



Zoning Ordinance

Module 1 & Module 2: Consolidated Draft *CLEAN*

Technical and Policy Committee Draft

November 2013

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ARTICLE 1 GENERAL PROVISIONS

Sec. 1.1. Short Title

This Zoning Ordinance is known, and may be cited as, the Elkhart County Zoning Ordinance. References to “this Ordinance” are interpreted as references to this Zoning Ordinance.

Sec. 1.2. Purpose

The purpose of this Ordinance is to guide the growth and development of Elkhart County in accordance with the Elkhart County Comprehensive Plan for the following purposes:

1.2.1 General Rights

To secure adequate light, air, convenience of access and safety from fire, flood, and other dangers which may include providing adequate open spaces for light, air and outdoor uses.

1.2.2 Property Rights

To protect the rights of private property owners from potentially detrimental land use activities on neighboring properties and to provide a reasonable balance between the private property owner’s freedom to develop his or her land and the general public’s interest in living in an attractive and prosperous community.

1.2.3 General Welfare

To promote the public health, safety, comfort, convenience and general welfare of the County.

1.2.4 Development and Growth

To promote the orderly, responsible and beneficial development and growth of the areas within the County in accordance with the Elkhart County Comprehensive Plan.

1.2.5 Character

To protect the character and stability of agricultural, residential, institutional, commercial, industrial and natural areas.

1.2.6 Circulation

To minimize or avoid congestion on public streets and to ensure safe, convenient and efficient traffic circulation.

1.2.7 Environmental Integrity

To preserve and enhance the scenic beauty, aesthetics and environmental integrity of the County.

Article 1 General Provisions

Sec. 1.3. Authority

1.2.8 Compatibility

To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of potentially incompatible uses.

1.2.9 Density and Intensity

To regulate the density of residential uses and the intensity of nonresidential uses.

Sec. 1.3. Authority

The Board of County Commissioners of Elkhart County adopts this Ordinance pursuant to its authority under Indiana Code Section 36-7-4.

Sec. 1.4. Jurisdiction and Legislative Bodies

1.4.1 This Ordinance applies to all land within Elkhart County, Indiana, excluding the legally established planning jurisdictions of the Cities of Goshen, Elkhart and Nappanee and excluding any future lawfully established planning jurisdictions within the County.

1.4.2 For the purposes of this Ordinance, the term "appropriate legislative body" means the following legislative bodies within the County.

Legislative Body	Jurisdiction
Bristol Town Council	Town of Bristol
Millersburg Town Council	Town of Millersburg
Middlebury Town Council	Town of Middlebury
Wakarusa Town Council	Town of Wakarusa
Elkhart County Board of County Commissioners	All unincorporated areas of Elkhart County

Sec. 1.5. Rules of Construction

1.5.1 The following general rules of statutory construction apply when interpreting this Ordinance.

- A. Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa.
- B. The word "building" includes the word "structure."
- C. The words "must" or "must not" and "may not" are mandatory and the word "may" is permissive.
- D. The word "district" means zoning district.
- E. The word "County" means Elkhart County, Indiana.
- F. The words "petitioner" and "applicant" are synonymous.
- G. If a feminine term is used, the masculine also applies and vice-versa.
- H. The word "and" must be construed to include all connected items in a series or set of conditions or provisions.

- I. The word “or” must be construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise.
- J. The use of terms such as “including,” “such as,” or similar language are intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.
- K. Commentaries are sometimes included in this Ordinance as a means of clarifying certain provisions or providing supplemental information thought to be useful for Ordinance users. Text marked as “commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public.

COMMENTARY: *When commentaries are provided, they will appear in this manner.*

- L. If a regulatory formula is used within this Ordinance and results in a non-whole number of an indivisible object or feature (e.g., a tree), the non-whole number must be rounded down to the next lowest whole number.

COMMENTARY: *For example, if a single tree is required to be planted per 40 feet of street frontage, a lot with 110 feet of street frontage would technically result in a requirement of 2.75 trees. According to this rule of construction, the required number of trees would be rounded down to 2.*

- M. All references to other county, state or federal regulations in this Ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.
- N. All references to “days” are deemed calendar days unless the time period indicated is five days or less. If the time period indicated is five days or less, then the reference is deemed working days. The time in which an act must be completed is computed by excluding the first day and including the last day. In computing working days, Saturdays, Sundays or holidays observed by the County are excluded. A day concludes at the close of business (5:00 p.m. on Mondays and 4:00 p.m. on Tuesdays through Fridays), and any materials received after that time will be deemed to have been received the following day.
- O. Wherever a provision appears requiring the head of a department or another official or employee of the County to perform an act or duty, that provision is construed as authorizing the department head or official to delegate that responsibility to a designee.

- 1.5.2** In construing this Ordinance, all provisions are given equal weight, unless the context clearly demands otherwise.

Sec. 1.6. Minimum Requirements

The provisions of the Zoning Ordinance are the minimum requirements necessary to achieve this Ordinance's purpose.

Sec. 1.7. Conflict or Inconsistency

1.7.1 Internal

Unless otherwise specifically stated within this Ordinance, if two or more provisions of this Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision applies.

1.7.2 Federal, State and Local

- A. Whenever a provision of this Ordinance imposes a greater restriction or a higher standard than is required by any State or Federal code or regulation, or other County ordinance or regulation, the provision of this Ordinance applies.
- B. Whenever a provision of any State or Federal code or regulation, or other County ordinance or regulation imposes a greater restriction or a higher standard than is required by this Ordinance, the provision of the State or Federal code or regulation, or other County ordinance or regulation applies.

1.7.3 Text, Illustrations and Tables

The text material of this Ordinance controls over illustrative material. If differences are found between the meaning or implication of the text and tables, the stricter of the provisions apply.

Sec. 1.8. Definitions Reference

1.8.1 Article 10 contains the definitions used throughout this Ordinance. Definitions related to sign types are contained in Sec. 7.3.

1.8.2 Words, phrases and terms used in this Ordinance that are not defined in Article 10 must be construed to have their usual and customary meanings indicated by a current dictionary of general use except where the context clearly indicates a different meaning.

Sec. 1.9. Transitional Provisions

1.9.1 Planned Unit Development

A submitted application for a General or Detailed Planned Unit Development that is deemed sufficient for review prior to [insert effective date] may continue the process to a final decision in accordance to the terms, conditions, and regulations of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees must follow those established in this Ordinance.

1.9.2 Rezoning

A submitted application for a Rezoning that is deemed sufficient for review prior to [insert effective date] may continue through the process to a final decision in accordance to the terms, conditions and regulations of the Zoning Ordinance that was place at the time of filing. However, all administrative procedures and fees must follow those established in this Ordinance.

1.9.3 Recorded Commitment or Condition for Rezoning

Any recorded conditions or commitments made applicable to a property as part of a Rezoning and established prior to [insert effective date] must remain in full effect and force regardless of allowances provided for in this Ordinance. The owner of a lot with a recorded commitment may petition for the condition or commitment to be removed or modified through the process described in the Plan Commission Rules of Procedure.

1.9.4 Board of Zoning Appeals

- A. Any Variance, Appeal of Administrative or Hearing Officer Decision, or Special Use Permit petition filed with the Board of Zoning Appeals that is deemed sufficient for review prior to [insert effective date] may continue through the process to a final decision in accordance with the terms, conditions and regulations of the Zoning Ordinance that was in place at the time of filing, provided that the petition is still required by the terms of this Ordinance. However, all administrative procedures and fees must follow those established in this Ordinance.
- B. Any use that was established by a Special Use Permit or a Use Variance granted by the Board of Zoning Appeals prior to [insert effective date] must remain in full effect and force until whichever of the following occurs first:
 - 1. The use is vacated or abandoned for a duration of 12 months;
 - 2. The lot is voluntarily rezoned to a district that permits the land use;
 - 3. The lot is reassigned by the Board of County Commissioners (during the adoption of this Ordinance and Official Zoning Map) to a different zoning district that permits the land use;
 - 4. The term of the use expires per the terms conditions, or commitments of approval; or
 - 5. The use associated with the Use Variance or Special Use Permit is deemed non-compliant by the Board of Zoning Appeals with its terms, conditions or commitments of approval and the Variance or Special Use Permit is revoked.

Article 1 General Provisions

Sec. 1.10. Compliance

1.9.5 Condition or Commitment for Special Use Permit or Variance

Any recorded conditions or commitments made applicable to a property as a part of a Special Use Permit or Variance and established prior to [insert effective date] must remain in full effect and force regardless of allowances provided for in this Ordinance. The owner of a lot with recorded conditions or commitments may petition for the condition or commitment to be removed or modified through process described in the Board of Zoning Appeals Rules of Procedure.

1.9.6 Improvement Location Permit

Any submitted application for an Improvement Location Permit that is deemed sufficient for review prior to [insert effective date] may continue through the chain of review to issuance of a Certificate of Occupancy pursuant to the terms, conditions and regulations of the Zoning Ordinance that was in place at the time of submittal. However, all administrative procedures and fees must follow those established in this Ordinance.

Sec. 1.10. Compliance

No structure may be located, erected, constructed, reconstructed, moved, altered, converted, enlarged or used, and no land use may be established except when in full compliance with all provisions of this Ordinance and when the permits and certificates that this Ordinance requires have lawfully been issued.

Sec. 1.11. Saving Provision

1.11.1 Any violation of the previous Zoning Ordinance that is also a violation of this Ordinance, continues to be a violation and is subject to penalties and enforcement under Article 9. If a use, development, construction activity or other activity is consistent with the provisions of this Ordinance, but not with the previous Zoning Ordinance, then enforcement action must cease, except to the extent of collecting penalties for violations that occurred before [insert effective date].

1.11.2 Except as expressly provided in this Ordinance, the adoption of this Ordinance does not:

- A. Affect the liability of any person, firm or corporation under, or by virtue of, any prior Zoning Ordinance;
- B. Waive any right of the Town of Avon under any Article, Specification, Section or provision of any prior Zoning Ordinance; or
- C. Vacate or annul any rights obtained by any person, firm or corporation by lawful action of Elkhart County, or by virtue of, any prior Zoning Ordinance.

Sec. 1.12. Severability

If any provision or the application of any provision of this Ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of

this Ordinance or the application of such provision to other circumstances is not affected.

Sec. 1.13. Repeal of Prior Ordinance

After the effective date of this Ordinance, all provisions of the Zoning Ordinance of Elkhart County adopted January 18, 1960, and as amended from time to time, are expressly repealed.

Sec. 1.14. Effective Date

This Ordinance was adopted on [insert adoption date] and became effective on [insert effective date].

Article 1 General Provisions

Sec. 1.14. Effective Date

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ARTICLE 2 DEVELOPMENT REVIEW BODIES

Sec. 2.1. General

This Article establishes review authority under this Ordinance. Specific requirements for each type of application or permit are described in Article 3.

Sec. 2.2. Board of County Commissioners/Other Legislative Bodies

2.2.1 Final Action

- A. The Board of County Commissioners takes final action on the following development review applications:
 - 1. Zoning Ordinance Text Amendment;
 - 2. Zoning Map Amendment (Rezoning);
 - 3. General Planned Unit Development; and
 - 4. Detailed Planned Unit Development.
- B. An appropriate legislative body, as set forth in Sec. 1.4, must take final action on the development review applications in items 2 through 4 above if such submitted applications apply to property within the Towns of Wakarusa, Millersburg, Middlebury or Bristol.

Sec. 2.3. Plan Commission

2.3.1 Designation

The Elkhart County Plan Commission is an Advisory Plan Commission in accordance with Indiana Code Section 36-7-4-200 et seq.

2.3.2 Review and Recommendation

The Plan Commission reviews and makes recommendations on the following development review applications:

- A. Zoning Ordinance Text Amendment;
- B. Zoning Map Amendment (Rezoning);
- C. General Planned Unit Development; and
- D. Detailed Planned Unit Development.

2.3.3 Rules of Procedure

The Plan Commission must adopt Rules of Procedure concerning matters such as the filing of development review applications, the giving of public notice and the conduct of hearings.

Sec. 2.4. Board of Zoning Appeals

2.4.1 Designation

The Elkhart County Board of Zoning Appeals is an Advisory Board of Zoning Appeals in accordance with Indiana Code Section 36-7-4-900 et seq. Any reference to the "Board of Zoning Appeals" in this Ordinance is deemed to be reference to the Elkhart County Advisory Board of Zoning Appeals.

2.4.2 Final Action

The Board of Zoning Appeals takes final action on the following development review applications:

- A. Special Use Permit except for those related to mobile homes;
- B. Use Variance;
- C. Developmental Variance or Special Use Permit referred to the Board by the Zoning Administrator, Hearing Officer, petitioner or remonstrator in accordance with Sec. 2.05 of the Board of Zoning Appeals Rules of Procedure; and
- D. Appeal of Administrative or Hearing Officer Decision.

2.4.3 Appointment

In addition to the Membership, Officer and Staff provisions in the Board of Zoning Appeals Rules of Procedure, the following provisions apply.

- A. The members of the Board of Zoning Appeals must be appointed pursuant to State law and after the primary term, each member serves for a four-year term.
- B. Each member must reside or own property within the jurisdiction of this Ordinance established in Sec. 1.4. Each appointment authority referenced in paragraph C below may, at any time, appoint one or more alternate members who must be available to replace any member who becomes disqualified under State law. The terms of these members expire on December 31 of the last year of their designated term.
- C. The members of the Board of Zoning Appeals must be appointed consistent with the provisions of Indiana Code Section 36-7-4-902.

2.4.4 Rules of Procedure

The Board of Zoning Appeals must adopt Rules of Procedure concerning matters such as the filing of development review applications, the giving of public notice and the conduct of hearings.

2.4.5 Outside Communication

No person may communicate with any Board of Zoning Appeals member prior to a hearing or decision with the intent to influence the actions of any

Article 2 Development Review Bodies

Sec. 2.5. Hearing Officer

member of the Board regarding any matter pending before the Board. However, the Staff may file a written staff report with the Board setting forth findings of facts or its recommendation concerning that matter.

2.4.6 Judicial Review

Every decision by the Board of Zoning Appeals is subject to judicial review.

Sec. 2.5. Hearing Officer

2.5.1 Establishment

The Plan Commission must appoint a Hearing Officer in accordance with the provisions in Indiana Code Section 36-7-4-923 and 924.

2.5.2 Final Action

The Hearing Officer takes final action on the following development review applications:

- A. Special Use Permit for mobile home; and
- B. Developmental Variance.

2.5.3 Rules of Procedure

The rules of procedure adopted by the Board of Zoning Appeals under Sec. 2.4 of this Article in their entirety apply to the Hearing Officer.

Sec. 2.6. Technical Review Committee

2.6.1 Establishment

A Technical Review Committee is established to act as a coordinated and centralized technical review body. The Technical Review Committee is composed of persons from various County departments that have an interest in development review.

2.6.2 Determination of Technical Correctness or Incorrectness

The Technical Review Committee determines technical correctness or incorrectness, as described in subsection 3.1.4E, for the following development review applications:

- A. General Planned Unit Development;
- B. Detailed Planned Unit Development; and
- C. Other development review applications at the discretion of the Plan Director.

2.6.3 Membership

A. Chair

The Plan Director serves as Chair of the Technical Review Committee and is responsible for all final actions of the Committee.

B. Other Members

In addition to the Chair, the Technical Review Committee is composed of the following members:

1. Health Officer;
2. County Surveyor;
3. Soil and Water Conservation District Program Manager;
4. County Engineer; and
5. Other County staff members or representatives of external agencies, such as staff members of Towns within the jurisdiction of this Ordinance or of public utilities, as the Chair deems necessary for the review of an application.

Sec. 2.7. Plan Director

The Plan Director reviews and makes recommendations on the following development review applications:

- 2.7.1** Zoning Ordinance Text Amendment;
- 2.7.2** Zoning Map Amendment (Rezoning);
- 2.7.3** General Planned Unit Development; and
- 2.7.4** Detailed Planned Unit Development.

Sec. 2.8. Zoning Administrator

2.8.1 Powers and Duties

A. Review and Recommendation

The Zoning Administrator reviews and makes a recommendation on the following development review applications:

1. Special Use Permit;
2. Use Variance;
3. Developmental Variance;
4. Building Permit;
5. Sign Permit; and
6. Certificate of Occupancy.

