



**DRAFT ZONING ORDINANCE**  
**Plan Commission Hearing**



December 2, 2014

# Agenda

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- ▶ Overview
- ▶ Public Process
- ▶ Goals
  - ▶ Reformat
  - ▶ Reorganize
  - ▶ Streamline
- ▶ Contents
- ▶ Staff Recommendation

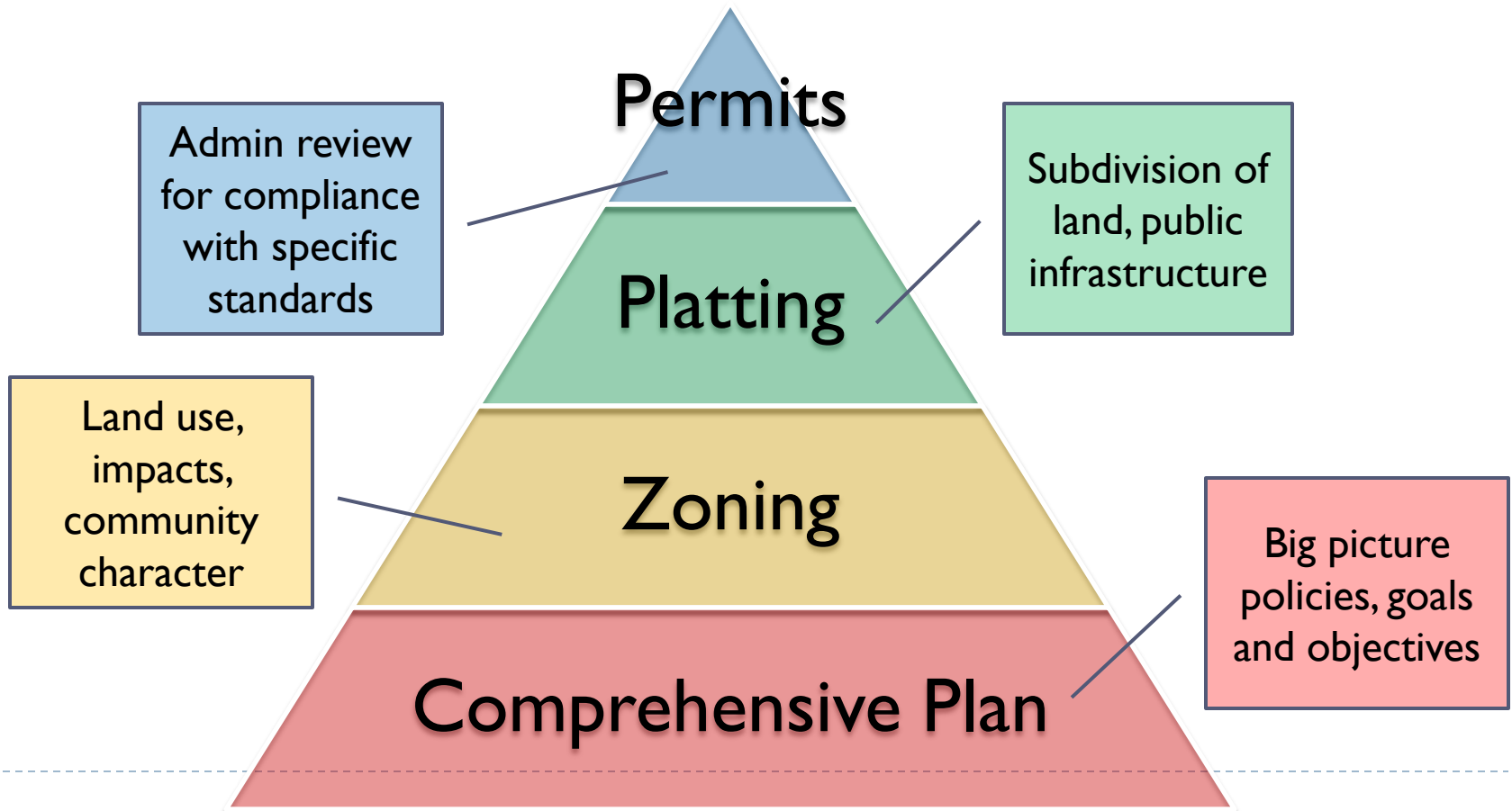




# Overview

# Overview – Regulatory Pyramid

- ▶ **Laws** that **implement** the **policies** of the Comprehensive Plan



# Overview – Zoning Basics

- ▶ Zoning regulates:
  - ▶ The private use of land
    - ▶ Permitted, Limited, Special, Prohibited
    - ▶ Specific Use Standards
    - ▶ Rules for nonconforming uses
  - ▶ The impacts of land use on other private and public properties
    - ▶ Setbacks, Height, Lot Coverage, Bulk
    - ▶ Buffers and Screening
  - ▶ Community character
    - ▶ Landscaping
    - ▶ Signs
    - ▶ Parking
    - ▶ Residential Density
    - ▶ Exterior Building Materials
- ▶ County zoning since 1960 but no update



MAJOR DIFFERENCE-LARGE BUFFER



SMALL DIFFERENCE-SMALL BUFFER



# Overview – Zoning Basics

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- ▶ **A Zoning Ordinance is not...**
  - ▶ Subdivision Regulations. Standards related to streets, utilities, sidewalks, and subdivision of land are in the Subdivision Control Ordinance.
  - ▶ Property Tax Policy. It will not raise or lower the County's property tax rate.
  - ▶ Annexation Policy. Annexation of land is more closely related to a City's comprehensive plan.
  - ▶ Capital Improvements Program. It does not set policy for the extension or improvement of public infrastructure.
  - ▶ Building Code. A building code regulates how structures are built to ensure their future structural soundness and safety.



# Public Process

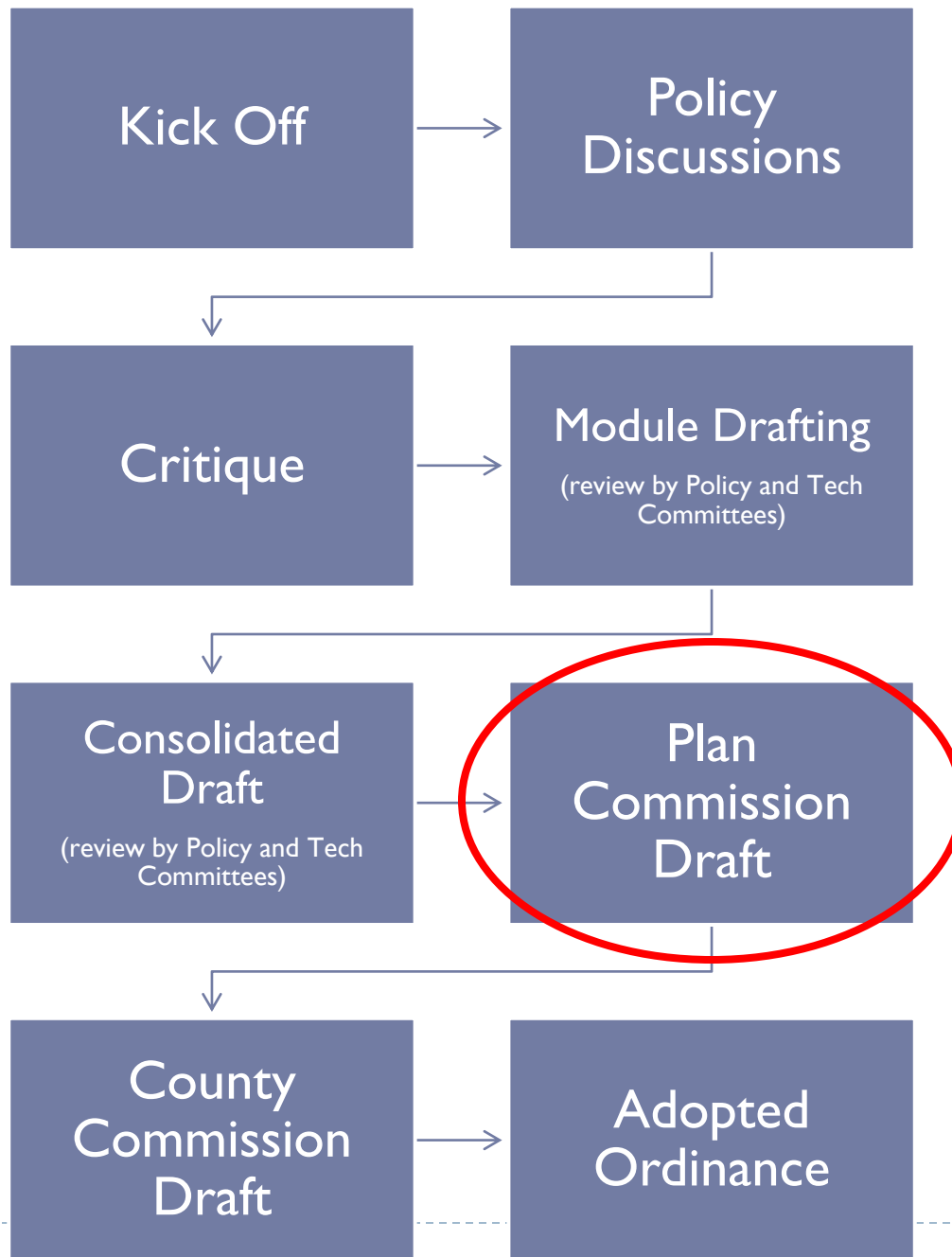
# Public Process

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- ▶ Kick Off in May 2012
- ▶ Involvement in other ordinance updates
- ▶ Two committees
  - ▶ Policy – Big Picture
  - ▶ Technical – Practical
- ▶ Legal input
- ▶ Critique of Existing Ordinance
- ▶ Drafting in 4 Modules, each reviewed by both Committees
- ▶ All work products posted online







