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## **ARTICLE 4 DISTRICT DEVELOPMENTAL STANDARDS**

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### Sec. 4.1. General

#### 4.1.1 Zoning Districts

- A. The County is hereby divided into zoning districts set forth in the table below. The subdivision of land may occur in all of these zoning districts.**
- B. Where the phrase "residential zoning district" is used in this Ordinance, it means the zoning districts listed under the "Residential Districts" heading in the table below.**
- C. Where the phrase "nonresidential zoning district" is used in this Ordinance, it means the zoning districts listed under the "Nonresidential Districts" heading in the table below.**

<b>Name of District</b>	<b>Designation</b>
<b>Residential Districts</b>	
Agricultural	A-1
Single-Family Residential	R-1
Two-Family Residential	R-2
Multiple-Family Residential	R-3
Residential Mixed Use	R-4
<b>Nonresidential Districts</b>	
Neighborhood Business	B-1
General Business	B-2
Heavy Business	B-3
Limited Manufacturing	M-1
Heavy Manufacturing	M-2
<b>Special Purpose and Overlay Districts</b>	
Office and Business Park	E-3
General Planned Unit Development Overlay	GPUD-
Detailed Planned Unit Development Overlay	DPUD-
Wellhead Overlay	W-
Farmland Preservation	A-3
Concentrated Animal Feeding Protection	A-4
Alternative Energy Overlay	A-E

**Article 4 District Developmental Standards**

Sec. 4.2. Zoning District Purpose Statements

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**4.2.15 A-4, Concentrated Animal Feeding Protection District**

The purpose of the A-4, Concentrated Animal Feeding Protection zoning district is to accommodate intensive concentrated animal feeding operations and to recognize certain needs of the agricultural community. The goals of the zoning district are enhanced right-to-farm protection promotion of agricultural economic development, and the promotion of agricultural coexistence with residential neighborhood

**4.2.16 A-E, Alternative Energy Overlay**

The purpose of the A-E, Alternative Energy Overlay is to accommodate the development of alternative energy resources and provide development standards for said alternative energy resources. The goals of the overlay are promotion of alternative energy production, promotion of economic development, and promotion of agricultural and/or residential coexistence.

**Article 5 Use Standards**

Sec. 5.2. Use Categories

**5.2.2 Residential Uses**

The following tables set forth the primary uses, accessory uses and uses not included in each residential use category.

**A. Household Living**

<b>Characteristics:</b> Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
<b>Primary Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Single-family dwellings: detached, cottage, zero lot line, and attached Two-family dwelling Manufactured home (single- or double-wide) structure, subdivision or park Modular home Mobile home structure, subdivision or park Multiple-family dwelling Upper-story residential	Accessory dwelling unit (5.5.3) Adult or child care home (5.5.4) Bed and Breakfast Homestay (5.5.5) Boat house (5.5.6) Bus parking, outdoor (5.5.11) Children's playhouse Domestic storage Garage, private or shed Garage sale (5.5.7) Firearms range, outdoor noncommercial Garden Greenhouse or nursery (noncommercial) Guest house Home occupation (5.5.8) Home workshop / business (5.5.9) Leasing office for manufactured home park or apartment complex Manufactured (double-wide) or Modular home Manufactured (single-wide) or Mobile home (5.5.3G) Minor utilities Model home with sales office in model home Personal residential storage (5.5.10) Pool house Private community center Radio antenna, amateur <span style="background-color: red; color: black;">Solar panel array (5.5.12)</span> Swimming pool Other miscellaneous household amenities Other Special Uses	Group home for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single- family residences (see Group Living) Hospice or nursing or rest home (see Group Living) Hotel, motel or bed and breakfast (see Overnight Accommodations)

**Article 5 Use Standards**  
 Sec. 5.2. Use Categories

**I. Social Service Establishments**

<b>Characteristics:</b> Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
<b>Primary Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
Halfway house Drug, alcohol or psychiatric treatment center, in-patient and out-patient Soup kitchen Domestic abuse or transient shelter  Other uses meeting the characteristics of the Social Service Establishments Use Category	Associated office and storage Class rooms Day care for children of employees or clients Dormitory Food preparation and dining facility Garden Library Meeting space Minor utilities Recreation facility Other miscellaneous household amenities	Detention center, jail or prison (see Government Facilities)

