide on the application.
4. Complete Planning Staff Review
5. Revise Application
6. Complete Public Notices & Meeting Packet. Public notice is required, and the Administrator shall provide the application and staff report to the BZA prior to the hearing.

REQUIRED APPLICATION ITEMS FOR SPECIAL USE

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Special use justification statement identifying the requested special use and fully explaining the grounds for the application and all facts relied upon to justify the special use
- ☐ Preliminary site plan (if required Chapter 3: Additional Conditions for Uses)
- ☐ Traffic analysis (if required by Chapter 7.10A: Traffic Impact Analysis)

B. STEP 2: BZA Hearing & Final Decision

1. **Attend BZA Public Hearing**. Public comment and hearing procedures shall be in accordance with the BZA Rules and Procedures.
2. **Final Decision by BZA**. The BZA shall consider the special use application at a public hearing and take action on the application.
   a. Approve. If the BZA finds all of the standards of evaluation have been satisfied, it shall approve the special use and include findings of fact supporting the reason for approval.
      i. Written Commitments. Any approval may include written commitments in accordance with Chapter 7.10: Other Procedures.
   b. Deny. If the BZA finds that one or more of the standards of evaluation have NOT been satisfied, it shall deny the special use and include findings of fact supporting the reason for denial. If the application is denied by the BZA, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application or the BZA specifies a shorter time period in their denial.
   c. Table. The BZA may require additional information to be provided by the applicant, and if so, the application may be tabled to a future meeting. The applicant shall provide the necessary information or revisions within the required timeframe, and if this is not provided, the BZA may deny the application.
3. **Document Decision**. The Administrator shall provide written approval or denial by mail or email to the applicant, City Council, and PC. If the application is denied, the specific reasons/findings for denial shall be provided.
   a. Expiration. Approval of a special use shall run with the land unless the following occur, in which case the special use approval shall become void:
      i. The BZA includes an expiration in the approval (which cannot be less than one year from the BZA approval);
      ii. The use is not established within three years of the BZA approval
      iii. Construction has not started within three years of the BZA approval (which includes having an active (not expired) building permit)
   b. Amendment. An amendment to a special use shall require a new special use application.
      i. If a preliminary site plan was approved by the BZA as part of a special use application, the BZA shall approve any amendments, which shall follow the same process as a new special use application.
      ii. An amendment to a written commitment shall be done in accordance with Chapter 7.10: Other Procedures.

SPECIAL USE STANDARDS OF EVALUATION

The BZA shall determine if a special use request meets the following standards of evaluation. All standards shall be satisfied to approve the application.

- The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare
- The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted
- The establishment of the special use will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district
- Adequate utilities, access street, drainage, and other necessary facilities have been or are being provided;
- Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public streets
- The special use will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met

C. STEP 3: Development

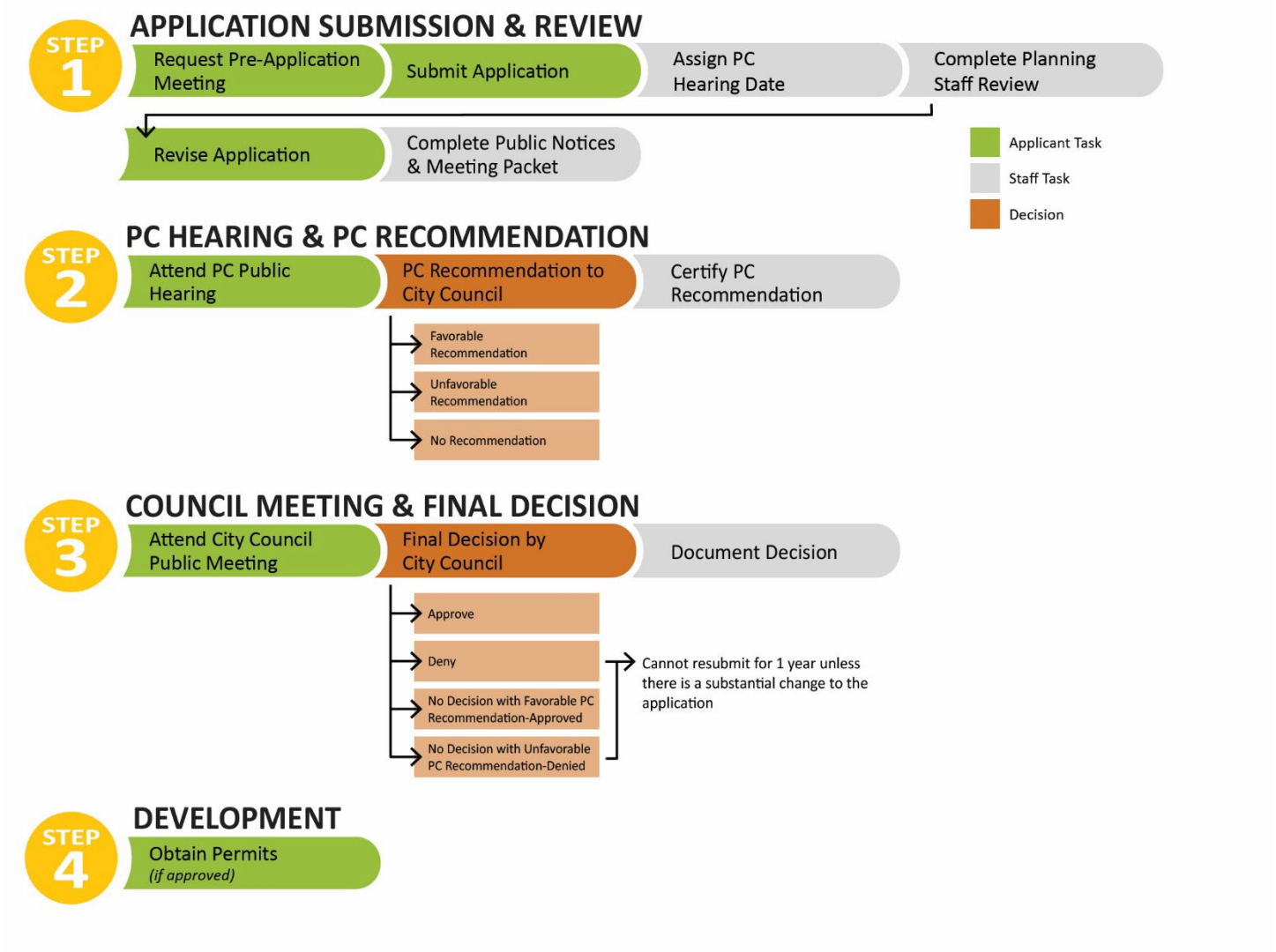
1. **Obtain Other Permits**. The applicant shall obtain all other required building permits, certificates of occupancy, right-of-way permits, and other approvals as applicable.

7.7 REZONING APPLICATION

WHEN IS REZONING APPROVAL REQUIRED?

☐ To change the zoning from one district to another, including a planned development overlay district, on one or more lots.

- Zone map changes and zone map changes (including planned development overlay districts) may be initiated by the PC, the legislative body, or property owners of 50% or more of the geographic area involved in the petition.



A. STEP 1: Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application
   a. Site Plan Submission. The preliminary site plan or final site plan that is submitted with the application shall be approved as part of the rezoning or PD overlay application.
      i. If a preliminary site plan was submitted, final site plan approval (including application and fee) is required prior to establishing the use or applying for any permit.
      ii. If a final site plan with the application, the approval shall suffice for site plan approval required by this UDO and shall not require a separate application or fee.
3. Assign PC Hearing Date. The PC shall hold a public hearing within 60 days of receiving a complete application.
4. Complete Planning Staff Review
5. Revise Application
6. Complete Public Notices & Meeting Packet. Public notice is required, and the Administrator shall provide the application and staff report to the PC prior to the hearing.

B. STEP 2: PC Hearing & PC Recommendation

1. Attend PC Public Hearing. Public comment shall be allowed in accordance with the PC Rules and Procedures.
2. PC Recommendation to City Council. The PC shall consider the rezoning (including planned development overlay districts) at a public hearing within 60 days of receiving a complete application and the PC. The PC may require additional information to be provided by the applicant.
   a. Favorable Recommendation. If the request meets the standards of evaluation, the PC may make a favorable recommendation to the City Council.
      i. Modifications. If the PC recommendation included any modifications, the modifications shall be specified in the recommendation that is forwarded to the City Council.
      ii. Written Commitments. Any recommendation may include written commitments in accordance with Chapter 7.10: Other Procedures.

REQUIRED APPLICATION ITEMS FOR REZONING & PLANNED DEVELOPMENT OVERLAY

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Preliminary site plan or final site plan (must comply with Chapter 7.3: Site Plan Application)
- ☐ Planned development overlay uses and development standard (planned development overlay applications only)
  - ☐ A statement that the standards of underlying zoning district, as amended, apply unless specifically stated in the planned development overlay district.
  - ☐ A list of any land uses within the underlying zoning district that are specifically prohibited or additional land uses that are permitted within the overlay (note, all permitted uses, uses with additional conditions, and special uses allowed by the underlying zoning district apply unless specifically excluded in the overlay)
  - ☐ A list of additional conditions that apply to a specific land use or additional conditions included in Chapter 3: Additional Conditions for Uses that do not apply within the overlay (note, all conditions in Chapter 3: Additional conditions for Uses apply unless specifically excluded in the overlay)
  - ☐ A list of additional site standards that apply or site standards included in Chapter 4: Site Standards that do not apply with in the overly (note, all site standards in Chapter 4: Site Standards apply unless specifically excluded in the overlay)

REZONING STANDARDS OF EVALUATION

The PC and City Council shall pay reasonable regard to the following:

- ☐ The Comprehensive Plan
- ☐ Current conditions and the character of current structures and uses in each district
- ☐ The most desirable use for which the land in each district is adapted
- ☐ The conservation of property values throughout the jurisdiction
- ☐ Responsible development and growth

b. Unfavorable Recommendation. If the request does not meet the standards of evaluation or if required information is not provided as required, the PC may make an unfavorable recommendation to the City Council.
c. No Recommendation. If the PC cannot reach consensus, they may forward the application to the City Council with no recommendation.

3. Certify PC Recommendation. Within 10 days of the PC recommendation, the Administrator shall certify the PC's recommendation to the City Council.

C. STEP 3: Council Meeting & Final Decision

1. Attend City Council Public Meeting. Public comment may be allowed if permitted by the City Council.
2. Final Decision by City Council. Upon receipt of the certification of the PC recommendation, the City Council shall vote on the proposed rezoning at a public meeting within 90 calendar days and in accordance with Indiana law.
   a. Approve. If the request meets the standards of evaluation, the Council may approve the request, and the ordinance is effective. The PC shall update the official zoning map accordingly.
      i. Modifications. Any required modifications, if any, shall be a condition of the approval.
      ii. Written Commitments. Any approval may include written commitments in accordance with Chapter 7.10: Other Procedures, and if included, the applicant shall record the approved written commitments.
   b. Deny. If the request does not meet the standards of evaluation, the Council may deny the request. If the proposal is denied by the City Council, it cannot be resubmitted for one year unless the Administrator determines there is a substantial change to the application.
   c. No Decision with Favorable PC Recommendation. If the City Council fails to act on a favorable recommendation from the PC, the ordinance (zone map change request or planned development overlay) takes effect as if it had been adopted 90 days after certification.
   d. No Decision with Unfavorable or No PC Recommendation. If the City Council fails to act on an unfavorable recommendation or no recommendation from the PC, the ordinance (zone map change request or planned development overlay) is denied.
3. Document Decision. The Administrator shall provide written notice of approval or denial by mail or email to the applicant. If the rezoning was denied, the specific reasons/findings for denial shall be provided.
   a. Expiration. Approval of a zone map change or planned development overlay shall run with the land unless a condition specifies otherwise.
4. PD Overlay Minor Modification. A public meeting or hearing is not required for a minor modification, but notice shall be provided to the applicant and all interested parties in accordance with the PC Rules and Procedures after approval of any minor modification. All increases and changes shall be based on the originally approved final plan for the PD overlay.
   a. Prohibited Impacts. Minor changes cannot cause any of the following:
      i. Change in the use or character of the development;
      ii. Increase in the intensity of use;
      iii. Increase in the problems of traffic circulation and public utilities;
      iv. Reduction of off-street parking and loading spaces;
      v. Reduction in required pavement widths; and/or
      vi. Encroachment into any required setback or further encroachment into a previously approved setback.
   b. Administratively Approved Minor Changes. The following minor changes to a PD overlay may be approved by the Administrator if the change is required by the Goshen Engineering Department or if the change is necessary due to other circumstances not foreseen at the time the PD overlay was approved. The Administrator's decision may be appealed to the BZA as outlined in Chapter 7.4: Administrative Appeal.
      i. The gross floor area of a structure may be increased by 10% if gross density of the project is not increased.
      ii. The location of a structure or off-street parking area may be shifted up to five feet closer to a property line or up to ten feet further away from a property line.
      iii. The height of a structure may be increased by 10%.

c. PC Approved Minor Changes. The following minor changes to a PD overlay shall be submitted by the Administrator to the PC as a staff item and may be approved by the PC if the PC determines the change does not have a negative impact. The PC's decision is subject to judicial review as outlined in Indiana Code.
   i. The gross floor area of a structure may be increased up to 20% if the gross density of the project is not increased.
   ii. The location of a structure or off-street parking area may be shifted up to ten feet closer to a property line or up to 20 feet further away from a property line.
   iii. The height of a structure may be increased by 20%.
d. Major Changes. All other amendments or changes to a planned development overlay shall require a new rezoning application.

5. Other Rezoning Amendments
   a. Rezoning Site Plan Amendments. Amendments to a final site plan included as part of a rezoning shall be approved following the same process as a new rezoning application.
   b. Written Commitment Amendments. An amendment to a written commitment shall be done in accordance with Chapter 7.10: Other Procedures.

D. STEP 4: Development

1. **Obtain Other Permits.** The applicant shall obtain all other required building permits, certificates of occupancy, right-of-way permits, and other approvals as applicable.

7.8 SUBDIVISION: MAJOR SUBDIVISION APPLICATION

WHEN IS A MAJOR SUBDIVISION APPLICATION REQUIRED?

☐ If there is a division or redivision of a lot where two or more lots are established and the subdivision meets the criteria of a major residential subdivision or major non-residential subdivision (see Chapter 6: Subdivisions)

☐ Subdivision approval includes three major phases that must be completed prior to construction and development:

- Primary Plat Approval (Steps 1- 2)
- Secondary Plat Approval (Steps 3-4)
- Construction & Development (Step 5)



PRIMARY PLAT DRAWING REQUIREMENTS

All primary plat drawings shall be 18x24 inches, scaled, and include the following:

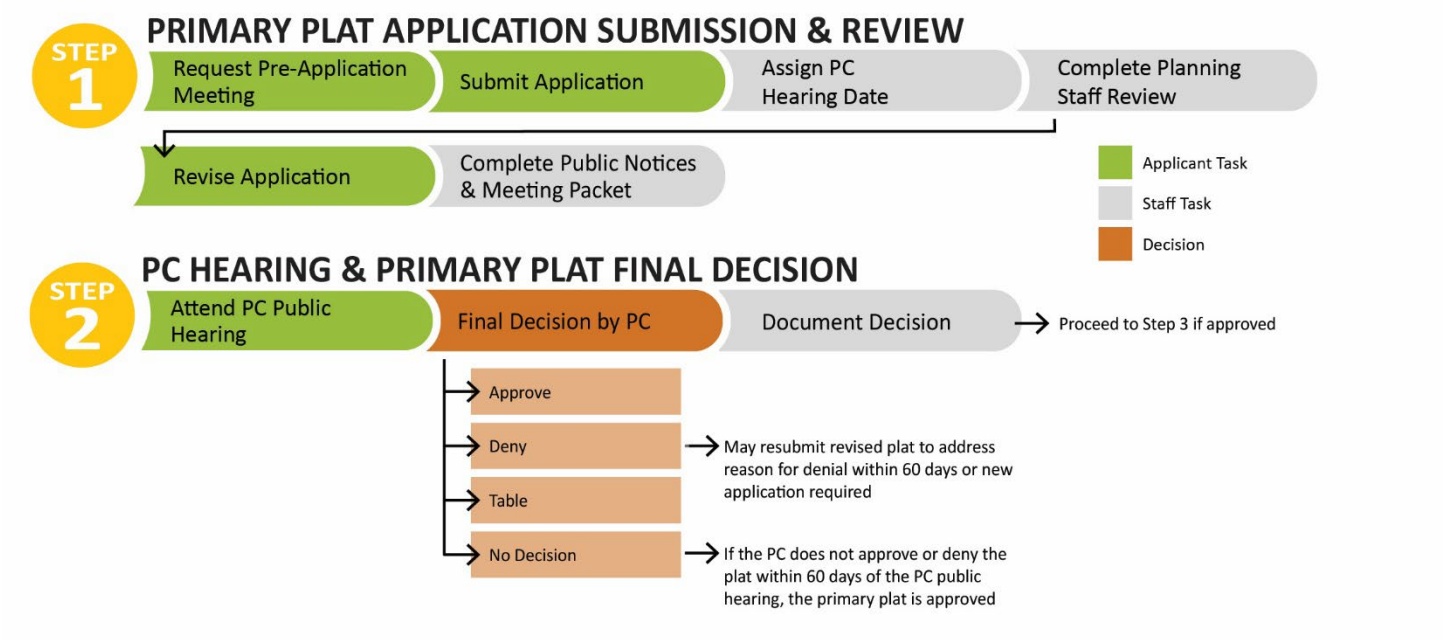
- ☐ Name of subdivision
- ☐ Location of the subdivision by Section, Township, Range, and township
- ☐ Name and address of subdivider
- ☐ Name, address, seal, and signature of the Registered Land Surveyor preparing the subdivision
- ☐ Scale, graphic bar scale, north point, and date
- ☐ Boundary line of proposed subdivision, all existing easements, and property lines in exact dimensions
- ☐ Boundary line of adjacent lots with names of property owners and zoning designation for unplotted properties
- ☐ Location, width and names of prior platted streets and lots in the proposed subdivision and within 300 feet of the proposed subdivision with previously recorded streets and lots (shown with dotted lines)
- ☐ Vicinity key map at a scale of 1 inch to 2,000 feet or 3,000 feet showing the location of the lots, major streets, and major physical features (such as rivers and creeks) that are within ½ mile of the subdivision boundary
- ☐ Layout of proposed streets (including their classification, names, and widths), walkways and easements
- ☐ Layout and approximate dimensions of lots
- ☐ Lots to be dedicated or reserved for public uses that are labeled with their use (such as retention basins or common area/open space)
- ☐ Existing topographic contours at vertical intervals of 5 feet or less from available data (United States Geological Survey data may be used)
- ☐ Flood hazard areas as shown on maps published by the Federal Emergency Management Agency (FEMA)
- ☐ Existing man-made structures and improvements
- ☐ Existing street patterns within 300 feet of the subdivision boundary
- ☐ Frontage street(s) and the nearest major intersections
- ☐ Other information the PC may require under the provisions of this UDO