# Open House Meetings

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- ▶ October 8, 2014
  - Baugo Township Fire Hall
- ▶ October 9, 2014
  - Wakarusa Town Hall
- ▶ October 13, 2014
  - Middlebury Town Hall
- ▶ October 15, 2014
  - Millersburg Town Hall
- ▶ November 4, 2014
  - County Farm Bureau
- ▶ Drafts available at each venue





# Goals

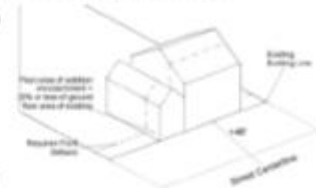
# Goals - Reformat

## SECTION 2. Improvement Location Permit and Plans.

- a. No structure, improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement or use and its location conform with the County Comprehensive Plan and County ordinances and an Improvement Location Permit for that structure, improvement or use has been issued. That permit shall be valid for six (6) months after date of issuance, or for the length of validity of a Building Permit, if that Building Permit is obtained for the structures or buildings covered by the Improvement Location Permit within the six (6) month limitation. The Zoning Administrator shall have the power to renew the Improvement Location Permit.
- b. The Zoning Administrator shall issue an Improvement Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the County Comprehensive Plan.
- c. Every application for an Improvement Location Permit shall be accompanied by:
  - (1) A site plan drawn to scale showing the ground area of the building or structure, the building lines in relation to lot lines, the number of stories or the height of building or structure, the use to be made of the building or structure, or land, and all other information required by the Zoning Administrator for the proper enforcement of this ordinance. The respective application fee, as established by the Elkhart County Advisory Plan Commission and set forth in its Uniform Schedule of Fees to its Rules of Procedure, shall be paid at the time of the filing of the application. (Amended 12/03/2009 PC 09-36)
  - (2) The site plan shall be attached to the application for an Improvement Location Permit when it is submitted to the Zoning Administrator and shall be retained by the Plan Commission as a public record.
- d. Any decision of the Zoning Administrator concerning the issuance of an Improvement Location Permit may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by that decision.
- e. The issuance of an Improvement Location Permit cannot substitute for or supersede the requirements of any ordinance adopted by the Board of County Commissioners which requires the issuance of a Building Permit before the construction of any building or structure. The issuance of an Improvement Location Permit does not waive any requirement of any pertinent Municipal, County, State or Federal ordinance, rule, regulation or law.

## Article 4 District Developmental Standards Sec. 4.3 Measurements and Special Cases

- II. The existing building line established by the primary residential structure is more than 40 feet from the centerline of the traveled way of the adjacent road and is not presently within any public rights-of-way.
- III. The proposed addition will be at or behind the existing building line.
- IV. The gross floor area of the portion of the addition situated between the existing building line and the required setback is 20 percent or less of the ground floor area of the primary residential structure.
- V. The yard in question is not adjacent to a designated major road or federal or state highway.



### d. Setback Based on Fronting Street

- I. The table below establishes the required front setback for a primary structure, accessory structure or fence based on the adjacent road.

Adjacent Road	Min. Front Setback (From ROW center line)
<b>Residential Use Categories</b>	
Federal or State Highway or Major Road	120 ft
Numbered County Road or Street	75 ft
Named Street	See Sec. 4.4
<b>Nonresidential Use Categories</b>	
Federal or State Highway or Major Road	120 ft
Numbered County Road or Street	60 ft
Named Street	See Sec. 4.4.B or Sec. 4.5
<b>Open Use Categories</b>	
Federal or State Highway or Major Road	120 ft
Numbered County Road or Street	60 ft
Named Street	75 ft

- II. Where the developmental standards in Article 4 through Article 6 conflict with this table, the standards of this table control.
- III. For the purposes of the table above, the following roads are designated as "Major Roads".

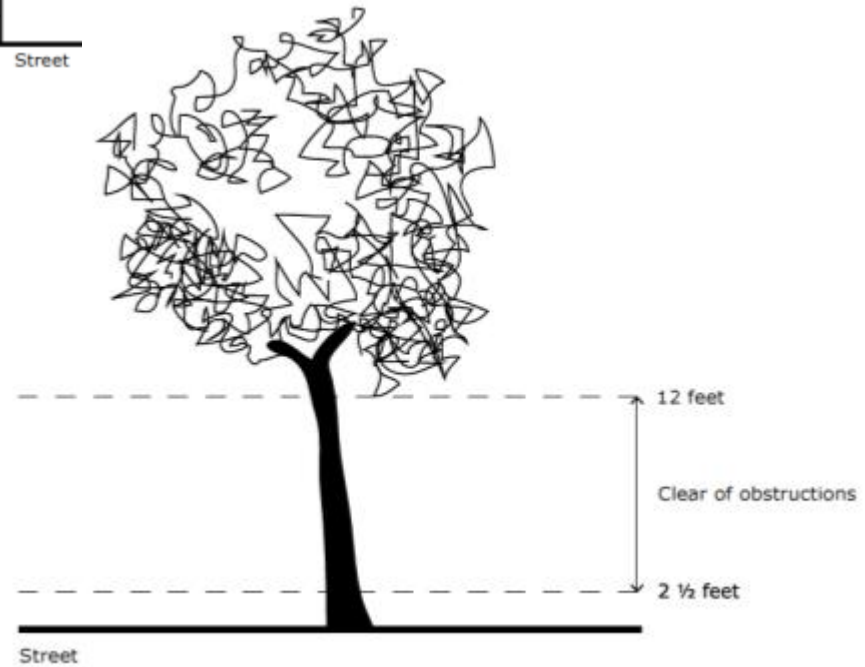
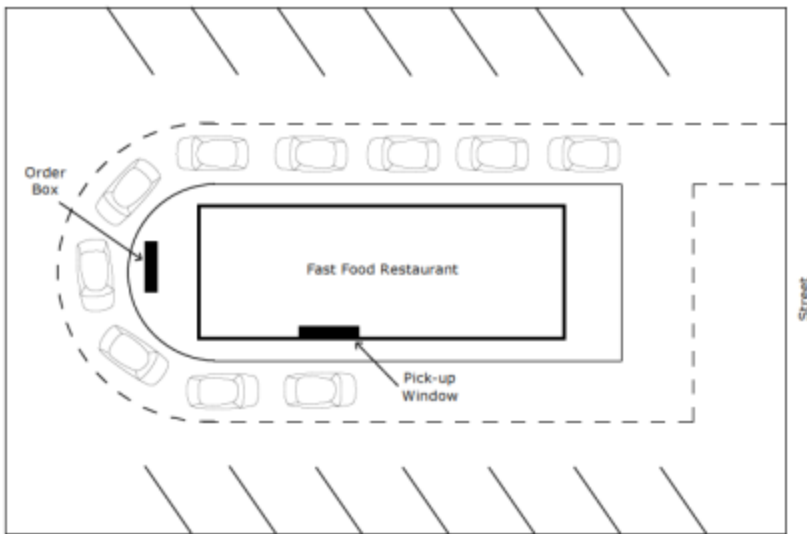
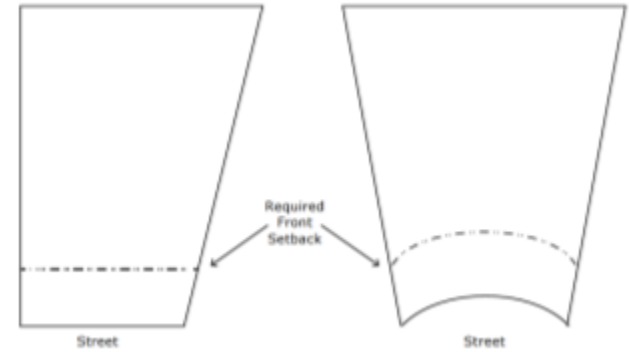
# Goals - Reformat

- ▶ Table of Contents and Index
- ▶ Links for digital users
- ▶ “How to use this Code”
- ▶ Tables and graphics
  - ▶ Use table and developmental tables
  - ▶ Simple, b&w graphics
- ▶ Headers and footers for navigation
- ▶ Remove legalese, increase readability

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# Graphics



# Goals – Reorganize

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- ▶ **Separate standards from procedures**
  - ▶ Consolidate procedures Article
  - ▶ Consolidate Articles for zoning district standards, general development standards, etc
- ▶ **Procedures follow in logical sequence**
  - ▶ Rezoning
  - ▶ Variance
  - ▶ Site Plan
  - ▶ Permits
- ▶ **Consolidate definitions**
  - ▶ Remove defined words that aren't actually used in text



# Goals - Streamline

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- ▶ Less Reliance of Detailed Planned Unit Developments
- ▶ Fewer Special Use Permits and Developmental Variances
- ▶ Allow more uses by right, subject to limitations







# Content

# Table of Contents

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- ▶ Article 1 General Provisions
  - ▶ Article 2 Development Review Bodies
  - ▶ Article 3 Development Review Procedures
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- 



# Article 1 General Provisions

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Sec. 1.1.	Short Title
Sec. 1.2.	Purpose
Sec. 1.3.	Authority
Sec. 1.4.	Jurisdiction and Legislative Bodies
Sec. 1.5.	Rules of Construction
Sec. 1.6.	Minimum Requirements
Sec. 1.7.	Conflict or Inconsistency
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Sec. 1.11.	Saving Provision
Sec. 1.12.	Severability
Sec. 1.13.	Repeal of Prior Ordinance
Sec. 1.14.	Effective Date

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# Article 1 General Provisions

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## ▶ **Sec. 1.2. Purpose**

### **1.2.2 Property Rights**

To protect the rights of property owners. This includes protection from conflicting land use activities on neighboring properties and providing a reasonable balance between the property owner's freedom to utilize his or her land and the general public's interest in living in an attractive and prosperous community.