B. Final Action

The Zoning Administrator takes final action on the following development review applications:

1. Administrative Adjustment;
2. Written Interpretation;

3. Improvement Location Permit; and
4. Temporary Use Permit.

2.8.2 Other Duties

A. Record Keeping

The Zoning Administrator must maintain permanent and current records of this Ordinance, including all Zoning Ordinance Text Amendments and Zoning Map Amendments, Special Use Permits, Variances, Appeals of Administrative and Hearing Officer Decisions, and all development review procedures on which the Zoning Administrator takes final action.

B. Administration of the Flood Plain Regulations

The Zoning Administrator must act as the Floodplain Administrator and review all development proposals to insure compliance with the intent of the flood insurance program and the County Flood Plain Regulations.

Sec. 2.9. Building Commissioner

2.9.1 Review and Recommendation

The Building Commissioner reviews and makes recommendations on Temporary Use Permit applications.

2.9.2 Final Action

The Building Commissioner takes final action on the following development review procedures:

- A. Building Permit;
- B. Sign Permit; and
- C. Certificate of Occupancy.

Sec. 2.10. Summary of Review Authority

The following table summarizes the powers and duties established in this Article.

Article 2 Development Review Bodies

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	Brd. of County Comm. or Other Legislative Body	Reference
Building Commissioner									
Building Permit	D	R							Sec. 3.13
Sign Permit	D	R							Sec. 3.14
Certificate of Occupancy	D	R							Sec. 3.15
Zoning Administrator Action									
Administrative Adjustment		D							Sec. 3.9
Written Interpretation		D							Sec. 3.10
Improvement Location Permit		D							Sec. 3.11
Temporary Use Permit	R	D							Sec. 3.12
Hearing Officer Action									
Special Use Permit (Mobile Home)		R			<D>				Sec. 3.6
Developmental Variance		R			<D>				Sec. 3.7
Board of Zoning Appeals Action									
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
Board of County Commissioners or Other Legislative Body Action									
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

3.1.1 Conformity with Development Regulations

Every development review body vested with the authority to issue a development approval under this Ordinance may not issue an approval for any use, structure or improvement that conflicts with any provision of this Ordinance. Except as provided in this Ordinance, any development approval issued in conflict with the provisions of this Ordinance or issued in error is null and void.

3.1.2 Decision Categories

The following table establishes the decision category for each development review procedure.

Decision Category	Development Review Procedures
Legislative	
Legislative decisions are those which establish or change regulations governing the use or development of land. Legislative decisions may be based upon general considerations of fostering and preserving the public health, safety and general welfare, including the County's fiscal well being, and are characterized by exercise of broad discretion.	Zoning Ordinance Text Amendment
	Zoning Map Amendment (Rezoning)
	General Planned Unit Development
	Detailed Planned Unit Development Ordinance and Site Plan
Quasi-Judicial	
Quasi-judicial decisions are those in which policies and regulations contained in the Comprehensive Plan and this Ordinance are applied to specific development applications. Quasi-judicial decisions require the exercise of considerable discretion and may involve fact-finding or the imposition of conditions or commitments.	Special Use Permit
	Use or Developmental Variance
	Appeal of Administrative or Hearing Officer Decision
	DPUD Plat
Administrative	
Administrative decisions are those in which regulations contained in this Ordinance are applied to specific development applications. Administrative decisions may require the exercise of very limited discretion.	Administrative Adjustment
	Written Interpretation
	Improvement Location Permit
	Temporary Use Permit
	Building Permit
	Sign Permit
	Certificate of Occupancy

3.1.3 Sequence of Development Approval

Where more than one development application is required by this Ordinance in order to initiate, continue or complete development of land, final actions must be taken in the following general sequence.

Article 3 Development Review Procedures

Sec. 3.1. Common Review Procedures

- A. Final action must be taken on applications categorized as legislative prior to final action on all other applications.
- B. Final action must be taken on applications categorized as quasi-judicial prior to final actions on applications classified as administrative.
- C. Applications within the same category that are assigned priority under this Article must be decided prior to subordinate applications.

3.1.4 Application Requirements

A. Application Initiation

1. Development applications may be initiated according to the following table.

Procedure	Property Owner or Land Contract Purchaser	Plan Commission	Legislative Body
Zoning Ordinance Text Amendment		✓	✓
Zoning Map Amendment (Rezoning)	✓	✓	✓
All other review procedures described in this Article	✓		

✓ = Entity may initiate application

2. A legislative body may only initiate a Zoning Map Amendment for property within its own jurisdiction.
3. When initiated by a property owner or land contract purchaser, an application for a Zoning Map Amendment or General or Detailed Planned Unit Development must contain the signatures of the property owners of at least fifty percent of the land involved in the request.

B. Forms

1. Development applications required under this Ordinance must be submitted on forms and in such numbers as required by the Rules of Procedure of the Plan Commission or Board of Zoning Appeals, as appropriate.
2. Discovery that differing or conflicting versions of a development review application have been submitted to various development review bodies or members of the Technical Review Committee will result in termination of review for that application until the applicant corrects the discrepancies.

C. Fees

All development review applications, except those originated by the Plan Commission, the Board of County Commissioners or an

Article 3 Development Review Procedures

Sec. 3.1. Common Review Procedures

appropriate legislative body, must be accompanied by the fee in accordance with Uniform Schedule of Fees established by the Plan Commission in its Rules of Procedure.

D. Application Sufficiency Review

1. A determination of whether a development review application is sufficient or not for formal review must be made by the Plan Director, for those development review procedures listed in Sec. 2.6.2, within two days of the application submittal.
2. An application that contains all of the information required by the Rules of Procedure of the Plan Commission or Board of Zoning Appeals, as appropriate, must be deemed sufficient for formal review.
3. If the application is determined to be insufficient for formal review, the Plan Director must notify the applicant in writing. The notification must list all missing items. The applicant must submit the required materials within 48 hours of the submittal deadline in order to be placed on the Technical Review Committee agenda. If the required materials are not submitted within the 48-hour period, the application is deemed rejected and not accepted for submittal.
4. A determination of sufficiency does not imply any determination that the application successfully meets any review criteria nor does it imply any positive or negative final action.

E. Technical Correctness Review

1. A determination of whether a development review application is technically correct or not must be made by the Chair of the Technical Review Committee, for those development review procedures listed in Sec. 2.6.2, within 10 days of the application submittal deadline.
2. Every member of the Technical Review Committee must deem an application correct, according to the ordinances each member administers, before the application as a whole may be deemed correct by the Chair of the Committee.
3. An application that shows compliance with the standards in this Ordinance, and other development-related ordinances administered by the members of the Technical Review Committee, must be deemed correct.
4. If an application is determined to be incorrect, the Chair of the Technical Review Committee must notify the applicant in writing with a list of application deficiencies and required corrections. If the Chair determines that the applicant has not submitted adequate required application corrections within five days of notification, the applicant may submit corrections before the next

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application submittal deadline for additional review at the next Technical Review Committee meeting.

5. After a determination of correctness, the Chair of the Technical Review Committee must forward the application to the Plan Commission with a recommendation.

3.1.5 Public Notice and Public Hearing Requirements

The Board of Zoning Appeals and Plan Commission must provide public notice and conduct public hearings in accordance with the Rules of Procedure for such review bodies for those development review applications established in this Article that require public notice and public hearings.

3.1.6 Unanimous Vote Required

If the Plan Commission recommends denial of a development review application for which it has review and recommendation authority, then a unanimous vote of the Board of County Commissioners, or other appropriate legislative body, is required for approval.

3.1.7 Approvals with Modifications

- A. Except for a Zoning Ordinance Text Amendment, if a legislative body approves a development review application with conditions or modifications required, then the applicant must submit the corrected application addressing any required conditions or modifications to the Plan Director.
- B. If a legislative body approves a Zoning Ordinance Text Amendment with modifications that make the amendment differ from what the Plan Commission approved, then the legislative body must refer the Amendment back to the Plan Commission for reconsideration in accordance with Indiana Code Section 36-7-4-607.

3.1.8 Revocation of Permit or Approval

A. Misrepresentation of Application

If, no later than 180 days after approval of the request, the appropriate legislative body finds that a Zoning Map Amendment, General Planned Unit Development or Detailed Planned Unit Development was adopted as a result of a person's intentional misrepresentation or omission of material facts, the legislative body may, by a three-fourths vote, adopt an ordinance to nullify the approval that resulted from the misrepresentation or omission.

B. Violation of Ordinance Provisions or Approved Plans

A development review body may revoke a permit or approval upon determination by the body that the development project for which the permit or approval was issued is in violation of, or not in conformity with, any of the following:

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1. The provisions of this Ordinance;
2. An approved Detailed Planned Unit Development Site Plan, Detailed Planned Unit Development Plat, or Ordinance;
3. An approved Special Use Permit or Variance;
4. An approved Improvement Location, Building or Sign Permit; or
5. Commitments or conditions related to the subject property.

C. Enforcement

Uncorrected projects that are not built to an approved ordinance, plan, permit, commitment or condition are subject to the enforcement provisions in Article 9.

3.1.9 Previously Denied Applications

The Zoning Administrator may only accept an application for a Zoning Map Amendment, General or Detailed Planned Unit Development, Special Use Permit or Variance that has been denied within the last 12 months under the provisions of the Plan Commission or Board of Zoning Appeals Rules of Procedure.

3.1.10 Modification of Approved Site Plan

- A. The Plan Director may allow minor modifications to an approved site plan, for a Developmental or Use Variance, a Special Use Permit or a Detailed Planned Unit Development, if the modifications meet the criteria below.
 1. Additions to structures must not exceed 10 percent of the previously approved total gross floor area of the project provided that overall density of the project does not increase.
 2. Shifts in structure position toward an abutting street must not vary more than five feet from the previously approved position. Shifts in structure position away from an abutting street must not vary more than 10 feet from the previously approved position. In no case may such a shift encroach into any required setback or farther into a required setback than the approved Developmental Variance allows.
 3. Additional height of a structure must not exceed 10 percent of the previously approved height.
- B. For all other requested modifications, the Plan Director may either:
 1. Present the request as a staff item, which does not require public notice or a public hearing, for consideration as a minor modification before the Plan Commission or Board of Zoning Appeals, as appropriate; or

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Sec. 3.1. Common Review Procedures

2. Require that the request be processed as a major modification with submittal of a new application to be reviewed in accordance with the procedures established in this Article.

3.1.11 Development of a Planned Unit Development Without Site Plan

- A. Except as it relates to a permitted single-family dwelling, if a property owner requests to erect, reconstruct, alter, move, convert, extend or enlarge a structure or improvement on a property that has an approved Planned Unit Development applied to it on the Zoning Map, but that has no approved General Development Plan, Site Plan or Plat, then the owner must either:
 1. Submit a Zoning Map Amendment application for a base zoning district in accordance with Sec. 3.3 to have the Planned Unit Development designation removed from the property; or
 2. Submit a General or Detailed Planned Unit Development application in accordance with Sec. 3.4 or Sec. 3.5.
- B. A permitted single-family dwelling may be erected, reconstructed, altered, moved, converted, extended or enlarged on a property that has an approved Planned Unit Development but that has no approved General Development Plan, Site Plan or Plat.

3.1.12 Commitments

- A. The Plan Commission or the Board of Zoning Appeals may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel in order to receive final approval.. The owner must record those commitments in the office of the County Recorder and the commitment must take effect upon the granting of the final approval. A recorded commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel.
- B. A commitment may be modified or terminated only by a decision of the Plan Commission or the Board of Zoning Appeals at a public hearing after notice as provided by the applicable body's Rules of Procedure.

3.1.13 Appeals

A. Administrative and Hearing Officer Decisions

1. Except for a decision of the Building Commissioner, any party aggrieved by a decision of an administrative official or the Hearing Officer regarding the provisions of this Ordinance may appeal to the Board of Zoning Appeals in accordance with Sec. 3.16.

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2. Any party aggrieved by a decision of the Building Commissioner regarding the provisions of this Ordinance may appeal to the Fire Prevention and Building Safety Commission.

B. Quasi-Judicial and Legislative Decisions

Any party aggrieved by a decision of the Board of Zoning Appeals, Plan Commission or Board of County Commissioners may appeal to a court of competent jurisdiction.

Sec. 3.2. Zoning Ordinance Text Amendment

3.2.1 Applicability

- A. The Board of County Commissioners or Plan Commission may initiate amendment of the text of this Zoning Ordinance from time to time for reasons including but not limited to:
1. Establishing and maintaining sound, stable and desirable development within the jurisdiction of this Ordinance;
 2. Correcting errors in the text; or
 3. Adjusting the text of this Ordinance to changing conditions in a particular area or in the County generally.
- B. All Zoning Ordinance Text Amendments must conform with Indiana Code Section 36-7-4-500 et seq. and Indiana Code Section 36-7-4-600 et seq.

3.2.2 Review Process

A. Plan Director Review

The Plan Director must review the submitted application and make a recommendation to the Plan Commission.

B. Plan Commission Review

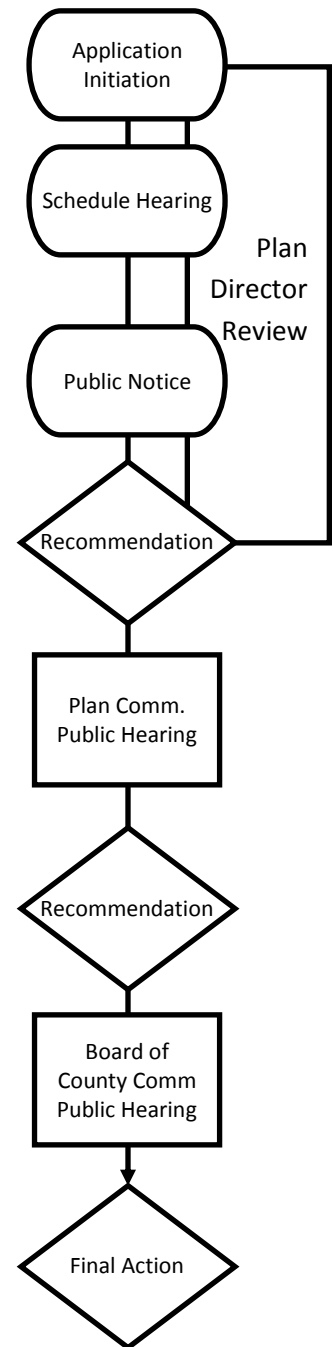
Following notice in accordance with the Plan Commission Rules of Procedure, the Plan Commission must hold a public hearing and make a recommendation to the Board of County Commissioners.

C. Board of County Commissioners Final Action

1. Except as modified in subsection D below, the Board of County Commissioners may hold a public hearing and approve, approve with modifications or deny the Zoning Ordinance Text Amendment.
2. If the Board of County Commissioners approves a Zoning Ordinance Text Amendment with modifications, then it must refer the request to the Plan Commission in accordance with Sec. 3.1.7.

D. Town Council Final Action

1. After it has approved a Zoning Ordinance Text Amendment related to flood hazard control that specifically and directly impacts an incorporated



Article 3 Development Review Procedures

Sec. 3.2. Zoning Ordinance Text Amendment

town within the jurisdiction of this Ordinance, the Board of County Commissioners must forward the Amendment to the appropriate legislative body.

2. The appropriate legislative body may hold a public hearing and approve, approve with modifications or deny the Amendment.
3. The Board of County Commissioners may only forward such Amendment to the appropriate legislative body if it takes a positive action on the Amendment.
4. The Amendment may only be finally approved if the appropriate legislative body approves or approves with modifications the Amendment.

3.2.3 Review Criteria

In determining whether to approve, approve with modifications or deny a proposed Zoning Ordinance Text Amendment, the applicable review bodies must pay reasonable regard to the following criteria.

- A. The amendment promotes the purpose of this Ordinance as established in Sec. 1.2.
- B. The amendment is consistent with the Comprehensive Plan.

Sec. 3.3. Zoning Map Amendment (Rezoning)

3.3.1 Applicability

- A. For the purpose of establishing and maintaining sound, stable and desirable development within the County, the Zoning Map may be amended for reasons including but not limited to:
 - 1. Rezoning an area; or
 - 2. Extending the boundary of an existing zoning district.
- B. All Zoning Map Amendments must conform with Indiana Code Section 36-7-4-500 et seq. and Indiana Code Section 36-7-4-600 et seq.

3.3.2 Review Process

A. Plan Director Review

The Plan Director must review the submitted application and make a recommendation to the Plan Commission.

B. Plan Commission Review

Following notice in accordance with the Plan Commission Rules of Procedure, the Plan Commission must hold a public hearing and make a recommendation to the appropriate legislative body.