SECONDARY PLAT DRAWING REQUIREMENTS

All secondary plat drawings shall be 18x24 inches, scaled, and include the following:

- ☐ Name of the subdivision with each section or phase separately identified
- ☐ Legal description of the subdivision which shall include Section, Township, Range, and township
- ☐ Name, address, seal, and certification of the Registered Land Surveyor preparing or certifying the subdivision
- ☐ Scale, graphic bar scale, date, and north point
- ☐ Township, Range, or Section Line accurately tied to the subdivision by bearing and distances in feet and hundredths
- ☐ Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths
  - ☐ The traverse survey shall be closed to a minimum accuracy of 1:10,000, and a boundary closure sheet shall be provided
- ☐ Exact location and width of all streets, alleys, and sidewalks within the subdivision with street names labeled and
  - ☐ All radii, central angles, points of curvature and tangency, length of tangents, lengths of arcs, and similar data for all streets
  - ☐ All street lines shall be tied to other street and alleys with accurate dimensions in feet and hundredths and angles or bearings
- ☐ Accurate location and type of all existing and required monuments
- ☐ All easements dimensioned and identified as to their specific uses
- ☐ All lot numbers and lines with accurate dimensions in feet and hundredths and bearings expressed in degrees, minutes and seconds
- ☐ All previously recorded subdivisions adjacent to the subdivision, shown in dotted lines with subdivision name, section, and Recorder's Book and Page Number
- ☐ Location of all areas (other than public right-of-way) to be dedicated or reserved for public use or semi-public use and all areas to be reserved for the use of all property owners (such as common area) and labeled as to its use with a separate legal description on the drawing and accurate dimensions in feet and hundredths and bearings expressed in degrees, minutes, and seconds
- ☐ Dimensioned building setback lines, only if specified during primary plat review or approval
- ☐ Certifies and certifications including the Deed of Dedication, Owner's Certification, notarization and seal, certificate of Approval (see Appendix A: Plat Certificates & Certification Examples)

PHASE 1: PRIMARY PLAT APPROVAL



A. STEP 1: Primary Plat Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application. Additional information may be required by the PC.
   a. If a waiver from the subdivision regulations is being requested, it shall be submitted with the primary plat application. Note that the applicant must show that practical difficulties and that an unnecessary hardship would result if the standards were strictly adhered to and where, in the opinion of the PC, because of topographical or other conditions particular to the site exist, a departure may be made without compromising the intent of such provisions).
3. Assign PC Hearing Date. The PC shall announce a public hearing within 30 days of receiving a complete application and hold a public hearing within 60 days of receiving a complete application. If a waiver is also requested, it shall be heard at the same meeting as the primary plat.

REQUIRED APPLICATION ITEMS FOR PRIMARY PLAT

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Traffic analysis (if required by Chapter 7.10A: Traffic Impact Analysis)
- ☐ Primary plat drawing(s) (3 full-sized copies; drawings must comply with drawing requirements)
- ☐ Subdivision overview statement (describe intended land use(s), any restrictions to be placed on the property, and expected timeline to develop)
- ☐ Preliminary drainage plan (facilitates and systems that will serve the subdivision, including any off-site or existing drainage systems)
- ☐ Water and sewer report (verification from the utility provider(s) stating they have capacity to serve the subdivision and an overview of how the utilities will be extended, including the location/route and size of extensions)
- ☐ Flood protection report, if located in a flood hazard area (overview of how construction will be protected from flood damage)
- ☐ Street construction report (identify type of street construction proposed within the subdivision based on the Goshen design standards and specifications)
- ☐ Waiver request (if requested) including a justification statement that identifies the requested waiver and fully explains the grounds and all the facts relied upon to justify the waiver

4. **Complete Planning Staff Review.** Within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application in accordance with Indiana law unless Indiana law provides for a longer timeframe.
   a. The Administrator may forward copies to the Indiana Department of Natural Resources (Indiana DNR) for review and comment.
5. **Revise Application**
6. **Complete Public Notices & Meeting Packet.** Public notice is required, and the Administrator shall provide the application and staff report to the PC prior to the hearing.

B. STEP 2: PC Hearing & Primary Plat Final Decision

1. **Attend PC Public Hearing**. Public comment and meeting procedures shall be in accordance with the PC Rules and Procedures.
2. **Final Decision by PC**. The PC shall consider the primary plat application at a public hearing and make a final decision on the application.
   a. Approve. If the PC finds all of the standards of evaluation have been satisfied, it shall approve the primary plat (and waiver if applicable) and include findings of fact supporting the reason for approval.
      i. Written Commitments. The PC may introduce changes or revisions (as conditions or written commitments) to the proposed plat as a condition of primary plat approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to the manner in which public rights-of-way, streets, alleys, and similar infrastructure shall be laid out, graded, and improved; and a provision for other services as specified in this UDO. If revisions are required as a term of approval, the applicant shall make any revisions that were required as a term of approval and the Administrator shall verity the revisions are completed. Any written commitments in accordance with Chapter 7.10: Other Procedures.
   b. Deny. If the PC finds that one or more of the standards of evaluation have NOT been satisfied, it shall deny the primary plat and include findings of fact supporting the reason for denial. The applicant may then resubmit a new application for a primary plat that addresses the reason for denial.
   c. Table. The PC may require additional information to be provided by the applicant, and if so, the application may be tabled to a future meeting. The applicant shall provide the necessary information or revisions within the required timeframe, and if this is not provided, the PC may deny the application.
   d. No Decision. If the PC fails to make written findings and a decision granting or denying the primary plat within 60 days after the public hearing, then the primary plat is considered to have received primary approval.

PRIMARY PLAT STANDARDS OF EVALUATION

The PC shall determine if the primary plat meets the following standards of evaluation:

- The primary plat complies with the standards of this UDO, including all application requirements (or has an approved variance and/or waiver)
- The primary plat will not adversely impact public health, safety, and welfare
- The primary plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies)

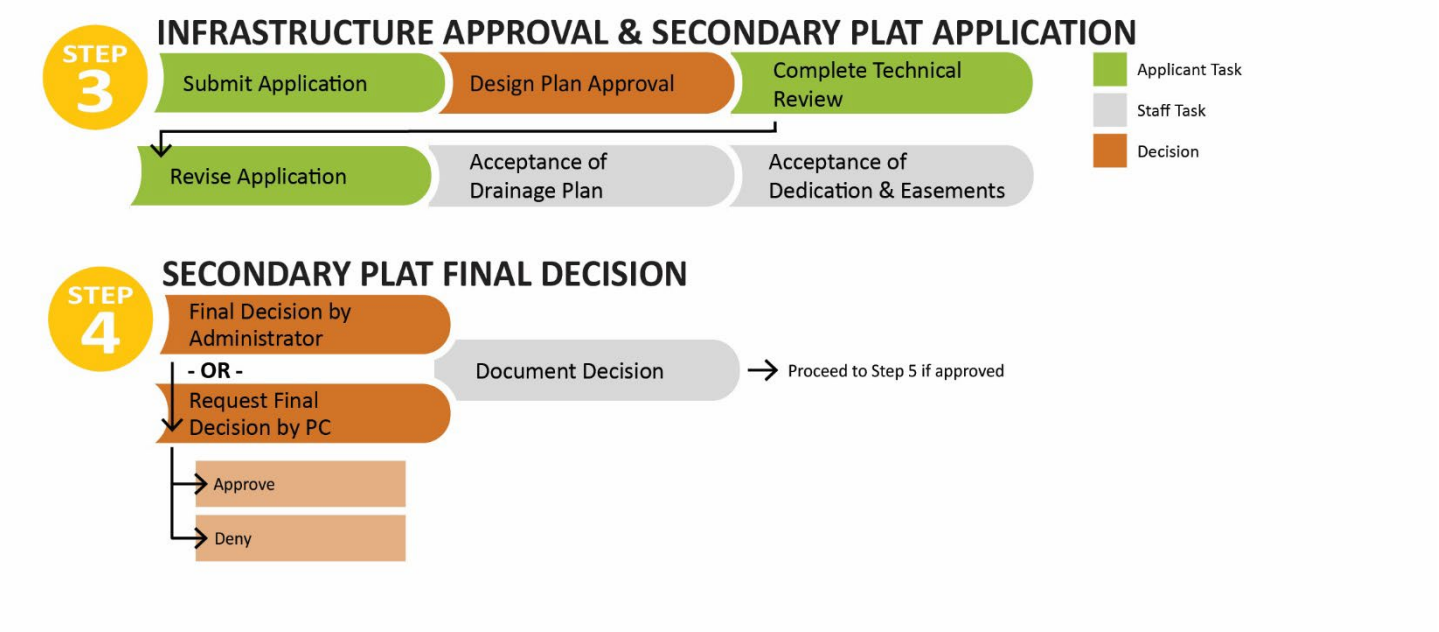
WAIVER FROM SUBDIVISION REGULATIONS STANDARDS OF EVALUATION

The PC shall determine if the waiver meets the following standards of evaluation in accordance with Indiana law. All standards shall be satisfied to approve the application.

- Practical difficulties and unnecessary hardship will result from the strict application of this UDO
- The purpose and intent of this UDO may be better served by an alternative proposal
- The waiver will not be detrimental to the public safety, health, or welfare or injurious to other property
- The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable to other property
- The relief sought will not contradict the other provisions of this UDO or the intent of the Comprehensive Plan and/or other adopted plan
- Where the waiver impacts the design, construction, or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing or electronic transmission to the PC

3. Document Decision. Within 15 days of the PC decision to approve or deny the application, the Administrator shall provide written approval or denial by mail or email to the applicant that includes the findings of fact supporting the decision and, if it was approved, also includes any required revisions, conditions, or written commitments that were required as terms of the approval.
   a. Primary Plat Amendment. An amendment to a primary plat shall require a new primary plat application.
      i. An amendment to a written commitment shall be done in accordance with Chapter 7.10: Other Procedures.

PHASE 2: SECONDARY PLAT APPROVAL



C. STEP 3: Infrastructure Approval & Secondary Plat Application

1. **Submit Secondary Plat Application.** The applicant may submit a secondary plat for one or more phases or sections of lots as laid out on the primary plat but each section shall include all necessary infrastructure serving the lots within that section. The secondary plat application shall be submitted concurrently with design plan approval.
2. **Design Plan Approval.** Before any construction or land disturbance begins in the subdivision, the applicant shall submit construction drawings to the City Engineer showing, but not limited to, the following for the entire primary plat:
   a. All streets;
   b. All drainage facilities;
   c. All required underground utilities; and
   d. All other required improvements including fire hydrants and street and traffic control signs.
3. **Complete Technical Review.** The applicant shall submit an application for technical review approval. If the application is exempt from the technical review process, planning staff review is still required.

REQUIRED APPLICATION ITEMS FOR SECONDARY PLAT

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Secondary plat drawing(s) (3 full-sized copies; drawings must comply with drawing requirements)
- ☐ Construction plans for public improvements that are approved by the respective entity(ies))
- ☐ Drainage plan

   a. The Administrator shall review the application for compliance with the standards of evaluation in addition to the following technical requirements:
      i. Plat drawings shall comply with secondary plat drawing requirements.
      ii. Engineer's report that confirms compliance and approval of construction plans, drainage plans, water permit, sanitary sewer permit, soil erosion control permit, and surety or approval of infrastructure.
4. **Revise Application**
5. **Acceptance of Drainage Plan.** The Board of Works shall accept or approve the drainage plan.
6. **Acceptance of Dedication & Easements.** The Board of Works shall accept dedication of all streets for public use prior to secondary plat approval.

D. STEP 4: Secondary Plat Final Decision

1. **Final Decision by Administrator**. The PC authorizes the Administrator to review and approve secondary plats in accordance with the Indiana law, the PC Rules and Procedures, and this section. No public hearing, public comment, or public notice is required for secondary plat approval.
   a. Approve. If the secondary plat complies with all standards of evaluation, the Administrator shall approve the secondary plat (with or without conditions). Note that secondary plat approval does not allow a plat to be signed and recorded; see Phase 3: Construction & Development for requirements to record an approved secondary plat.
   b. Deny. If the secondary plat does not comply with all standards of this UDO and adequate revisions are not made, the Administrator shall deny the secondary plat application. If the plat is officially denied, the applicant may resubmit revised a secondary plat that addresses the reason for denial.
2. **Request Final Decision by PC**
   a. Applicant Requests PC Decision. The applicant may request a decision by the PC instead of the Administrator for any reason, including disagreement on comments from internal review, by requesting a public meeting in writing along with an explanation for the request. Upon receipt of this written request, the PC shall take action on the application within the timeframe required by Indiana law.
   b. Administrator Requests PC Decision. The Administrator may request a decision by the PC instead of the Administrator for any reason by setting a date for a public meeting by the PC and placing the application on the agenda. Upon receipt of this written request, the PC shall take action on the application within the timeframe required by Indiana Law.
   c. Attend PC Public Meeting & Final Decision by PC. The PC shall approve, approve with conditions, or deny the secondary plat based on the standards of evaluation at a public meeting.

SECONDARY PLAT STANDARDS OF EVALUATION

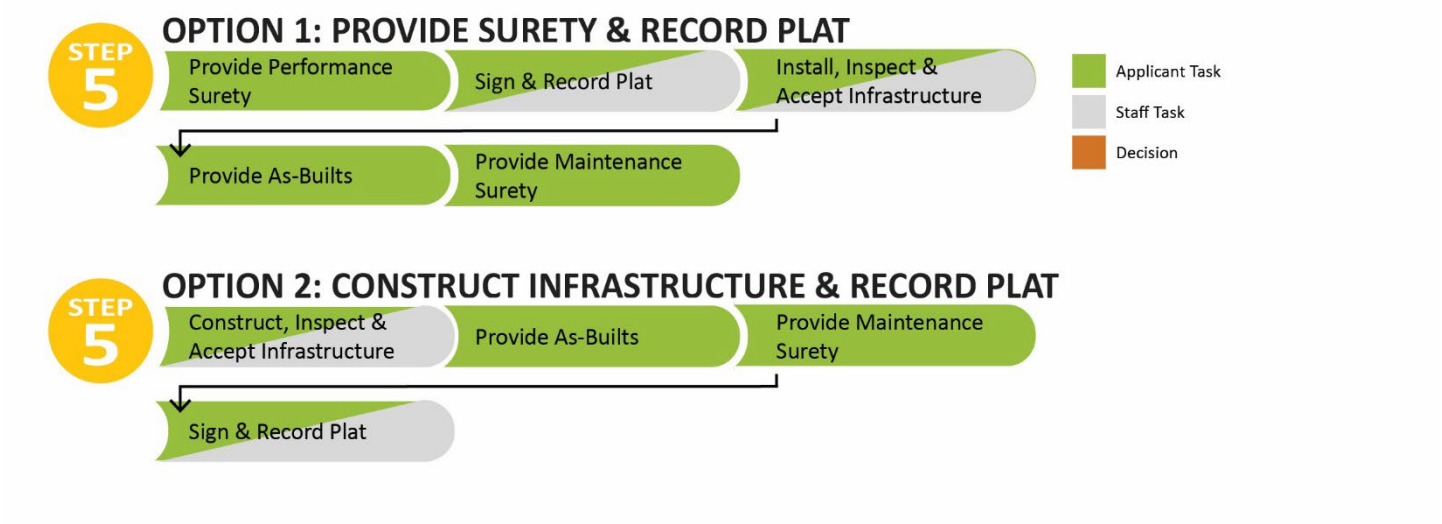
The PC shall determine if the secondary plat meets the following standards of evaluation:

- ☐ The construction plans have been approved (as applicable) by the Goshen Engineering Department
- ☐ The secondary plat complies with the standards of this UDO, including all application requirements (or has an approved variance and/or waiver)
- ☐ The secondary plat application has adequately addressed the comments from the internal review
- ☐ The secondary plat substantially conforms to the approved primary plat unless such changes were a condition of the primary plat approval
  - ☐ The secondary plat may be deemed to substantially conform to the primary plat if the layout and geometrics of the secondary plat are substantially the same layout
  - ☐ Substantial changes, such as the addition, removal, or alteration of street patterns, substantial increase in lot sizes, and/or an increase in the total number of buildable lots, shall result in denial of the secondary plat and the applicant shall be required to submit an application for a revised primary plat prior to secondary plat approval
  - ☐ The addition or removal of easements to accommodate utilities or drainage and/or the decrease in the number of lots without other substantial changes (such as street layout), shall not constitute a substantial change in conformity
- ☐ The applicant has provided a performance surety for all public infrastructure (see Chapter 7.8: Subdivision: Major Subdivision Application) or the public infrastructure has been installed, inspected, and approved by the Board of Works

3. **Requirements for Signatures on Secondary Plat**. A secondary plat shall NOT be signed by the Administrator following approval of the secondary plat. Secondary plat shall only be signed by the Administrator as outlined in Phase 3: Construction & Development.
   a. A plat for the purposes of development may not be filed with the Elkhart County Auditor and the Elkhart County Recorder may not record it unless it has been granted secondary approval and signed and certified by the required parties. The filing and recording of the plat are without legal effect unless approved by the Administrator or PC.