**J. Utilities**

<b>Characteristics:</b> Minor: Public or private infrastructure serving a limited area with no on-site personnel; Major: Public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel.		
<b>Primary Uses</b>	<b>Accessory Uses</b>	<b>Uses not Included</b>
<b>Minor Utilities:</b> Cell antenna Public or municipally-owned utilities Solar panel array (roof-mounted or ground-mounted 850 square feet or less) Stormwater retention or detention facility Telephone exchange Water or wastewater pump station <b>Major Utilities:</b> Cell tower Electrical substation Electric or gas generation plant Solar panel array (wall- or ground-mounted and greater than 850 square feet) Television or radio transmission tower Water treatment plant Water tower or tank Other uses meeting the characteristics of the Utilities Use Category	Associated office and storage Fleet maintenance Minor utilities Storage structures	Landfill (see Waste-Related Service) Utility office (see Office) TV or radio studio (see Office)

**5.5.12 Solar Panel Array**

A solar panel array is permitted in association with any Use Category subject to the following standards.

**A. Building-Mounted Arrays**

- 1.** Roof-mounted solar panel arrays are permitted by right provided that on pitched roofs, panel arrays may not extend more than 12 inches above the peak of any roof that is viewed from the public right-of-way or from a residential property, nor may they extend more than 12 inches beyond any edge of the roof.
- 2.** Where the panels are placed atop a flat roof they may not extend more than five feet above the roof and must be screened from the public right-of-way with the building's façade parapet or similar mechanism.
- 3.** A roof-mounted solar panel array that cannot meet these placement standards requires a Special Use Permit
- 4.** Roof-mounted solar panel arrays are exempt from the building height requirement.

**B. Ground-Mounted Array**

- 1.** Ground-mounted solar panel arrays require a Special Use Permit or are permitted by right subject to limitations as set forth in the table below.

<b>Size of Ground-Mounted Array</b>	<b>Property Size</b>	<b>Special Use Permit Needed?</b>
Greater than 1500 sq. ft.	Any sized Property	Yes
Any sized array	Less than 3 acres	Yes
1500 sq. ft. or less	3 acres or more	No, permitted by right as long as it meets setback requirements for an accessory structure

**(Amended January 21, 2020 PC 2020-01)**

**Sec. 6.6. Alternative Energy Uses and A-E Overlay**

**6.6.1 Applicability**

The section applies to alternative energy uses associated with the collection, distribution, and /or utilization of alternative energy resources on land.

**6.6.2 Use Standards**

The following uses are permitted by right, permitted subject to limitations, permitted by Special Use Permit, or require a zone map change.

**6.6.3 Solar Energy Systems**

Solar energy systems are permitted in association as a primary and or accessory use subject to the following standards.

**A. Ground-Mounted Solar Array**

Type	Size of System	A-1	R	B-1	B-2	B-3	M
Ground Mounted Solar Arrays	Up to 1,500 sq. ft. panel area,	P	P	P	P	P	P
	More than 1,500 sq. ft. panel area, less than 3,000 sq. ft. panel area,	S	S	S	P	P	P
	More than 3,000 sq. ft. panel area; less than 10 acres fenced area				S	S	P
	10 acres fenced area or more	Zone map change to A-E					

**Article 6 Special Purpose and Overlay Zoning Districts**

Sec. 6.6. Alternative Energy Uses and A-E Overlay

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**B. Building or Roof-Mounted Solar Arrays**

- 1.** Building or Roof-mounted solar panel arrays are permitted by right provided that on pitched roofs, panel arrays may not extend more than 12 inches above the peak of any roof that is viewed from the public right-of-way or from a residential property, nor may they extend more than 12 inches beyond any edge of the roof.
- 2.** Where the panels are placed atop a flat roof they may not extend more than five feet above the roof and must be screened from the public right-of-way with the building's façade parapet or similar mechanism.
- 3.** Building or Roof-mounted solar panel arrays are exempt from the building height requirement.
- 4.** A building or roof-mounted solar panel array that cannot meet these placement standards requires a Special Use Permit.