## ▶ **Sec. 1.4. Jurisdiction and Legislative Bodies**

- ▶ Unincorporated area of County, Towns of Bristol, Middlebury, Millersburg, and Wakarusa

## ▶ **Sec. 1.14. Effective Date**

- ▶ Proposing February 2, 2015



# Article 2 Development Review Bodies

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- Sec. 2.1. General
- Sec. 2.2. Board of County Commissioners / Other Legislative Bodies
- Sec. 2.3. Plan Commission
- Sec. 2.4. Board of Zoning Appeals
- Sec. 2.5. Hearing Officer
- Sec. 2.6. Technical Review Committee
- Sec. 2.7. Plan Director
- Sec. 2.8. Zoning Administrator
- Sec. 2.9. Building Commissioner
- Sec. 2.10. Summary of Review Authority



**Procedure**

	Building Commissioner	Zoning Administrator	Plan Director	Technical Review Committee	Hearing Officer	Board of Zoning Appeals	Plan Commission	Board of County Comm. or Other Legislative Body	Reference
<b>Building Commissioner Action</b>									
Building Permit	D	R							Sec. 3.13
Sign Permit	D	R							Sec. 3.14
Certificate of Occupancy	D	R							Sec. 3.15
<b>Zoning Administrator Action</b>									
Administrative Adjustment		D							Sec. 3.9
Written Interpretation		D							Sec. 3.10
Improvement Location Permit		D							Sec. 3.11
<b>Hearing Officer Action</b>									
Special Use Permit (Mobile Home)		R			<D>				Sec. 3.6
Developmental Variance		R			<D>				Sec. 3.7
<b>Board of Zoning Appeals Action</b>									
Special Use Permit (Mobile Home)		R				<D>*			Sec. 3.6
Special Use Permit (Non-Mobile Home)		R				<D>			Sec. 3.6
Use Variance		R				<D>			Sec. 3.7
Developmental Variance		R				<D>*			Sec. 3.7
Appeal of Administrative or Hearing Officer Decision						<D>			Sec. 3.16
<b>Board of County Commissioners or Other Legislative Body Action</b>									
Zoning Ordinance Text Amendment			R				<R>	<D>	Sec. 3.2
Zoning Map Amendment (Rezoning)			R				<R>	<D>	Sec. 3.3
General Planned Unit Development			R	C			<R>	<D>	Sec. 3.4
Detailed Planned Unit Development			R	C			<R>	<D>	Sec. 3.5

R = Review and Recommendation

D = Decision

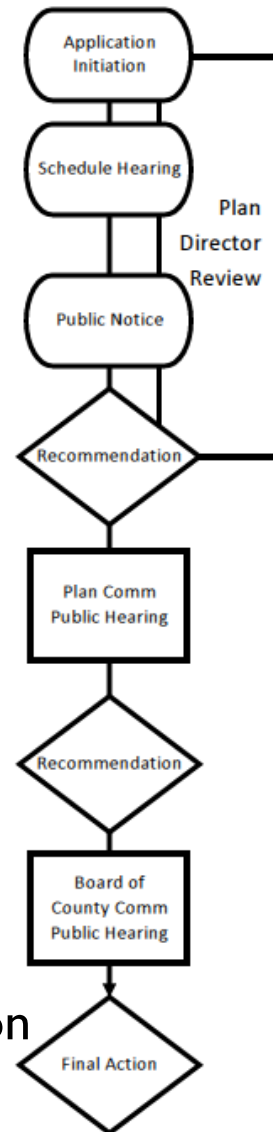
C = Determination of technical correctness or incorrectness

< > = Public Hearing Required

\* Referred to the BZA by the Zoning Administrator, Hearing Officer, petitioner or remonstrator in accordance with Sec. 2.05 of the Board of Zoning Appeals Rules of Procedure

# Article 3 Development Review Procedures

- Sec. 3.1. Common Review Procedures
- Sec. 3.2. Zoning Ordinance Text Amendment
- Sec. 3.3. Zoning Map Amendment (Rezoning)
- Sec. 3.4. General Planned Unit Development
- Sec. 3.5. Detailed Planned Unit Development
- Sec. 3.6. Special Use Permit
- Sec. 3.7. Use Variance
- Sec. 3.8. Developmental Variance
- Sec. 3.9. Administrative Adjustment
- Sec. 3.10. Written Interpretation
- Sec. 3.11. Improvement Location Permit
- Sec. 3.12. Temporary Use Permit [Reserved]
- Sec. 3.13. Building Permit
- Sec. 3.14. Sign Permit
- Sec. 3.15. Certificate of Occupancy
- Sec. 3.16. Appeal of Administrative or Hearing Officer Decision



# Article 3 Development Review Procedures

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## **Sec. 3.1. Common Review Procedures**

- ▶ Consolidate Shared Review Procedures
  - ▶ Application Initiation, Forms and Fees
  - ▶ Sufficiency Review & Technical Correctness Review
    - ▶ Does the submittal contain everything needed for review?
    - ▶ Does the content comply with various regulations?
  - ▶ Modifications of Approved Site Plans (SUPs, DPUDs, UVs)
    - ▶ Criteria for Administrative vs. BZA/PC Decision
    - ▶ Small shifts or expansions
- ▶ Less Duplication and Conflicts

## **Sec. 3.4. General Planned Unit Development**

- ▶ 2-year to 7-year lifespan

## **Sec. 3.5. Detailed Planned Unit Development**

- ▶ DPUD Site Plan, DPUD Ordinance, DPUD Plat
- 





# Article 3 Development Review Procedures

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## **Sec. 3.9. Administrative Adjustment**

- ▶ Previously approved Text Amendment
- ▶ Administrative “Variance” of 10%

## **Sec. 3.10. Written Interpretation**

- ▶ Regular maintenance of Ordinance annually to fix problems and incorporate interpretations
- ▶ Policy Committee proposed to remain as-needed

## **Sec. 3.12. Temporary Use Permit [Reserved]**

- ▶ Reserved for possible future use
  - ▶ Same Review Criteria for Developmental Variances, Use Variances, and Rezonings
- 

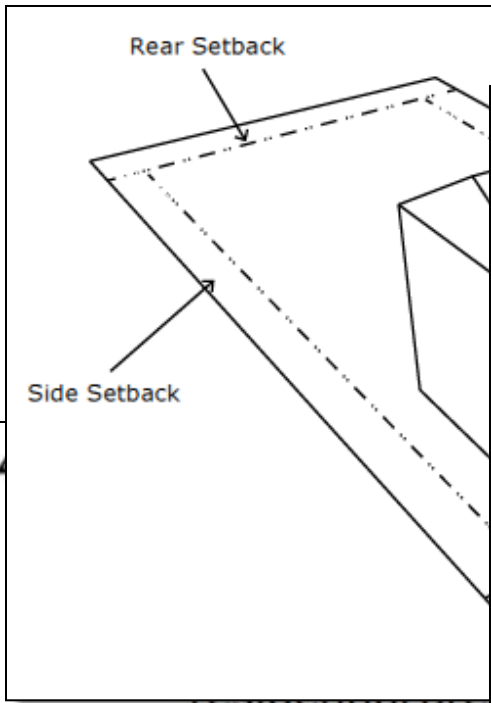


# Article 4 District Development Standards

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- Sec. 4.1.        **General**
- Sec. 4.2.        **Zoning District Purpose Statements**
- Sec. 4.3.        **Measurements and Special Cases**
- Sec. 4.4.        **Residential Developmental Standards**
- Sec. 4.5.        **Nonresidential Developmental Standards**





Side Setback

Does not comply with 7:1 Depth-to-Width Ratio

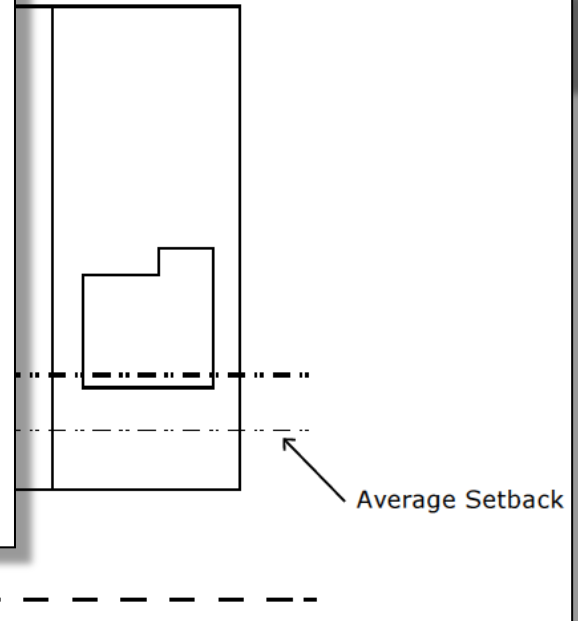
Complies with 7:1 Depth-to-Width Ratio

700 ft.

100 ft.

Designation	
	A-1
	R-1
	R-2
	R-3

zoning district is to  
are compatible with  
and service needs of such  
as a transitional district



- between res
- is restricted
- Special Purpose an
- Office and Busine
- General Planned
- Detailed Planned
- Wellhead Overlay
- Farmland Preserv
- Concentrated An

7:1 now inst

Article

Sec. 4.4.