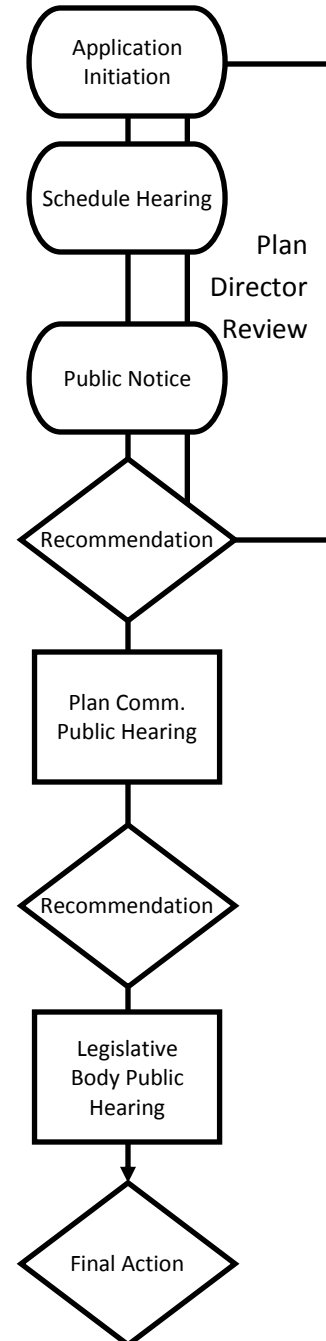
C. Legislative Body Final Action

The appropriate legislative body may hold a public hearing and approve, approve with commitments or deny the Zoning Map Amendment.

3.3.3 Review Criteria

In determining whether to approve, approve with commitments or deny a Zoning Map Amendment, the applicable review bodies must pay reasonable regard to the following criteria:

- A. The requested Zoning Map Amendment complies with the Comprehensive Plan;
- B. The request is in character with current conditions, structures and uses on the subject property and in its surroundings.
- C. The request promotes the most desirable use of the subject property.
- D. The request conserves property values.
- E. The request promotes responsible growth and development.



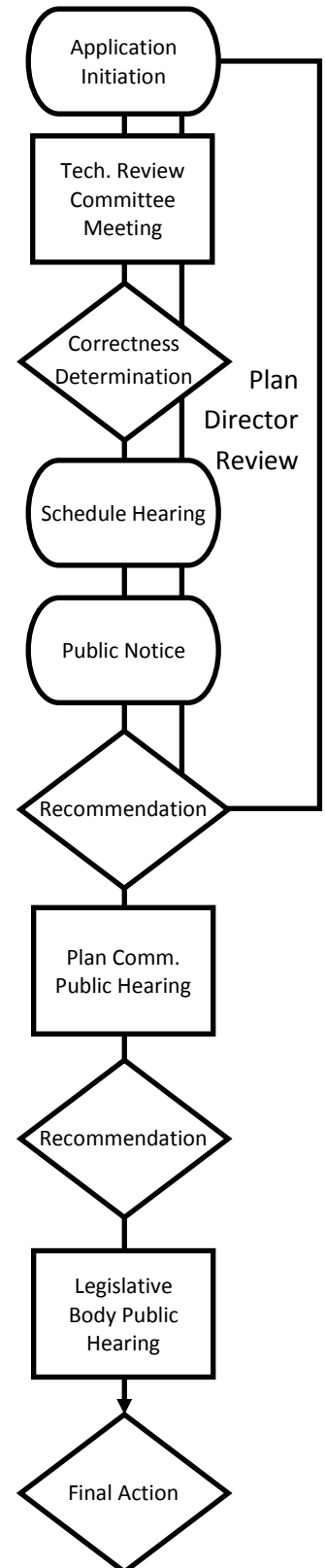
Sec. 3.4. General Planned Unit Development

3.4.1 Applicability

- A. A Planned Unit Development may be used to permit new or innovative concepts in land utilization, master-planned communities or mixed use developments that other zoning districts do not easily accommodate. A Planned Unit Development also provides site-specific compatibility and design standards. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established to protect against misuse of increased flexibility.
- B. The Plan Commission and Board of County Commissioners may consider proposals for Planned Unit Development as a:
 - 1. General Planned Unit Development; or
 - 2. Detailed Planned Unit Development.
- C. An approved General Planned Unit Development allows a petitioner to receive a change to the Zoning Map without a Detailed Planned Unit Development Site Plan or Detailed Planned Unit Development Plat, as required for a Detailed Planned Unit Development.
- D. Except as allowed by the extension provisions in Sec. 3.4.3, within seven years of approval, all adopted General Planned Unit Developments must be followed by an adopted and recorded Detailed Planned Unit Development prior to the issuance of any Improvement Location Permit or Building Permit. The Detailed Planned Unit Development may be for all or a portion of the property covered by the General Planned Unit Development.

3.4.2 Review Process and Criteria

- A. Except as modified below, the Plan Commission and appropriate legislative body must review and take final action on a General Planned Unit Development application, including the associated General Development Plan, following the review process and review criteria established for a Zoning Map Amendment set forth in Sec. 3.3.
- B. 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



Article 3 Development Review Procedures

Sec. 3.4. General Planned Unit Development

General Planned Unit Development submittal a correct application. The process for determination of correctness is described in subsection 3.1.4E.

3.4.3 Duration

A. General

All properties zoned General Planned Unit Development must have an application for a Detailed Planned Unit Development filed within two years of approval of the General Planned Unit Development. If an application for a Detailed Planned Unit Development is approved for a portion of a General Planned Unit Development, then the seven-year time limit for the remainder of the property must be extended from the adoption date of the Detailed Planned Unit Development. If no application has been received or an extension granted, the Plan Commission may initiate, or the appropriate legislative body may direct the Plan Commission to initiate, a Zoning Map Amendment petition.

B. Exceptions

All General Planned Unit Developments initiated by the appropriate legislative body do not expire.

C. Extensions

1. Any General Planned Unit Development may be considered for an extension of the time limit and may be approved as a staff item, which does not require public notice or a public hearing, by the Plan Commission if no significant changes have occurred to warrant a new public hearing.
2. All extensions requests must in writing stating reasons why the Detailed Planned Unit Developments could not be filed within the seven-year time limit.

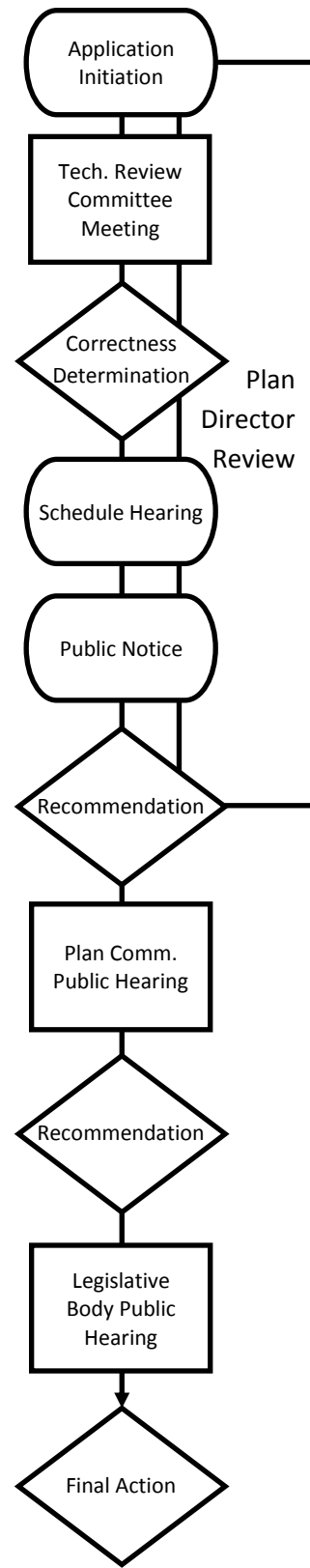
Sec. 3.5. Detailed Planned Unit Development

3.5.1 Applicability

- A. The Detailed Planned Unit Development review procedure provides the Plan Commission and the appropriate legislative body with the opportunity to review and take final action on a Planned Unit Development application, including its associated Detailed Planned Unit Development Site Plan and Detailed Planned Unit Development Plat.
- B. In addition, see Sec. 3.4.1.

3.5.2 Review Process

- A. **Detailed Planned Unit Development Site Plan and Ordinance**
1. Except as modified below, the Plan Commission and appropriate legislative body must review and take final action on the Detailed Planned Unit Development Site Plan and Detailed Planned Unit Development Ordinance portion of a Planned Unit Development 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 Detailed Planned Unit Development 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 Detailed Planned Unit Development Site Plan or Detailed Planned Unit Development Plat 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. Signs;
 - c. Parking;



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Sec. 3.5. Detailed Planned Unit Development

- d. Building design, location, height, orientation, or coverage;
 - e. Outdoor lighting;
 - f. Landscaping;
 - g. Homeowners or property owners associations;
 - h. Open space;
 - i. Topography; and
 - j. Screening.
4. The Plan Director and Plan Commission may recommend and the appropriate legislative body may require that the Detailed Planned Unit Development Ordinance mandate any of the design elements listed in paragraph 3 above for the project.

B. Detailed Planned Unit Development Plat

- 1. A Detailed Planned Unit Development Plat associated with a Detailed Planned Unit Development is the subdivision plat for the project. Except as modified below, the Plan Commission and appropriate legislative body must review and take final action on the Detailed Planned Unit Development Plat portion of a Planned Unit Development application, following the review process 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 Detailed Planned Unit Development Plat a correct application. The process for determination of correctness is described in subsection 3.1.4E.

3.5.3 Review Criteria

The Plan Commission and the appropriate legislative body must review and give reasonable regard to the proposed Detailed Planned Unit Development based on the degree to which the proposal meets all of the following criteria.

- A. The proposal is consistent with the Comprehensive Plan.
- B. The proposal has demonstrated how the impacts of any increased traffic will be minimized, lessened, or reduced.
- C. The proposal addresses potential conflicts with and attempts to conserve the value of adjacent properties.
- D. The proposal is consistent with the Purpose of the Zoning Ordinance as established in Sec. 1.2.
- E. The proposal is consistent with the Applicability of a Planned Unit Development as established in Sec. 3.5.1.

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Sec. 3.5. Detailed Planned Unit Development

- F. The proposal is responsible development and growth.
- G. The proposal complies with the existing General Planned Unit Development.
- H. The Detailed Planned Unit Development Plat complies with the approved Detailed Planned Unit Development Site Plan and Planned Unit Development Ordinance.

3.5.4 Concurrent Submittal

An applicant may submit a Detailed Planned Unit Development Plat concurrent with the Detailed Planned Unit Development Site Plan and supporting materials. However, the appropriate legislative body must approve the Detailed Planned Unit Development Site Plan and Detailed Planned Unit Development Ordinance prior to approval of the Detailed Planned Unit Development Plat.

3.5.5 Planned Unit Development Ordinance

The ordinance that approves the Detailed Planned Unit Development may contain the following:

- A. Written text as prescribed by the Legislative Body;
- B. A legal description of the subject property;
- C. Specific development requirements, including any additionally imposed design elements listed in subsection 3.5.2A.3;
- D. The Detailed Planned Unit Development Plat to be incorporated by reference;
- E. The Detailed Planned Unit Development Site Plan to be incorporated by reference;
- F. List of permitted uses;
- G. Documentation and supporting information that may be required;
- H. Limitations to the Detailed Planned Unit Development;
- I. List of all conditions imposed on the Detailed Planned Unit Development; and
- J. List of all proposed site improvements and construction time lines with the procedures to ensure the timely completion of those public improvements.

3.5.6 Recording and Platting of a Detailed Planned Unit Development

A. Purpose

It is prohibited to record in the Records Office of Elkhart County any documents or plats for any real estate within the jurisdiction of this Ordinance with any designations of "Planned Unit Development" or "PUD" unless it complies with this Ordinance.

B. Recording of a Detailed Planned Unit Development Plat

The approved Detailed Planned Unit Development Plat must be recorded by the applicant with the County Recorder's Office within ten working days of receipt of the signed documents from the legislative body.

3.5.7 Flood Hazard Control Deviations

No deviations from the Flood Hazard Control standards in Sec. 7.4 are permitted. All deviations from Sec. 7.4 must be processed as Developmental Variances in accordance with Sec. 3.7.

3.5.8 Effect of Overlay

An approved Detailed Planned Unit Development overlay zoning district, controls over all permitted uses, special uses and development standards for the underlying zoning district.

3.5.9 As-Built Drawing Required for Certain DPUDs

A. Applicability

The provisions of this Section apply solely to nonresidential and mixed use Detailed Planned Unit Development (DPUD) projects for the purpose of providing the public with assurance that a project has been built according to the approved DPUD documents. The provisions of this Section do not apply to purely residential DPUD projects.

B. Major and Minor Discrepancies

1. For the purposes of this subsection, the term "development" means a nonresidential or mixed use DPUD that received final approval on or after March 3, 1997.
2. An As-Built Drawing, at the same scale and on the same paper size as the approved DPUD Detailed Planned Unit Development Site Plan, that shows drainage facilities and impervious coverage for the zoning lot, is required to be submitted to the Plan Director prior to issuance of a Certificate of Occupancy if the Plan Director observes or can reasonably conclude the presence of any one or more of the following Major Discrepancies or any two or more of the following Minor Discrepancies related to the subject property.

a. Major Discrepancies

- i. Drainage facilities required on the approved Detailed Planned Unit Development Site Plan are not constructed or are in the wrong location;
- ii. Drainage facilities on the subject property are smaller by volume than required on the approved Detailed Planned Unit Development Site Plan;

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Sec. 3.5. Detailed Planned Unit Development

- iii. A drainage failure occurred in a previous phase of the same development and such failure affected the watershed of the development; or
- iv. An Illicit discharge, as defined in Ordinance 06-293, Storm Water Regulation Associated With Illicit Discharges, occurred in a previous phase of the same development.

b. Minor Discrepancies

- i. A drainage failure occurred in a previous phase of the same development that affected only the site itself;
- ii. Drainage-related stabilization landscaping is missing or inadequate during construction of the project; or
- iii. Drainage area maintenance is missing or inadequate during construction of the project.

C. Review Process

After receipt and review of the As-Built Drawing, the Plan Director may take any of the following actions.

1. The Director may determine that the drainage improvements and impervious surface on the property achieve alternative compliance with the approved DPUD documents and allow the Certificate of Occupancy to be issued. For the purposes of this paragraph, "alternative compliance" means that the improvements on the property do not match what is shown on the approved DPUD documents, but that the As-Built Drawing and supporting materials demonstrate that the improvements meet or exceed local drainage regulations. Supporting materials, including but not limited to drainage calculations, must be sealed and certified by a professional engineer or a registered Indiana land surveyor, as permitted by State statutes.
2. The Director may require that the site be modified to comply with the approved DPUD documents and allow the Certificate of Occupancy to be issued after compliance is achieved.
3. The Director may accept a petition to amend the Detailed Planned Unit Development Site Plan. The amendment must be processed for review, Public Hearing, recommendation and final action as required in Sec. 3.4 of this Ordinance.
4. The Director may allow the petitioner to undertake a combination of paragraphs 1, 2, and 3 above.

D. Seasonal Delays

1. The following provisions apply to a project being constructed or completed during the timeframe of November 15th to February 28th.
 - a. The Building Commissioner may issue a Temporary Certificate of Occupancy that is valid until the following April 1st for projects that are subject to the provisions of this Section. Approved drainage facilities and impervious coverage must be in place and a permanent Certificate of Occupancy must have been issued on or before the April 1st expiration date of the Temporary Certificate of Occupancy.
 - b. Installation of stabilization landscaping referenced in paragraph B.2.b.ii above may be delayed until April 1st without counting as a Minor Discrepancy.
2. The Plan Director may expand the timeframe established in subsection 1 above for good cause related to cold weather.