Type	Size of Array	A-1	R	B-1	B-2	B-3	M
Roof Mounted Solar Arrays	Arrays that cannot meet placement standards in B.1 & B.2 above	S	S	S	S	S	S

**C. Solar Thermal Systems**

- 1.** Reserved

**Article 6 Special Purpose and Overlay Zoning Districts**

Sec. 6.6. Alternative Energy Uses and A-E Overlay

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**6.6.4 Dimensional Standards**

The following table sets forth the dimensional standards in the A-E Overlay:

<b>Setbacks (min ft.)</b>	
Major road (between fence and centerline)	120 ft.
County Road (between fence and centerline)	75 ft.
Property line (between fence & non participating property line)	50 ft.
Property line (between fence & non participating residential building)	200 ft.
Side (adjacent* to Res use or district) Bodies of water, wells, septic systems	100 ft.
<b>Height (max ft.)</b>	25 ft.
<b>Buffering</b>	See 7.3.4 B
<b>Fencing</b>	
Solar side of buffering Entire panel area	6 ft. min.
<b>Noise</b>	
Not audible from a nonparticipating parcel zoned R or A	
<b>Lighting</b>	Downcast
<b>Signage</b>	Refer to 7.4.4

**6.6.5 Other Alternative Energy Uses**

A. Reserved

## Article 6 Special Purpose and Overlay Zoning Districts

### Sec. 6.6. Alternative Energy Uses and A-E Overlay

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#### 6.6.6 Rezoning Process

##### A. Rezoning

A rezoning to the A-E Overlay (hereinafter referred to in 6.6.6 as "A-E") must follow the same process as that established for a Zoning Map Amendment in Sec. 3.3.

##### B. Site Plan

1. Except as modified below, the Plan Commission and appropriate legislative body must review and take final action on the A-E Site Plan and Ordinance portion of an A-E application, following the review process and review criteria established for a Zoning Map Amendment set forth in Sec. 3.3.
2. In addition to the Zoning Map Amendment review process set forth in Sec. 3.3, prior to review and recommendation by the Plan Commission, the Technical Review Committee must deem the A-E Site Plan and supporting submittals a correct application. The process for determination of correctness is described in subsection 3.1.4E.
3. The Plan Director and Plan Commission may recommend and the appropriate legislative body may require additional modifications to the submitted A-E Site Plan deemed necessary to create a reasonable transition to, and protection of, adjacent property and public areas, including but not limited to, modifications related to:
  - a. Access and circulation;
  - b. Landscaping;
  - c. Screening;
  - d. Outdoor lighting;
  - e. Signs;
  - f. Underground utilities; and
  - g. Drainage Systems (i.e., farm tiles).
4. The Plan Director and Plan Commission may recommend and the appropriate legislative body may require that the A-E Ordinance mandate any of the design elements listed in paragraph above for the project.

##### C. Other Plans & Agreements

Other plans and or agreements may be required by the appropriate legislative body, including but not limited to;

- a. Operating & Maintenance Plan
- b. Emergency Services & Response Plan
- c. Decommissioning & Restoration Plan

**Article 6 Special Purpose and Overlay Zoning Districts**

Sec. 6.6. Alternative Energy Uses and A-E Overlay

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**d. Road Impact & Maintenance Agreement**

## **Article 6 Special Purpose and Overlay Zoning Districts**

### **Sec. 6.6. Alternative Energy Uses and A-E Overlay**

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#### **C. Review Criteria**

The Plan Commission and the appropriate legislative body must review and give reasonable regard to the proposed A-E based on the degree to which the proposal meets all of the following criteria.

- a.** The proposal is consistent with the Purpose of the Zoning Ordinance as established in Sec. 1.2.
- b.** The proposal is consistent with the applicability of an A-E as established in Sec. 6.6
- c.** The proposal is consistent with the Comprehensive Plan.
- d.** The proposal addresses potential conflicts with and attempts to conserve the value of adjacent properties.
- e.** The proposal demonstrates responsible development and growth.

**Article 7 General Development Standards**

Sec. 7.3. Buffering and Screening

		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	A-E
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	--	--	--
	A-E	III	III	III	II	I	II	--	--	--

**C. Buffer Planting Specifications**

**1. General Provisions**

- a.** The following tables establish the specific width and material for a Class I, II, and III buffer. Each buffer Class has three Types (A, B, and C) from which a designer may choose. Wider buffers require fewer materials, while narrower buffers require more materials. Where a Class I buffer is required, the property owner may voluntarily provide a Class II or Class III buffer. Where a Class II buffer is required, the property owner may voluntarily provide a Class III buffer.
- b.** Specified buffer plantings and barriers are required per 100 linear feet of buffer area. An applicant may max or match buffer Types in the required buffer Class per 100 feet along the same property line.
- c.** Where required trees are accompanied by a fence or wall, the trees must be located on the subject property side of the fence or wall. Where required shrubs are accompanied by a fence or wall, the shrubs must be located on the side nearest to the adjacent property.