4. Document Decision. Within 15 days of the secondary plat decision, the Administrator shall provide written approval or denial by mail or email to the applicant that includes the decision and any required revisions, conditions, or written commitments that were required as terms of the approval.
   a. Recording Prohibited. Note that secondary plat approval does not allow a plat to be recorded; see Phase 3: Construction & Development for requirements to record an approved secondary plat.
   b. Expiration. Approval of a secondary plat shall not expire unless the plat is not recorded within three years of the secondary plat approval. Failure to record a secondary plat within this time period shall invalidate the secondary plat approval and require a new secondary plat application.
   c. Amendment. An amendment to a secondary plat (recorded or not recorded) shall require a new secondary plat application.

PHASE 3: CONSTRUCTION & DEVELOPMENT



E. STEP 5: Surety or Construction of Infrastructure

After the construction and drainage is approved, the applicant may proceed in one of two ways (as required by the Board of Works): OPTION 1: Provide Surety & Record Plat; or OPTION 2: Construct Public Infrastructure & Record Plat.

1. OPTION 1: Provide Surety & Record Plat
   a. Provide Performance Surety. The applicant shall provide a performance surety for all required public infrastructure in the amount, format, and terms required by the Board of Works.
   b. Sign and Record Plat. The plat shall be executed (signed) by the Administrator, Board of Works, and all parties having a security interest in the property. The applicant shall be responsible for obtaining all signatures, recording the plat with the Elkhart County Recorder's Office, and providing one copy of the recorded plat to the Administrator.
   c. Install, Inspect & Accept Public Infrastructure. All public infrastructure that serves an individual lot, including sidewalks if required, shall be installed and accepted by the Board of Works.
   d. Provide As-Builts. The applicant shall provide as-builts for all improvements within the public right-of-way in the format required by the Board of Works.
   e. Provide Maintenance Surety. The applicant shall provide a maintenance surety in the amount, format, and terms required by the Board of Works.

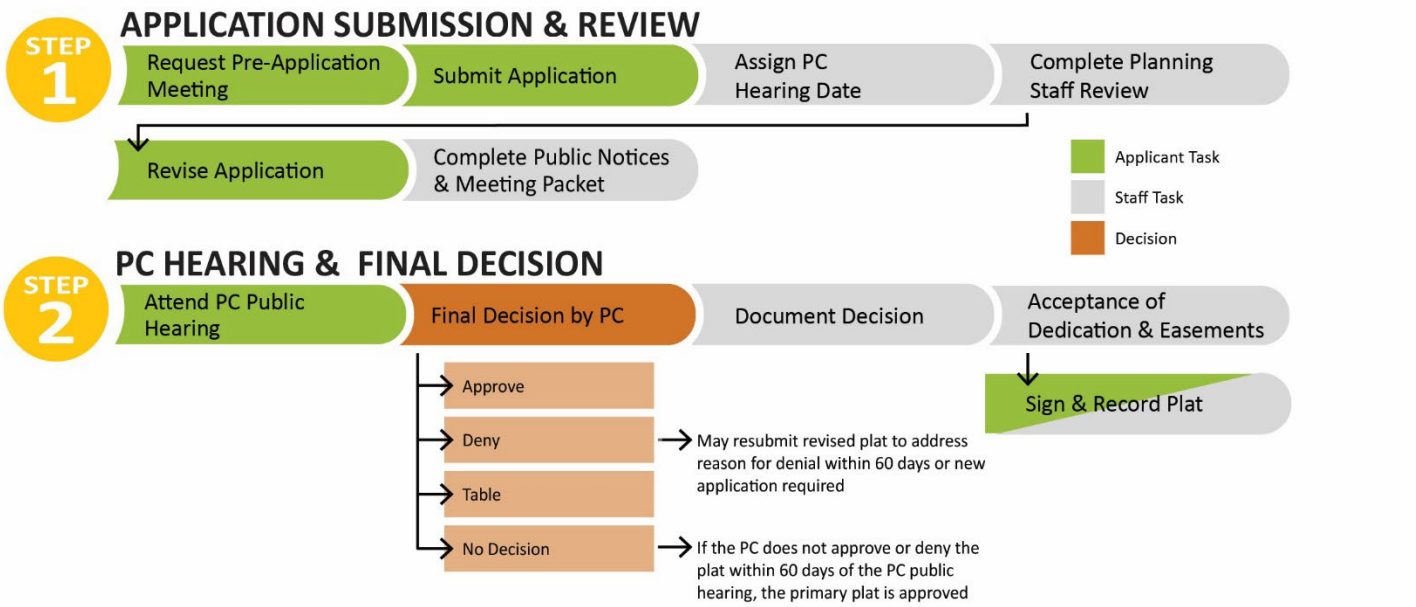
2. OPTION 2: Construct Infrastructure & Record Plat
   a. Install, Inspect & Accept Public Infrastructure. All public infrastructure that serves an individual lot, including sidewalks if required, shall be installed and accepted by the Board of Works.
      vii. The construction of all required public improvements shall be inspected and certified by a Professional Engineer as required by Board of Works before the plat is signed.
   b. Provide As-Builts. The applicant shall provide as-builts for all improvements within the public right-of-way in the format required by the Board of Works.
   c. Provide Maintenance Surety. The applicant shall provide a maintenance surety in the amount, format, and terms required by the Board of Works.
   d. Sign and Record Plat. The plat shall be executed (signed) by the Administrator, Board or Works, and all parties having a security interest in the property. The applicant shall be responsible for obtaining all signatures, recording the plat with the Elkhart County Recorder's Office, and providing one copy of the recorded plat to the Administrator.

7.9 SUBDIVISION: MINOR SUBDIVISION APPLICATION

WHEN IS A MINOR SUBDIVISION APPLICATION REQUIRED?

☐ If there is a division or redivision of a lot where two or more lots are established and the subdivision meets the criteria of a minor infill subdivision or minor residential subdivision (see Chapter 6: Subdivisions)

Note that subdivision approval for minor subdivisions is combined into a single approval process.



A. STEP 1: Application Submission & Review

1. Request Pre-Application Meeting
2. Submit Application
3. Assign PC Hearing Date. The PC shall hold a public hearing within 30 days of receiving a complete application.
4. Complete Planning Staff Review. Within 15 days of receiving a complete application, the Administrator shall notify the applicant of any deficiencies in the application in accordance with Indiana law unless Indiana law provides for a longer timeframe.
   a. Note that some applications may require technical review approval, and if so, the applicant shall also submit an application for technical review.
   b. The Administrator may forward copies to the Indiana Department of Natural Resources (Indiana DNR) for review and comment.
5. Revise Application
6. Complete Public Notices & Meeting Packet. Public notice is required, and the Administrator shall provide the application and staff report to the PC prior to the hearing.

REQUIRED APPLICATION ITEMS FOR PRIMARY PLAT

- ☐ Application form & application fee
- ☐ Current recorded deed for all applicable real estate
- ☐ Property owner authorization
- ☐ Minor plat drawing(s) (3 full-sized copies; drawings must comply with drawing requirements)
- ☐ Subdivision overview statement (describe intended land use(s), any restrictions to be placed on the property, and expected timeline to develop)

B. STEP 2: PC Hearing & Final Decision

1. **Attend PC Public Hearing**. Public comment and meeting procedures shall be in accordance with the PC Rules and Procedures.
2. **Final Decision by PC.** The PC shall consider the minor plat application at a public hearing and make a final decision on the application.
   a. Approve. If all of the standards of evaluation have been satisfied, it shall approve the minor plat and include findings of fact supporting the reason for approval.
      i. Written Commitments. The PC may introduce changes or revisions (as conditions or written commitments) to the proposed plat as a condition of primary plat approval when necessary to facilitate the best interest and general welfare of the community, including, but not limited to the manner in which public rights-of-way, streets, alleys, and similar infrastructure shall be laid out, graded, and improved; and a provision for other services as specified in this UDO. If revisions are required as a term of approval, the applicant shall make any revisions that were required as a term of approval and the Administrator shall verity the revisions are completed. Any written commitments in accordance with Chapter 7.10: Other Procedures.
   b. Deny. If one or more of the standards of evaluation have NOT been satisfied, it shall deny the minor plat and include findings of fact supporting the reason for denial. The applicant may then resubmit a new application for a minor plat that addresses the reason for denial.
   c. Table. The PC may require additional information to be provided by the applicant, and if so, the application may be tabled to a future meeting. The applicant shall provide the necessary information or revisions within the required timeframe, and if this is not provided, the PC may deny the application.
   d. No Decision. If the PC fails to make written findings and a decision granting or denying the minor plat within 60 days after the public hearing, then the minor plat is considered to have received approval in accordance with Indiana law.

MINOR PLAT STANDARDS OF EVALUATION

The PC shall determine if the plat meets the following standards of evaluation:

- The plat complies with the standards of this UDO, including all application requirements (or has an approved variance and/or waiver)
- The plat has no adverse impact on public health, safety, and welfare
- The plat has assurances that water supply, sewage disposal systems, and other applicable utilities can sufficiently serve the type of proposed subdivision by either the utility provider(s) or the respective approval agency(ies)

3. **Document Decision**. Within 15 days of the PC decision to approve or deny the application, the Administrator shall provide written approval or denial by mail or email to the applicant that includes the findings of fact supporting the decision and, if it was approved, also includes any required revisions, conditions, or written commitments that were required as terms of the approval.
   e. Expiration. Approval of a minor plat shall not expire unless the plat is not recorded within five years of approval. Failure to record a minor plat within this time period shall invalidate the plat approval and require a new minor plat application.
   a. Amendment. An amendment to a minor plat (recorded or not recorded) shall require a new secondary plat application.
      i. An amendment to a written commitment shall be done in accordance with Chapter 7.10: Other Procedures.
4. **Acceptance of Dedication & Easements.** The Board of Works shall accept dedication any required additional right-of-way adjacent to an existing public street or easements for public use required by this UDO prior to secondary plat approval.
5. **Sign and Record Plat.** The plat shall be executed (signed) by the Administrator or PC and the property owner. The applicant shall be responsible for obtaining all signatures, recording the plat with the Elkhart County Recorder's Office, and providing one copy of the recorded plat to the Administrator. Note that minor plat approval does not allow a plat to be recorded without all required signatures.

7.10 OTHER PROCEDURES

A. Traffic Impact Analysis

1. The applicant may be required to provide a traffic impact statement by the PC or BZA if indicated in the application respective procedure.
2. A traffic impact statement shall include a statement indicating the expected number of daily trips and peak hour trips, and a statement of any existing traffic issues that exist at the proposed access point(s).
3. All calculations and software used in determining trip generation shall be based on accepted industry standards, such references and methods established by ITE (Institute of Transportation Engineers), TRB (Transportation Research Board), INDOT (Indiana Department of Transportation), and/or FHWA (Federal Highway Administration).
4. The PC and/or BZA may require additional analysis to be completed by the applicant to determine impacts to the street network.

B. Violations & Enforcement

1. Failure to comply with any of the provisions of this UDO shall constitute a violation.
2. Where a violation occurs, or is alleged to have occurred, any person, firm, or corporation may file a written complaint stating fully the causes and basis thereof with the Administrator, who shall record the complaint, investigate, and take action as prescribed in this section.
3. Any person found in violation of this UDO shall, upon conviction thereof, be fined not more than two thousand five hundred dollars ($2,500) for each offense. Each day the violation continues shall constitute a separate offense.
4. The owner or tenant of any lot, structure, or use, or part thereof, and any architect, builder, contractor, agent, or other person who commits, assists, participates, or maintains such violations may each be found guilty of a separate offense and suffer the penalties as provided therein.
5. The BZA or PC may institute a suit for injunction in a court of competent jurisdiction to restrain any person from violating this ordinance. A suit for mandatory injunction may be instituted in a court of competent jurisdiction directing a person to remove a structure erected in violation of this UDO.

C. Written Commitments

1. **Substantiated Form**
   a. A written commitment must be substantiated by the form set forth in the PC Rules and Procedures and must identify any specially affected persons or class of specially affected persons who may enforce the commitment.
   b. A commitment must be approved by the Administrator prior to recording it.
2. **Recording**
   a. A commitment shall be recorded in the Elkhart County Recorder's Office by the applicant and takes effect upon the adoption of the proposal by the applicable body to which it relates.
   b. Following the recording of a commitment, the applicant shall return a copy of the original recorded commitment to the Administrator for the file before beginning site work and/or the issuance of a building permit.
3. **Persons Bound**
   a. Unless it is modified or terminated by the applicable body(ies) to which it relates in accordance with this section, a recorded commitment is binding on the owner(s) of the lot, a subsequent owner(s) of the lot, and any other person who acquires interest in the lot.
   b. An unrecorded commitment is binding on the owner(s) of the lot who makes the commitment. An unrecorded commitment is binding on a subsequent owner(s) of the lot or a person acquiring an interest in the lot only if the subsequent owner(s) or the person acquiring the interest has actual notice of the commitment.
4. **Modification or Termination by PC, BZA, or City Council.** Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated only by a decision of the applicable body(ies) that approved the commitment. Any change or termination shall be made at a public hearing after notice of the hearing has been given under the PC Rules and Procedures.

CHAPTER 8

NON-CONFORMING

INTHIS CHAPTER:

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8.1 GENERAL NON-CONFORMING PROVISIONS

A. Purpose and Intent

1. The standards established by this UDO (or by amendments) may create legally non-conforming lots, legally non-conforming structures, legally non-conforming uses of land, and/or legally non-conforming zoning districts (individually or in combination) that were lawful before this UDO was passed or amended, but are prohibited, regulated, or restricted under the terms of this UDO or future amendments.
2. It is the intent of this UDO to permit these legal non-conformities to continue until they are removed but not to encourage their survival.
3. It is further the intent of this UDO that non-conformities shall not be enlarged upon, expanded, extended, or intensified, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district unless specifically allowed by this UDO.

B. Incompatible Use

Non-conforming uses and structures are declared by this UDO to be incompatible with permitted uses in the applicable districts. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this UDO except as outlined within this chapter.

C. Illegal Non-conforming vs. Legal Non-conforming

1. Illegal Non-conforming. A structure, lot, and/or use that that was not legally established or that was constructed without an approved permit as it relates to this UDO, ILP, or approval from the BZA, PC, or other entity constitutes an illegal non-conforming structure, lot, and/or use. An illegal non-conformity shall be subject to actions and penalties allowed by the UDO and shall be only altered to conform with all applicable standards, regulations, and approvals of this UDO.
2. Legal Non-conforming. A structure, lot, and/or use that was legally established prior to the adoption or amendment of this UDO, but would be prohibited, regulated, or restricted under the terms of this UDO is considered legally non-conforming. Legal non-conforming lots, structures, and/or uses may continue in the manner and to the extent that they existed or were used at the time the change in the UDO was enacted.
3. Exemptions. Structures, uses, and/or other property features that are non-conforming due to previously approved variance, special use, or other approval shall be considered conforming and not be subject to the provisions of this chapter and shall conform to the terms of their approval.

D. Burden of Proof

The burden of establishing the legality of a non-conformity is upon the property owner of the non-conformity and not upon the City.

E. Current Construction

1. To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO and upon which actual building construction has been carried on diligently.
2. As long as an ILP has been issued, where demolition or removal of an existing building has substantially begun prior to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently.
3. Actual construction is hereby defined, at a minimum, as having a valid ILP and/or BP upon the initial passage of this UDO.

8.2 NON-CONFORMING LOTS OF RECORD

A. Continuance of Non-conforming Lots

1. If a lawful lot of record exists at the effective date (or amendment) of this UDO that would not be permitted to be created by the standards of this UDO, the lot may be developed if all of the following are met:
   a. The lot remains otherwise lawful.
   b. The lot is in separate record (recorded as an individual lot with a unique parcel number) or considered a zoning lot (see Chapter 9: Definitions), and the lot or zoning lot has street frontage.
   c. New development and structures conform with the applicable yard dimensions and development standards for the applicable zoning district except for lot area and/or lot width (frontage).
   d. All other provisions of this UDO are met or a variance from the BZA is obtained.

A. Continuance of Non-conforming Lots

1. If a lawful lot of record exists at the effective date (or amendment) of this UDO that would not be permitted to be created by the standards of this UDO, the lot may be developed if all of the following are met:
   a. The lot remains otherwise lawful.
   b. The lot is in separate record (recorded as an individual lot with a unique parcel number) or considered a zoning lot (see Chapter 9: Definitions), and the lot or zoning lot has street frontage.
   c. New development and structures conform with the applicable yard dimensions and development standards for the applicable zoning district except for lot area and/or lot width (frontage).
   d. All other provisions of this UDO are met or a variance from the BZA is obtained.

8.3 NON-CONFORMING STRUCTURES

A. Continuance of Non-conforming Structures

1. If a lawful structure exists at the effective date (or amendment) of this UDO that would not be permitted to be constructed under the standards of this UDO because of structure size, height, location on the lot, or other requirements concerning the structure, the structure may remain if all of the following are met:
   a. The structure remains otherwise lawful
   b. The structure is not enlarged, altered, or added on to in a way that increases its non-conformity unless a variance is obtained from the BZA.
      i. The structure may be altered to decrease its non-conformity.
      ii. The structure may be expanded if the alteration complies with all standards of this UDO.
   c. The structure is not abandoned for any reason for more than 18 consecutive months.

B. Repairs and Maintenance

1. Ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, and similar elements may be done if they comply with this chapter and all standards of this UDO.
2. Nothing in this chapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate City official.

C. Residential Structures

1. In accordance with Indiana law, a legally non-conforming structure on a lot or zoning lot (parcel) of real property that is used for residential purposes and is damaged or destroyed by any means shall be permitted to be reconstructed, repaired, or renovated if all of the following are met:
   a. The structure will continue to be used for residential purposes.
   b. The new foundation of the reconstructed, repaired, or renovated structure does not exceed the square footage of the foundation of the damaged or destroyed structure (but may be relocated to decrease a non-conformity).
   c. The structure is not within a flood hazard area (as defined by Indiana law).

D. Non-Residential Structures

1. A legally non-conforming structure that is used for non-residential purposes and is damaged or destroyed by any means where the damage is more than 75% of the structure's value (as determined by assessed value or appraisal provided by the property owner, whichever is greater) shall not be repaired or rebuilt unless it complies with all standards of this UDO or it complies with one of the following exceptions:
   a. A variance is approved by the BZA.
   b. A valid building permit is obtained within 12 months of when the damage occurred (or at the discretion of the Administrator if additional time is needed for reason) and the rebuilt structure does not exceed the square footage of the previous structure, is not moved from the location of the previous structure and is not located in a flood hazard area (as defined by Indiana law).