Sec. 3.6. Special Use Permit

3.6.1 Applicability

- A. A Special Use Permit provides a means for developing certain uses in a manner in which the Special Use will be compatible with adjacent property and consistent with the character of its area. The granting of a Special Use Permit has no effect on the uses permitted as of right on the subject property and does not waive the provisions of this Ordinance that apply to the property.
- B. Special Uses generally may have unusual nuisance characteristics or are of a public or semi-public nature often essential or desirable for the general convenience and welfare of the community. Because, however, of the nature of the use or possible adverse impact on neighboring properties of the use, review, evaluation and exercise of planning judgment relative to the general location and site plan of the proposed use are required.
- C. Uses requiring a Special Use Permit are identified in the use table in Sec. 5.1 and in the lists of permitted uses in the special purpose and overlay zoning districts in Article 6.
- D. The Zoning Administrator must not accept an application for a Special Use Permit for a use not listed in the relevant zoning district.
- E. The Hearing Officer makes the final decision on Special Use Permits for mobile homes. The Board of Zoning Appeals makes the final decision on all other Special Use Permits.

3.6.2 Review Process

A. Concurrent Site Plan Submittal

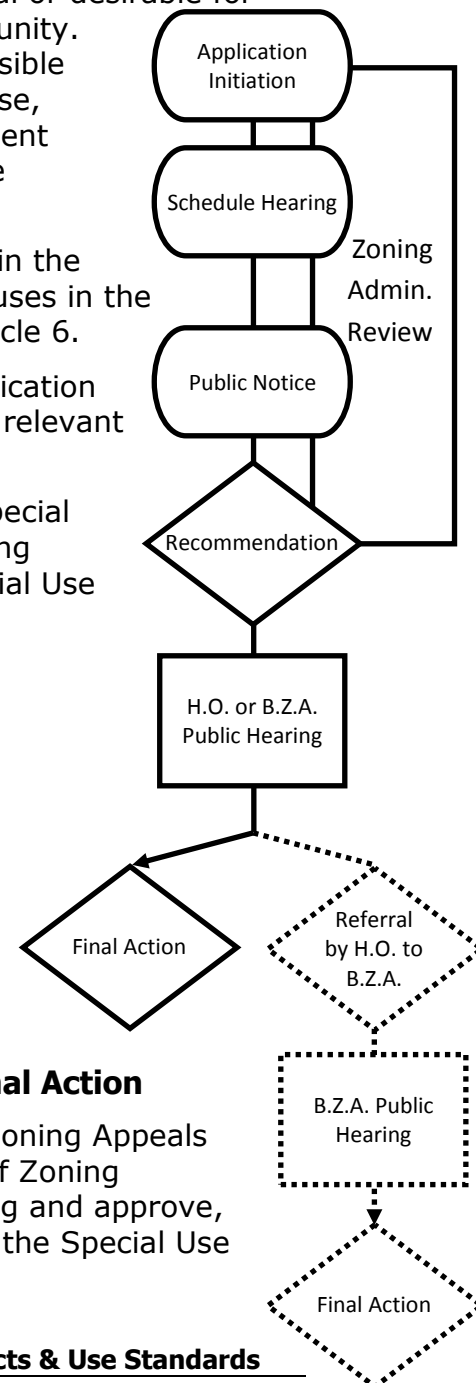
Application for a Special Use Permit must occur in conjunction with the submittal of a site plan.

B. Zoning Administrator Review

The Zoning Administrator must review the application and make a recommendation to the Hearing Officer or Board of Zoning Appeals, as appropriate.

C. Hearing Officer or Board of Zoning Appeals Final Action

Following notice in accordance with the Board of Zoning Appeals Rules of Procedure, the Hearing Officer or Board of Zoning Appeals, as appropriate, must hold a public hearing and approve, approve with conditions or commitments, or deny the Special Use Permit.



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Sec. 3.6. Special Use Permit

D. Referral

The applicant may obtain a transfer from the Hearing Officer to the Board of Zoning Appeals before a decision is made as a result of any of the following:

1. The receipt by the Zoning Administrator of a written request for such transfer by the applicant;
2. A staff recommendation related to the impositions of conditions or commitments; or
3. Any other adverse action by the Staff or Hearing Officer.

3.6.3 Review Criteria

In determining whether to approve, approve with conditions or commitments, or deny a Special Use Permit, the Hearing Officer or Board of Zoning Appeals must consider and make affirmative findings for all of the following criteria. A negative finding for any one of the following criteria must result in a denial of the Special Use Permit request.

- A. The Special Use is consistent with the purpose of this Ordinance as established in Sec. 1.2.
- B. The Special Use will not substantially and permanently injure the appropriate use of neighboring property.
- C. The Special Use will substantially serve the public convenience and welfare.

3.6.4 Duration

An approved Special Use Permit runs with the land unless commitments to the contrary are placed on the approval. The Special Use must be established as represented on the Special Use Permit site plan within 24 months of approval or the Permit becomes null and void.

3.6.5 Renewal of Mobile Home Special Use Permit

- A. A Special Use Permit for a mobile home may be granted for a limited period of time. The Zoning Administrator may repeatedly renew a mobile home Special Use Permit for a period of time which is not longer than the period of time for which the original Special Use Permit was granted.
- B. The renewal of the Special Use Permit can only be granted by the Zoning Administrator if it is determined that the mobile home complies with all of the following conditions.
 1. The property and mobile home have adhered to all conditions and commitments imposed on the original Special Use Permit.
 2. The property and mobile home have been maintained in good condition.

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Sec. 3.6. Special Use Permit

- C. If the Zoning Administrator renews the Special Use Permit, then a letter stating that renewal must be sent to the applicant.
- D. If the Zoning Administrator declines to renew the Special Use Permit, then a letter of denial must be sent to the applicant. The Zoning Administrator must, within 30 days of the denial letter, set the renewal request for consideration before the Hearing Officer as a staff item which does not require public notice or a public hearing.

Sec. 3.7. Use Variance

3.7.1 Applicability

The Board of Zoning Appeals may vary the use standards of this Ordinance for projects that meet all of the criteria set forth in this Section. Any Variance request not related to the developmental or dimensional requirements of this Ordinance (i.e. those requirements related to a measureable numerical standard such as a setback, lot size or height) must be processed as a Use Variance in accordance with this Section. A Variance is considered an exception to the regulations, rather than a right, and must be the minimum necessary to afford relief.

3.7.2 Review Process

A. Concurrent Site Plan Submittal

Application for a Use Variance must occur in conjunction with the submittal of a site plan.

B. Zoning Administrator Review

The Zoning Administrator must review the application and make a recommendation to the Board of Zoning Appeals.

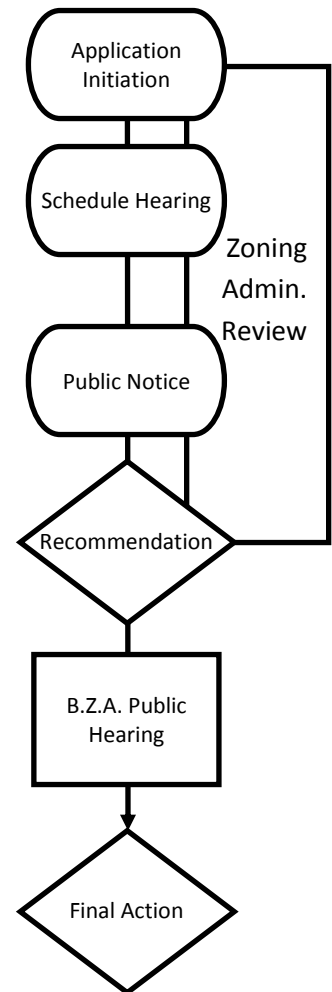
C. Board of Zoning Appeals Final Action

Following notice in accordance with the Board of Zoning Appeals Rules of Procedure, the Board of Zoning Appeals must hold a public hearing and approve, approve with conditions or commitments, or deny the Use Variance.

3.7.3 Review Criteria

In determining whether to approve, approve with conditions or commitments, or deny a Use Variance, the Board of Zoning Appeals must consider and make affirmative findings for all of the following criteria. A negative finding for any one of the following criteria must result in a denial of the Use Variance request.

- A.** The approval will not be injurious to the public health, safety, morals and general welfare of the community.
- B.** The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner.
- C.** The need for the Use Variance arises from some condition peculiar to the property involved.
- D.** The strict application of the terms of the Zoning Ordinance would constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.



Article 3 Development Review Procedures

Sec. 3.7. Use Variance

- E. The approval does not interfere substantially with the County Comprehensive Plan.

3.7.4 Duration

An approved Use Variance runs with the subject property until such time as the property conforms with the Zoning Ordinance or unless commitments to the contrary are placed on the approval.

Sec. 3.8. Developmental Variance

3.8.1 Applicability

- A. The Hearing Officer and Board of Zoning Appeals may vary the developmental or dimensional regulations of this Ordinance for projects that meet all of the criteria set forth in this Section. Any Variance request not related to the developmental or dimensional requirements of this Ordinance (i.e. those requirements related to a measureable numerical standard such as a setback, lot size or height) must be processed as a Use Variance in accordance with Sec. 3.7.
- B. Any request for relief from up to 10 percent of a minimum front, side or rear setback requirement may be processed as a request for an Administrative Adjustment in accordance with Sec. 3.9. A Variance is considered an exception to the regulations, rather than a right, and must be the minimum necessary to afford relief.

3.8.2 Review Process

A. Concurrent Site Plan Submittal

Application for a Developmental Variance must occur in conjunction with the submittal of a site plan.

B. Zoning Administrator Review

1. The Zoning Administrator must review the application and make a recommendation to the Hearing Officer.
2. If the Zoning Administrator recommends denial of the request, then the Zoning Administrator must forward the request directly to the Board of Zoning Appeals for final action.

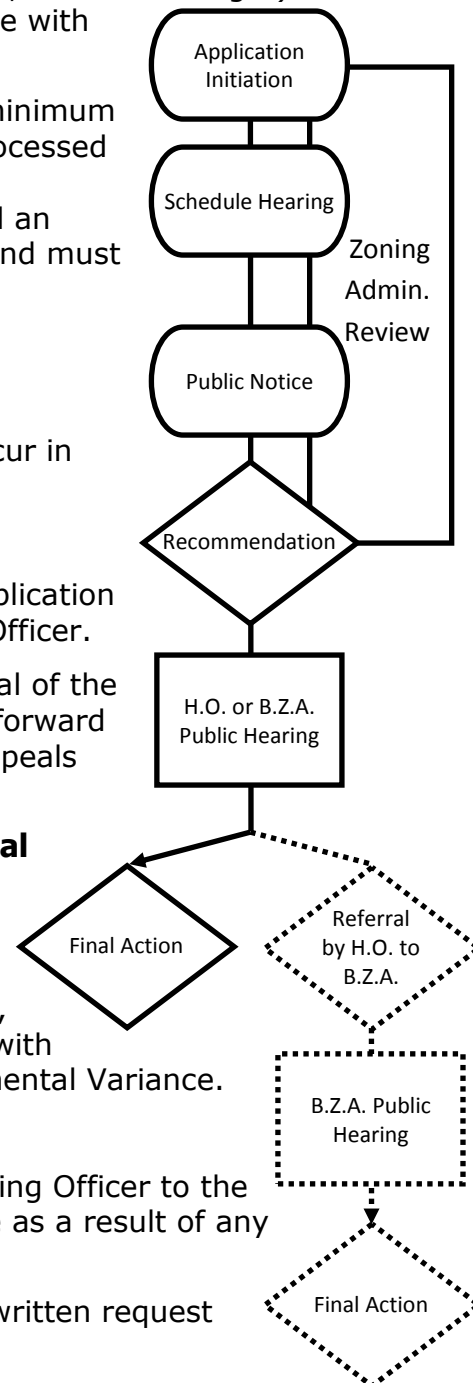
C. Hearing Officer or Board of Zoning Appeals Final Action

Following notice in accordance with the Board of Zoning Appeals Rules of Procedure, the Hearing Officer or Board of Zoning Appeals, as appropriate, must hold a public hearing and approve, approve with conditions or commitments, or deny the Developmental Variance.

D. Referral

The applicant may obtain a transfer from the Hearing Officer to the Board of Zoning Appeals before a decision is made as a result of any of the following:

1. The receipt by the Zoning Administrator of a written request for such transfer by the applicant;



Article 3 Development Review Procedures

Sec. 3.8. Developmental Variance

2. A staff recommendation related to the impositions of conditions or commitments; or
3. Any other adverse action by the Staff or Hearing Officer.

3.8.3 Review Criteria

In determining whether to approve, approve with conditions or commitments, or deny a Developmental Variance, the Hearing Officer or Board of Zoning Appeals must consider and make affirmative findings for all of the following criteria. A negative finding for any one of the following criteria must result in a denial of the Developmental Variance request.

- A. The approval will not be injurious to the public health, safety, morals and general welfare of the community.
- B. The use and value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner.
- C. The strict application of the terms of the Zoning Ordinance would result in an unnecessary hardship in the use of the property.
- D. In a Flood Hazard Area, the granting of the requested Variance from the provisions in Sec. 7.4 will not increase flood heights, create additional public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing laws and ordinances.

3.8.4 Variances in a Flood Hazard Area

The Board of Zoning Appeals may issue a Variance from the provisions in Sec. 7.4 subject to the following standards and conditions:

- A. The Board of Zoning Appeals may not grant a Variance for a residential use within a floodway, subject to Sec. 7.4.2.
- B. Any Variance for a nonresidential use granted in a floodway, flood plain or flood fringe, subject to Sec. 7.4.2, requires a permit from Indiana Department of Natural Resources.
- C. A Variance to the Building Protection Standards of Sec. 7.4.3 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- D. A Variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects.
- E. The Board of Zoning Appeals must issue a written notice to the recipient of a Variance that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

Article 3 Development Review Procedures

Sec. 3.8. Developmental Variance

3.8.5 Duration

An approved Variance runs with the subject property until such time as the property conforms with the Zoning Ordinance or unless commitments to the contrary are placed on the approval.

Sec. 3.9. Administrative Adjustment

3.9.1 Applicability

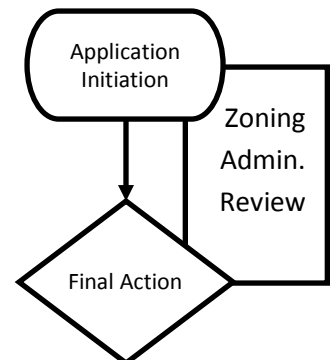
- A. Administrative Adjustments are minor specified deviations from otherwise applicable standards of this Ordinance as specified in this Section.
- B. Except as provided in Sec. 3.9.4 below, the Zoning Administrator has the authority to approve an Administrative Adjustment of up to 10 percent of any front, side or rear setback standard as set forth in this Ordinance.
- C. Structures receiving an Administrative Adjustment must comply with all other requirements of this Ordinance not specifically relieved by the Adjustment.
- D. Any requested Adjustment not in accordance with what is permitted in this Section must be processed as a Variance in accordance with Sec. 3.7.
- E. A request for an Administrative Adjustment may be submitted along with an Improvement Location Permit application; however, the Improvement Location Permit may not be approved until the Administrative Adjustment is approved.

3.9.2 Review Process

The Zoning Administrator must approve, approve with conditions or deny the Administrative Adjustment.

3.9.3 Standards Ineligible for Relief

- A. No condition, commitment or site plan approved by the Board of County Commissioners, Plan Commission, Board of Zoning Appeals or Hearing Officer is eligible for an Administrative Adjustment.
- B. No Administrative Adjustment is allowed for work that originally occurred without the appropriate permits.
- C. No Administrative Adjustment is allowed that would result in the location of a structure within any easement without the land owner first receiving approval from the Plan Commission or Plat Committee, as appropriate, for the modification of the easement, vacation of the easement or a change in the recorded plat regarding the easement to accommodate the Administrative Adjustment.
- D. No Administrative Adjustment is allowed that would result in a separation between the proposed building and a building on neighboring property of less than five feet.



3.9.4 Review Criteria

In determining whether to approve, approve with conditions or deny an Administrative Adjustment, the Zoning Administrator must consider the following criteria.

- A. The Administrative Adjustment does not adversely affect the permitted use of adjacent property or the physical character of the surrounding area
- B. Granting the Administrative Adjustment will be generally consistent with the purpose of this Ordinance as established in Sec. 1.2.
- C. The Administrative Adjustment requested is the minimum adjustment necessary for reasonable use of the property and compliance with this Zoning Ordinance.

3.9.5 Relief Not Cumulative

The Zoning Administrator may grant only one form of administrative relief established in this Zoning Ordinance related to the standard for which relief is being sought. Other forms of administrative relief include, but are not limited to, those established in Article 4.