**Article 7 General Development Standards**

Sec. 7.4. Signs

<b>Sign Type</b>	<b>District</b>	<b>Area</b>	<b>Height</b>	<b>Permit Required</b>	<b>Time Limit</b>	<b>Additional Standards</b>
<b>Freestanding Signs</b>						
<b>Freestanding Signs (includes yard signs and any other freestanding signs not otherwise defined.)</b>	A-3, A-4, A-E	<b>MAXIMUM PER FREESTANDING SIGN:</b> The maximum area for any one freestanding sign shall be no than 200 sq. ft.	Maximum height is 40 ft.	Yes	None	The location of the sign may be permitted at the right-of-way line except on a Major Road or a federal or state highway. On such road or highway, sign placement must be a minimum of 55 feet from the centerline, or at the right-of-way line, whichever is greater.
		<b>MAXIMUM SIGNS:</b> The combined area for all freestanding signs on the zoning lot shall not exceed the <b>ZONING LOT MAXIMUM.</b>				
		<b>ZONING LOT MAXIMUM:</b> The combined area of all signs on the zoning lot regardless of Sign Type shall be no greater than <b>2x</b> frontage of the zoning.				

**Article 11 Definitions**  
Sec. 11.2. Definitions

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**ADULT SEXUAL ENCOUNTER CENTERS.** A business or commercial enterprise that offers activities constituting "Adult Sexual Activities" between male and female persons and/or persons of the same sex.

**ADULT THEATER.** A theater, concert hall, auditorium, or similar commercial establishment that features live performances where persons appear in a state of nudity or perform acts which depict, or specifically describe "Adult Sexual Activities."

**AGRI-BUSINESS.** A business that is primarily engaged in the supply of services and products to the farming industry including, but not limited to soil preparation, crop and animal husbandry services and the sale, rental service and commercial repair of agricultural production equipment. Also, commercial processing of agricultural products, including livestock and poultry are included.

**ALLEY.** A public way not more than 30 feet wide, that afford only a secondary means of access to abutting property.

**ALTERNATIVE ENERGY.** Usable energy derived from naturally replenishable sources such as the Sun (solar energy), wind (wind power), rivers (hydroelectric power), hot springs (geothermal energy), and tides (tidal power).

**APARTMENT.** A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, shall always be included in each apartment.

**ARCADE.** An attached and covered passageway running along the exterior wall of a building.

**AS-BUILT DRAWING.** A drawing that shows the actual locations, elevations, dimensions of improvements and construction deviations, compared to an approved plan, on property as sealed and certified by a professional engineer or a registered land surveyor in the State of Indiana.

**AWNING.** A temporary roof-like cover which projects from the wall of a building and overhangs the public way or a private walkway.

**BACKLOT DEVELOPMENT.** The improvement of a property that does not have waterfront access and which uses a parcel or development with shoreline frontage for waterfront access.

**BASEMENT.** A story partly or wholly underground.

**Article 11 Definitions**  
Sec. 11.2. Definitions

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**SALES, RUMMAGE.** A temporary sale, conducted by a non-profit organization such as a church, school or club, where members or associates of the group bring articles or items to a central structure to be sold to raise money for use by the organization.

**SCHOOL BUS.** Any licensed, state inspected and operable motor vehicle designed or constructed for the accommodation of more than 10 passengers, which is used for the transportation of Indiana school children.

**SETBACK LINE, BUILDING.** See Building, Setback line.

**SITE IMPROVEMENTS.** Elements of a property including, but not limited to, the following: drainage areas for retention and or detention, cross-access drives and easements, landscaping, berms and buffers, fencing for screening, lighting and any site improvement designated as a measure to safeguard the adjoining properties. All improvements within the dedicated right-of-way are subject to the posting of surety as required by the Elkhart County Street Standards and Subdivision Control Ordinance.

**SOLAR ARRAY.** Multiple solar panels combined together to create one system.

**SOLAR ENERGY SYSTEM (SES).** The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer yard, and landscaping.

**Solar Panel (or module).** A device for the direct conversion of sunlight into useable solar energy (including electricity or heat).

**SPECIAL USE.** Any use of land or buildings, or both, that requires a Special Use Permit in accordance with Sec. 3.6.

**STABLE, PUBLIC OR COMMERCIAL.** Any building, other than a private stable, designed, arranged, used or intended to be used for the storage of horses and horse-drawn vehicles or both.

**STAFF.** All employees of the Elkhart County Planning and Development Department holding positions identified within the budget classifications for the Planning Division and the Code Enforcement Division of the annual budget as approved and as amended by the Elkhart County Council from time to time.

**STORAGE, OUTDOOR.** See "Outdoor Storage".

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story

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