E. Non-conforming Signs

1. If a lawful sign exists at the effective date (or amendment) of this UDO that would not be permitted to be constructed under the standards of this UDO, the sign may remain unless any of the following occur:
    i. Modification to the size, shape, or height
    ii. Addition of lighting or illumination
    iii. Addition of electronic components
    iv. Structural alterations (excluding maintenance)
    v. Relocation or moving the sign location
2. Normal repairs, maintenance (including replacement of light bulbs and changing sign copy) are permitted as long as this does not include any of the above thresholds or activities that would require compliance.
3. All legally non-conforming signs shall be kept in good repair, safe, neat, clean, and attractive condition.
4. If a zoning lot has a legally non-conforming freestanding sign that exceeds the allowable sign face size and/or height by 150% or more, no additional or new freestanding signs shall be permitted on the lot or zoning lot until the non-conforming sign is removed and/or brought into compliance with this UDO.
5. If a zoning lot has a legally non-conforming wall sign that exceeds the allowable sign face size by 150% or more, no additional or new wall signs shall be permitted on the lot or zoning lot until the non-conforming sign is removed and/or brought into compliance with this UDO.
6. A legally non-conforming sign that is damaged or destroyed by any means where the damage is more than 50% of the value of the sign (as determined by a vendor quote provided by the applicant) shall not be replaced unless it complies with all standards of this UDO or a variance is approved by the BZA.
7. Any sign which is located on a zoning lot where the primary structure is vacant (or primary use is discontinued if there is not a primary structure) for greater than 60 days, all existing signs shall be considered abandoned. If an abandoned sign is non-conforming, it shall be considered non-lawful.

8.4 NON-CONFORMING USES OF LAND

A. Continuance of Non-conforming Uses of Land

1. Continuance. If a lawful use of land exists at the effective date (or amendment) of this UDO that would not be permitted under the standards of this UDO, this use may be continued if all of the following are met:
   a. The use remain otherwise lawful.
   b. The use is not enlarged, increased, moved, or extended to occupy a greater area of land.
      i. A non-conforming use may be extended throughout the current structure it occupies if the structure was arranged or designed for the use at the time of adoption or amendment of this UDO.
   c. The use is not discontinued for any reason for more than 18 months.
      i. Uses that are required to be discontinued due to governmental action that impedes access to the premises shall be exempt from this provision.
      ii. Uses that are damaged from fire, flood, other natural disaster, or criminal act shall be exempt from this provision.
2. Special Uses. If a use was legally established prior to the effective date (or amendment) of this UDO and the use is now only permitted in the zoning district as a special use, the use shall be considered an approved special use and regulated as such. If the use is discontinued or abandoned for any reason, it shall then comply with this chapter. This includes, but is not limited to, wireless communication facilities and towers, shooting ranges, and golf courses or driving ranges.

B. Additional Structures

No additional structures shall be erected in connection with a non-conforming use of land that does not conform to all requirements of this UDO unless specifically allowed by this UDO.

C. Structures and Uses in Combination

If a non-conforming use is located within a non-conforming structure and the non-conforming structure is removed, demolished, destroyed, or is no longer legally non-conforming, then the non-conforming use shall then be required to conform with all standards of this UDO.

D. Agricultural Uses

In accordance with Indiana law, an agricultural use of land that constitutes an agricultural legally non-conforming use may be changed to another agricultural use of land without losing agricultural non-conforming use status. In addition, an agricultural non-conforming use shall not be restricted or required to obtain a variance of use or special use if an agricultural legally non-conforming use has been maintained for at least three years within a five-year period.

8.5 NON-CONFORMING ZONING DISTRICTS

A. Continuance of Non-Conforming Zoning Districts

If a zoning district is no longer listed in the text of the UDO, property zoned under this district will continue to be zoned as such until the property is rezoned to a conforming zoning district. The development standards and permitted uses previously associated with the non-conforming zoning district shall still apply until rezoning to a conforming zoning district occurs.

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CHAPTER 9:

DEFINITIONS

INTHIS CHAPTER:

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9.1 GENERAL PROVISIONS

A. General Terms and Words

1. The words "shall" and "must" are defined as meaning always mandatory and required.
2. The words "may" and "should" are defined as meaning allowed and/or recommended but not required.
3. The word "person" or "applicant" includes a partnership, company or corporation, as well as an individual.
4. The words "used" or "occupied" when applied to any land or building shall include "intended, arranged, or designed to be used or occupied."
5. All words include the present, future, and past tenses.
6. All words include both the singular and plural forms.

B. Terms Not Defined

Any words or terms not defined in this UDO shall be defined using the most recent version of the Merriam-Webster Dictionary. If this dictionary does not define a word or phrase, the Administrator shall provide an interpretation of the definition based on the prevailing definition of the word or phrase at the effective date of this UDO or any amendments.

9.2 UDO DEFINITIONS

The following definitions shall apply to all sections of this UDO, including the Flood Control Overlay District.

Abandoned
Unless otherwise specified within this UDO, abandonment or cessation of the use of the property or structure for a period of six consecutive months, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Access
A way or area used to provide a physical entrance(s) for vehicular or pedestrian traffic to a lot or zoning lot.

Accessory Dwelling Unit (ADU)
A self-contained living unit internal to or on the same lot or zoning lot as a single-family dwelling or two-family dwelling (duplex) that:

- Does not exceed the lesser of:
  - 75% of the interior habitable area (gross floor area) of the single family dwelling; or
  - 1,000 square feet of total living area.
- Includes its own cooking, sleeping, and sanitation facilities; and
- Complies with or is otherwise exempt from any applicable building codes, fire safety codes, and other public health and safety laws.

The term does not include a manufactured home (as defined by Indiana law.

Accessory Structure
See Structure: Accessory.

Accessory Use
See Use: Accessory.

Addition (or Addition to an Existing Structure)
A structure that is added to or expanded after the completion of the original structure that:

- Involves the expansion or extension of any perimeter or exterior wall or roof structure that is connected by a common load-bearing wall (excluding firewalls); or
- An expansion or extension that increases the floor area or height of a building or structure.

For floodplain management purposes, any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled or roofed addition, which is connected by a firewall or is separated by independent perimeter loading-bearing walls, or new construction.

Adjacent Parcel or Lot
See Lot: Adjacent.

Administrator
The administrator of this UDO.

Adult Business
An adult entertainment or business that is part of the sex industry and is a site of erotic performance, erotic paraphernalia sales, and/or other sexually oriented places. Adult businesses may include an adult bookstore, adult arcade, adult cabaret, adult motel, adult novelty, adult video store, adult theater or motion picture theater, adult service establishment (IC 12-7-2-1.8), semi-nude or nude model studio (unclothed or wearing clothes that fail to completely and opaquely cover specific body parts required by Indiana law), sexual device shop, a sexual encounter center, or any other similar business. A commercial establishment may have other principal business purposes that do not involve an adult business activity, but the use shall be considered an adult business. This definition does not include burlesque shows (see Burlesque).

Agricultural Product Processing
The cleaning, sorting, packaging, processing, or transforming of raw or unprocessed agricultural products to prepare them for sale, storage, or transport where the agricultural produce is grown or produced. The site used for processing must be owned, managed, and/or leased by the same entity that owns, manages, and/or leases the ground where the agricultural product(s) was grown or produced. This definition does not include processing of livestock, animals, or meat products.

Agricultural Use
A use listed as an agricultural land use in Table 2.2: Permitted Land Uses.

Agritourism
An accessory activity or use located at and accessory to a working farm or an active agricultural, horticultural, or agribusiness operation where the general public is allowed or invited to visit, participate in, or view in agricultural activities for the purposes of enjoyment, education, or active involvement in the activities of the farm or operation. This definition does not include wineries, breweries, distilleries, and restaurants.

Airport
An area of land or water where aircraft land and take off, which may include taxiways, hangers or aircraft storage/tie-down areas, facilities for refueling and repair, accommodations for passengers, and any appurtenant areas intended for use for airport buildings or other airport facilities, open spaces, or rights-of-way. Airports may or may not be licensed by the Federal Aviation Administration.

Alley
A right-of-way designed to provide a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration
A change in size, shape, character, occupancy or use of a building or structure. *For floodplain management purposes,* an alteration is a change, rearrangement or enlargement (including height change) which results in a visible change to the exterior of a building or structure, excluding paint color, signs, awnings and normal day-to-day maintenance.

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

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

Animal Feeding Operation (CAFO / CFO)
The confined feeding of animals for food, fur, or pleasure purposes in lots, pens, ponds, sheds, or buildings where:

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

The term does not include the following:

- A livestock market where animals are assembled from at least two sources to be publicly auctioned or privately sold on a commission basis; and that is under State or Federal supervision.
- A livestock sale barn or auction market where animals are kept for not more than 10 days.
- Keeping of chickens on a residential lot that does not exceed the maximum number permitted by City Code.

Animal Shelter
See Kennel: Commercial.

Antenna
A device or equipment used to transmit and/or receive radio (electromagnetic) waves.

Apiary (Bee Keeping)
A designated location or place where three or more beehives are kept and/or managed for honey production, crop pollination, bee care, or personal use.

Appeal
The appeal of an order, requirement, decision, or determination made by the Administrator in the enforcement of this UDO. *For floodplain management purposes,* appeal means a request for a review of the floodplain administrator's interpretation of any provision of the Flood Control District Overlay regulations, a request for a variance from Flood Control District Overlay regulations, or a challenge to a Board of Zoning Appeals decision.

Applicant
A person or entity that submits an application for approval that is required or governed by this UDO. Applicants that are business entities must be registered with the Indiana Secretary of State.

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

Arena
See Stadium.

Assisted Living
A residential facility (short or long-term) that provides nursing care, room, laundry, administration of medications, special diets, and treatments. It may include rehabilitative and restorative therapies under the order of an attending physician. Other terms for this use may include nursing home, assisted living, or comprehensive care facility. This does not include other facilities such as recovery residences, shelters, residential treatment facilities, halfway houses, boarding houses, hospitals, outpatient facilities, similar uses that do not meet this definition, or other land uses listed in Table 2.2: Permitted Land Uses.

Auditor
The Auditor for Elkhart County, Indiana.

Auditorium
See Stadium.

Automobile
A self-propelled, free-moving vehicle with wheels and licensed by the appropriate State agency as a passenger vehicle.

Automotive, Vehicle & Equipment: Sales
A structure or area of land that is used to park or display three or more new or used vehicles for sale or lease on a zoning lot within a calendar year. This includes automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar equipment), and similar vehicles.

Automotive, Vehicle & Equipment: Services & Repair
The service or repair of automobiles, motorcycles, recreational vehicles (RV), trailers, boats, heavy equipment (such as bulldozers, backhoes, and similar), and similar vehicles. Uses include, but are not limited to, tire sales and service, general repair, collision services, painting and undercoating, engine rebuilding, automobile washes, vehicle detailing, oil change establishments, and similar uses. This definition also include auto repair and service that is completed on a lot or zoning lot with a dwelling.

Awning
A roof-like cover that projects from the wall of a building for the purposes of shielding a doorway or window from the elements.

Bar
Establishment where alcoholic beverages are served for on-site consumption, primarily by the drink, and the majority of sales being alcoholic beverages versus food and/or non-alcoholic beverages. See also Restaurant.

Base Flood
The flood having a one percent (1%) chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

Base Flood Elevation (BFE)
The water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

Basement
A portion of a building with at least two-thirds of its height below curb level or below the average grade of the adjoining ground. *For floodplain management purposes,* basement means that portion of a structure having its floor sub-grade (below ground level) on all sides.

Battery Energy Storage System (BESS)
One or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle. A battery energy storage system is classified as a Tier 1 or Tier 2 BESS. Note that BESS definitions within this UDO intentionally do not align with Indiana law.

Battery Energy Storage System (BESS): Tier 1
A BESS where the energy, electricity, and/or power that is stored or collected is intended primarily for on-site use and it is located on the same zoning lot where the power is used.

Battery Energy Storage System (BESS): Tier 2
A BESS where the energy, electricity, and/or power that is stored or collected is intended primarily for off-site use on separate zoning lot or where energy will be placed onto the public power grid. Tier 2 BESS must comply with all applicable National Electric Code, National Fire Code, and State code requirements and National Fire Protection Association (NFPA) standards for equipment testing, installation, and safety.

Bed and Breakfast
A business use within dwelling that is an operator or owner-occupied that provides two to ten guest rooms (overnight / sleeping accommodations) to the public for a fee and provides a morning meal for the guests. Other terms for this use may include lodging house or guest house. This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses, including a short-term rental.

Bench: Park
Any accessory structure used for public seating that does not exceed eight feet in length and eight feet in height. Note that park benches are not subject to accessory structure setback requirements.

Berm
An earthen mound designed to provide visual interest, screen undesirable views, buffer incompatible uses, and/or decrease noise.

Best Available Flood Layer (BAFL)
Floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazard areas identified by approximate studies on the currently effective FIRM (Zone A) and/or for watercourses where the flood hazard is not identified on available floodplain mapping.

Block
An area of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development or line of demarcation (including City limits).

Board of Works
The Goshen Board of Public Works and Safety.

Board of Zoning Appeals (BZA)
The Goshen Board of Zoning Appeals.

Boarding House
See Bed and Breakfast.

Bond
See Surety Bond.

Brewery
See Winery, Brewery & Distillery.

Bufferyard
A portion of yard, together with any required planting or screening, intended to separate land uses from each other and mitigate the impact that a use may have on an adjacent property or use

Building
A roofed structure that is fully enclosed on all sides with exterior walls or common (party) walls, permanently attached to the ground, foundation, or another permanent structure, and intended for the shelter, housing, or enclosure of an individual, animal, process, equipment, goods, or materials. Note that a building is considered a structure, but not all structures are considered buildings (such as a fence). See also Structure.

Building: Accessory
A building detached from a primary structure or building (not attached to the foundation of the primary structure or building), located on the same lot or zoning lot, and customarily incidental and subordinate to the primary structure or use. Examples may include sheds or detached garages for residential uses or storage buildings for industrial uses.

Building: Attached
A building that has any part of its exterior or load-bearing wall in common with another building or which is connected to another building by a roof.

Building: Detached
A building surrounded by open space on single lot and that is not attached to another building.

Building: Prefabricated
A building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

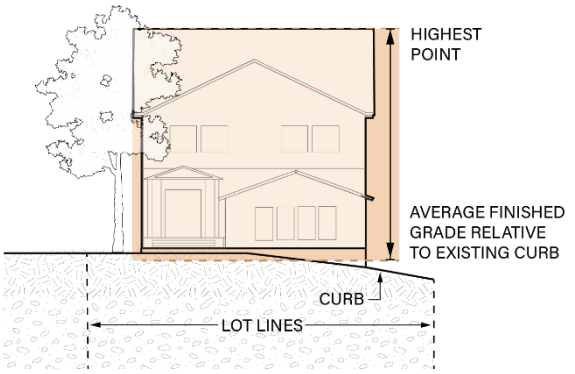
Building: Primary
A building where the primary use of the lot or zoning lot is located.

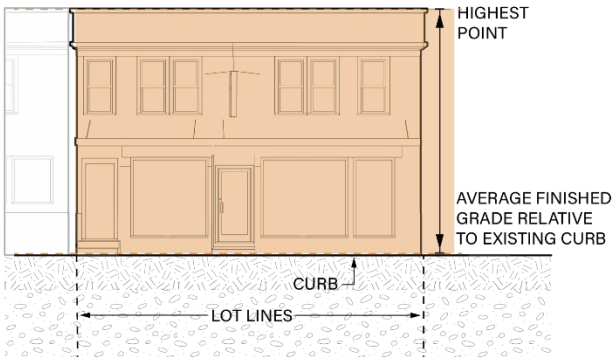
Building Code
The set of legal requirements that define the minimum standards for the design, construction, and safety of buildings and structures. For the purposes of this UDO, building code refers to the most recent building codes adopted by the State of Indiana and/or City of Goshen, including but not limited to, the Indiana Residential Code, International Fire Code (IFC), International Fuel Gas Code (IFGC), International Plumbing Code (IPC), International Energy Conservation Code (IECC), International Building Code (IBC), and international Mechanical Code (IMC).

Building Commissioner
The person or their designee who is empowered to review, approve, and inspect Building Permits concerning the enforcement of the applicable building codes. This can also be referred to as the building inspector or building official.

Building Coverage
The percentage of the total (gross) lot area where a building or roofed structure is located or covers.

Building (or Structure) Height
The vertical distance of a building or structure measured from the average finished grade (see Grade: Finished) to the highest point of the coping of a flat roof, the deck line of a mansard roof, the peak of a pitched roof, or the uppermost part of the building or structure on all other roof types unless otherwise specified within a specific zoning district. Radio and TV antennas less than 50 feet in height, water tanks, chimneys, flagpoles, air conditioning units, and ventilation fans or similar equipment required to operate and maintain a building shall be exempt from height restrictions. If attached to a roof, the base of such structures shall not exceed one-third of the roof area upon which they are erected. For measuring sign height, see Sign Height.





Building Line
See Setback Line.

Building Permit
A permit issued by the Building Commissioner or their designee authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building or structure.

Burlesque
A live stage show that is an accessory use typically featuring comedy and entertainment with some form of provocative or sensuality performance but does not include nudity or other activities defined as an Adult Business.

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

Campground
A public or private lot or zoning lot where three or more campsites are available, located, established, or maintained for people to camp for overnight occupancy on a temporary basis in a tent, trailer, camper, recreational vehicle (RV), cabin, or similar means for a rental fee or free of charge. Any site with more than two recreational vehicles that are occupied is considered a campground. This definition is not intended to include manufactured home parks.

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

Cargo Container
A container intended for multi-modal transportation via sea-going vessel, train, and truck trailer. These containers are self-contained without axles or wheels. Cargo containers are not considered permanent buildings unless they comply with the definition of a building.

Cemetery
Land used for the burial of the dead (human or animal) and dedicated for cemetery purposes.. It may include mortuaries if operated in conjunction with and within the boundary of the cemetery. This term does not include columbaria or mausoleums.