3.9.6 Duration

- A. An Administrative Adjustment applies only to the structure and associated setback shown on the approved site plan for the Adjustment.
- B. An approved Administrative Adjustment expires unless an Improvement Location Permit for the associated structure is approved within 90 calendar days from the date of approval of the Adjustment. In addition, an Administrative Adjustment expires unless construction work is completed within one year from the date of the issuance of the Building Permit for the associated structure.

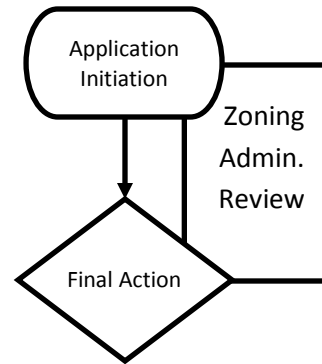
Sec. 3.10. Written Interpretation

3.10.1 Applicability

The Zoning Administrator has the authority to make written interpretations concerning the provisions of this Ordinance.

3.10.2 Review Process

- A. The Zoning Administrator must review and evaluate a written interpretation request in light of the text of this Ordinance, the Zoning Map, the Comprehensive Plan and any other relevant information such as State law. The Zoning Administrator may consult with other staff, as necessary.
- B. The Zoning Administrator must render an opinion and provide the interpretation to the applicant in writing within 10 days of receiving the request.



3.10.3 Official Record

- A. The Zoning Administrator must maintain an official record of interpretations. The record of interpretations must be available for public inspection during normal County business hours.
- B. Annually, written interpretations must be summarized in a report to the Plan Commission and Board of Zoning Appeals. Based on the report, the Plan Commission may direct the Zoning Administrator to initiate such Zoning Ordinance Text Amendments as it deems appropriate to be processed in accordance with Sec. 3.2.

Sec. 3.11. Improvement Location Permit

3.11.1 Applicability

- A. Except as exempted in this Section, an Improvement Location Permit is required prior to the:
 - 1. Permanent erection, reconstruction, alteration, movement, conversion, extension or enlargement of a structure or improvement;
 - 2. Placement of a mobile or manufactured home on a property; or
 - 3. Establishment of a new nonresidential land use or change of an existing nonresidential land use from one Use Category established in Sec. 5.2 to another.
- B. The issuance of an Improvement Location Permit cannot substitute for or supersede the requirement 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.
- C. Among other approvals, an applicant must receive approval of an Improvement Location Permit prior to issuance of a Building Permit.

3.11.2 Permit Not Required

- A. An Improvement Location Permit is not required for the following improvements or activities.
 - 1. **Small Structures**

An accessory structure that is not on a permanent foundation and is less than 120 square feet in area does not require an Improvement Location permit.
 - 2. **Landscaping and Hardscaping**

The installation of plants, the application of mulch or fertilizer, the raising of planting beds and the installation of hardscaping, including stone steps, edging, and retaining walls less than three feet in height, does not require an Improvement Location Permit.
 - 3. **Signs**

An Improvement Location Permit is not required prior to obtaining a Sign Permit.
 - 4. **Play Sets and Pools**

The installation of play sets and temporary above-ground swimming pools does not require an Improvement Location Permit.

Article 3 Development Review Procedures

Sec. 3.11. Improvement Location Permit

5. Home Occupations or Home Workshops / Businesses

The establishment of a permitted home occupation or a home workshop / business that does not involve new construction does not require an Improvement Location Permit.

6. Property Maintenance

The maintenance and repair of existing structures and site improvements does not require an Improvement Location Permit.

- B. A project that is exempted from obtaining an Improvement Location Permit is not exempted from meeting all other applicable regulations in this Ordinance.

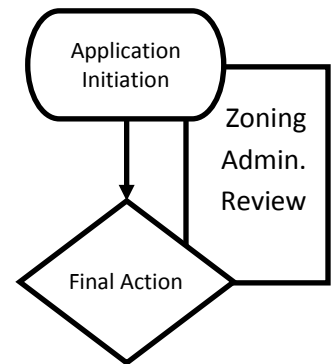
3.11.3 Review Process

The Zoning Administrator must approve, approve with conditions or deny the Improvement Location Permit.

3.11.4 Review Criteria

In determining whether to approve, approve with conditions or deny an Improvement Location Permit, the Zoning Administrator must consider the following criteria.

- A. The proposed structure, improvement or use complies with the provisions of this Ordinance and any applicable Written Interpretations.
- B. The proposed structure, improvement or use complies with any approved plat or Planned Unit Development, Special Use Permit or Variance governing the subject property.
- C. The proposed structure, improvement or use is located on property that:
1. Abuts a public right-of-way that has been constructed or for which a bond has been accepted, guaranteeing its construction; or
 2. Has indirect access to a public right-of-way through a permanent access easement approved as a lot width Variance in accordance with Sec. 3.7.



3.11.5 Improvement Location Permit Required Within a Special Flood Hazard Area

- A. No development is permitted in the Special Flood Hazard Area without first obtaining an Improvement Location Permit. The Zoning Administrator may not issue an Improvement Location Permit if the proposed development does not meet the requirements of this subsection.
- B. The County Engineer or a Municipal Engineer, as appropriate, must determine if the structure or the site is located within an identified

Article 3 Development Review Procedures

Sec. 3.11. Improvement Location Permit

floodway or within the floodplain where the limits of the floodway have not yet been determined.

1. If the structure is in an identified floodway the County Engineer or a Municipal Engineer must require the applicant to secure a permit from the Department of Natural Resources for any construction in a floodway. The Improvement Location Permit can only be released if it is as restrictive or more restrictive than the permit issued by the Indiana Department of Natural Resources.
2. If the structure is located in an identified floodway fringe, the County Engineer or a Municipal Engineer must issue the Improvement Location Permit provided:
 - a. The provisions contained in Sec. 7.4 of this Ordinance have been met; and,
 - b. That the lowest floor of any new or substantially improved structure must be at or above the Flood Protection Grade.
3. If the structure is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate). The County Engineer or a Municipal Engineer must require the applicant to secure a permit or letter of recommendation approving the proposed development from the Indiana Department of Natural Resources. The improvement Location Permit can only be issued if it is as restrictive or more restrictive than the permit issued by the Indiana Department of Natural Resources.

3.11.6 Duration

- A. A project requiring an Improvement Location Permit must commence within six months of approval or the Permit becomes null and void.
- B. A development must be completed within 24 months of approval of an Improvement Location Permit, or the Permit becomes null and void.
- C. The Zoning Administrator may renew the Improvement Location Permit a maximum of two times for a duration of 30 days each. If additional renewals are needed, then the applicant must apply for a new Improvement Location Permit, subject to County standards in place at the time of the new application.

Sec. 3.12. Temporary Use Permit

3.12.1 Applicability

A temporary use, as established in Sec. 5.6, may not operate for more than nine days unless the land owner obtains a Temporary Use Permit. The permit identifies the specific use, the period of time for which it is approved, and any special conditions attached to the approval.

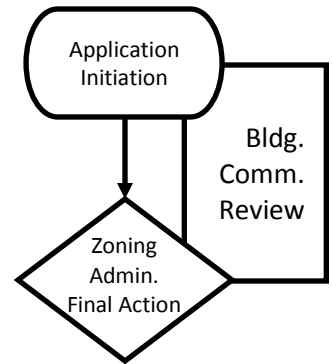
3.12.2 Review Process

A. Building Commissioner Review and Recommendation

The Building Commissioner must review the submitted application and make a recommendation to the Zoning Administrator.

B. Zoning Administrator Final Action

1. The Zoning Administrator must approve, approve with conditions or deny the Temporary Use Permit.
2. The Zoning Administrator must review all signs in conjunction with the issuance of the permit. Such signs must be in accordance with the requirements of this Ordinance.



3.12.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Temporary Use Permit, the Zoning Administrator must consider the following criteria.

- A. The extent to which the temporary use complies with the purpose of this Ordinance, the zoning district in which it is located and any specific temporary use standards in Sec. 5.6.
- B. The extent to which the temporary use does not impair the normal, safe and effective operation of a permanent use on the same site.
- C. The degree that the temporary use endangers or is materially detrimental to the public health, safety or general welfare or is injurious to property or improvements in the immediate vicinity of the temporary use, given the nature of the activity, its location on the site, and its relationship to parking and access points.

3.12.4 Duration

Unless otherwise permitted in the Specific Temporary Use Standards in 5.6.2F, a Temporary Use Permit expires 90 days after approval.

Sec. 3.13. Building Permit

3.13.1 Applicability

- A. No building may be erected, reconstructed, altered, moved, converted, extended or enlarged and no manufactured or mobile home may be placed on any property without the owner first having obtained a building permit.
- B. Among other approvals, an applicant must receive approval of an Improvement Location Permit prior to issuance of a Building Permit.

3.13.2 Permit Not Required

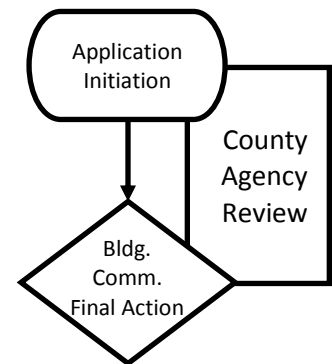
A Building Permit is not required for those improvements or activities described in Sec. 3.11 that do not require an Improvement Location Permit.

3.13.3 Review Process

A. Prior County Agency Review

The following persons must have issued applicable approval for a proposed development prior to issuance of a Building Permit by the Building Commissioner:

- 1. Health Officer;
- 2. Soil and Water Conservation District Program manager;
- 3. Zoning Administrator; and
- 4. County or Municipal Engineer, as appropriate.



B. Building Commissioner Final Action

The Building Commissioner must approve, approve with conditions or deny the Building Permit.

3.13.4 Review Criteria

In determining whether to approve, approve with conditions or deny a Building Permit application, the Building Commission must consider the following criteria.

- A. The application and proposed structure conforms to all prior approved development applications for the property.
- B. The building plans conform to the Building Code and other applicable construction codes adopted by the County.

3.13.5 Duration

An approved Building Permit expires if the work described in the permit has not begun within 12 months from the date of issuance. Any further action after the expiration requires a new application and approval.

Sec. 3.14. Sign Permit

3.14.1 Applicability

- A. No sign may be erected, constructed, altered, moved, extended or enlarged without the owner or operator first obtaining a Sign Permit
- B. The modification of a sign face does not require a sign permit in accordance with this Section, if such modification does not increase the sign area or height or change the sign type.

3.14.2 Review Process

A. Zoning Administrator Review and Recommendation

The Zoning Administrator must review the submitted application and make a recommendation to the Building Commissioner.

B. Building Commissioner Final Action

The Building Commissioner must approve, approve with conditions or deny the Sign Permit.

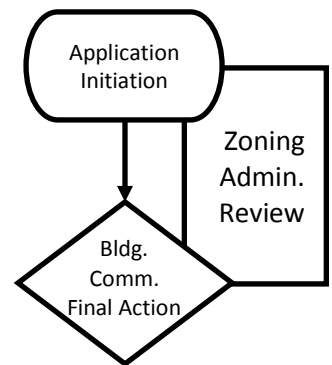
3.14.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Sign Permit, the Building Commissioner must consider the following criteria.

- A. The sign complies with the standards in Sec. 7.3 and any additional sign standards adopted by an appropriate legislative body.
- B. The subject sign is consistent with the provisions of an approved Planned Unit Development, Special Use Permit or Variance governing the subject property..

3.14.4 Duration

An approved Sign Permit expires if the work described in the permit has not begun within 12 months from the date of issuance. Any further action described in Sec. 3.14.1 after the expiration requires a new application and approval.



Sec. 3.15. Certificate of Occupancy

3.15.1 Applicability

- A. No land or building may be occupied or used, in whole or in part, for any purpose whatsoever, and no manufactured or mobile home may be placed on any property without the owner first obtaining a Certificate of Occupancy stating that the building, its use, and required site improvements comply with all applicable provisions of this Ordinance and other County regulations.
- B. No change in use may be made in any building, or part of it without the owner first obtaining a Certificate of Occupancy.
- C. Among other approvals, an applicant must receive approval of a Building Permit prior to issuance of a Certificate of Occupancy.

3.15.2 Review Process

A. Zoning Administrator Review and Recommendation

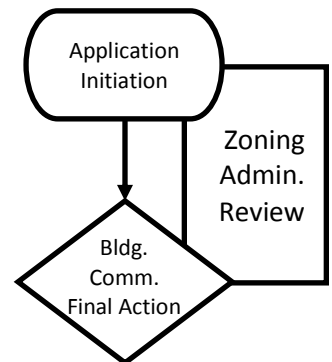
The Zoning Administrator must review the submitted application and make a recommendation to the Building Commissioner.

B. Building Commissioner Final Action

The Building Commissioner must approve, approve with conditions or deny the Certificate of Occupancy.

C. Concurrent Application with Improvement Location Permit

- 1. The Certificate of Occupancy must be applied for simultaneously with the application for an Improvement Location Permit and must be issued within 10 days after the lawful erection, reconstruction, alteration, moving, conversion, extension or enlargement of that building has been completed.
- 2. No Improvement Location Permit may be issued before the person seeking an Improvement Location Permit has applied for a Certificate of Occupancy.



3.15.3 Review Criteria

In determining whether to approve, approve with conditions or deny a Certificate of Occupancy, the Building Commissioner must consider the following criteria.

- A. The location of the structure and required improvements on the property are in accordance with the approved Improvement Location Permit and Building Permit.

Article 3 Development Review Procedures

Sec. 3.15. Certificate of Occupancy

- B. Where a change of use in an existing structure is proposed, the use conforms to the use regulations in Article 5 governing the property.
- C. The structure, following inspection by the Building Commissioner, was built in conformity with the Building Code.
- D. There are no outstanding permit requirements.

3.15.4 As-Built Drawing Required for Certain DPUDs

Certain nonresidential or mixed use DPUDs may require an As-Built Drawing to be submitted to the Plan Director prior to the issuance of a Certificate of Occupancy in accordance with Sec. 3.5.9.

3.15.5 Establishment of a Use Without a Certificate of Occupancy

The establishment of a land use or occupation of a building without an approved Certificate of Occupancy is subject to the enforcement provisions in Article 9.

3.15.6 Duration

An approved Certificate of Occupancy does not expire unless an action described in Sec. 3.15.1 takes place. In which case, approval of a new Improvement Location Permit, Building Permit and Certificate of Occupancy is required.

3.15.7 Record of Certificates of Occupancy

A record of all Certificates of Occupancy must be kept on file in the office of the Plan Director. Copies must be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected and must be available for public inspection as provided by State law.

Sec. 3.16. Appeal of Administrative or Hearing Officer Decision

3.16.1 Applicability

- A. Any order, requirement, decision or determination of an Administrative Official or the Hearing Officer may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by that order, requirement, decision or determination.
- B. The Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination appealed from as in its opinion ought to be done. To that end, the Board has all the powers vested in the person from whom the appeal is taken.
- C. The Board of Zoning Appeals hearing on the appeal is *de novo*, in the same manner as the petition originally filed with the Board.

3.16.2 Review Process

A. Initiation

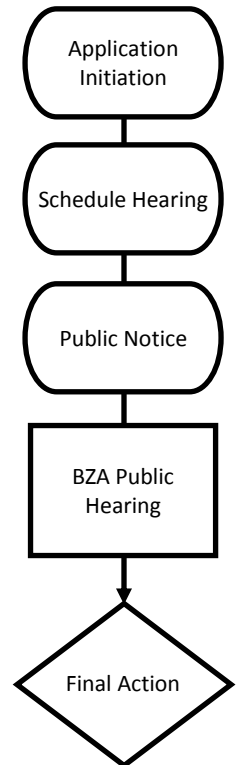
An Appeal must be filed within 10 days from the date of the order, requirement, decision or determination.

B. Content of Notice of Appeal

The notice of appeal must specifically set forth all grounds for appeal.

C. Zoning Board of Appeals Final Action

Following notice in accordance with the Zoning Board of Appeals Rules of Procedure, the Board must hold a public hearing and reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination being appealed.



ARTICLE 4 DISTRICT DEVELOPMENTAL STANDARDS

Sec. 4.1. General

4.1.1 Zoning Districts

- A. The County is hereby divided into zoning districts as follows.
- 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.