▶ **Minimum**

▶ **Conversion**

▶ **Cluster**

▶ **No**

▶ **R-1**

Zoning District

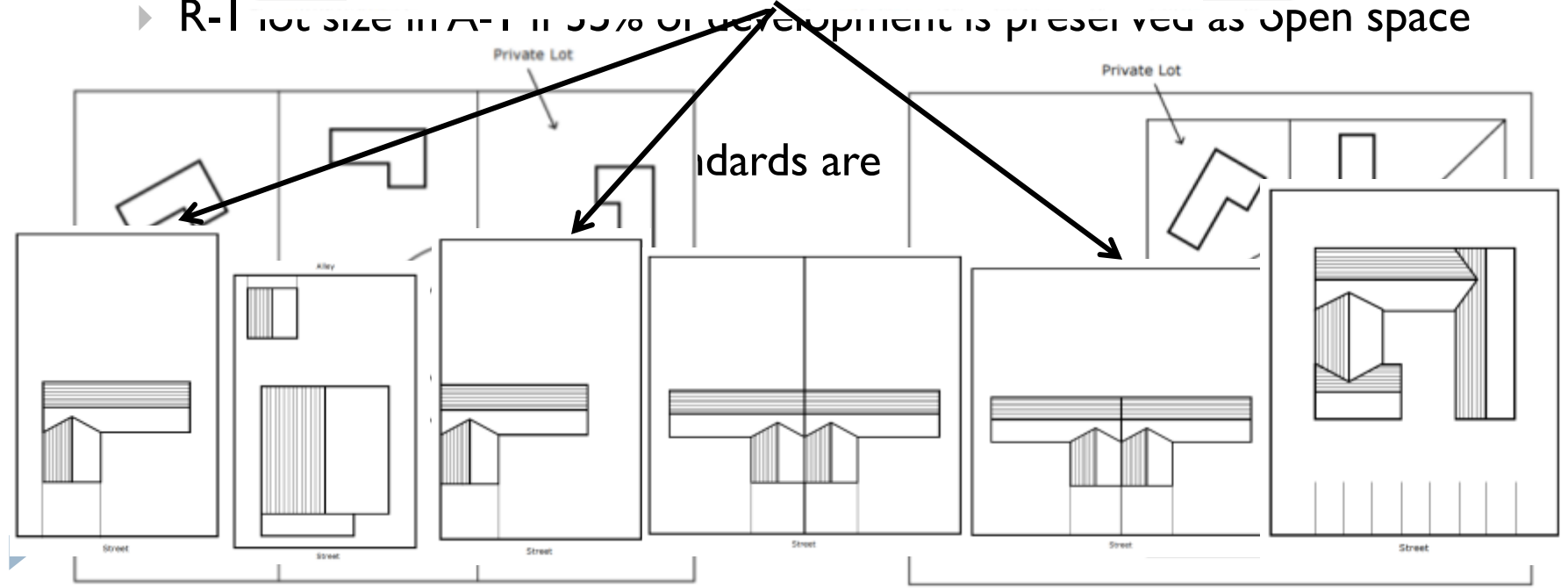
	Two-Family (w/ public wastewater)	A-1, R-2, R-3, B-1, B-2	R-4	R-4
<b>Lot Size</b>	<b>Lot Size (min.)</b>			
Area	Area (sq ft)	13,200	10,000	10,000
Width	Width (ft)	75	75	75
<b>Setbacks</b>	<b>Setbacks (min ft.)</b>			
Front	Front	50	50	45
Side	Side	5	5	5/10
Rear	Rear	15	10	10
<b>Height</b>	<b>Height (max ft.)</b>	30	30	30
<b>Building Coverage</b>	<b>Building Coverage (max. %)</b>			
Interior	Interior	25	30	30
Corner	Corner	30	35	35
<b>Group</b>	<b>Floor Area per Unit (min. sq. ft.)</b>			
Single-Story	Single-Story	700	700	700
Two-Story	Two-Story	700	700	700

Standards

Standards

LOT SIZE SHALL BE 55% OF DEVELOPMENT IS PRESERVED AS OPEN SPACE

Standards are



# Article 4 District Development Standards

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## **Sec. 4.4.7 Residential Developmental on Ponding Soils**

### ▶ Exemption

- ▶ Does not apply to houses built or lots platted prior to effective date

### ▶ Purpose

- ▶ Protection of public health and safety by way of minimizing flooding of basements

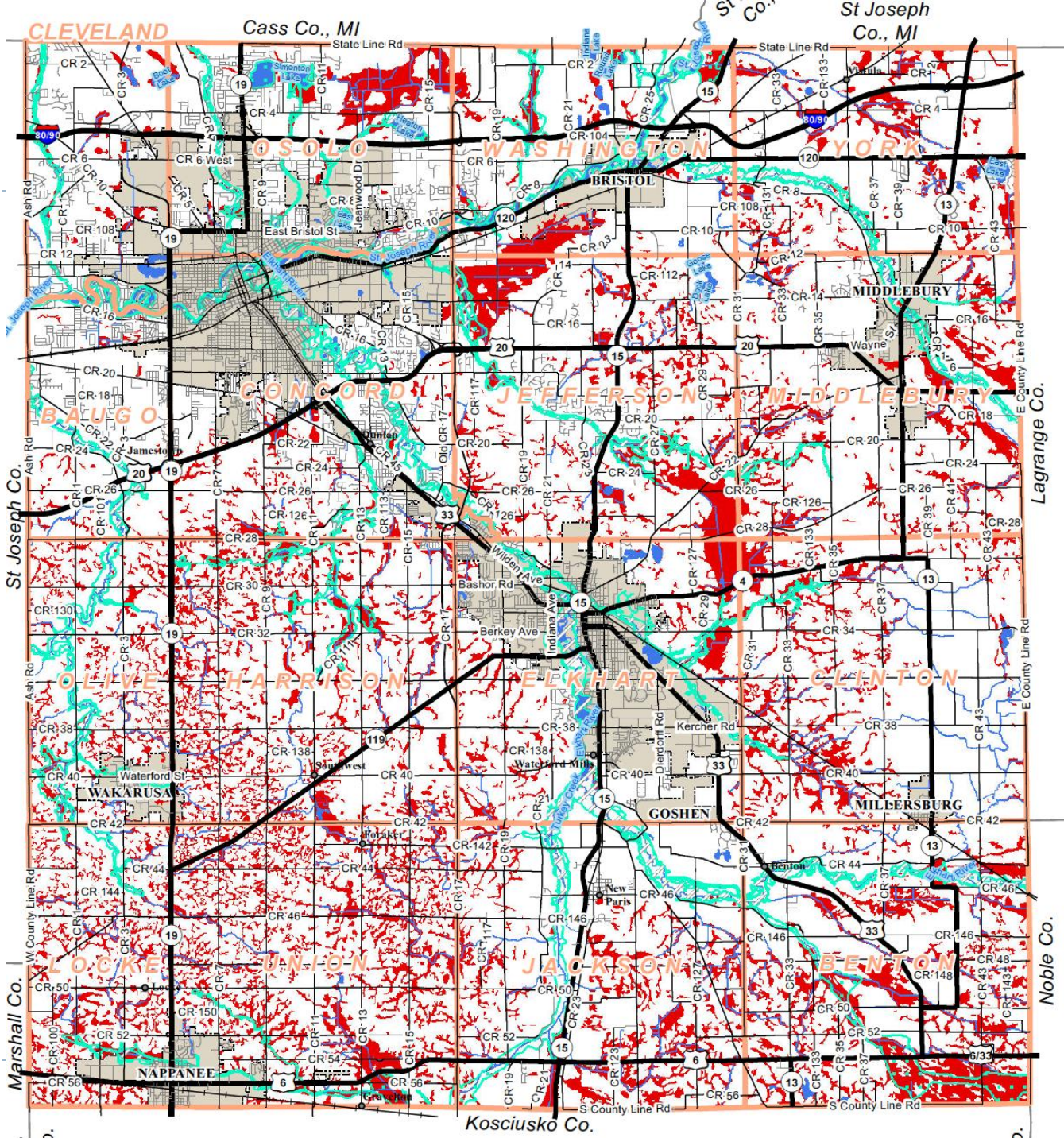
### ▶ Standards

- ▶ Ponding Soils Map shows 17 types of soils that typically flood
- ▶ Residential structure may not be built on a ponding soil

### ▶ Relief

- ▶ Soil Scientist to prove map is in error
  - ▶ Use Variance approval
  - ▶ Construct home slab-on-grade
- 





# Article 4 District Development Standards

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## Nonresidential Use

	B-1	B-2	B-3	M-1	M-2
<b>Setbacks (min ft.)</b>					
Front	55	55	55	75	75
Side (interior)	10	10	10	25	25
Side (adjacent* to Res use or district)	25	25	25	50	50
Rear	15	15	15	15	15
<b>Height (max ft.)</b>	40	60	60	60	60
<b>Building Coverage (max. %)</b>	50	75	75	75	75
<b>Parking Setback (min. ft. from centerline of ROW / front property line)</b>	55 / 15	55 / 15	55 / 15	55 / 15	55 / 15

\*"Adjacent" includes "across the street from" on a nonresidential corner lot



# Article 5 Use Standards

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- Sec. 5.1. Use Table
- Sec. 5.2. Use Categories
- Sec. 5.3. Specific Use Standards
- Sec. 5.4. Wireless Communication Facilities
- Sec. 5.5. Accessory Uses and Structures
- Sec. 5.6. Temporary Uses