Certificate of Occupancy
A certificate issued by the Building Commissioner or their designee in accordance with Indiana law.

Change in Use
A change from a land use classification included on Table 2.2: Permitted Land Uses to another land use classification. A change in ownership does not constitute a change in use.

Church
See Religious Activity or Place of Worship.

City Standards
The standards, specifications, and requirements for design, installation, and/or construction of infrastructure within the City of Goshen. This may also be referred to as design standards, specifications, or design requirements.

Clinic
See Medical Offices.

Club: Private or Philanthropic
A structure or area of land that is owned or operated by a person or group for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests, excluding adult businesses. This does not include any use or activity rendering a service usually and ordinarily carried out as a business, including restaurants, food service, fitness center, or retail membership clubs.

Collocation
The placement or installation of wireless facilities on existing structures that include a wireless facility or wireless support structure, including water towers, and other structures. The term includes the placement, replacement, or modification of wireless facilities within an approved equipment compound. Existing structures, as applied to collocation, do not include a utility pole or an electrical transmission tower.

Columbaria
Structures or vaults designed with small, recessed compartments or niches to house urns that contain cremated ashes. These may be located outdoors (such as in a garden or cemetery) or indoors (such as inside a church).

Commercial Use
A use listed as a commercial land use in Table 2.2: Permitted Land Uses.

Common Area
Land or area of water that is not individually owned and is located within or related to a development, which is designed and intended for the common use or enjoyment of the residents of the development and their guests. It may include complementary structures and improvements as are necessary for the intended recreational use, open spaces and natural areas, turf or lawn areas, decorative plantings, walkways, active and passive recreation areas, playgrounds, and wooded areas. For the purposes of this UDO, common area within a platted subdivision is not considered a park.

Community
Community is a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction, which *for floodplain management purposes* is the City of Goshen.

Community Building
A building that includes public or shared spaces within a community, neighborhood, or similar geographic area that is intended for gathering, interaction, activities, or similar function. Examples may include community centers, clubhouses, and similar buildings.

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

Comprehensive Care Facility
See Nursing Home.

Comprehensive Plan
The Comprehensive Plan for the City of Goshen as approved by the legislative body under Indiana law and as amended from time to time.

Conditional Standards
Additional standards that are required to allow a permitted land use. See Chapter 3: Additional Conditions for Uses.

Condominium
See Dwelling: Condominium.

Confined Feeding Operation (CFO)
Any confined feeding of:

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

Construction
The placing of material in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed construction.

Construction: Existing
For floodplain management purposes, existing construction is any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.

Construction: New
For floodplain management purposes, new construction is any structure for which the "start of construction" commenced on or after the effective date of the community's first floodplain ordinance, and includes any subsequent improvements to such structures.

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

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

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

Contractor Business
A building or area of land used for conducting business and/or storing materials and/or equipment for contractors in the construction trades. This use includes construction services and landscaping contractors including the storage of associated equipment and materials. Operations primarily serve as an off-site service business where operations are dispatched from the location, meaning few or no retail customers visit the site daily. Contractors that only include office space without storage, equipment, or similar uses are considered Professional Services & Business Offices.

Correctional Institution
A facility designed for the confinement and/or rehabilitation of individuals who have been arrested, detained, or convicted of criminal offenses. Examples include prisons, jails, reformatories, and detention centers.

Country Club
See Golf Course.

County
Elkhart County, Indiana, and/or the Elkhart County Board of Commissioners or any of its government offices, boards, departments, or agencies.

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

Crematory (Crematorium)
A place where the bodies of the deceased (humans and animals) are cremated.

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

Cul-de-sac
A street that terminates with a vehicular turnaround.

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

Data Center
A building or area used to house and manage an array of computer systems and associated components (such as servers, networking equipment, storage infrastructure, and/or cooling/power infrastructure) that is used to collect, process, and/or store data. This does not include on-site, private systems intended to serve a single organization.

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

Day Care: Pet
See Kennel: Commercial.

Day: Business
A day other than a Saturday, Sunday, or a legal State or Federal holiday.

Day: Calendar
Any day of the week, including weekends.

Deed
A legal document conveying ownership of real property.

Density
The number of dwelling units per acre of land.

Density: Gross
The number of dwelling units per acre that includes the total (gross) land area within a development, including public rights-of-way.

Density: Net
The number of dwelling units per acre that includes only land used for residential purposes and excludes public rights-of-way and common areas.

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

Development
Any human-made change to improved or unimproved real estate, including but not limited to:
- Construction, reconstruction or placement of a structure or any addition to a structure or any parking improvements;
- Demolition of a building(s) or structure(s) in preparation for redevelopment or to return real estate to vegetation;
- Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- Installing utilities, erection of walls and fences, construction of street, or similar projects;
- Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- Mining, dredging, filling, grading, excavation, or drilling operations;
- Construction and/or reconstruction of boat lifts, docks, piers, and seawalls;
- Construction and/or reconstruction of bridges or culverts;
- Storage of materials; or
- Any other activity that might change the direction, height, or velocity of flood or surface waters.

Distillery
See Winery, Brewery & Distillery.

District
See Zoning District.

Drainage or Stormwater Ordinance
The current ordinance adopted by the City of Goshen that regulates drainage, stormwater, and/or Municipal Separate Storm Sewer System (MS4) regulations, including all technical standards and specifications.

Drainage Plan
The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality and quality of the runoff retained on or discharged from the site as outlined or required by local or State ordinances.

Drive-Thru or Drive-In
A use that allows customers to receive services or goods while remaining in their motor vehicles.

Driveway
A private access drive to a street or highway for a single lot or zoning lot.

Driveway: Shared
A single, shared driveway that is privately owned and maintained and provides access to more than one lot or zoning lot.

Driving Range
See Golf Course.

Dump
An area of land where garbage, sewage, trash, refuse, junk, discarded machinery, vehicles, and other waste, scrap, or discarded material of any kind are disposed of by dumping, burial, burning, or other means. For the purposes of this UDO, a dump is considered a landfill.

Dumpster
A large waste container located outside of a building. Intended for temporary storage of trash and debris, and designed to be mechanically lifted by and emptied into or carted away by a collection vehicle. For the purposes of this UDO, an area designed or used for trash collection with a similar intensity as a dumpster shall be considered a dumpster.

Duplex
See Dwelling: Two-Family.

Dwelling or Dwelling Unit
A building, or part of a building, that is used for human habitation and includes independent cooking, sleeping, and sanitary facilities that is physically separated from any other dwelling / dwelling unit in the same structure that is intended for use by one or more people constituting an independent household. This does not include recreational vehicles (RVs) or any structure that does not meet the required building code; it also does not include hotels, motels, bed and breakfasts, recovery residences, shelters, or any other use specifically included in Table 2.2: Permitted Land Uses.

Dwelling: Accessory Dwelling Unit (ADU)
See Accessory Dwelling Unit (ADU).

Dwelling: Loft
One or two dwelling units that are located on the upper floors of a building where the first floor is a non-residential land use.

Dwelling: Manufactured Home
See Manufactured Home.

Dwelling: Mobile Home
See Mobile Home.

Dwelling: Modular Home
See Modular Home.

Dwelling: Multi-Family
One or more structures located on a single lot or zoning lot where each structure contains three or more dwelling units within a single building. Dwelling units may be located on one or more stories.

Dwelling: Single-Family Attached
One dwelling located on a single lot or zoning lot that is attached to another single-family dwelling(s) by common vertical wall(s) without openings between dwellings (property line is located on the common wall), and where each dwelling has ground-floor outside access. Examples include, but are not limited to, townhomes, row houses, and patio homes.

Dwelling: Single-Family Detached
One dwelling unit located on a single lot or zoning lot that is not attached to any other dwelling by any means and is surrounded by open space or yards. This may also be referred to as single-family dwelling but this definition does not include single-family attached dwellings.

Dwelling: Tiny Home
A compact dwelling unit typically below 400 square feet that prioritizes spaces efficiency, affordability, and sustainability and can either be built on a permanent foundation or mounted on wheels for mobility. See also Tiny Home Community.

Dwelling: Two-Family
Two dwellings on a located single lot or zoning lot within a single building where each dwelling unit is totally separated from the other by common vertical wall(s) without openings between dwellings. Each dwelling does not have to have ground-floor outdoor access.

Easement
Authorization or grant of one or more of property rights by the property owner to and/or for use by the public, a corporation, or another person or entity for a specific purpose.

Eave
The horizontal overhang of a sloped roof that projects beyond the building's exterior walls. Note that the angled, overhanging edge of the roof that runs up the slope of a gable end is not considered an eave.

Elevation Certificate
A FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information, and that verifies a structure's elevation information. This certification must be signed and sealed by a land surveyor or engineer, authorized by law to certify elevation information.

Emergency Response Facility
A government facility operated by public agencies including fire stations, other fire prevention and firefighting facilities, police headquarters and substations, and related administrative facilities.

Enclosed (Area or Enclosure)
An area of a structure enclosed by walls on all sides.

Enclosed Building
See Enclosed and Building.

Enclosed Structure
See Enclosed and Structure.

Enclosure Below the Lowest Floor
See Lowest Floor and Enclosed Area.

Encroachment
For floodplain management purposes, encroachment is the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

Enlarge or Extend
An addition to the floor area of an existing building, an increase in the size of any structure, or an increase in the area of land occupied by an existing use.

Equestrian Facility
A use that is intended for accommodating, training, or competing with horses. These facilities can range from barns and stables to larger centers with indoor and/or outdoor arenas that offer services such as riding lessons and boarding.

Erect
To build, construct, alter, repair, display, relocate, attach, hand, place, suspend or affix.

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

FAA
Federal Aviation Administration

Façade
The exterior walls of a building exposed to public view.

Façade: Front
See Façade: Primary Street.

Façade: Primary Street
The façade that faces a road or street with the highest functional classification and typically contains the building's principal pedestrian entrance.

Façade: Secondary Street
The façade that faces a road or street that is not considered the primary street façade and typically does not contain the building's principal pedestrian entrance.

Façade: Street
The façade of a building that faces a public or private road or street, excluding alleys.

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

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

Fairgrounds
An area where fairs, exhibitions, and similar events occur that are typically outdoor but may have indoor components.

Household
A group of individuals, who may or may not be related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit.

Farm
A lot or zoning lot where the primary use is for crop production, livestock, or aquaculture.

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

FCC
Federal Communications Commission

Federal Insurance Administration
FIA.

Federal Emergency Management Agency
FEMA.

Fence
An artificially constructed barrier of any material(s) erected above the ground level used to surround, enclose, screen, or separate areas.

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

Fill
For floodplain management purposes, any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

Final Site Plan
See Site Plan.

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

Flag Lot
See Lot: Flag.

Flood (or Flooding)
A general and temporary condition of partial or complete inundation of normally dry land areas from:
- The overflow of inland or tidal waters.
- The unusual and rapid accumulation, or the runoff of surface waters from any source.
- Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Hazard Area
Any area within the Flood Control Overlay District.

Flood Hazard Area
Any floodplain, floodway or area subject to the one percent (1%) annual chance flood, or any combination thereof. See Special Flood Hazard Area.

Flood Insurance Rate Map (FIRM)
An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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

Flood Profile: Regulatory
A longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

Flood Prone Area
Any land area acknowledged by a community as being susceptible to inundation by water from any source. See Floodplain and Flood.

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

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

Floodplain
Any land area susceptible to being inundated by water from any source. See Flood Prone Area or Flood.

Floodplain Development Permit
See Improvement Location Permit.

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

Floodplain Management Regulations
The Flood Control District Overlay Regulations and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, erosion control ordinance, or stormwater ordinance), and other applications of police power which control development in flood prone areas. This term describes Federal, State, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodplain Ordinance
See the regulations outlined in the Flood Control Overlay District (FW).

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

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

Floodway
The channel of a river, stream, or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height. In no case shall the designated height be more than 0.14 foot at any point within the community.

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

Floor Area
The area of all floors of all buildings or structures.

Foot-Candle
Unit of illuminance measured on a surface where all points are at a distance of one foot from a directionally uniform point source of one candle and equal to one lumen per square foot.

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

Freeboard
A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Frontage
That side of a lot that abuts a public or private street.

FTA
Federal Telecommunications Act of 1996.

Fully Shielded
Light emitted by a lighting fixture, either directly or indirectly, that is projected below a horizontal plane established at the lowest light emitting part of the luminaire. This can also be referred to as full-cutoff, cutoff, or down lighting.

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

Garage
A building used for parking of motor vehicles.

Garage: Parking
See Parking Garage.

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

Garage: Vehicle Repair
See Automotive, Vehicles & Equipment Service & Repair.

Gas Station
Any building or area of land used for the retail dispensing or sales of vehicular fuels. This definition does not include automotive, vehicle, or equipment service or repair.

General Industry & Manufacturing: Heavy
Uses engaged in processing and manufacturing of materials or products predominately from extracted or raw materials into new products. These uses can include highly flammable, toxic, or explosive materials needed in the process and have greater than average impacts on the environment and/or the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, health, and/or safety. Examples include, but are not limited to, the following:

- *Heavy assembly and manufacturing*, such as converting, altering, finishing, processing, or manufacturing, glass manufacturing, paper manufacturing, wood or lumber processing (including paper mills), grain milling or processing, and advanced manufacturing of a heavy nature.
- *Blending of materials of a heavy nature*, including those that may include metal, concrete, plastic, petrochemicals, other chemicals, and heavy machinery, such as concrete batch plants, ammonia or chlorine manufacturing, metal casting or foundries, metal or metal ore production, and refining, smelting or alloying.
- *Large scale production processes*
- *Outdoor storage of non-hazardous materials*, such as materials of a heavy nature, or outdoor bulk storage.

This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

General Industry & Manufacturing: Light

Uses where all activities take place within an enclosed building that does not produce noise, fumes, smoke, odors, glare, or creates health and safety concerns outside of the building. Examples include, but are not limited to, the following as long as the use complies with the standards of this definition:

- *Light assembly and manufacturing*, such as assembling, converting, altering, finishing, processing, or manufacturing of products that may include light machinery, components, or materials into finished products, such as RV manufacturing, household electronics or appliance assembly, paper imprinting and publishing, clothing apparel, paper or wood product assembly (excluding wood or lumber processing, paper mill, or similar), lumber yards, food products, and advanced manufacturing of a light nature.
- *Small scale production processes*, such as commercial laundry or dry cleaning facilities, large-scale non-retail bakeries, dairy processing, furniture striping, and nonalcoholic beverage bottling.
- *Indoor storage of non-hazardous materials*, such as bulk materials, cold storage facilities.

This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

Golf Course

An area of land that is laid out for playing the game of golf or practicing golf (such as a driving range) and that may include accessory uses, such as a clubhouse, dining, snack bar, pro shop, practice facilities.

Governmental Office

A building, structure, or facility owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Grade

The average level of the finished surface of ground adjacent to the exterior walls of the building or structure.

Grade: Highest Adjacent

For floodplain management purposes, highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Grade: Finished

The average elevation or contours resulting from excavation or filling relative to the existing curb that extends the width of the zoning lot, or where there is not a curb, the average elevation of the crown of the street adjacent to the front of the zoning lot.

Grade: Lowest Adjacent

For floodplain management purposes, lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Grade: Natural

The vertical elevation of ground surface prior to excavation or filling. *For floodplain management purposes*, the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

Greenhouse: Commercial

A freestanding structure designed for professional, profit-oriented plant cultivation with controlled environmental conditions where plant and plant products are sold off-site. This excludes plant cultivation that is accessory to a residential use.

Groundcover

Grasses or other low-growing plants and landscaping.

Group Living

A structure that maintains the characteristics of a house that is occupied as a dwelling by individuals with shared common facilities that typically provide some form of personal care, social services, counseling services, transportation, or similar. Examples include group homes, group care homes, group housing quarters, boarding houses, half-way homes, fraternal organization housing, social rehabilitation housing, recovery houses, shelters, temporary worker housing, convents, monasteries, and similar housing options.

Guarantee

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

Gun Club

See Shooting Range.

Hardship

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

Hardship

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

Hazardous Materials

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

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

Health Department

The Elkhart County Health Department.

Heavy Industry & Manufacturing

See General Industry & Manufacturing: Heavy

Heliport

An area of land, water, or structural surface which is used for helicopter landings and take-offs, including refueling, maintenance, repair and storage facilities, and passenger services.

Historic Structure

Any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved State program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

Home Occupation

An occupation or profession conducted in a dwelling unit or accessory building to a dwelling unit located on the same lot or zoning lot, conducted exclusively by the occupants living in the dwelling unit, with the home occupation incidental and secondary to the residential use, not changing the residential character of the property.

- There shall be no exterior display or storage, the exterior appearance of the dwelling unit or accessory structure shall not be altered or visible evidence given to indicate the presence of the home occupation.
- Customer and client visits shall be by appointment only, with customer hours and deliveries occurring only between 7:00 am and 8:00 pm.
- No retail sales shall be permitted on site, except for those sales secondary to a non-retail activity.
- No traffic shall be generated by the home occupation in greater volume than would normally be generated by a residence, and there shall be no traffic congestion or traffic hazard created by the home occupation.
- Any equipment or process used shall not cause unreasonable noise, vibration, glare, fumes, odors, biological contamination, or electrical interference that can be detected off the lot where the home occupation is being conducted. Electrical interference shall not create visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.

Hospital

An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. A hospital may include accessory uses including a heliport, sanitarium, laboratories, outpatient facilities, training facilities, and medical offices.

Hotel

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

Housekeeping Unit

A group of people that share a common living space and typically have shared expenses and responsibilities.

Hydrologic and Hydraulic Engineering Analysis.

Analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

IDNR or Indiana DNR

Indiana Department of Natural Resources.

ILP

See Improvement Location Permit

Impervious Surface

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Examples of impervious surfaces include buildings, structures, sheds, patios, gravel, concrete, and asphalt.

Improved Surface

An area on the ground surface that is covered with a hard, durable material, such as concrete or asphalt, which is suitable for use in all weather conditions. For the purposes of this UDO, gravel or stone surfaces are only considered an improved surface if the site element (such as a driveway) is legally non-conforming or approved by the Board of Works. This term may also be referred to as paved.