Name of District	Designation
Residential Districts	
Rural Residential	RR
Single-Family Residential	R-1
Two-Family Residential	R-2
Multiple-Family Residential	R-3
Residential Mixed Use	R-4
Nonresidential Districts	
Agricultural	A-1
Neighborhood Business	B-1
General Business	B-2
Heavy Business	B-3
Limited Manufacturing	M-1
Heavy Manufacturing	M-2
Special Purpose and Overlay Districts	
Office Park	E-1
Gateway Interchange Park	E-2
General Planned Unit Development Overlay	-GPUD
Detailed Planned Unit Development Overlay	-DPUD
Town Residential Overlay	-TR
Wellhead Protection Overlay	-WP
County Road 17 Overlay	-CR-17
Farmland Preservation	A-3
Confined Feeding Protection	A-4
Intense Livestock Operation	A-5

4.1.2 Zoning Map

- A. The Zoning Map, dated October 30, 1959, is hereby incorporated by reference into this Ordinance. This incorporation includes any amendments to the Zoning Map that may be made from time to time.
- B. The Zoning Map shows the areas included in the above zoning districts. All notations, references, indications and other matters shown on the Zoning Map are as much a part of this Ordinance as if they were fully described in its text.

Article 4 District Developmental Standards

Sec. 4.1. General

- C. Two copies of the Zoning Map are on file in the office of the County Auditor, one copy is on file in the office of the Plan Director and such maps are available for public inspection.
- D. The Plan Director is responsible for maintaining the Zoning Map and must post all amendments to the map as soon as possible after the effective date of the Zoning Map Amendment.

4.1.3 Determination and Interpretation of District Boundaries

- A. In determining the boundaries of zoning districts, and establishing the regulations applicable to each district, due and careful consideration has been given to the Comprehensive Plan, existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adapted, and the conservation of property values throughout the County.
- B. If uncertainty exists as to the exact boundaries of any district as shown on the Zoning Map, the Zoning Administrator must make a determination based on the following rules of interpretation:
 - 1. If district boundaries are indicated as following the centerline of a street or alley or along lot lines, or approximately along those lines, those lines must be construed to be the district boundaries. If no centerline is established, the boundary is interpreted to be midway between the right-of-way lines.
 - 2. In un-subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary must be determined by use of the scale of the Zoning Map.
 - 3. If the boundary remains uncertain, the Board of Zoning Appeals must interpret the intent of the Zoning Map to determine the location of the boundary in question.

4.1.4 Procedure Relating to Disannexed or Vacated Areas

- A. Territory disannexed by a town or city on or after February 1, 1960 must remain as zoned or be designated as a comparable County zoning district unless changed by a Zoning Map Amendment.
- B. If an appropriate legislative body vacates any street, alley, public way, railroad right-of-way, waterway, or other similar area, the zoning districts adjoining each side of that street, alley, public way, railroad right-of-way, waterway, or similar areas, must be extended to the center of that vacation. All area included in the vacation must then be subject to all appropriate regulations of the extended districts.

4.1.5 Zoning of Streets, Alleys, Public Ways and Railroad Right-of-Way

All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, are deemed to be in the same zoning district as the property immediately abutting upon these alleys, streets, public ways,

and railroad rights-of-way. If the center line of a street, alley, public way or railroad right-of-way serves as a district boundary, the zoning of those areas, unless otherwise specifically designated, is deemed to be the same as that of the abutting property up to that center line.

Sec. 4.2. Zoning District Purpose Statements

4.2.1 RR, Rural Residential

The purpose of the RR, Rural Residential, zoning district is to accommodate low intensity single-family detached dwellings and other compatible and supporting uses in harmony with nearby natural settings or agricultural areas on larger lots with large setbacks. The district should be applied in areas with no existing or proposed public wastewater service. Application of the district should not cause a hindrance to the future growth and annexation of the municipalities in the County.

4.2.2 R-1, Single-Family Residential

The purpose of the R-1, Single-Family Residential, zoning district is to accommodate single-family detached dwellings and other compatible and supporting uses on medium sized lots within a subdivision. The district should be applied within a municipality, generally in close proximity to a municipality or adjacent to another residential zoning district or use.

4.2.3 R-2, Two-Family Residential

The purpose of the R-2, Two-Family Residential, zoning district is to accommodate single- and two-family dwellings (duplexes) and other compatible and supporting uses on medium sized lots within a subdivision. The district should be applied within a municipality, generally in close proximity to a municipality or adjacent to another residential zoning district or use.

4.2.4 R-3, Multiple Family Residential

The purpose of the R-3, Multiple Family Residential, zoning district is to accommodate a variety of housing types, including multiple-family dwellings (apartments) and other compatible and supporting uses. The district should be applied within or in close proximity to a municipality.

4.2.5 R-4, Residential Mixed Use

The purpose of the R-4, Residential Mixed Use, zoning district is to accommodate a variety of housing types, public and civic uses, and smaller-scale commercial uses. The district should be applied in areas with existing or proposed public wastewater service and where the existing or desired future character of development is a mix of residential and lower-impact nonresidential uses.

4.2.6 A-1, Agricultural

The purpose of the A-1, Agricultural, zoning district is to accommodate family farms, modestly scaled agricultural operations, agri-businesses,

large lot single-family detached dwellings not associated with an agricultural use, cluster residential subdivisions and other compatible and supporting uses.

4.2.7 B-1, Neighborhood Business

The purpose of the B-1, Neighborhood Business, zoning district is to accommodate low intensity commercial uses that are compatible with residential development and serve the shopping and service needs of such residential areas. The zoning district may serve as a transitional district between residences and more intense commercial uses. The scale of uses is restricted to limit adverse impacts on nearby residential areas.

4.2.8 B-2, General Business

The purpose of the B-2, General Business, zoning district is to accommodate a variety of medium intensity retail, commercial, service, dining and entertainment uses. The uses should be expected to take place in stand-alone buildings or in strip centers. The zoning district may serve as a transitional district between less intense commercial uses and limited manufacturing uses.

4.2.9 B-3, Heavy Business

The purpose of the B-3, Heavy Business, zoning district is to accommodate higher impact community and regional developments. The district also accommodates uses related to vehicular travel, interstate commerce, heavy equipment, trucking and outdoor storage. The zoning district is appropriately applied adjacent to interstates and major state or county highways.

4.2.10 M-1, Limited Manufacturing

The purpose of the M-1, Limited Manufacturing, zoning district is to accommodate less intense manufacturing, warehousing and distribution uses that are not significantly objectionable to surrounding properties in terms of truck traffic, noise, odor, smoke and other potential nuisance factors.

4.2.11 M-2, Heavy Manufacturing

The purpose of the M-2, Heavy Manufacturing, zoning district is to accommodate moderately and highly intense manufacturing uses and to prevent encroachment by residential and lighter commercial uses that would eventually lead to land use conflicts. Permitted uses may produce heavy truck traffic, noise, odor or smoke.

4.2.12 E-1, Office and Business Park

The purpose of the E-1, Office and Business Park, zoning district is to promote and accommodate a higher standard for aesthetic development of large tracts of land in a park like setting for office, warehousing and distribution, and research and development-oriented light industrial operations. An office or business park is designed and conducted as an

integrated facility for a number of separate buildings and supporting secondary uses with particular emphasis being placed on on-site vehicular circulation, parking, utility needs, building design and orientation, open space, signage, landscaping, setbacks, aesthetics and compatibility. Office and business parks are customarily operated during daylight hours and involve no outside display or selling of merchandise.

4.2.13 E-2, Gateway Interchange Park

The purpose of the E-2, Gateway Interchange Park, zoning district is to accommodate large integrated developments with special attention given to aesthetic and architectural design that enhances the entryways to Elkhart County.

4.2.14 -TR, Town Residential

The purpose of the -TR, Town Residential, overlay zoning district is to accommodate higher density residential uses on smaller lots in the municipalities over which the County has planning jurisdiction. In addition, the overlay district is intended to stabilize and preserve the character of the neighborhoods within the municipalities without creating widespread nonconformities.

4.2.15 -GPUD and -DPUD, General and Detailed Planned Unit Development

- A. The purpose of the -GPUD and -DPUD, General and Detailed Planned Unit Development, overlay zoning districts is to allow an applicant the benefit of flexibility in development in exchange for increased public or private amenities that go beyond the requirements of this Zoning Ordinance. The -GPUD and -DPUD overlay zoning districts encourage the unified design of attractive and functional residential, nonresidential and mixed use projects with the following possible characteristics:
1. Compatibility with surrounding development through the use of buffering, screening, building exterior enhancements or by other means;
 2. Integration of public open space or recreation areas;
 3. Preservation of trees, outstanding topography or unique geologic features; or
 4. A seamless mixing of uses.
- B. To encourage development with such characteristics, Planned Unit Developments may allow flexibility that includes but is not limited to the following:
1. Flexibility with Zoning Ordinance development and design standards;
 2. Permitting of uses not normally allowed in the base zoning district;

3. Allowance for creative approaches to land development; or
4. Coordination of Public Improvements that are directly affected by the Planned Unit Development with procedures to post sureties.

4.2.16 A-3, Farmland Preservation

The purpose of the A-3, Farmland Preservation, zoning district is to accommodate intensive agricultural uses and to recognize certain needs of the agricultural community. The goals of the zoning district are enhanced right-to-farm protection and the promotion of agricultural economic development.

4.2.17 A-4, Confined Feeding Protection

The purpose of the A-4 Confined Feeding Protection, zoning district is to accommodate confined 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 neighborhoods.

4.2.18 A-5, Intensive Livestock Operation

The purpose of the A-5 Intense Livestock Operation, zoning district is to accommodate extremely large intensive feeding operations and to recognize certain health, safety, and general welfare needs of Elkhart County. The goals of the zoning district are the protection of the public health, safety and general welfare, promotion of agricultural economic development and the promotion of agricultural coexistence with residential neighborhoods.

Sec. 4.3. Measurements and Special Cases

4.3.1 General

- A. The provisions of this Section provide the method of measurement and set forth any special cases that warrant flexibility in the developmental standards in this Ordinance.
- B. Standards related to each type of measurement in this Section are established in the tables in Sec. 4.4 and Sec. 4.5.

4.3.2 Minimum Lot Area

A. Measurement Methodology

Lot area is measured as the total area of buildable or usable ground within the boundaries of the lot excluding flood plains and floodways.

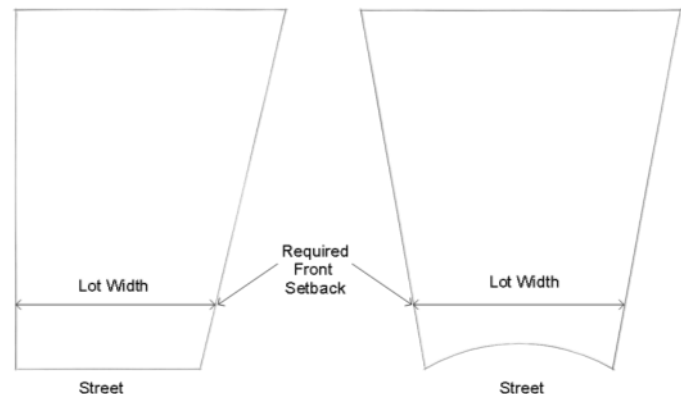
B. Special Cases

- 1. If two or more parcels of land, each of which lacks adequate area to qualify for a permitted use under the requirements of the zoning district in which they are located, and are contiguous and held by the same owner, then the parcel may be deemed one zoning lot for that use.
- 2. Any single lot or parcel of land, held by one owner which was of record on or before **January 18, 1960**, that does not meet the requirements for minimum lot area, may be utilized for a single-family detached or two-family detached dwelling when permitted by the applicable zoning district, if the required lot areas are not less than sixty percent of the minimum required area.
- 3. Individual lots in a subdivision receiving primary approval after **[insert effective date of this Ordinance]** with public wastewater service or other approved wastewater treatment system may deviate up to 10 percent from the minimum required lot area, provided that the average lot area in the project equals or exceeds the minimum required lot area for the zoning district. In no case may the maximum density for the zoning district be exceeded due to such reduced lot size.

4.3.3 Minimum Lot Width

A. Measurement Methodology

Lot width is measured as the horizontal distance between the side lot lines measured at right angles to the front property line or the chord of the front property line at the required front yard setback.

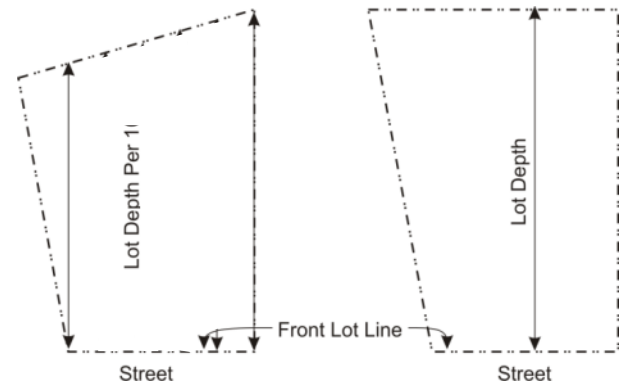


B. Special Cases

1. If two or more parcels of land, each of which lacks adequate width to qualify for a permitted use under the requirements of the zoning district in which they are located, and are contiguous and held by the same owner, then the parcel may be deemed one zoning lot for that use.
2. Any single lot or parcel of land, held by one owner which was of record on or before **January 18, 1960**, that does not meet the requirements for minimum lot width, may be utilized for a single-family detached or two-family detached dwelling when permitted by the applicable zoning district, if the required lot widths are not less than sixty percent of the minimum required lot width.

4.3.4 Minimum Lot Depth

Lot depth is measured as the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. Where the front and rear lot lines are not parallel, the lot depth is measured by averaging the lot depth at 10-foot intervals.



4.3.5 Ten to One Lot Dimension Ratio

The depth-to-width ratio of the buildable or usable area of a lot shall may not be greater than ten to one. Lots of three acres or more where the lot width at the required setback line is 250 feet or more are exempt from this requirement.

[insert illustrations showing lot meeting 10:1, not meeting 10:1, and having 250 or more frontage]

4.3.6 Minimum Setbacks

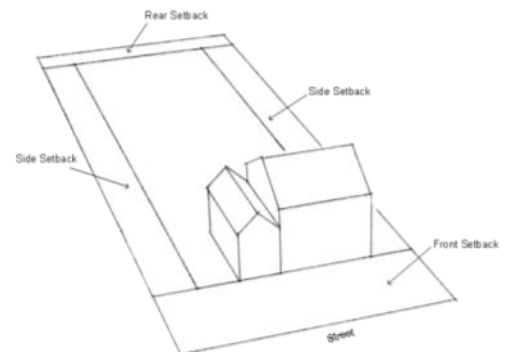
A. Open and Unobstructed

Every part of a required setback must be open and unobstructed from the ground to the sky except as authorized in this Ordinance.

B. Measurement Methodology

1. General Measurement

A setback is measured as the minimum distance between the nearest projection of a structure and a road centerline, right-of-way line, or the front, side or rear property line of the zoning lot on which the structure is located, as applicable.



2. Front Setback Location

Except in the E-1 and E-2 zoning districts, a front setback extends across the full width or depth of the zoning lot and lies between the center line of the traveled way of the adjacent street and the nearest part of the foundation of a structure. In the E-1 and E-3 zoning districts, a front setback lies between the right-of-way line of the lot and the nearest part of the foundation of a structure.

3. Side Setback Location

A side setback lies between the nearest part of the foundation of a structure and a side lot line, and extends from the required front setback line, or from the front lot line if there is no required front setback, to the required rear setback line.

4. Rear Setback Location

A rear setback extends across the full width of the zoning lot and lies between the rear property line of the lot and the nearest part of the foundation of a structure.

C. Special Cases

1. Encroachments Allowed in Required Setbacks

- a. Except where a minimum side setback is less than five feet, cornices, canopies, gutters, eaves or other architectural features may project into required setbacks up to two and one-half feet.
- b. Unenclosed balconies, decks and porches may project into a front or rear setback a maximum of 10 feet.
- c. An uncovered stairway and necessary landings may project into required setbacks, provided they are setback a minimum of three feet from all property lines.
- d. Bay windows and chimneys may project into required setbacks up to two feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located and provided they are set back a minimum of three feet from all property lines.
- e. Outdoor seating associated with a Restaurant Use Category may project a maximum of 12 feet into required setbacks, provided the space is at grade and is separated from the right-of-way by landscaping or a human-made barrier, subject to Building Permit review.

Article 4 District Developmental Standards

Sec. 4.3. Measurements and Special Cases

2. Front Setback

a. Setback Averaging

If 25 percent or more of the lots in a block, or within a 300-span, whichever is less, on streets other than federal and state highways and designated major roads are occupied by buildings, the average front building line of those buildings determines the required front setback of the block. In nonresidential blocks, setback averaging must not result in a requirement that the front setback be greater than 50 feet from the street centerline.