# Article 5 Use Standards

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## Sec. 5.1. Use Table

- ▶ Table instead of lists of uses
- ▶ Allows comparison of uses across districts and vice-versa

Symbol	Meaning
P	Permitted by right in district indicated
L	Permitted by right subject to limitations in district indicated
S	Requires a Special Use Permit in district indicated
P/S	Permitted by right or requires a Special Use Permit, depending on the standards in <a href="#">Sec. 5.3</a>
L/S	Permitted by right subject to limitations or requires a Special Use Permit, depending on the standards in <a href="#">Sec. 5.3</a>
[blank cell]	Prohibited in district indicated

- ▶ Cumulative (AKA “Pyramid”) zoning retained
  - ▶ More uses allowed in districts where currently not allowed, subject to standards
- 



# Article 5 Use Standards

Key: P = Permitted by right    L = Permitted subject to limitations    S = Special Use Permit    [ blank ] = Prohibited

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Parks and Open Areas [see 5.2.3F]	All Parks and Open Areas except as listed below:	P	P	P	P	P	P	P	P	P	P	
	Cemetery, columbarium, mausoleum or memorial park	S	S	S	S	S	S	S	S	S		
Passenger Terminals [see 5.2.3G]	All Passenger Terminals except as listed below:						P	P	P	P		
	Airport or heliport								S	S	S	
Places of Worship [see 5.2.3H]	All Places of Worship	S	S	S	S	L/S	P	P	P	P	P	5.3.9
Social Service Establishment [see 5.2.3]	All Social Service Establishments					S	S	S	S	S		
Utilities [see 5.2.3J]	Minor Utilities except as listed below	P	P	P	P	P	P	P	P	P	P	
	Major Utilities except as listed below	S	S	S	S	S	S	S	S	S	S	
	Wireless communication facility	See Sec. 5.4										
<b>COMMERCIAL USES</b>												
Indoor Recreation [see 5.2.4A]	All Indoor Recreation except as listed below:					S	P	P	P	P		
	Adult business										S	
	County club	P	P	P	P	P	P	P	P			
	Membership club or lodge				S	S	P	P	P	P		
	Tattoo parlor								S			5.3.10
Offices [see 5.2.4B]	All Offices except as listed below:					L	P	P	P	P		5.3.11
	TV or radio studio								P	P		



# Goals - Streamline

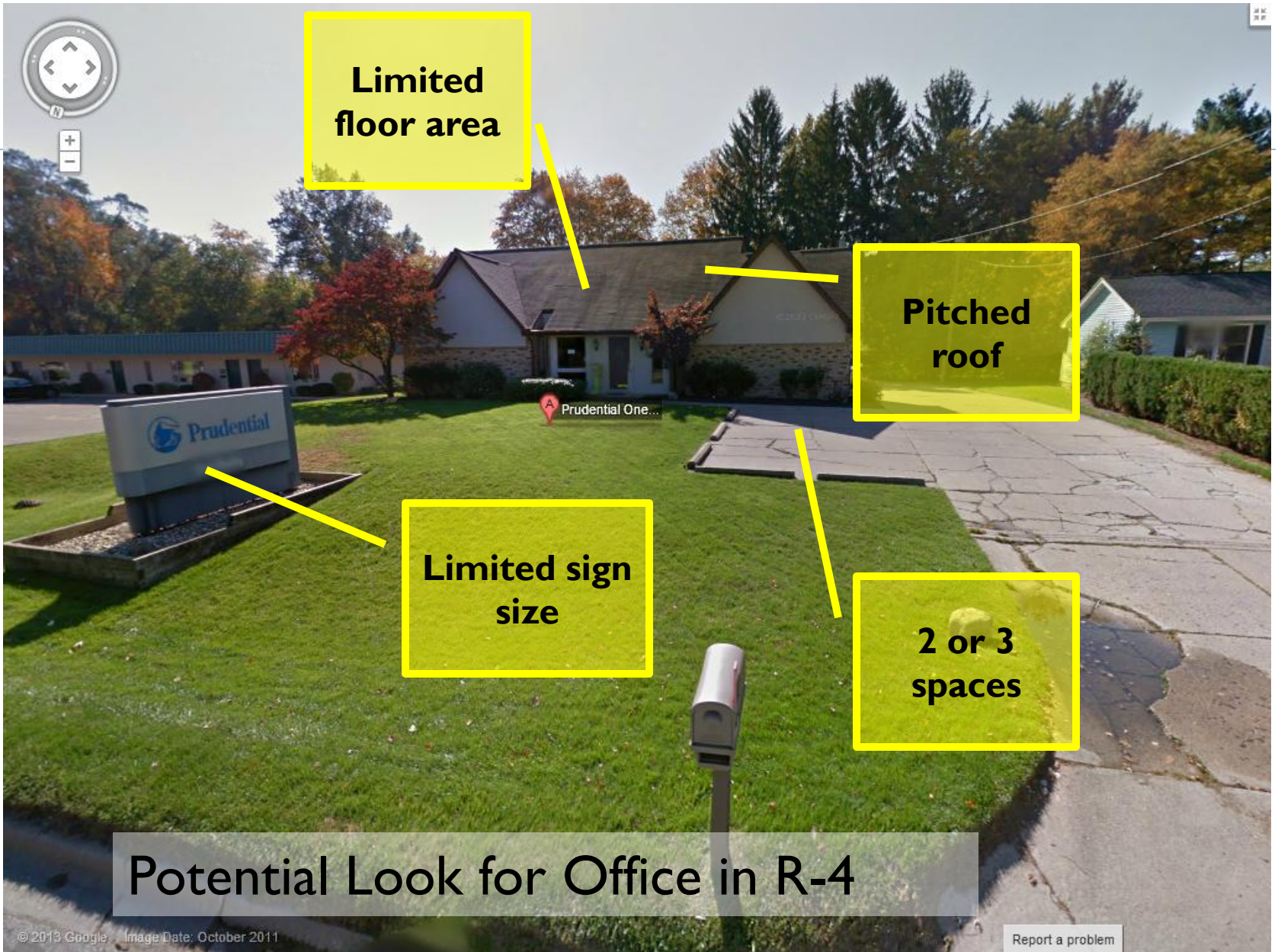
Key: P = Permitted by right    L = Permitted subject to limitations    S = Special Use Permit    [ blank ] = Prohibited

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Offices [see 5.2.4B]	All Offices except as listed below: TV or radio studio					L	P	P	P	P		5.3.11

## 5.3.11 Office Use

An Office use is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. The gross floor area of all primary and accessory structures must be less than 2,000 square feet.
- B. The principal building must have a roof pitch between a 3/12 and 4/12.
- C. A maximum of two off-street parking spaces are allowed between the primary structure and the public right-of-way. The remainder of off-street parking spaces, whether required or overflow, must be provided between the primary structure and the rear property line.



**Limited floor area**

**Pitched roof**

**Limited sign size**

**2 or 3 spaces**

**Potential Look for Office in R-4**

# Article 5 Use Standards

## Sec. 5.3. Specific Use Standards

- ▶ Apply ONLY to uses and districts with an “L” or “S” in the use table
- ▶ Changes
  - ▶ Upper-Story Dwelling allowed above a commercial use without special permission
  - ▶ Churches and schools allowed without a Special Use Permit in commercial zoning districts
  - ▶ Separation restrictions lessened for tattoo parlors
  - ▶ Light vehicle servicing (e.g. oil change services) and fuel sales now allowed in B-2 and B-1 subject to screening, landscaping and other standards
  - ▶ Scale is important



# Article 5 Use Standards

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## **Sec. 5.5. Accessory Uses and Structures**

- ▶ Efforts to have fewer BZA requests
- ▶ Accessory Dwelling Units (Dawdy Houses)
  - ▶ Currently require a Use Variance, which requires a hardship
  - ▶ Draft proposes allowing them by right subject to:
    - ▶ In the A-I zoning district associated with a single-family residence
    - ▶ 600 to 1,200 square feet in floor area
    - ▶ Single story
    - ▶ Property owner must reside on the property
    - ▶ Mobile home does not count
    - ▶ Same curb cut as main house



# Article 5 Use Standards

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## **Sec. 5.5. Accessory Uses and Structures**

- ▶ **Home Occupation**
  - ▶ Draft proposes one outside employee
  - ▶ Currently none are allowed
  - ▶ Internet sales and shipping are proposed to be allowed
  - ▶ Currently up for interpretation
- ▶ **Home Workshop / Business**
  - ▶ Standards remain largely the same as currently exist
- ▶ **Personal Storage**
  - ▶ In A-I and R-I districts, on properties over 3 acres, accessory square footage may exceed residence square footage by 200%
- ▶ **Solar Panels**
  - ▶ Currently all require a SUP
  - ▶ Draft proposes that roof-mounted be allowed by right and ground-mounted by right if they are less than 850 sq ft and on 3 acres or more



# Article 6 Special Purpose & Overlay Districts

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Sec. 6.1. E-3, Office and Business Park District

Sec. 6.2. GPUD- and DPUD-, General and Detailed Planned Unit Development Overlays

Sec. 6.3. W-, Wellhead Overlay

Sec. 6.4. A-3, Farmland Preservation District

Sec. 6.5. A-4, Concentrated Animal Feeding Protection District





# Article 6 Special Purpose & Overlay Districts

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## **Sec. 6.1. E-3, Office and Business Park District**