Improvement Location Permit

A permit issued by the Administrator in accordance with the provisions of this UDO prior to the erection or alteration and use of a building or structure or the use of land, stating that the proposed building, structure and/or use comply with all applicable provisions of this UDO and authorizing the Building Commissioner to issue a building permit. Also known as "Zoning Clearance."

Improvement Location Permit

A permit issued by the Administrator in accordance with the provisions of this Ordinance prior to the erection or alteration and use of a building or structure or the use of land, stating that the proposed building, structure and/or use comply with all applicable provisions of the UDO and authorizing the Building Commissioner to issue a building permit. *For floodplain management purposes,* also known as Floodplain Development Permit. Also see Zoning Clearance.

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

Indiana Code
The current Indiana Statutes of Code, which codifies all Indiana statues for reference purposes. This may also be abbreviated as "Indiana Code," "Indiana law," or "IC" within this UDO.

Industrial Use
A use listed as an industrial land use in Table 2.2: Permitted Land Uses.

Industrialized Building System
A building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

Industrialized Residential Structure
A structure that is both an industrialized building system and a single-family or two-family private residence. It is not a manufactured home or mobile home. These structures are often referred to as modular homes.

Infrastructure
The facilities and services needed to sustain all land use activities.

In-home Childcare
A residential structure in which a maximum of 16 children (not including the children for whom the provider is a parent, foster parent, stepparent, guardian, custodian, or other relative) at any time receive childcare from a provider while unattended by a parent, foster parent, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of 10 consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. For the purposes of this UDO, this use includes both licensed and unlicensed providers.

Inoperable Vehicle
Any vehicle that is partially disassembled, inoperable, or unlicensed, on any property in location visible from public property or adjoining private property for more than 14 calendar days or on public property without being moved for two calendar days. This shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator, which is parked in areas zoned A1, and is used for parts replacement for machinery currently being used in the farming operation.

Institutional Use
A use listed as an institutional land use in Table 2.2: Permitted Land Uses that is owned or operated by a public entity or a private entity whose purpose is to provide public serves.

International Code Council-Evaluation Service (ICC-ES) Report
A document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

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

Junkyard
An open area where wastes or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron, inoperable vehicles, and other metals, paper, rags, rubber tires and bottles. Junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings, nor does it include an establishment engaged only in the processing of scrap iron or other metals to be sold specifically for the manufacture of steel or metal alloys.

Jurisdiction
All land within the corporate boundaries of the City of Goshen, Indiana and under the jurisdiction of the Goshen Advisory Plan Commission.

Kennel, Commercial
An establishment in which three or more dogs or other domesticated animals are housed, groomed, bred, boarded, trained, and/or sold for a fee or compensation. Any veterinary facility that provides overnight boarding as its primary service or any outdoor housing of animals is considered a commercial kennel. Dog or pet day cares and animal shelters are considered a commercial kennel.

Land Use
The type of activity on a lot or zoning lot or how land is being occupied or used.

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

Landscape Plan
The documents, graphics, and other information that include provisions for landscaping required by this UDO that includes, but is not limited to, street trees, buffers, screening, parking areas, and sign landscaping.

Landscaped Area
An area which includes live plantings in addition to grass and/or groundcover.

Legislative Body
The Common Council for Goshen, Indiana.

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

Letter of Final Determination (LFD)
A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC)
A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include the following:

(CLOMR) Conditional Letter of Map Revision
A formal review and comment by FEMA as to whether a proposed project, if built as proposed, or proposed hydrology changes would meet minimum National Flood Insurance Program floodplain management standards. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

(CLOMR-F) Conditional Letter of Map Revision Based on Fill
A letter from FEMA stating that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

LOMA (Letter of Map Amendment)
An amendment by letter to the currently effective FEMA map that establishes that a building or area of land is not located in a Special Flood Hazard Area (SFHA) through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

(LOMA-OAS) Letter of Map Amendment Out as Shown
An official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.

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

LOMR-F (Letter of Map Revision Based on Fill)
FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

Library
See Cultural Facility.

Light Industry & Manufacturing
See General Industry & Manufacturing: Light

Light Trespass
Direct light produced by an artificial light source that shines beyond the boundaries of the property on which it is located.

Lighting Plan
A plan showing the location, height above grade, type of illumination, type of fixture, the effective lumens, and the luminous distribution for each source of light proposed.

Livestock
Animal husbandry activities (breeding and caring for farm animals) or aquaculture activities (farming aquatic organisms such as fish and aquatic plants in controlled water environments) that are not considered an Animal Feeding Operation (CAFO / CFO). This also includes structures, pastureland, grazing areas, and meadows used or associated with this use.

Livestock: Auction & Wholesale
The selling of livestock that occurs on-site, such as animal auctions. This definition does not include educational activities such as 4-H auctions that are not commercial in nature.

Livestock: Production
Animal husbandry activities where the animals and/or animal products will be consumed by others and/or sold, such as dairies, livestock farming, and similar activities. This does not include the keeping of chickens on a residential lot that does not exceed the maximum number permitted by City Code.

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

Living Area: Minimum
The minimum interior habitable area of a structure on all floors or levels that is required for each dwelling unit, measured from the interior faces of the exterior walls, and does not include unfinished basements, unfinished attics, and attached garages that are not intended for human habitation.

Loading Area
An off-street space or area located on a lot for the loading or unloading of cargo, products, or materials from vehicles.

Lodge
See Club.

Long-term Care Facility
See Assisted Living & Long-Term Care Facility.

Lot
A designated parcel, tract, or area of land established by plat, description on a recorded subdivision or survey map, by metes and bounds, or as otherwise permitted by Indiana Code. This may also be referred to as a parcel, plot, or tract. See also Lot: Zoning.

Lot Area
The total area within the lot lines of a lot. An easement may be part of lot area, but public streets, public rights-of-way, and/or private street that are not located on the lot are not part of the lot area.

Lot Coverage
See Building Coverage.

Lot Depth
The horizontal distance between the front lot line and rear lot line. For corner lots and other lots with more than one front lot line, it shall be measured between the front lot line with the narrowest frontage and the lot line opposite that lot line.

Lot Frontage
The portion of the lot line that is adjacent to a public street. For corner lots and other lots with more than one front lot line, all lot lines adjacent to a public street shall be considered frontage.

Lot Line
The line on a recorded lot that divides one lot from another lot, a public or private street, or any other public space. This may also be referred to as a property line.

Lot Line: Front
A lot line adjacent to a public or private street. For non-conforming lots that do not have street frontage, it shall be the lot line closest to and most parallel to the nearest public or private street from which access is obtained. See also Lots: Corner.

Lot Line: Rear
A lot line opposite and most distant from the front lot line. Corner lots do not have rear lot lines.

Lot Line: Side
A lot line other than a front lot line or rear lot line.

Lot of Record
A lot that exists as shown or described on a subdivision plat or deed that is recorded in the office of the County Recorder.

Lot Width
The horizontal distance between side lot lines of a lot, measured at the front lot line.

Lot: Adjacent
A lot or zoning lot that shares a common property line with the subject property.

Lot: Corner
A lot located at the intersection of two or more public or private streets. All lot lines on corner lots that abut a street shall be front lot lines and all other lot lines shall be side lot lines (corner lots do not have a rear lot line).

Lot: Flag
A lot where the major portion of the lot has access to a public street or street by means of a narrow strip of land called the "flagpole." Flag lots are only permitted if specified by the zoning district. Where permitted, the flagpole shall not be used in determining lot width or lot area.

Lot: Interior
A lot that has frontage on only one street.

Lot: Through
A lot or zoning lot that fronts on two or more street that do not intersect at the boundaries of the lot.

Lot: Zoning
A lot located within a single block that is under single ownership or control and which is designated by the owner or developer to be used, developed, or built upon as a single unit. A zoning lot may or may not include more than one lot of record.

Lowest Floor

For floodplain management purposes, the lowest elevation described among the following:

- The lowest floor of a building;
- The basement floor;
- The garage floor, if the garage is connected to the building;
- The first floor of a structure elevated on pilings or pillars; or
- The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters;
  - At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; doorways and windows do not qualify as openings; and

Such enclosed space shall be usable solely for the parking of vehicles and building access.

Management Agency

The regulatory flood elevation at any location is as defined in Chapter 2.9B: Flood Control Overlay District (FW). The Regulatory Flood is also known by the term "Base Flood," "One-Percent Annual Chance Flood," and "100-Year Flood."

Manufactured Home

Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code; 24 CFR 3280) and displays a red certification label on the exterior of each transportable section. A manufactured home is constructed after June 15, 1976, and is as a structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet. It is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. The term shall also include any structure which meets all the requirements of this definition except the size requirements where the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter. This term shall not include any recreational vehicle (RV). Manufactured homes are considered a single-family dwelling if located on a single lot.

For floodplain management purposes, 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 "recreational vehicle."

Manufactured Home (Mobile Home) Park Subdivision

A lot(s) that is subdivided (platted) with manufactured or mobile homes located on individual lots is considered a subdivision rather than a manufactured home park. See Subdivision.

Manufactured Home (Mobile Home) Park or Community

A manufactured (or mobile) home park (or community) consists of one or more lots that are owned, operated, or under the control of one or more persons. This shall include all real and personal property used in the operation of the manufactured home park; contiguous but separately owned lots that are jointly operated; lots or zoning lots that are jointly operated and connected by a private street; or lots or zoning lots with at least two of the manufactured homes that are connected through private streets or drives and are served by a common water distribution system or common sewer system. A manufactured home park may also include uses that are directly associated and incidental to the operations and daily needs of the park residents.

For floodplain management purposes, the following shall apply:

- An 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 community's first floodplain ordinance.
- 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 affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- 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 the community's first floodplain ordinance.

Manufactured Housing Construction and Safety Standards Codes

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

Manufactured or Mobile Home Park: Homesite

A designated area within a manufactured home park to be used only by the occupant.

Manufacturing, Heavy

See General Industry & Manufacturing: Heavy.

Manufacturing, Light

See General Industry & Manufacturing: Light.

Market Value

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

Mausoleum

A free-standing, above-ground structure that encloses a burial chamber for one or more deceased people.

Meat Processing

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

Medical Office

A use where patients are admitted, examined, and/or treated on an outpatient basis (including doctors' offices) by physicians, dentists, other medical professionals, psychologists, or social workers and where such examination and treatment require a stay of less than 24 hours. Examples include, but are not limited to, physician offices, chiropractors, medical imaging, outpatient procedures, etc.

Metes and Bounds

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

Mineral & Resource Extraction or Processing
A land use that includes removing rock, sand, gravel, minerals (such as oil, gas), or other raw materials from the ground in addition to the processing and/or washing of extracted materials. It can include surface mine/quarry (such as gravel pits, strip mines, open-pit mines, or similar extraction without a roof) or underground mining. Concrete batch plants and asphalt processing are considered mineral processing.

Minimum Living Area
See Living Area: Minimum.

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

Mobile Food Vendor (Food Truck)
Any commercial food and/or beverage sales endeavor, or any person, partnership, or corporation conducting themselves in a commercial food sales endeavor, where the food and/or beverage sales is being conducted on a temporary basis from a licensed vehicle, excluding mobile catering serving manufacturing; the licensed vehicle shall not have a fixed location on the ground, and shall not be attached to anything having a fixed location on the ground. This may also be called a non-permanent food vendor.

Mobile Home
A mobile home is constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. This term includes a manufactured home and is a dwelling, including the equipment sold that is a dwelling, which is:

- Factory assembled;
- Transportable;
- Intended for year-round occupancy;
- Designed for transportation on its own chassis; and

Was manufactured before the effective date of the Federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.).

Mobile Home Park
See Manufactured Home Park.

Mobile Home Subdivision
See Manufactured Home (Mobile Home) Park or Community

Mobile Home (Manufactured Home) Tie Down
Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home. At a minimum, such anchorage shall consist of:

- Over-the-top ties to be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only one additional tie per side;
- Frame ties to be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
- All components of the anchoring system to be capable of carrying a force of 4,800 pounds;

Any additions to the mobile home to be similarly anchored.

Modification
See Alteration.

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

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

Mortuary
A place for the storage of human bodies prior to their burial or cremation.

Motel
See Hotel.

Motor Home
See Recreational Vehicle.

National Flood Insurance Program (NFIP)
The Federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.
- Emergency Program. The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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

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

Natural Protective Barrier
Natural geographical and ecological formations, such as wetlands, floodplains, sand dunes, and native riparian vegetation, that naturally absorb, slow down, or accommodate floodwaters and wave action.

Non-Bulk Merchandise
Items for sale or resale that are in individual units or smaller packages rather than large quantities of materials that are in original bulk packaging or large containers.

Non-Conforming Lot, Legally
A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Non-Conforming Structure, Legally
A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of this UDO.

Non-Conforming Use, Legally
A use or activity that was lawful prior to the adoption, revision, or amendment of this UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.

Non-Permanent Food Vendor
See Mobile Food Vendor.

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

Nursery
See Greenhouse, Commercial.

Nursing Home
See Assisted Living.

Nursing Home / Assisted Living Facility
See Assisted Living & Long-Term Care.

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

Occupancy Permit.
See Certificate of Occupancy.

Occupied Space
The total area of earth horizontally covered by a manufactured or single family detached dwelling unit, excluding accessory structures such as, but not limited to, garages, patios, carports, porches, etc.

Official Zoning Map
See Zoning Map.

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

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

Open Space
See Common Area.

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

Outdoor
Not located within a fully enclosed building.

Outdoor Storage (On-Site)
The placement or keeping of any goods, junk, material, merchandise, or bulk materials that is not located within a fully enclosed building in the same place for more than 24 hours. For the purposes of this UDO, this definition does not include outdoor display of merchandise; outdoor vehicle and equipment storage; or storage units.

Outdoor Display of Merchandise
The placement or temporary display of goods and merchandise that are visible to public view and immediately available for sale to the general public and not located within a fully enclosed building.

Outdoor Storage: Vehicles & Equipment
The placement or parking of vehicles (such as non-passenger vehicles, recreational vehicles (RVs), boats, trailers, and commercial fleet vehicles) and/or heavy equipment or machinery in an outdoor area or location that is not located within a fully enclosed building for more than 24 consecutive hours. This does not include vehicles and equipment directly related to an active construction project with a valid building permit; commercial vehicles conducting business or making deliveries; or parking of passenger vehicles that display business identification.

Parcel
See Lot.

Parent Lot
The lot for which approval is sought to subdivide it into at least two lots or other divisions of land for sale, development, or lease. This can also be referred to as a parent lot or remnant lot or parcel.

Park
Areas of land developed for active and/or passive recreation facilities, including public plazas. For purposes of this UDO, common area within a platted subdivision is not considered a park unless otherwise stated in this UDO.

Parking Area
Any public or private area designed and used for parking and maneuvering motor vehicles including garages, private driveways, and legally designated areas of public streets.

Parking Garage
A parking area that is under or within a structure, other than private garage for personal use, for the parking of vehicles.

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

Parking Space
A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle. Off-street parking spaces are located on an individual lot or zoning lot (not within a public or private street or right-of-way).

Participating Community
For floodplain management purposes, participating community means any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

Party Wall
A wall starting from the foundation and extending continuously through all stories to or above the roof which separate one building unit from another and is in joint use by each building unit. This may also be called a common wall.

Passenger Transportation Facility
A structure or area used to move people by means of group or shared transportation, such as bus or train terminal or bus stops along a transportation route.

Paved
See Improved Surface.

Pedestrian Way or Access.
A right-of-way or easement designed for the purpose of providing pedestrian access.

Perimeter Wall
An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of a site-constructed home.

Permanent Foundation
Any structural system transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. A permanent foundation shall be installed in conformance with the Building Code.

Permitted Use
A use permitted without additional regulations, except as required by this ordinance.

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

Plan Commission (PC)
The Goshen Plan Commission.

Planned Development Overlay
An overlay district where specific development standards and/or land uses are modified from the underlying zoning district. This was previously referred to as a PUD overlay.

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

Plat: Minor
See Subdivision: Minor.

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

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

Preliminary Site Plan
A drawing indicating the proposed manner and/or layout of the development.

Preschool
See Day Care Center.

Principally Above Ground
For floodplain management purposes, means at least 51 percent of the actual cash value of the structure, less land value, is above ground.

Probation
For floodplain management purposes, probation is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

Professional Services & Business Office
Uses whose primary purpose is to provide professional services or advice that occurs within a business office setting. The majority of people accessing the site are typically employees but can also have customers or clients that access the business. Examples of this use includes, but are not limited to, the following:

- Professional service offices, such as accounting or financial advisors, advertising or marketing services, architectural or engineering services, attorney or legal, etc.
- Other business offices, such as insurance, investment, real estate professionals, travel agency services, etc.
- Other professional or business services that occurs within a business office setting.

This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

Property Line
See Lot Line

Public Area
Places where the public is directly or indirectly invited to visit or permitted to congregate, such as parks, playgrounds, trails, paths, and other recreational areas and open spaces; scenic and historic sites; schools and other structures.

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

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

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

Public Safety and Nuisance
For floodplain management purposes, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Sewer
A sewage disposal system which is constructed, installed, maintained, operated and owned by the City of Goshen or other public sewage system provider that is approved by the State of Indiana. Any system that is not a public sewer system is considered a private sewer system (including septic). From a land use perspective, a public sewer facility may also be considered a utility facility.

Public Water
A water distribution system which is constructed, installed, maintained, operated and owned by the City of Goshen or other public water system provider that is approved by the State of Indiana. Any system that is not a public water system is considered a private water system. From a land use perspective, a public water facility may also be considered a utility facility.

Quality of Life
The attributes or amenities that combine to make an area a desirable place to live.

Racetrack
A structure or area used for racing motorized or non-motorized vehicles or animals in competition, sport, or entertainment.

Recreational & Sports Facility
A non-public area of facility where the primary purpose is to provide periodic or short-term sports competition or similar structured sports or competitions for youth, amateurs, and/or professionals. This does not include gyms, workout studios, instructional studios, or similar uses.

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

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projections;
- Designed to be self propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use

Recreational Vehicle Park
See Campground.