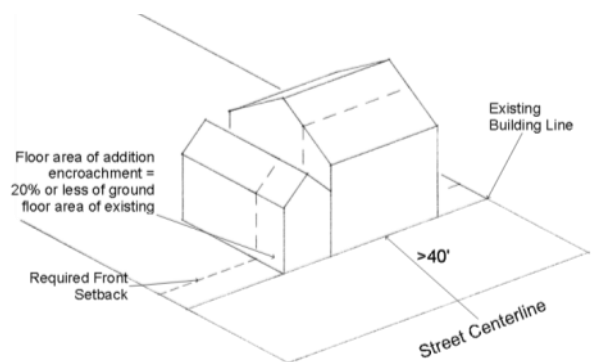
b. Platted Setbacks

The minimum front setbacks required in this Ordinance apply except when the front setback established in a recorded subdivision is greater than those required for the zoning district, in which case the platted setback controls.

c. Residential Additions

The Zoning Administrator may approve an Improvement Location Permit for a residential addition within the front setback if the principal residential structure is nonconforming because of its location in the required front setback, subject to all of the following criteria:

- i. The existing yards were created prior to [insert date certain] or in conformance with the Zoning Ordinance in effect on [insert date certain].
- ii. The existing building line established by the principal 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.



Article 4 District Developmental Standards

Sec. 4.3. Measurements and Special Cases

- 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 principal 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 principal building, accessory building or fence based on the adjacent road.

Adjacent Road	Min. Front Setback (from ROW center line)
Residential Use Categories	
Federal or State Highway or Major Road	120 ft.
Numbered County Road or Street	75 ft.
Nonresidential Use Categories	
Federal or State Highway or Major Road	120 ft.
Numbered County Road or Street	60 ft.
Open Use Categories	
Federal or State Highway or Major Road	120 ft.
Numbered County Road or Street	80 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".

Road Name	Applicable Segment
County Road 6	Beginning at West County Line Road on the West end to County Road 17 on the east end
County Road 17	Beginning at County Road 6 on the north end to County Road 40 on the south end
County Road 20	Beginning at County Road 6 on the north end to U.S. 20 on the south end
Old U.S. 33	Beginning at the west County line to Elkhart city limits
Old U.S. 20	Portion of road within County jurisdiction

- iv. The following improvements have a required setback of 55 feet from the centerline of the designated Major Road: Parking Areas, Aisles, Drives, (only drives needed to create a convenient and safe ingress and egress point, to the site, will be permitted in the required front yard) and signs.

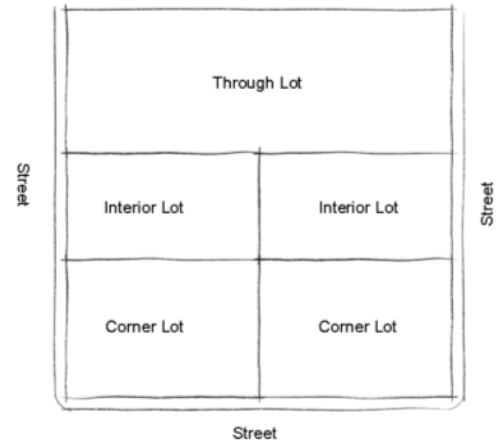
Article 4 District Developmental Standards

Sec. 4.3. Measurements and Special Cases

3. Side Setback

4. Rear Setback

- a. One-half of an alley abutting the rear lot may be included as part of the in the required rear setback.
- b. For residential uses, except apartments, the minimum rear setback is 20 percent of the depth of the lot, with a minimum depth of 15 feet and need not exceed 25 feet in depth. For apartments, the minimum rear setback is 20 percent of the depth of the lot, with a minimum depth of twenty 20 feet.



5. Corner Lots

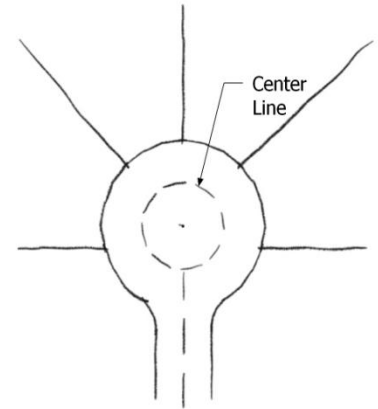
If a side yard abuts a street, as on a corner lot, then a front setback is required adjacent to each street.

6. Through Lots

On lots extending through from one street to another, a front setback is required adjacent to each street.

7. Cul-de-Sac Lots

- a. On lots with frontage on the turnaround of a cul-de-sac, the street centerline encircles the center point of the turnaround, halfway between the center point and the edge of pavement.
- b. In no case may the front setback for a cul-de-sac lot be less than 35 feet from the front property line.



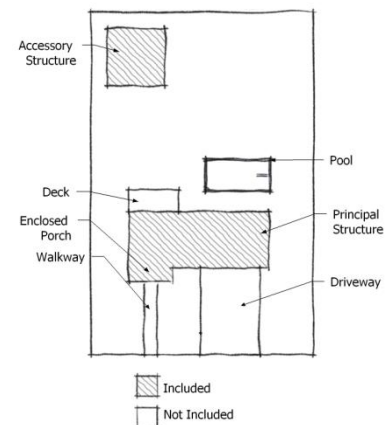
4.3.7 Maximum Building Coverage

A. Measurement Methodology

Building coverage is measured as the area of a zoning lot occupied by the principal structure and accessory structures.

B. Special Cases

Properties that utilize green building criteria published by the United States Green Building Council for the purpose of Leadership in Energy and Environmental Design certification or by the National Association of Home Builders in ICC-700 National Green Building Standard including but not limited to green roofs or solar



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Sec. 4.3. Measurements and Special Cases

panels are allowed an increase in maximum building coverage. An increase of five percentage points of allowable building coverage is permitted for every five percent of lot area that employs such systems.

Example: A one-acre nonresidential lot with a 1,500 square-foot green roof area and 700 square feet of solar panels would be allowed 55% building coverage, rather than 50%.

4.3.8 Minimum Ground Floor Area

A. Measurement Methodology

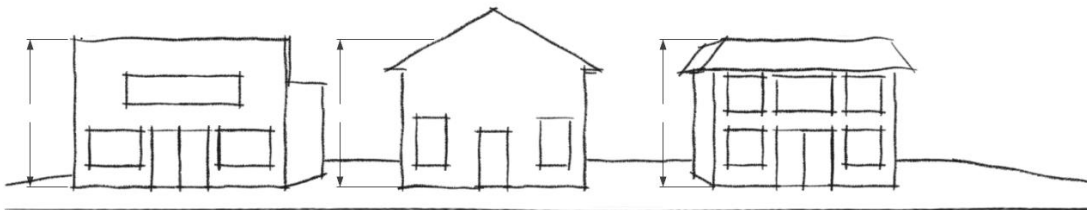
Ground floor area is measured as the square-foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

B. Special Cases

4.3.9 Maximum Building Height

A. Measurement Methodology

1. Building height is measured as the vertical distance from the highest established curb elevation of the public right-of-way immediately adjacent to the building to the highest point of the roof in the case of a flat roof; to the average point between the eaves and ridge of a gable, hip, or gambrel roof; and to the deck line of a mansard roof.



2. If buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

B. Special Cases

1. Spires, steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenery lofts, water towers, transmission towers, and other essential mechanical appurtenances may be erected to any height not prohibited by any other law, regulation, or ordinance.
2. For all detached single- and two-family dwellings, the height of the principal building may be increased above 30 feet but not higher than 40 feet, if two side yards a minimum of 15 feet each are provided.

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Sec. 4.3. Measurements and Special Cases

3. In nonresidential zoning districts, the height of a building may be increased two feet, if the front and rear setbacks are increased one foot for each two feet of height above the maximum permitted height.

4.3.10 Maximum Density

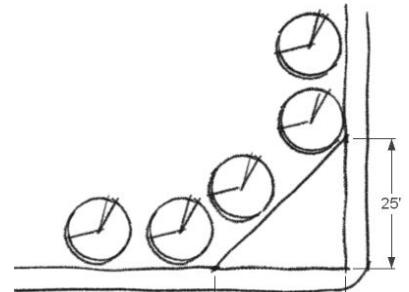
Density allowed in a cluster residential subdivision is measured by the number of dwelling units per gross acre.

4.3.11 Minimum Open Space

- A. Open space area in a cluster residential subdivision is measured as the area within the property lines of the open space.
- B. Required open space in a cluster residential subdivision must be measured exclusive of any individual lots.

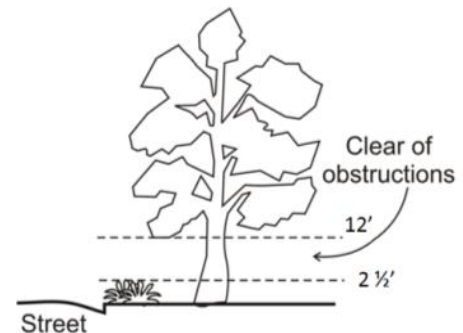
4.3.12 Intersection Visibility Triangle

At the street intersection of each corner lot, the triangular space determined by the two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 25 feet respectively from the corner must be kept free of any obstruction to vision between the heights of two and one-half and 12 feet above the established grade.



4.3.13 Buildings on a Zoning Lot

Every building erected or structurally altered to provide dwelling units must be located on a zoning lot as defined in Article 10 and in no case may there be more than one such building on one zoning lot.



Sec. 4.4. Residential Developmental Standards

4.4.1 General

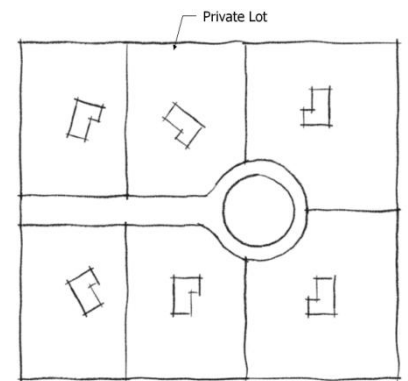
Residential development in permitted zoning districts must conform to the developmental requirements of this Section.

4.4.2 Subdivision Types

Two types of residential subdivisions are permitted, as follows.

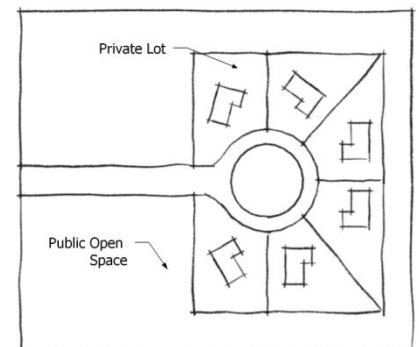
A. Conventional Subdivision Option

1. A conventional residential subdivision is a pattern of development that is allowed in any zoning district that allows residential uses and that provides the majority of property owners with substantial yards on their own property.
2. A conventional residential subdivision consists of attached or detached dwelling units developed in accordance with the conventional developmental standards of this Section.
3. Minimum lot size is a primary factor in the character of a conventional subdivision.



B. Cluster Subdivision Option

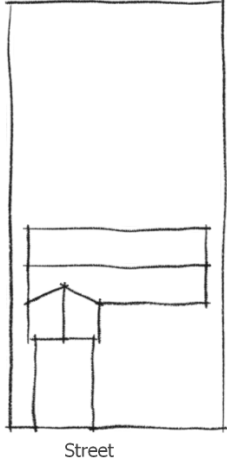
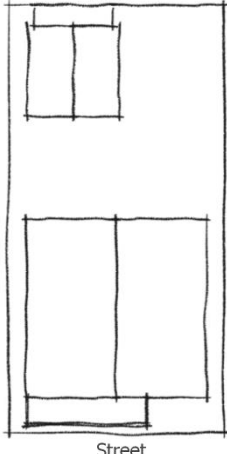
1. A cluster residential subdivision is a pattern of development that is **allowed in the A-1 zoning district** and that allows smaller lot sizes with smaller private yards in exchange for common open space that must be preserved in perpetuity. A minimum of 25 percent of the site area in a cluster residential subdivision must be devoted to common open space, exclusive of individual lots.
2. A cluster residential subdivision consists of attached or detached dwelling units developed in accordance with the cluster developmental standards of this Section.
3. A density bonus of **XX** percent serves as an incentive to develop a cluster subdivision, which is often more sensitive to the ecological and historic amenities of the site.
4. Units per acre and percentage of dedicated open space are primary factors in the character of a cluster residential subdivision.



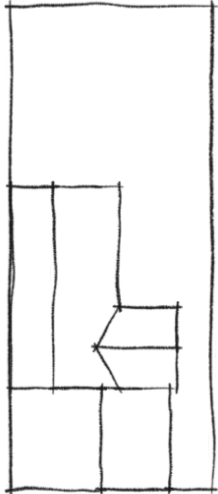
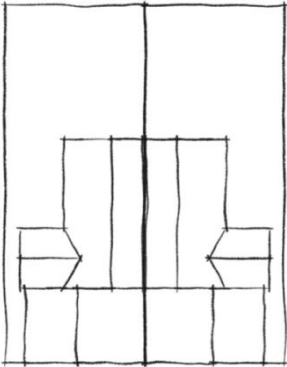
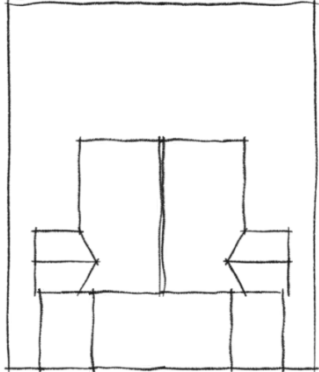
4.4.3 Optional Housing Types

A. Definitions

The following optional housing types are established to provide a common terminology for housing in the County and to facilitate a mixing of types, without special approval, if the free market dictates the need for such mixing of housing types.

Description	Conceptual Illustration (not to scale)
<p>Single-Family Detached Dwelling</p> <p>A building located on a single lot, designed exclusively for occupancy by one family and entirely separated from any other dwelling by setbacks on all sides.</p>	
<p>Cottage Dwelling</p> <p>A single-family detached dwelling, set much closer to the front street than a conventional single-family detached house, with mandatory alley vehicular access, covered front porch and public wastewater service.</p>	

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Description	Conceptual Illustration (not to scale)
<p>Zero Lot Line Dwelling</p> <p>A single-family detached dwelling with front and rear setbacks and a single side setback. The single side setback comprises the equivalent of two side yards of a conventional single-family detached dwelling. Public wastewater service is required.</p>	 <p align="center">Street</p>
<p>Single-Family Attached Dwelling</p> <p>Two attached single-family dwellings located on two separately owned lots that share a common firewall along the interior lot line, providing for separate fee-simple ownership of both lots. Public wastewater service is required.</p>	 <p align="center">Street</p>
<p>Two-Family Dwelling</p> <p>A building located on a single lot designed or altered for occupancy by two families and entirely separated from any other dwelling by setbacks on all sides. A single proprietor owns both dwelling units.</p>	 <p align="center">Street</p>
<p>Multiple Family Dwelling or Complex</p> <p>A building located on a single lot designed or altered for occupancy by three or more families living independently of each other and entirely separated from any other dwelling by setbacks on all sides. Public Wastewater service is required. A single proprietor owns both dwelling units.</p>	<p align="center">[insert]</p>

4.4.4 Residential Developmental Standards

The following developmental standards apply to the principal structures of permitted housing types in each district.