- ▶ Combined unused E-1 and E-2 with E-3
- ▶ Currently requires a DPUD to be submitted
- ▶ Draft proposes the site plan be administratively approvable with an option to refer to Plan Commission
- ▶ Standards retained related to parking and landscaping
- ▶ Outdoor storage is currently prohibited
- ▶ Draft proposes to allow outdoor storage if it is screened
- ▶ Building exterior standards
  - ▶ 40% on primary facades
  - ▶ Lower to 20% if providing visual interest such as outdoor patios, peaked roofs, awnings



# Article 6 Special Purpose & Overlay Districts

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## **Sec. 6.3. W-, Wellhead Overlay**

- ▶ No standards
- ▶ For neighbor notification purposes only
- ▶ Applies to 5-year recharge area around a public water supply or well head



# Article 7 General Development Standards

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- Sec. 7.1. Applicability
- Sec. 7.2. Off-Street Parking, Loading and Stacking
- Sec. 7.3. Buffering and Screening
- Sec. 7.4. Signs
- Sec. 7.5. Flood Hazard Control



# Article 7 General Development Standards

## Sec. 7.1. Applicability

Type of Development	Off-Street Parking, Loading & Stacking	Buffering & Screening	Signs	Flood Hazard Control
New nonresidential development or change in use from residential to nonresidential	✓	✓	✓	✓
Increase in multiple-family units by 5 or more	✓	✓	✓	✓
Increase in nonresidential GFA and/or impervious surface by 21% or more	✓	✓	✓	✓
Increase in nonresidential GFA and/or impervious surface by a maximum of 20%	✓			✓
Construction of new sign or modification of existing sign			✓	

✓ = Section applies

GFA = Gross Floor Area

For the purposes of this Article, "nonresidential" includes multiple-family dwellings

**7.1.2** The table above does not apply to any residential use.

**7.1.3** Increases in gross floor area or impervious surface are cumulative over a five-year period.

# Article 7 General Development Standards

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## **Sec. 7.2. Off-Street Parking, Loading and Stacking**

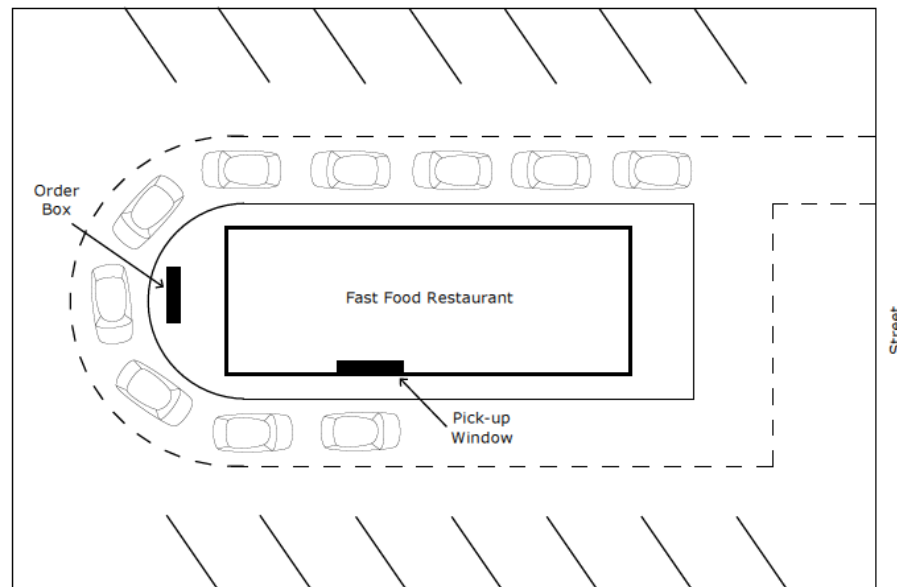
- ▶ Generally, less parking is required than in current Ordinance
- ▶ More parking can be required to be added if parking is forced off-site or on-street
- ▶ Alternative Parking Plan allows for applicant to meet rules without a Variance (Off-Site Parking or Shared Parking)
- ▶ Loading spaces now optional
- ▶ Stacking requirements added



# Article 7 General Development Standards

## Sec. 7.2. Off-Street Parking, Loading and Stacking

Activity	Minimum Spaces	Measured From
Automated teller machine	3	Machine
Bank teller lane	4	Teller window or tube device
Car lubrication stall	2	Entrance to stall
Car wash stall	3	Entrance to wash bay
Day care center	8	Front door
Gasoline pump island	2	Pump island
Parking area, controlled entry	3	Key code box
Restaurant, drive-through	6	Order box
	4	Pick-up window to order box



# Article 7 General Development Standards

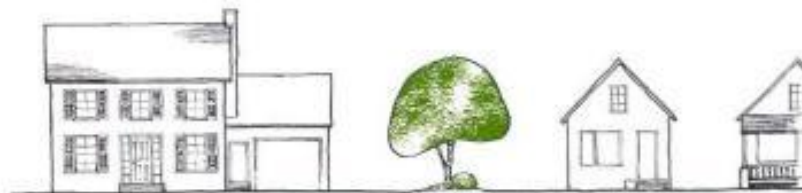
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## Sec. 7.3 Buffering and Screening

- ▶ Most significant addition
- ▶ Reducing the need for DPUDs and protecting adjacent property values



MAJOR DIFFERENCE-LARGE BUFFER



SMALL DIFFERENCE-SMALL BUFFER

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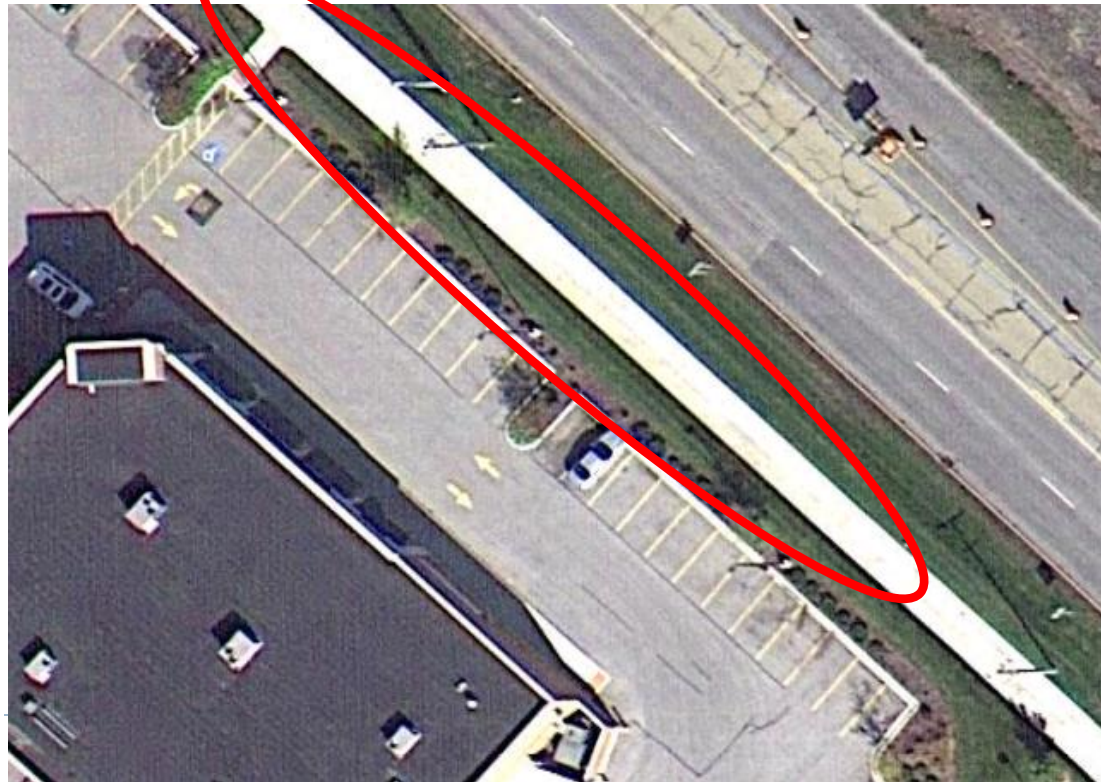


# Article 7 General Development Standards

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## Sec. 7.3 Buffering and Screening

- ▶ Parking Area Buffer
  - ▶ Required for nonresidential uses that abut a public ROW or residential property



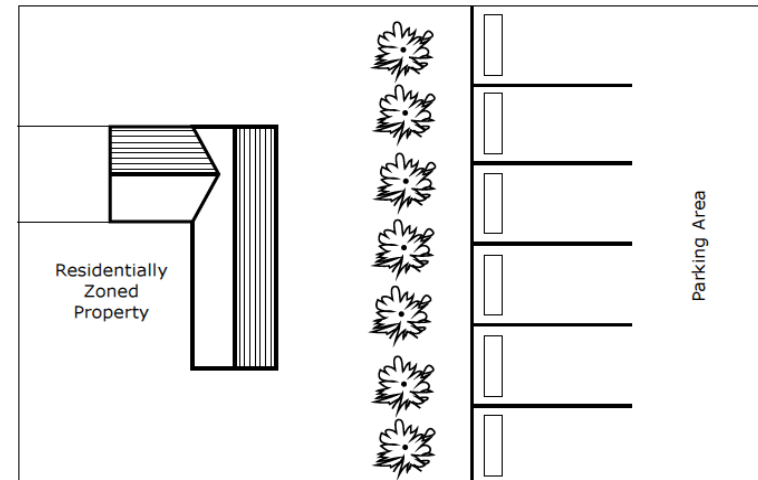


# Article 7 General Development Standards

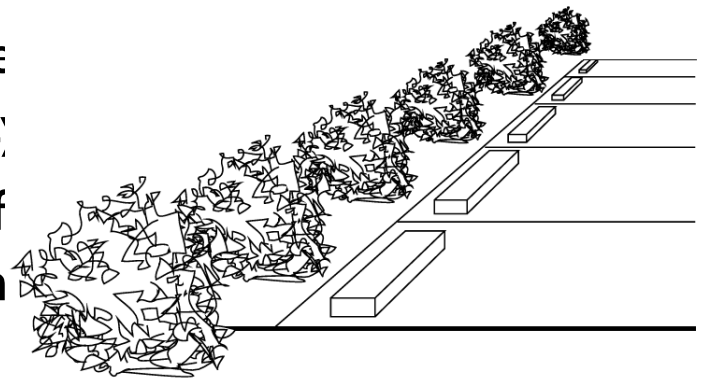
## Sec. 7.3 Buffering and Screening

### ▶ Parking Area Buffer

- ▶ Minimum 10 feet in width
- ▶ 4' tall Hedgerow, berm, masonry wall or a combination
- ▶ Exemptions
  - Grade difference
  - 50 feet or greater setback from the public ROW or residential property
  - Parking area is between the rear of building and a rear property line and is not adjacent to a residential property