Recycling Drop Off Location
An accessory use that includes a place or area that is used for the acceptance of recyclable materials from the public but does not include storage (other than temporary storage between scheduled pickups), separating, and/or processing of recyclable materials.

Recycling Facility
See Landfill.

Redevelopment or Rebuild
The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or of land from which some or all previous improvements have been removed, that results in a visual change, excluding regular maintenance such as painting.

Regular Maintenance
Routine, recurring work needed to keep a building, structure, or land in a safe, useable, and sound condition without changing the use, location, size, or structural design.

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

Religious Activity or Place of Worship
A building or area of land that is used for religious services on a regular basis. This includes a church, synagogue, temple, mosque, or other similar facility, structure, or area.

Repetitive Loss
Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before such damage occurred.

Replacement Cost
The sum of money which would be required to re-erect a structure identical to the one in question.

Re-Plat

- A drawing which is to be recorded showing the redivision or modification of a platted subdivision or portion thereof.

Research and Development
An establishment engaged in testing, research, analysis, and product development that could include limited light assembly or limited production of components and has more than 5,000 sq ft of occupiable space. This type use occurs within a building that typically resembles an office and/or laboratory setting.

Reserve Strip
A strip of land between a street and adjacent lot, which is used or intended to be used as a way to limit access to a current or future street or right-of-way.

Residential Use
A use listed as a residential land use in Table 2.2: Permitted Land Uses.

Restaurant
Establishment that provides food and drink service with the majority of sales being food and/or non-alcoholic beverages (versus alcohol) and is open to all ages. See also Retail: Service.

Retail: General

Uses whose primary purpose is the sale of goods and merchandise to a consumer. Examples of general retail uses include, but are not limited to, the following:

- *Department and superstores*, such as stores that sell clothing, shoes, accessories, household essentials, home goods, etc.
- *Specialty retail stores*, such as stores that sell antiques, art or art supplies, auctioned items, books, cameras or photography supplies, collectibles, electronics or appliances, fabrics and sewing supplies, floor coverings (carpet, hardwood, etc.), furniture, flowers or plants (including greenhouses or nurseries), gifts, hardware or similar items, hobby supplies, jewelry, music or musical instruments, office supplies, medical equipment (no medical exams or prescription medicines), pets or pet supplies, sporting goods or recreation equipment, religious goods, toys, video games, fireworks, etc.
- *Supermarkets grocery stores and specialty markets*, such as stores that sell bakery items (without dining), candy, groceries, meat or fish, etc.
- *Convenience stores*, such as stores that sell convenience items (snacks, drinks, etc.), etc.
- *Drug stores or pharmacies* that sell over the counter or prescription medicines. If it does not comply, it shall be considered a Medical Office.
- *Discount stores*, such as stores that sell second-hand items, items on consignment, thrift items, etc.

This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

Retail: Service

Uses whose primary purpose is to provide or sell a service, entertainment, or experience rather than providing goods and merchandise that do not occur within a business office setting. The majority of people accessing the site are typically customers rather than employees. Examples of service retail uses include, but are not limited to, the following:

- *Hospitality and entertainment services,* such as food catering facilities, conference and events centers (without hotels), indoor movie theaters (no adult entertainment), video arcades, paintball facilities, reception halls or banquet / event facilities, galleries, marinas, etc.
- *Instructional services*, such as art studios, dance studios, educational support services, gymnastics or martial arts instruction, community centers, etc.
- *Service and repair services*, such as computer or phone repair, jewelry repair, shoe repair, etc. (but does not include automobile, vehicle, or equipment repair or service)
- *Personal services*, such as banks or credit unions, beauty salons or barber shops, cash advances or payday loans, dry cleaning or laundry receiving station (storefront only), tattoo or piercing studios, employment services, fitness centers or gyms, laundromats, nail or tanning salons, photography studios, print or copy shops, and tailoring or dressmaking, furniture restoration, etc.

This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

Rezone

Approval granted through the PC and the legislative body to change the zoning classification of a particular lot. Also referred to as a zone map change.

Right-of-Way

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

Right-of-Way: Assumed or Apparent

A right-of-way where there is no recorded instrument of right-of-way and the front property line is defined by deed as the centerline of the street and where the City and/or county have "assumed" or established it as right-of-way without explicit legal documentation through adverse use through a long-term, uninterrupted use and maintenance as allowed by Indiana Code.

Right-of-Way: Dedicated
A right-of-way that is dedicated for public use and as a public right-of-way through a written, recorded instrument (such as a deed or plat).

Riverine
Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road
See Street.

Street Classification
Street classification is as determined by Chapter 6: Subdivisions.

Roadside Stand
A permanent or temporary structure that is a maximum of 200 sq ft and designed or used for the display of agriculture-related products that are grown or produced on the same lot or adjacent lot that is owned, managed, and/or leased by the same entity.

Roof Line
The top of the parapet of a building with a flat roof, the deck line of a building with a mansard roof, or the eave line of a building with a gable, gambrel or hip roof.

Rules and Procedures
The principles and regulations governing the conduct, action, procedures, arrangements, etc. of the PC and BZA.

RV Park
See Campground.

Salvage Yard
See Junkyard.

Scale
Proportional relationship of the size of signs, and parts thereof, to buildings, surrounding land uses, and to the human figure.

Scoreboard
A one-sided structure that serves and faces an specific athletic field. A scoreboard can be freestanding or attached to a separate structure, such as a wall or building. A scoreboard is considered a type of structure and not considered a sign.

Screening
A structure or vegetation which eventually is of sufficient height and density for concealing an area from view.

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

Service Retail
See Retail: Service.

Setback Line
A line drawn along the required minimum setback.

Setback: Front Yard
The minimum front yard setback is measured from the front lot line and shall extend the entire width of the lot.

Setback: Minimum
The minimum distance required between the furthermost projection of any structure, building, or paving area that is specified by this UDO and the lot line or specified place of measurement that extends the full width or depth of the lot. This area shall be open, unoccupied, and unobstructed by structures and site elements except as allowed by this UDO. For flag lots, the "flagpole" shall not be used in determining the setbacks. Note that a yard includes the minimum setback but may also include additional area.

Setback: Rear Yard
The minimum rear yard setback is measured inward from the rear property line and shall extend the entire width of the lot.

Setback: Side Yard
The minimum side yard setback is measured inward from the side property line and shall extend from the minimum front yard setback to the minimum rear yard setback.

Sewage Treatment Plant, Centralized
Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

Sexually Oriented Business
See Adult Business.

Shipping Container
See Cargo Container.

Shooting Range
A fully enclosed facility designed and operated for the discharge of firearms, equipped with a bullet resistant backstop, ventilation system, and sound attenuation measures to prevent the escape of projectiles, excessive noise, or airborne contaminants. This facility can also be referred to as a gun range or firing range and may be used for the controlled practice of shooting archery or other similar means that are indoor or outdoor facilities.

Sidewalk
A paved, surfaced, or leveled area with an improved surface, paralleling and usually separated from the traveled way, used as a pedestrian walkway. A public sidewalk is located within the right-of-way or an easement and is intended for public use.

Sight Triangle

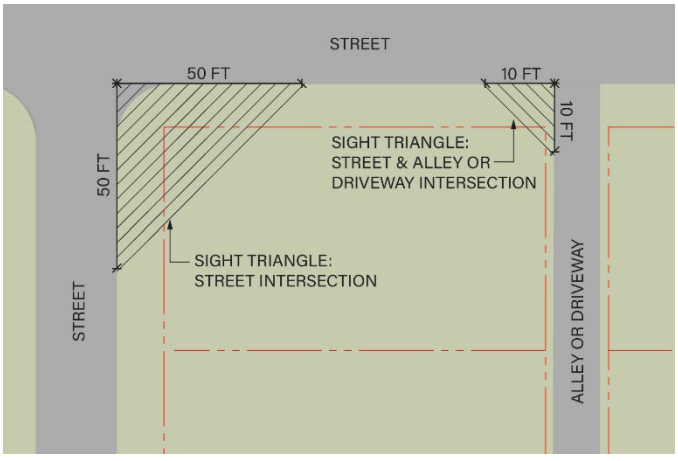
A triangular-shaped portion of a lot or land in all districts that is established at street, alley, and driveway intersections where nothing can be erected, placed, planted, or allowed to grow in a manner that limits or obstructs the sight distance of intersecting street lines. This includes fences, hedges, or other structures or obstructions that could impede vision between a height of 2.5 feet and eight feet above the established grade level at the intersection. This does not apply to the location of traffic control devices and public utility fixtures.

Sight Triangle: Street Intersection (Corner Lots)

The sight triangle shall include a triangular area that is bounded by two lines that extend along the edge of paving adjacent to the corner lot lines for a distance of 50 feet from the intersection of two streets. An alterative sight triangle may be approved by the Goshen Engineering Department based on site specific conditions (such as vertical or horizontal curve, travel speed, etc.).

Sight Triangle: Street & Driveway or Alley Intersection

The sight triangle shall include a triangular area that is bounded by two lines that extend along the edge of paving adjacent to the front lot line (street) and driveway or alley for a distance of 10 feet from the intersection of the street and driveway or alley. An alterative sight triangle may be approved by the Goshen Engineering Department based on site specific conditions (such as vertical or horizontal curve, travel speed, etc.).



Example of sight triangle measurement

Sight Triangle: Subdivision Intersections

The sight triangle within a proposed subdivision (major or minor) shall be determined by a Professional Engineer or Surveyor licensed to practice in the State of Indiana based on site specific conditions (such as vertical or horizontal curve, travel speed, etc.) and be approved by the Goshen Engineering Department.

Sign

Any object, device, display, or structure (or portion of) that uses letters, symbols, graphics, illustrations, or similar to display, identify, direct, advertise, or attract attention (directly or indirectly) to an object, person, product, place, activity, institution, organization, or business. See also Sign Types.

Changeable Copy Sign

Any portion of a sign that is designed or used so that characters, letters, numbers or symbols can be manually changed or re-arranged without altering the surface of the sign.

Digital Sign

Any portion of a sign that uses changing lights, digital components, or electronically controlled messages where the characters, letters, or illustrations and the rate of change can be electronically programmed and/or modified electronically.

Illuminated Sign

Any portion of a sign lighted by or exposed to artificial lighting either externally (lighting directed towards the sign from outside) or internally (lighting from within the sign).

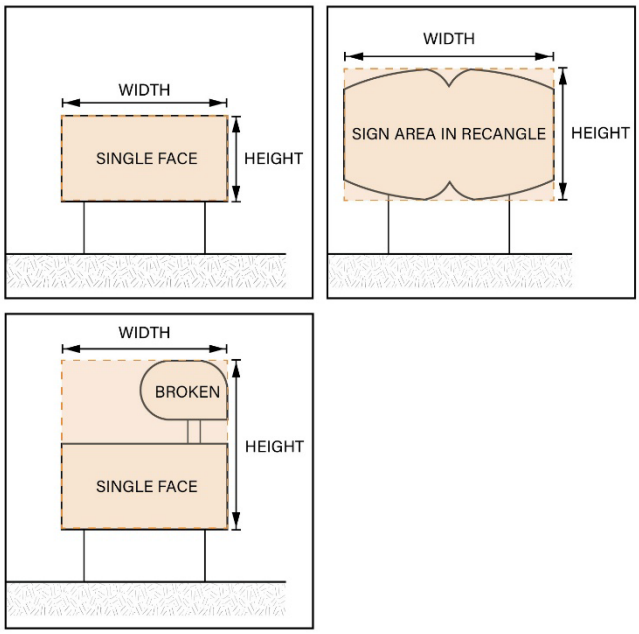
Permanent Sign

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

Temporary Sign

A sign made of flexible plastic, non-durable materials, or fabric that is not affixed to a structure having a permanent fixed location on the ground and is most effective when streaming in the wind. Temporary signs are intended for a shorter duration.

Sign Area
The area, measured using a single rectangle, that includes all sign face(s) framing, trim, or molding, but does not include the supporting structure.



Example of sign area measurement

Sign Face
The surface(s) intended for the display of information or sign message that is viewed from one direction.

Sign Height
The vertical measurement from the average grade at the curb line or edge of pavement at the front of the lot to the highest point of the sign, including the support structure or frame.

Sign Permit
See Improvement Location Permit.

Sign Structure
The support or structural portions of a sign, including but not limited to frames, framework, uprights, braces, cabinets, and poles. The sign structure does not include the sign face(s).

Sign Types

Awning Sign
A permanent sign that is affixed to or painted on an awning or similar structure that serves as a protective cover over a window or entrance and does not extend beyond the awning structure. Lettering on the valiance of an awning is permitted and not considered an awning sign.

Banner Sign
A temporary sign typically made of flexible plastic or fabric that is attached on all corners to post(s), pole(s) or stake(s) that are in a fixed location on the ground or attached to a building or structure.

During For Sale or For Lease Sign
A temporary sign displayed while and up to seven days following a property or premise being for sale, rent, or lease.

Ground Sign
A type of small, permanent freestanding sign.

Freestanding Sign
A permanent sign supported by one or more uprights, poles, columns or braces placed in or upon the ground surface and not attached to any building or structure.

Monument Sign
A type of freestanding sign that is low-profile where the base width is at least 50% of the widest portion of the sign and the base is in contact with or within close proximity to the ground (such as one foot). A architecture and building materials of monument sign are typically consistent with the overall development.

Pennant Sign (Feather Banner)
A temporary sign typically made of flexible plastic or other fabric that is attached by one or two points
, not affixed to a structure having a permanent fixed location on the ground, most effective when streaming in the wind.
Permanent - a sign, with or without, characters, letters, numbers, illustrations, symbols or other graphic elements, made of flexible plastic or fabric of any kind attached by one or two corners or one side only to a structure having a fixed permanent location on the ground, most effective when streaming in the wind

Projecting Sign
A permanent sign that is multi-faced that is wholly or partly dependent upon a building for support and projects out from the exterior building wall at least 18 inches. Also known as a blade sign.

Sandwich Board Sign
A temporary sign with one or two faces that is freestanding that is intended to be portable and is not permanently anchored to the ground, vehicle, or another structure.

Wall Sign
A permanent sign that is affixed to or painted on an exterior wall of a building or structure where the sign face is generally parallel to and does not extend beyond the edges of, and does not project more than 18 inches out from the wall where it is attached. Also referred to as a façade sign.

Window Sign

A permanent sign that is attached to or painted on the inside or outside of a window and is visible from the exterior of the window.

Signable Wall Area

The area within a selected wall area made up of no more than two adjacent geometric shapes (circle, square, rectangle, triangle only) which encompasses a continuous portion of a building facade, unbroken by windows, doors, or major architectural interruptions of the building surface.



Example of signable wall area

Site Plan

A drawing(s) that shows the existing and/or proposed conditions of the lot(s) and meets the requirements of this UDO.

Sketch Plan

A conceptual sketch used prior to preparing a primary plat or preliminary site plan.

Solar Collection Device

A component of a solar energy system, such as a solar panel, whose primary purpose is the collection of solar radiant energy.

Solar Energy System (SES)

A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating. For purposes of this UDO, a SES is classified as Accessory SES or Commercial SES, both of which may be ground-mounted (including pole-mounted), roof-mounted, or building-integrated.

Solar Energy System (SES): Accessory

An SES where the energy, electricity, and/or power is intended primarily for use on-site. This includes a SES where the primary use of the power is on-site and it is located on the same lot or zoning lot where the power is used in order to reduce on-site consumption of utility power or fuels. Note that accessory SES is considered an accessory structure and not a land use (see Chapter 5: Structure Standards).

Solar Energy System (SES): Commercial

A SES where the energy, electricity, and/or power is intended primarily for off-site use. This includes a SES where power is sent to or placed onto the public power grid or a SES that is not located on the same lot or zoning lot where the power is used. Commercial SES are commonly referred to as solar fields or solar farms.

Special Flood Hazard Area (SFHA)

Synonymous with areas of special flood hazard and floodplain, those lands within the jurisdictions of the City of Goshen subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, A1-A30, AH, A99, or AO, or VE. The SFHA includes areas that are flood prone and designated from other Federal, State, or local sources of data including but not limited to best available flood layer maps provided by, or approved by, the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Special Use

A land use that is only permitted with permission granted by the BZA when it is shown that such use in a specified location will comply with all the evaluation criteria and standards as specified in this UDO and in accordance with Indiana law. These uses are designated in Table 2.2: Permitted Land Uses as being permitted as a special use in specific zoning districts.

Stable

See Equestrian Facility.

Stadium

A building or area (indoors or outdoors) that is primarily used for spectator sports, entertainment (such as concerts, amusement parks, and similar events), expositions, or similar public gatherings or events. This use may also have accessory uses, such as food sales or on-site merchandise sales for the event. Examples include, but are not limited to, sports arenas, outdoor movie theaters (not adult entertainment), amphitheaters, racetracks, and other outdoor assembly venues. For the purposes of this UDO, this use does not include institutional uses (such as schools) that include a stadium, or similar space on the same site or campus as the institutional use or any other use specifically included in Table 2.2: Permitted Land Uses.

Stadium

See Arena.

State
: The State of Indiana.

Storage Units
: A building(s) or area(s) consisting of individual, self-contained units or spaces leased to individuals, organizations, or businesses for self-service storage of personal property, recreational vehicles (RV's), boats, or other similar items. This may also be referred to as self-storage or mini-storage.

  Storage Units: Indoor
  : Individual storage units where the unit(s) where items are stored are within a completely enclosed building so that the contents are not visible from the outside of the building. Access to each individual storage unit can be from within a building or from the exterior of the building.

  Storage Units: Outdoor
  : Individual storage units where the unit(s) where items are not stored within a completely enclosed building and contents are visible from the outside of the building. Outdoor storage units may include a covered structure (such as for RV parking) that is not an enclosed building.

Story
: The portion of a building or space that is located between a floor surface and the floor surface of the floor above it, or if there is no floor above it, then the space that is located between a floor surface and the ceiling above it. For the purposes of this UDO, a basement is not considered a story.

Street
: A public or private way used for pedestrian and/or vehicular travel and including the entire area within the right-of-way. The term "street" shall also include the terms "highway," "parkway," "road," "thoroughfare," "avenue," "boulevard," "lane," "court," "place," etc. For the purposes of this UDO, road shall be classified as arterial roads, collector roads, and local road as defined by INDOT.