Evergreen Hedgerow or Masonry Wall or Berm



# Article 7 General Development Standards

## Sec. 7.3 Buffering and Screening

### ▶ Boundary Buffer

- ▶ Buffer between conflicting zoning districts
- ▶ Example: M-I district adjacent to an R-I
- ▶ Class III boundary buffer



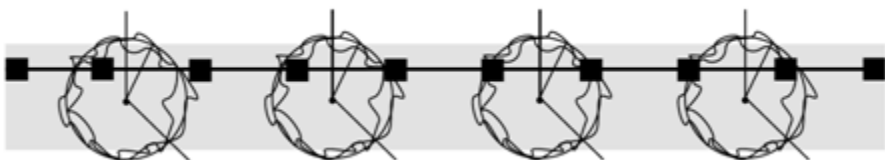
		Adjacent District							
		A-1, R-1, -2, -3 (Res. use)	R-4 (Res. use)	B-1	B-2	B-3	E-3	M-1	M-2
Subject District	R-1, -2, -3, -4 (Nonres. use)	I	--	--	--	--	--	--	--
	B-1	I	--	--	--	--	--	--	--
	B-2	II	I	I	--	--	I	--	--
	B-3	II	II	I	I	--	I	--	--
	E-3	II	II	I	I	--	--	--	--
	M-1	III	III	II	I	I	I	--	--
	M-2	III	III	III	II	I	II	--	--

# Article 7 General Development Standards

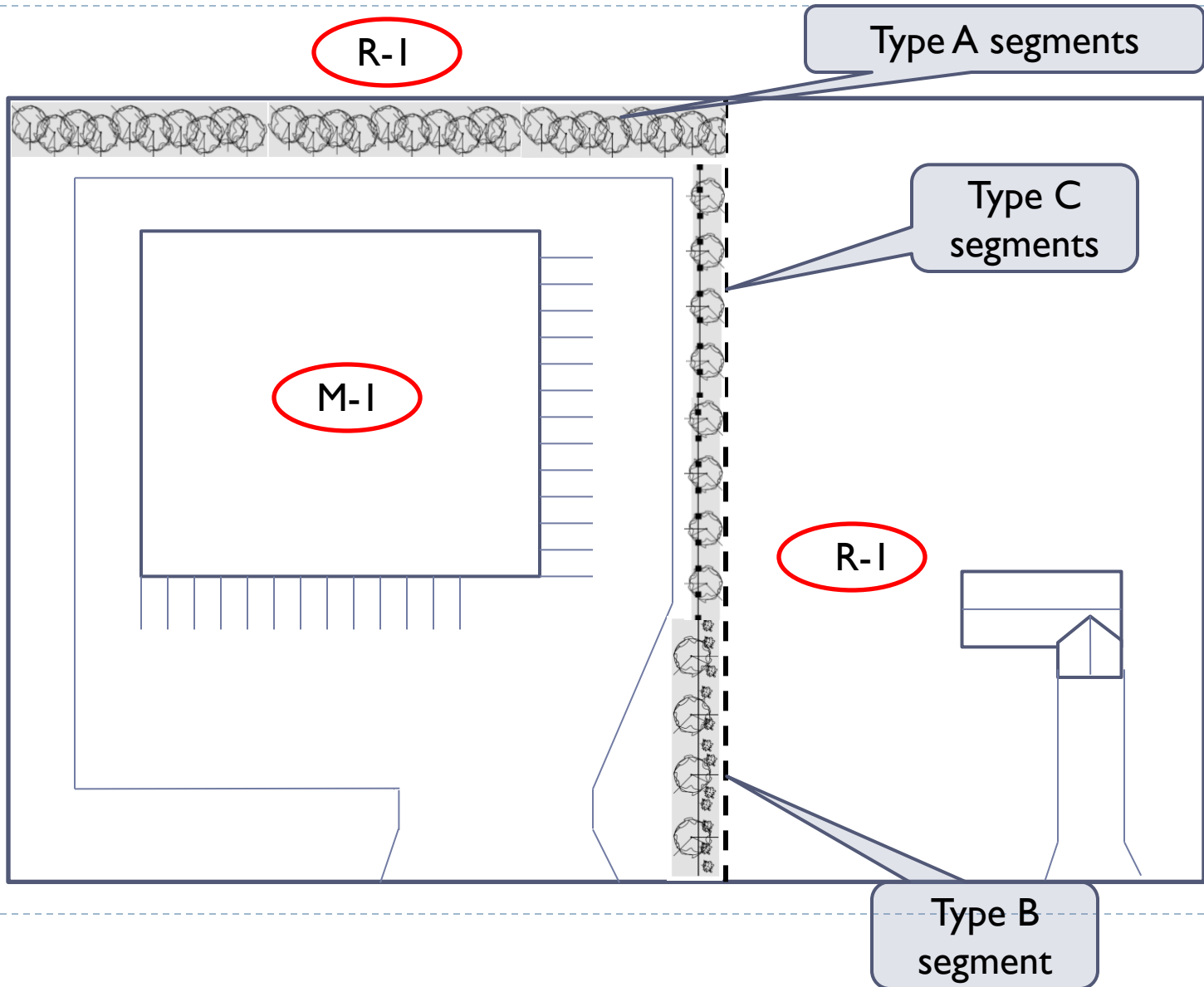
## Sec. 7.3 Buffering and Screening

### ▶ Boundary Buffer

- ▶ Example: M-I district adjacent to an R-I
- ▶ Class III boundary buffer required
- ▶ 3 choices that can be mixed and matched per 100'

Class III	Materials per 100 Linear Feet	Conceptual Illustration
Type A	Width: 25 Trees: 10 Shrubs: 0 Barrier: None	
Type B	Width: 15 Trees: 4 Shrubs: 12 Barrier: Opaque fence	
Type C	Width: 10 Trees: 4 Shrubs: 0 Barrier: Wall	

# Article 7 General Development Standards



# Article 7 General Development Standards

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## Sec. 7.3 Buffering and Screening

### ▶ Boundary Buffer

#### ▶ Trees

- Min. 8' height, meandering or linear
- Credit for existing trees (Class III, Type A)

#### ▶ Shrubs

- Min. 4' height

#### ▶ Barriers

- 6' to 9' in height, opaque or non-opaque fences or walls

#### ▶ Berms

- May replace required shrubs or fences
- Buffer may need to be wider than normally required to accommodate berm



# Article 7 General Development Standards

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## Sec. 7.3 Buffering and Screening

### ▶ Screening

#### ▶ Trash and Recycling

- ❑ Located at side or rear of property
- ❑ Screened from residential properties and public ROW (not including alleys) with fence, wall or evergreen plantings
- ❑ Minimum 25 from residential properties or 10 feet if screened with a wall

#### ▶ Loading Docks

- ❑ Located at side or rear of property except in B-3, M-1 or M-2
  - ❑ Screened from residential properties and public ROW (not including alleys) with fence, wall or evergreen plantings
  - ❑ Minimum 25 from residential properties
- 



# Article 7 General Development Standards

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## Sec. 7.3 Buffering and Screening

### ▶ Outdoor Storage

- ❑ Prohibited in A, B, and R districts (as currently prohibited)
- ❑ Prohibited in front or side setbacks, required parking spaces, or fire lanes
- ❑ Exemptions:
  - ❑ Commercial vehicles related to a permitted business on-site; and
  - ❑ Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes and other similar vehicles or equipment produced or sold by a permitted use on-site.

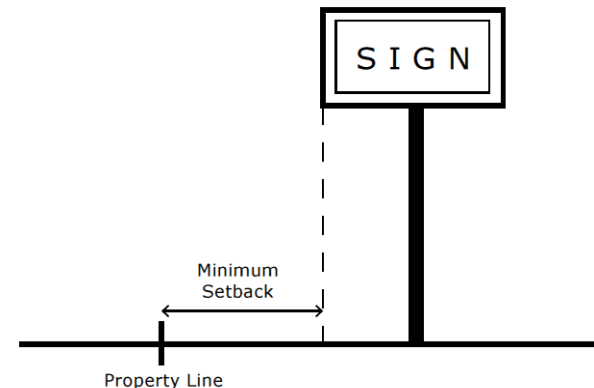
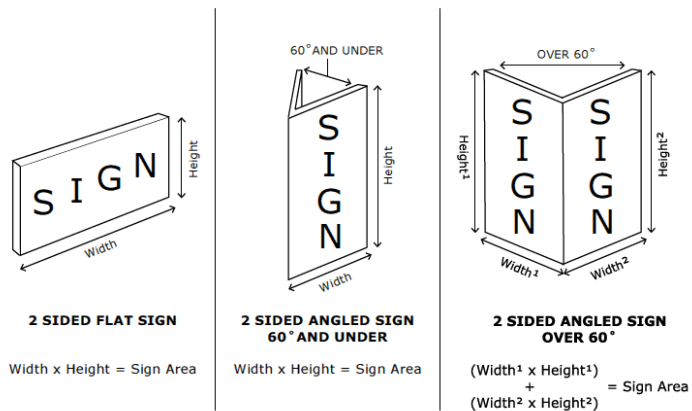
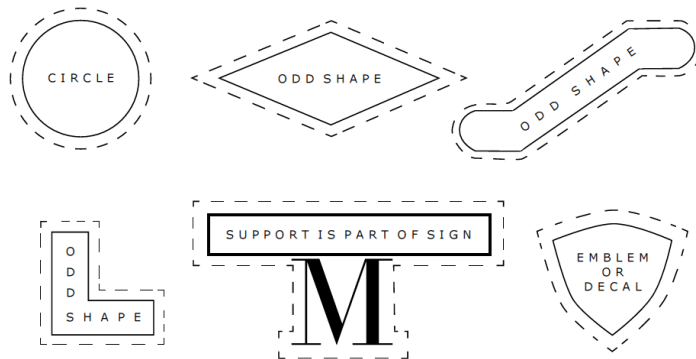
**OUTDOOR STORAGE.** The keeping, in an unroofed area, of any goods, raw material, merchandise, or commercial vehicles or equipment in the same place for more than 24 hours.



# Article 7 General Development Standards

## Sec. 7.4. Signs

### ► Methodology for Measurement








# Article 7 General Development Standards

## Sec. 7.4. Signs

### ► Standards According to Sign Type

Sign Type	Uses or District Permitted	Maximum Area	Permit Required?	Time Limit	Standards	Image
Wall Sign	R-4, B and M zoning districts	See A and C below	Yes	None	The sign must not cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.	
<b>Freestanding Signs</b>						
Construction sign	R-4, B, M and E-3 zoning districts	32 sq. ft.	No	From issuance of ILP to 30 days after issuance of Certificate of Occupancy	The sign must have a minimum setback 10 feet from any public right of way.	
Directional sign	Nonresidential use	2 sq. ft.	No	None	The sign must be set back a minimum of 3 feet from the right-of-way line.	

# Article 8 Nonconformities

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Sec. 8.1. General

Sec. 8.2. Nonconforming Parcel or Lot of Record

Sec. 8.3. Nonconforming Use

Sec. 8.4. Nonconforming Structure

Sec. 8.5. Repair, Maintenance and Alteration



# Article 8 Nonconformities

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- ▶ How to treat properties, uses and structures that were established or built in compliance with the rules of their time but no longer conform to today's standards
- ▶ “Nonconforming status” means a property, use or structure may continue to operate and exist but limitations are put on expansions and changes
- ▶ Ordinary maintenance and repair does not make a use or structure lose its nonconforming status
- ▶ Substantial changes or rebuilding usually mean the use or structure has to be brought into compliance with today's standards



# Article 8 Nonconformities

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- ▶ **Nonconforming Parcel or Lot of Record**
  - ▶ Definition: A parcel or platted lot that met the dimensional and developmental standards at the time that the property was established or platted
  - ▶ Rule: Can still be developed if dimensions meet at least 60% of present day requirements
  - ▶ Example: An R-1 lot platted at a time when the minimum lot size for R-1 was only 4,000 square feet (hypothetical)
  - ▶ Relief: 60% rule, combine the property with another parcel or lot, Rezoning or Developmental Variance

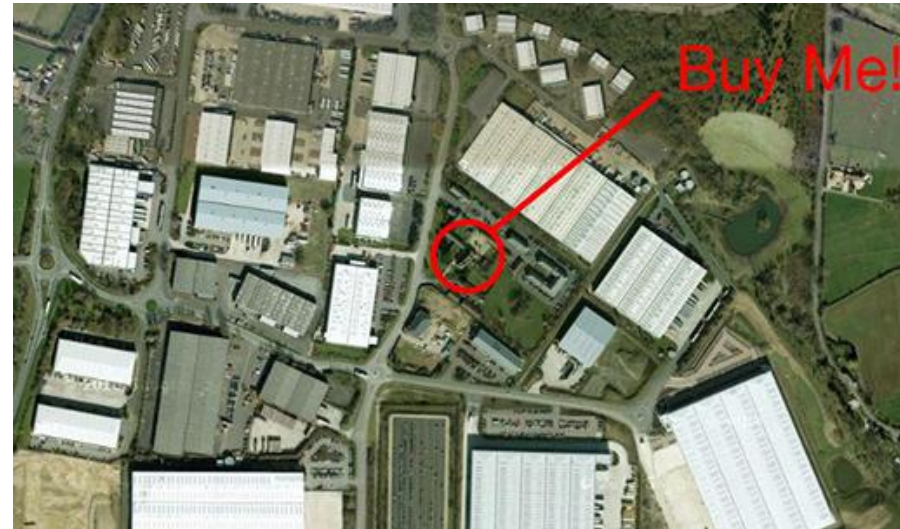


# Article 8 Nonconformities

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## ▶ Nonconforming Uses

- ▶ Definition: A use established in a zoning district where that use was once legal, but is no longer legal
- ▶ Rule: Cannot be expanded, relocated on-site or intensified
- ▶ Example: A house established in 1940s in M-1 or M-2
- ▶ Relief: Convert the property to an M-1 use, Rezoning or Use Variance, Rebuild in 12 months if destroyed

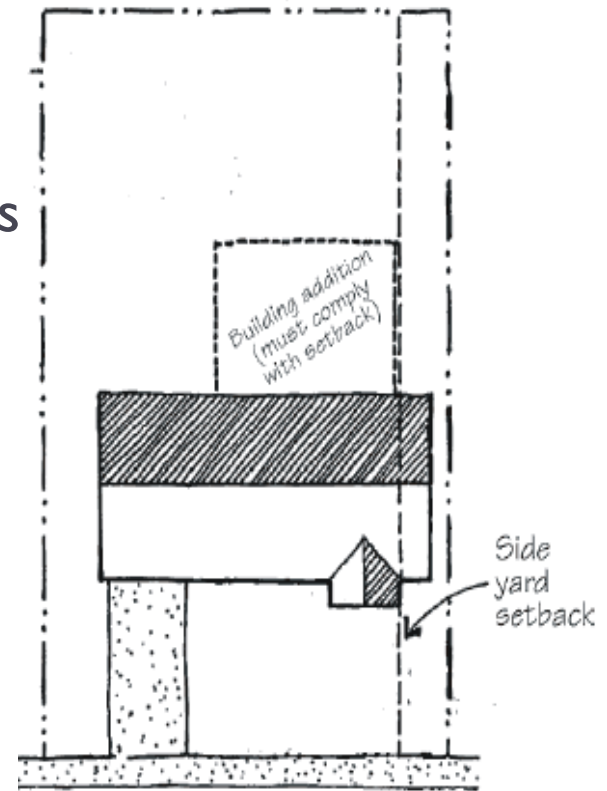


# Article 8 Nonconformities

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## ▶ Nonconforming Structures

- ▶ Definition: A structure built in compliance with dimensional standards of the time, but that no longer complies with current dimensional standards
- ▶ Rule: Cannot be altered except within current dimensional standards
- ▶ Example: A house in A-1 established in 1940 that was built closer to road centerline than currently allowed
- ▶ Relief: Do addition at rear of house, Rezoning or Developmental Variance, Rebuild in 12 months if destroyed



# Article 9 Enforcement, Violations, Penalties

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Sec. 9.1. Enforcement

Sec. 9.2. Violations

Sec. 9.3. Penalties

- ▶ Ordinance is enforced by Zoning Administrator
- ▶ Violations include
  - ▶ Building, modifying or using a structure or land in a way that is not permitted
  - ▶ Building, modifying or using a structure or land in a way that is permitted but without a permit, where one is required
  - ▶ Receiving Building Permit, SUP, Variance or DPUD approval but failing to follow through and build what was approved
- ▶ Penalties
  - ▶ May range from \$2,500 to \$7,500 per day (Judge decides not Staff)



# Article 10 Definitions

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## Sec. 10.1. Abbreviations and Acronyms

## Sec. 10.2. Definitions

### ▶ Abbreviations and Acronyms

- ▶ Commonly used: BZA, DPUD, SUP, sq. ft.

### ▶ Definitions

- ▶ Removed definitions of words that are not used in the Ordinance (such as dwelling group)
  - ▶ Removed standards (such as for home occupations and home workshop / business) that had been placed in the definitions
  - ▶ Added newly needed definitions (microbrewery, farmers market, etc.)
  - ▶ Modernized terms (automobile laundry became car wash)
- 





# **Staff Recommendation**

# Staff Recommendation

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- ▶ Policy Committee recommended forwarding the proposed Zoning Ordinance to the Plan Commission with a favorable recommendation at its final meeting.
- ▶ Staff concurs and recommends that the Plan Commission forward this draft Zoning Ordinance to the Board of County Commissioners with a recommendation for APPROVAL with the condition that:
  - ▶ Child Care Homes require a Special Use Permit, as required by the current Zoning Ordinance, as an accessory use to a residence in the following zoning districts: A-1, R-1, R-2, R-3, R-4 B-1 and B-2.
- ▶ The condition above is recommended due to the discovery that the requirement had been inadvertently excluded from the Plan Commission draft