Street Classification
: Street classification is as determined by Chapter 6: Subdivisions.

Structure
: Any materials that are assembled for use, occupancy, or ornamentation and are constructed, erected, or installed on the ground or an object that has a fixed location on the ground. Structure may be located on, above, or below the surface of land or water. Note that a building is considered a structure, but not all structures are considered buildings (such as a fence). See also Building. *For floodplain management purposes,* a structure is a walled and roofed building, including a gas or liquid storage tank, which is principally above ground; the term includes a manufactured home, as well as a prefabricated building; the term also includes recreational vehicles installed on a site for more than 180 consecutive days.

Structure: Accessory

Al structure detached from a primary structure or building (not attached to the foundation of the primary structure or building), located on the same lot or zoning lot, and customarily incidental and subordinate to the primary structure or use. For purposes of this UDO, a fence is considered an accessory structure.

For floodplain management purposes, accessory structure means a structure with a floor area 400 square feet or less that is located on the same lot or zoning lot as the principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation. Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof. Examples of accessory structures include, but are not necessarily limited to, two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses. The following may have uses that are incidental or accessory to the principal structure on a parcel, but are generally not considered to be accessory structures by the NFIP:

- Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence.
- Structures used by the public, such as a place of employment or entertainment.

Development that does not meet the NFIP definition of a structure for floodplain management purposes, including, but not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

Structure: Agricultural

A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products grown or raised on the premises, but not including dwellings used for human occupancy.

Structure: Attached

A structure that has any part of its exterior or load-bearing wall in common with another building or which is connected to another building by a roof.

Structure: Detached

A structure that does not have a structural connection with another structure or building.

Structure: Elevated

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

Structure: Portable Structure

Any structure not permanently attached to a building, permanent structure, or the ground that is designed to be moved or transported by means of wheels or other mechanisms that are attached to the structure, or the structure is mounted/placed upon.

Structure: Primary

A structure where the primary use of the lot or zoning lot is located. With respect to residential uses, the primary structure shall be the main dwelling.

Structure: Temporary

A structure that is erected without any foundation or footings and is removed within 14 days of being erected. A temporary use usually does not involve the construction or alteration of any permanent structure, although the authorization of the temporary use does not necessarily preclude such construction.

Structure Height

See Building Height.

Subdivider

Any person who has an interest in land that is the subject of an application for subdivision. This may also be referred to as the applicant.

Subdivision

A division or redivision of land in which two or more parcels, lots, or sites are established for residential or business purposes. This may include a street through the tract of land; except that it is not a subdivision when:

- The sale or exchange of parcels or lots of land to or between adjoining property owners where such sales or exchanges do not create additional building lots; or
- An order of the Court to divide the land.

Subdivision: Exempt Subdivision
A division of land that is exempt from the subdivision procedures in this UDO as outlined in Chapter 6: Subdivisions.

Subdivision: Major
A division of land for residential and non-residential purposes that:
- Includes two or more lots, including the balance of the original tract (also referred to as the remnant or parent lot or parcel)
- Establishes new streets or easements of access
- Substantially affects existing drainage systems
- Does not qualify as a minor subdivision

Subdivision: Minor Subdivision
A division of land that:
- Includes of three or less lots, including the balance of the original tract (also referred to as the remnant or parent lot or parcel)
- Does not establish any new streets or easements of access
- Does not substantially affect existing drainage systems

Substantial Damage
For floodplain management purposes, substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Improvement
For floodplain management purposes, substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement; this term includes structures which have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed; the term does not include improvements of structures to correct existing violations of State or local health, sanitary or safety code requirements which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

Surety Bond
A three-party contract where one party (the surety) guarantees the performance or obligations of another party (the principal, typically the applicant or developer as it relates to this UDO) to a third party (typically the City as it relates to this UDO).

Surety Bond: Maintenance
A bond or other form of guarantee for the maintenance of all required public improvements during the construction process.

Surety Bond: Performance
A bond or other form of guarantee for the installation of all required public improvements during the construction process.

Suspension
For floodplain management purposes, suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Swimming Pool
A self-contained body of water at least 24 inches in depth used for recreational purposes. Such body of water may exist in a metal tank, plastic lined, or masonry structure located either above-ground or below-ground level. Swimming pools may be either public or private in use. An above-ground pool is considered a structure.

Tabacco Store
A retail store primarily focused on selling smoking gear, accessories, and related products including vape stores and state-licensed dispensaries.

Tavern
See Bar.

Temporary Storage Container
A self-storage container which is delivered to and retrieved from a home or business for off-site or on-site storage. These containers are not on a chassis and do not have axles or wheels and do not have permanent foundation or footing. Examples include, but are not limited to, Portable On Demand Storage (PODS), cargo containers, portable storage containers, truck trailers, and build solid waste containers.

Tent
A structure or enclosure, the roof and/or one-half or more of the sides of which are constructed of silk, cotton, canvas, fabric or a similar light material.

Timber Processing
An industrial process of converting felled trees into finished lumber, wood panels, and other usable timber products.

Tiny Home Community
A planned residential community that is located on one or more lots with more than one small, detached, fully-independent efficiency houses on permanent foundations that are typically arranged around shared common areas and/or amenities. This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses.

Tower Use Permit (TUP)
A permit issued by the City specifically for the location, construction and use of a WCSL, and for substantial modification of a wireless support structure, subject to the regulations of this UDO. Also known as improvement location permit and zoning clearance form.

Tower: Data Communication
A tower, pole or similar structure which supports attached equipment to transmit and/or receive electromagnetic signals, for the purpose of analog, digital voice, or data communications, including any personal wireless services as defined in the Telecommunications Act of 1996, but excluding wireless communications service.

Tract
See Lot.

Transparency
With regard to a building façade, the percentage of a street-facing building façade that is covered by glazed elements that are clear and non-reflective and may not be painted or tinted.

Travel Trailer
See Recreational Vehicle (RV).

Trucking Terminal
A freight or relay station for the transfer or exchange of cargo from one vehicle, form of transportation, or party to another. This does not include long-term or permanent storage.

Unified Development Ordinance (UDO)
A Unified Development Ordinance combines the jurisdiction's zoning and subdivision control ordinances into a single, legal document that is enabled by Indiana law and adopted by the legislative body and which may be amended from time to time.

Use
The specific purpose or activity for which land, building, and/or a structure is designated, arranged, intended, or for which it is or may be occupied or maintained.

Use Variance
See Variance of Use.

Use: Accessory
A use that is:
- Clearly incidental and customarily found in connection with a primary structure or use
- Benefits or provides convenience to the owners, occupants, employees, customers/visitors of the primary use;
- Subordinate to and serves the primary use or primary structure;
- Subordinate in area, extent, intensity, or purpose to the primary use served; and
- Located on the same lot or zoning lot as the primary use it serves and under the same ownership or operation as the primary use.

Use: Functionally Dependent
For floodplain management purposes, a functionally dependent use is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities and port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Use: Primary
The predominant use located on any lot, zoning lot, and/or building.

Utility
Defined as any agency that, under public franchise or ownership, or under certificate of convenience and necessity, or by grant of authority by a governmental agency, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service; and is a closely regulated enterprise with a franchise for providing a needed service. A utility facility may be public or private.

Utility: Private
Any facility or use that is located on an individual lot or zoning lot (outside of a public right-of-way) operated by a utility that is not under the jurisdiction or regulation of the Indiana Utility Regulatory Commission (IURC) This term does NOT include any other use specifically included in Table 2.2: Permitted Land Uses (including but not limited to CSES, BESS, and WECS) and does not include public utilities regulated by the IURC or the installation of cables, lines, and similar utilities for home or individual service to a lot or zoning lot (such as internet, cable, phone).

Utility: Public
A corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:
- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power; or

Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

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

Utility Facility
A public or private facility that houses equipment to transform, switch, or reduce utility service distribution to consumers. It includes electricity, gas, water, sewer, or communication infrastructure but does not include any land use specifically included in Table 2.2: Permitted Land Uses.

Utility Facility: Major
A utility facility that handles regional generation, treatment, or heavy transmission or service. These facilities often have above-ground structures, typically require on-site staff for its operation, and can create notable noise or traffic. Examples include, but are not limited to, electric generation plants, major substations, treatment plants, regional water tanks,

Utility Facility: Minor
A utility facility that serves a small area, typically is unmanned (other than periodic maintenance or repairs), and has a low-impact on nearby uses. Examples include, but are not limited to, small substations, neighborhood or small area pump stations, small transformer boxes, and telephone exchanges.

Utility Main Extension
The extension of utility infrastructure for future use by surrounding property owners including but not limited to, water, sanitary sewer, and storm sewer.

Variance: Flood Control Overlay District
For floodplain management purposes, a variance is a grant of relief from the requirements of Flood Control Overlay District (FW), consistent with the variance conditions outlined in the Flood Control Overlay District (FW).

Variance: Development Standards
Permission granted by the BZA to depart from one or more specific development standards within the zoning provisions of this UDO when it is shown that all the evaluation criteria and standards as specified in this UDO are satisfied.

Variance: Use
Permission granted by the BZA to allow a specific land use that is not permitted by right or as a special use within a zoning district when it is shown that all the evaluation criteria and standards as specified in this UDO are satisfied.

Vehicle Impound Lot
See Junkyard.

Veterinary Services
A facility where veterinarians provide healthcare and preventive measures for animals. For the purposes of this UDO, if overnight kennels are included within the facility, that portion of the facility shall be considered a kennel. Short-term use of kennels for holding animals before/after procedures and similar needs are permitted with veterinary services.

Violation: Floodplain Management
For floodplain management purposes, violation means the failure of a structure or other development to be fully compliant with the Flood Control Overlay District (FW).

Waiver from Subdivision Standards
Permission granted by the PC to depart from specific development standards of the subdivision regulations of this UDO when it is shown that all the evaluation criteria and standards as specified in this UDO are satisfied.

Walled and Roofed
For floodplain management purposes, a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

Warehousing and Distribution
A use and/or facility where goods are received and/or stored for delivery to the ultimate customer at remote locations. For purposes of this UDO, non-hazardous indoor storage is considered warehousing and distribution. For purposes of this UDO, warehousing and distribution does not include trucking terminals.

Waste Transfer Facility
A facility where waste is temporarily held before being transported to a landfill, recycling facility, or other treatment facility. Collection can be from individuals or from trash collection trucks. This can also be referred to as a waste transfer station.

Water Surface Elevation
The height, in relation to the NAVD 88 or NGVD (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

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

Watercourse: Alteration of
A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard, or change the direction and/or velocity of the flow of water during conditions of the base flood.

Wholesale
An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, or professional business users, or to other wholesalers. For purposes of this UDO, wholesale businesses are not considered general retail.

Wind Energy System (WES)
A wind energy conversion system where the equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

Wind Energy System (WES): Accessory
The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics which has a system height of less than 45 feet. For the purposes of this UDO, a roof-mounted structure shall be considered a Mini WES if it meets height requirements set forth in this Section. Only one accessory Wind Energy System may be permitted per principal structure and shall be considered an accessory use in all zoning districts. Note that accessory WES is considered an accessory structure and not a land use (see Chapter 5: Structure Standards).

Wind Energy System (WES): Commercial
The system by which wind energy is converted to electricity using a wind turbine, tower, support system, blades, and associated control and conversion electronics with a height of 45 feet or greater and/or exceed one WES per primary structure.

Wind Power Device
A device, including a windmill or a wind turbine, which is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

Wind Turbine Light Mitigation Technology
Any technology used in connection with a wind power device to shield, limit, or otherwise mitigate the amount, intensity, character, or visibility of light emitted from the wind power device.

Window
An opening in a wall or roof which functions or appears to function to admit light into a building or structure.

Winery, Brewery & Distillery.
Uses whose primary purpose is to produce and sell alcoholic beverages for distribution. This use is further categorized as Craft, Large Scale, Storage Only, or a Tasting Room Only.

Winery, Brewery & Distillery: Craft
A facility that produces a maximum of 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery per calendar year on site or 50,000 barrels of fermented beverages for a brewery per calendar year on site. Alternative terms for this use may include micro, artisan, or boutique. This use may include accessory uses that include:

- On-site tours
- Retail space
- Tasting room
- Limited service restaurant
- Storage facilities that do not exceed 25,000 sq ft of total floor area for storage of distilled spirits and/or fermented beverages and does not exceed 240 barrels on-site during any 24-hour period
- Other uses necessary to support the operation of the facility

Winery, Brewery & Distillery: Large Scale
A facility that produces more than 100,000 gallons of distilled spirits or fermented beverages for a distillery or winery per calendar year on site or 50,000 barrels of fermented beverages for a brewery per calendar year on site. This use may include accessory uses that include:
- On-site tours
- Retail space
- Tasting room
- Limited or full service restaurant
- Storage facilities (no maximum square footage)
- Other uses necessary to support the operation of the facility

Winery, Brewery & Distillery: Storage Only
A structure or area used solely for the purposes of storing barreled spirits and/or fermented beverages after manufacture during the aging process that is not associated with a production facility on the same lot or adjacent lots. This use cannot include any production or tours.

Winery, Brewery & Distillery: Tasting Room Only
A structure or area with the primary purpose of sampling and selling distilled spirits or fermented beverages without on-site storage facilities. Alternative terms for this use may include brewpub. This use may include:
- Limited on-site production (maximum of 30,000 gallons of distilled spirits or fermented beverages for a distillery or winery per calendar year on site or 15,000 barrels of fermented beverages for a brewery per calendar year on site)
- Limited or full-service restaurant

Wireless Communication Facility
Any towers, poles, antennas, or other structures intended for use in connection with transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Wireless Communications Service (WCS)
A set of wireless services licensed by the FCC that operate in the portion of the radio frequency spectrum specified in 47 CFR 27.5, including mobile data and cellular telephone communications, within discrete spectrum blocks and in designated geographical regions.

Wireless Communications Service Location (WCSL)
Any unstaffed wireless facility, with a wireless support structure and equipment compound, used for the operation of wireless communications service.

Wireless Equipment Compound
The area that surrounds or is near the base of a wireless support structure and encloses wireless facilities; this includes any fence that surrounds the wireless equipment compound.

Wireless Facility
The set of equipment and network components necessary to provide wireless communications service. The term does not include a wireless support structure.

Wireless Support Structure
A freestanding structure designed to support wireless facilities. The term does not include a utility pole or an electrical transmission tower.

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

Yard
See Setback.

Zone
For floodplain management purposes, zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A
For floodplain management purposes, Zone A means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both; in A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings; these areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM.

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

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

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

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

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

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

Zone B, C & X
: *For floodplain management purposes,* Zone B, C, and X mean areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area; however, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems; flood insurance is available in participating communities but is not required by regulation in these zones. Zone X is used on new and revised maps in place of Zones B and C.

Zone D
: *For floodplain management purposes,* Zone D means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities, but is not required by regulation in this zone.

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

Zoning District
: A specified zoning district within the City of Goshen for which uniform regulations govern the use, height, size, and intensity of uses, structures, and site development.

Zoning Lot
: See Lot: Zoning.

Zoning Map
: The map or maps that are considered a part of this UDO and delineates the boundaries of zoning districts and/or overlay districts and any amendments thereto of the jurisdictional area of the PC.

APPENDICES:

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APPENDIX.A PLAT CERTIFICATES & CERTIFICATION EXAMPLES

A. Deed of Dedication: Suggested Format

I (We) the undersigned __(INSERT NAME)__, owner(s) of the real estate shown and described herein, do hereby lay off, plat, and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as__(INSERT NAME OF SUBDIVISION)__.

All streets and alleys and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

The strips of ground shown on this plat and marked "Easement", reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, lines and wires and drainage facilities subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.

B. Owner's Certifications: Suggested Format

This is to certify that the undersigned is (are) the owner(s) of the land described in the annexed plat, and that he (they) has (have) caused the same to be surveyed and subdivided as indicated thereon, for the uses and purposes therein set forth, and does hereby acknowledge and adopt the same under the style and title thereon indicated.

Name: _____

Address: _____

on this _____ day of _____, 20_____

C. Notarization Statement: Suggested Format

State of _____

County of _____

on this _____ day of _____, 20_____

Before me the undersigned Notary Public, in and for the County and State, personally appeared __(INSERT NAME)__and each separately and severally acknowledged the foregoing instrument as their voluntary act and deed for the purposes therein expressed.

Notary Signature: _____

Commission Expiration Date: _____

APPENDIX.B FEE SCHEDULE

A. Plan Commission Applications

Rezoning $200.00

Planned Development

- PD Preliminary Site Plan Approval ..... $200.00 + $5.00/acre
- PD Major Change $200.00
- PD Minor Change $100.00
- PD Final Site Plan Approval $100.00

Subdivision

- Minor Subdivision $200.00
- Major Subdivision– Primary ..... $250.00 + $5.00/lot
- Major Subdivision – Secondary $150.00
- Plat/Public Way Vacation $175.00

B. BZA Applications

Administrative Appeal $125.00

Use Variance $200.00

Developmental Variance $125.00

Special Use $325.00

C. Other Applications, Permits & Requests

Improvement Location Permit (ILP) for Primary Buildings $20.00

Request to Modify Commitment $125.00

Additional Conditions Permit $20.00

Amendment to Previous Application $125.00

Written Verifications: Zoning, Floodplain, Legal Non-Conforming, Etc. $40.00/property

APPENDIX.C UDO AMENDMENTS

A. Amendment Documentation & Tracking

1. The following table is intended as a reference only to outline amendments to this UDO after the initial adoption. This is only intended to provide an overview of amendments, not a detailed or word-for-word documentation of changes. The referenced ordinance should be used to identify specific details on each amendment.
2. Note that chapter sections (numbers and names) and page numbers listed below refer to the UDO document that was in effect at the time of amendment. As future amendments are enacted, the chapter and section number and/or name and page numbers may not coincide.

Ordinance Number & Name	Council Approval Date & Effective Date	PC Docket Number & Public Hearing Date	Section Name & Number from Current UDO	Page Number from Current UDO	Summary of Amendments
			N/A	N/A	• Initial adoption of UDO / replacement of previous zoning and subdivision ordinances

Goshen

UNIFIED DEVELOPMENT ORDINANCE