Single-Family Detached (w/o public wastewater)	Zoning District			
	A-1	RR	R-1	R-2, R-3
Lot Size (min.)				
Area (sq ft)	?	1 ac.	15,000	15,000
Width (ft)	?	150	100	80
Setbacks (min ft.)				
Front	?	80	50	50
Side	?	30	10	5
Rear	?	30	15	15
Height (max ft.)	?	40	30	30
Building Coverage (max. %)				
Interior	?	25	25	25
Corner	?	25	30	30
Ground Floor Area (min. sq. ft.)				
Single-Story	?	900	900	900
Two-Story	?	600	600	600

Single-Family Detached (w/ public wastewater)	Zoning District			
	A-1	R-1	R-2, R-3	R-4
Lot Size (min.)				
Area (sq ft)	?	7,200	7,200	6,000
Width (ft)	?	60	50	50
Setbacks (min ft.)				
Front	?	50	50	45
Side	?	10	5	5
Rear	?	15	15	10
Height (max ft.)	?	30	30	30
Building Coverage (max. %)				
Interior	?	25	25	30
Corner	?	30	30	35
Ground Floor Area (min. sq. ft.)				
Single-Story	?	900	900	900
Two-Story	?	600	600	600

Article 4 District Developmental Standards
 Sec. 4.4. Residential Developmental Standards

Cottage	Zoning District		
	R-2	R-3	R-4
Lot Size (min.)			
Area (sq ft)	5,000	4,000	3,000
Width (ft)	50	40	30
Setbacks (ft.)			
Front (max./min.)	35/30	35/30	35/30
Side	5	3	3
Rear	15	10	10
Height (max ft.)	30	30	30
Building Coverage (max. %)			
Interior	40	40	45
Corner	45	45	50
Ground Floor Area			
Single-Story	900	900	900

Zero Lot Line	Zoning District		
	R-1, R-2	R-3	R-4
Lot Size (min.)			
Area (sq ft)	7,200	6,000	5,000
Width (ft)	60	50	50
Setbacks (min ft.)			
Front	50	45	45
Side	0	0	0
Rear	15	15	10
Height (max ft.)	30	30	30
Building Coverage (max. %)			
Interior	25	30	30
Corner	30	35	35
Ground Floor Area (min. sq. ft.)			
Single-Story	900	900	900
Two-Story	600	600	600

Article 4 District Developmental Standards
 Sec. 4.4. Residential Developmental Standards

Single-Family Attached	Zoning District		
	R-1, R-2	R-3	R-4
Lot Size (min.)			
Area (sq ft)	4,000	4,000	3,000
Width (ft)	30	25	25
Setbacks (min ft.)			
Front	50	50	45
Side (interior)	0	0	0
Side (exterior)	10	5	5
Rear	15	15	10
Height (max ft.)	30	30	30
Building Coverage (max. %)			
Interior	25	25	30
Corner	30	30	35
Ground Floor Area (min. sq. ft.)			
Single-Story	900	900	900
Two-Story	600	600	600

Two-Family Detached (w/o public wastewater)	Zoning District	
	A-1	R-2, R-3
Lot Size (min.)		
Area (sq ft)	1 ac.	30,000
Width (ft)	??	100
Setbacks (min ft.)		
Front	??	50
Side	??	10
Rear	??	15
Height (max ft.)	??	30
Building Coverage (max. %)		
Interior	??	25
Corner	??	30
Floor Area per Unit (min. sq. ft.)		
Single-Story	??	700
Two-Story	??	700

Two-Family Detached (w/ public wastewater)	Zoning District		
	A-1	R-2, R-3	R-4
Lot Size (min.)			
Area (sq ft)	?	13,200	10,000
Width (ft)	?	75	75
Setbacks (min ft.)			
Front	?	50	50
Side	?	5	5
Rear	?	15	10
Height (max ft.)	?	40	40
Building Coverage (max. %)			
Interior	?	25	30
Corner	?	30	35
Floor Area per Unit (min. sq. ft.)			
Single-Story	?	700	700
Two-Story	?	700	700

Multiple-Family Dwelling (w/o public wastewater)	Zoning District
	R-3, R-4
Max. Dwelling Units	3
Lot Size (min.)	
Area (sq ft / unit)	10,000
Width (ft)	100
Setbacks (min ft.)	
Front	50
Side	10
Rear	15
Height (max ft.)	30
Building Coverage (max. %)	
Interior	30
Corner	40
Floor Area per Unit (min. sq. ft.)	500

Multiple-Family Dwelling (w/ public wastewater)	Zoning District	
	R-3	R-4
Lot Size (min.)		
Area (sq ft / unit)	6,000	3,000
Width (ft)	150	100
Setbacks (min ft.)		
Front	50	50
Side	10	10
Rear	20	20
Height (max ft.)	40	40
Building Coverage (max. %)		
Interior	30	30
Corner	40	40
Floor Area per Unit (min. sq. ft.)	500	500

4.4.5 Cluster Residential Subdivision Standards

- A. A maximum of five percent of the area of any required open space in a cluster residential subdivision may be occupied by buildings or such surfaces.
- B. Open space in a cluster residential subdivision may be used for hike and bike trails, agriculture, conservation, preservation of native habitat and other natural resources, storm water management, or historic or scenic purposes.

4.4.6 Minimum Dwelling Standards

The following are minimum standards for single- and two-family dwellings. These standards assure the similarity and soundness of all single- and two-family dwelling units placed or built on site.

A. Foundation

- 1. All dwelling units must be set or constructed on an excavated area with either a crawl space or basement constructed in accordance with County building codes. The space between the floor joists of the dwelling and the excavated under-floor grade must be completely enclosed with the permanent perimeter enclosure except for the required openings.
- 2. The support system for all load bearing foundations must be permanently affixed in conformance with the manufacturer's installation specifications and the County building codes.

B. Structural Restriction

All residential single- and two-family dwellings must have an average minimum width of 20 feet and must meet the minimum ground floor area required in this Ordinance.

C. Exceptions

The standards in subsection A and B above do not apply to mobile homes as allowed by Special Use Permit in Article 5 of this Ordinance.

4.4.7 Developmental Standards for Permitted Nonresidential Uses

The following developmental standards apply to the principal structures of permitted nonresidential uses in residential zoning district.

Nonresidential Use	Zoning District		
	RR	R-1, R-2, R-3	R-4
Lot Size (min.)			
Area (sq ft)	1 ac.	15,000	10,000
Width (ft)	150	100	75
Setbacks (min ft.)			
Front	80	50	50
Side (interior)	30	10	5
Side (corner)	70	45	30
Rear	30	15	10
Height (max ft.)	40	30	30
Building Coverage (max. %)			
Interior	25	25	30
Corner	25	30	35
Parking Setback (min. sq. ft.)	50	50	35

Sec. 4.5. Nonresidential Developmental Standards

Nonresidential development in the nonresidential zoning districts must be in accordance with the following table.

Nonresidential Use	B-1	B-2	B-3	M-1	M-2
Setbacks (min ft.)					
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
Height (max ft.)	40	60	60	60	60
Building Coverage (max. %)	50	75	75	75	75

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

ARTICLE 5 USE STANDARDS

Sec. 5.1. Use Table

5.1.1 General

No building or land may be used, or building erected, reconstructed altered, moved, converted, extended or enlarged, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which that building or land is located.

5.1.2 Prohibited Uses

Any use not permitted by right, permitted subject to limitations, or permitted by Special Use Permit, and that the Zoning Administrator cannot reasonably interpret as being allowed under the guidance of the criteria in Sec. 5.2.1C, is a prohibited use unless a Use Variance is approved in accordance with Sec. 3.7.

5.1.3 Legend for Interpreting Use Table

The following table sets forth the meaning of the symbols used in the use table below.

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 or L/S	May be allowed by right or by right subject to limitations or require a Special Use Permit, depending on the standards in Sec. 5.3
[blank cell]	Prohibited in district indicated

5.1.4 Use Table

The following table shows Use Categories, specific principal uses and the zoning districts in which those uses are permitted by right, permitted subject to limitations, require a Special Use Permit approved in accordance with Sec. 3.6 or are prohibited.

Key: P = Permitted by right

L = Permitted subject to limitations

S = Special Use Permit

[blank] = Prohibited

Use Category	Specific Principal Use	A-1	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
	RESIDENTIAL USES												
Household Living [see 5.2.2A]	Single-family detached dwelling	P	P	P	P	P	P						
	Cottage dwelling				L	L	L						5.3.1
	Zero Lot Line Dwelling			L	L	L	L						5.3.2
	Single-Family Attached Dwelling			L	L	L	L						5.3.3
	Two-Family Dwelling	P			P	P	P						
	Manufactured home subdivision or park				S	S	S						5.3.4
	Mobile home subdivision or park				S	S	S						5.3.4
	Mobile home or manufactured home, single-wide				S	S	S						5.3.4
	Modular or double-wide manufactured home	P	P	P	P	P	P						
	Multiple-family dwelling					L	L	L					5.3.5
	Upper-story dwelling						L	L	L	L			5.3.6
Group Living [see 5.2.2B]	All Group Living except as listed below:				S	S	P	P					
	Group home, eight residents or fewer		P	P	P	P	P						
	Group home, more than eight residents			S	S	S	S						
	PUBLIC & CIVIC USES												
Community Service [see 5.2.3A]	All Community Service		S	S	S	S	L/S	P	P	P	S		5.3.7
Day Care [see 5.2.3B]	All Day Care					S	S	P	P	P	S		
Educational Facilities [see 5.2.3C]	All Educational Facilities except as listed below:	S	S	S	S	S	S	S	S	S	S		
	Public or private elementary, middle or high school	S	S	S	S	S	S	P	P	P			
Government Facilities [see 5.2.3D]	All Government Facilities except as listed below:	S	S	S	S	S	S	S	S	S	S	S	
	Detention center, jail or prison							S	S	S	S	S	
	Post office		S	S	S	S	P	P	P	P	P	P	
Medical Facilities [see 5.2.3E]	All Medical Facilities except as listed below:	L/S					L/S	P	P	P	P	S	5.3.8
	Hospital							S	P	P	P		

Article 5 Use Standards

Sec. 5.1. Use Table

Key: P = Permitted by right

L = Permitted subject to limitations

S = Special Use Permit

[blank] = Prohibited

Use Category	Specific Principal Use	A-1	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:	S	S	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	P	S	S	S	S	L/S	P	P	P	P	P	5.3.9
Social Service Establishment [see 5.2.3I]	All Social Service Establishments	S	S	S	S	S	S	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	P	
	Major Utilities except as listed below	S	S	S	S	S	S	S	S	S	S	S	
	Wireless communication facility		See Sec. 5.4										
	COMMERCIAL USES												
Indoor Recreation [see 5.2.4A]	All Indoor Recreation except as listed below:	S					S	P	P	P	P		
	Adult use											S	
	Casino	S						S	S	S			
	County club	P	P	P	P	P	P	P	P	P			
	Membership club or lodge					S	S	P	P	P	P		
	Tattoo parlor							L	L	L			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						L	L	L	P	P		5.3.12
Outdoor Recreation [see 5.2.4C]	All Outdoor Recreation except as listed below:	S						S	S	S	S		
	Animal racing or training	S											
	Golf driving range							S	S				
	Marina	S	S	S	S	S	S	S	S	S	S	S	
	Stadium, arena, running track or ball field	S		S	S	S	S	S	P	P	S	S	
	Track, motorcycle, go kart or car	S						S	S	S	P	P	5.3.13

Article 5 Use Standards

Sec. 5.1. Use Table

Key: P = Permitted by right		L = Permitted subject to limitations				S = Special Use Permit				[blank] = Prohibited			
Use Category	Specific Principal Use	A-1	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Overnight Accommodations [see 5.2.4D]	All Overnight Accommodations except as listed below:							P	P	P	P		
	Bed and breakfast inn		S	S	S	S	S	L	L	L			5.3.14
	Resort		S	S	S	S	S	S	S	S			
Parking, Commercial [see 5.2.4E]	All Commercial Parking except as listed below:							P	P	P	P	P	
	Truck, tractor, trailer or bus storage or parking yard, lot or garage	S						S	S	P	P	P	
Restaurants [see 5.2.4F]	All Restaurants except as listed below:	S					P	P	P	P	P		
	Catering establishment, small scale	S						P	P	P	P		
	Restaurant, drive-in or drive-through	S					L	L	P	P	P		5.3.15
Retail Sales & Service [see 5.2.4G]	All Retail Sales and Service (Sales-Oriented) except as listed below:						L	P	P	P			5.3.16
	Building supplies or home improvement	S						P	P	P	P	P	
	Fireworks sales	L											5.3.17
	Garden supplies	S						P	P	P	P		
	Pet shop, outdoor pens or runs	P						P	P	P	P		
	All Retail Sales and Service (Service-Oriented) except as listed below:						L	P	P	P			5.3.16
	Barber or beauty shop	S		S	S	S	S	P	P	P			
	Funeral home						S	P	P	P			
	Kennel	L						S	S	S			5.3.18
	Veterinary clinic or hospital with outdoor pens	L						L	P	P	P		5.3.19
	All Retail Sales and Service (Repair-Oriented)						L	P	P	P	P		5.3.16
Self-Service Storage [see 5.2.4H]	All Self-Service Storage								S	P	P		
Vehicle Sales & Service [see 5.2.4I]	All Vehicle Sales and Service (Major Repair)									P	P		
	All Vehicle Sales and Service (Minor Servicing)								L	P	P		5.3.20
	All Vehicle Sales and Service (General) except as listed below:									P	P		

Article 5 Use Standards

Sec. 5.1. Use Table

Key: P = Permitted by right

L = Permitted subject to limitations

S = Special Use Permit

[blank] = Prohibited

Use Category	Specific Principal Use	A-1	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
	Fuel Sales, Retail							L	P	P	P		5.3.21
	INDUSTRIAL USES												
Heavy Industrial [see 5.2.5A]	Intense Heavy Industrial except as listed below:											S	
	Confined animal feeding operation	See Sec. 6.9, A-4, Confined Feeding Protection District											
	Intensive animal feeding operation	See Sec. 6.10, A-5, Intensive Livestock Operation District											
	Wrecking, junk or salvage yard											S	5.3.22
	Less Intense Heavy Industrial except as listed below:											P	
	Bulk storage of explosives or other hazardous materials											L	5.3.23
Light Industrial [see 5.2.5B]	All Light Industrial except as listed below:									L	P	P	5.3.24
	Building and development contractor establishment									L	P	P	5.3.25
	Welding, tool repair or machine shop									L	P	P	5.3.26
Warehousing & Freight Movement [see 5.2.5C]	All Warehousing and Freight Movement uses							S	S	S	P	P	
Waste-Related Service [see 5.2.5D]	All Waste-Related Service uses except as listed below							S	S	S	S	S	
	Recycling facility											S	5.3.27
	Tire recycling or recapping										P	P	
Wholesale Trade [see 5.2.5E]	All Waste-Related Service uses except as listed below:									S	P	P	
	Fuel sales, bulk	S								S	P	P	

Article 5 Use Standards

Sec. 5.1. Use Table

Key: P = Permitted by right		L = Permitted subject to limitations			S = Special Use Permit				[blank] = Prohibited				Standards
Use Category	Specific Principal Use	A-1	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	
	OPEN USES												
Agriculture [see 5.2.6A]	All Agriculture Uses except as listed below		S	S	S	S	S	S	S	S	S	S	
	Agri-business	P											
	Floriculture, horticulture, pasturage, row and field crops, viticulture or orchard		P	P	P	P	P	P	P	P	P	P	
	Greenhouse, commercial		S	S	S	S	S	P	P	P	S	S	
	Roadside stand	S	S	S	S	S	S						
	Scenic or sightseeing tour	P						P	P	P			
	Stable		S	S	S	S	S	S	S	S	S	S	
Resource Extraction [see 5.2.6B]	All Resource Extraction uses	P/S							S	S	P	P	STATUES – 8 DUS IN ¼ SQ MILE

Sec. 5.2. Use Categories

5.2.1 General

A. Approach to Categorizing Uses

The Use Categories found in the use tables in this Ordinance are described in this Section. Specific uses may be further defined in Article 10. Any proposed use not specifically set forth in this Section is prohibited, unless the Zoning Administrator determines, based on the criteria in this Section and in accordance with the Written Interpretation procedure in Sec. 3.10, that the proposed use is similar to a permitted, limited or special use.

B. Basis for Classifications

Use Categories classify land uses based on common functional or physical characteristics. Characteristics include the type and amount of activity, how goods or services are sold or delivered, and likely impact on surrounding properties and site conditions. The Use Categories provide a systemic basis for assigning land uses to appropriate zoning districts and for consistently regulating similar uses in regard to parking and other requirements in this Ordinance.

C. Use Information

1. The Zoning Administrator must use the following criteria to determine the appropriate Use Category or similar use for a proposed use not specifically addressed in this Ordinance:
 - a. The actual or projected characteristics of the activity in relationship to the stated characteristics of each Use Category;
 - b. The amount of site area or floor space and equipment devoted to the activity;
 - c. Amounts of sales from each activity;
 - d. The number of employees in each activity;
 - e. Hours of operation;
 - f. Building and site arrangement;
 - g. Types of vehicles used and their parking requirements;
 - h. The number of vehicle trips generated;
 - i. How the use is advertised; and
 - j. The likely impact on surrounding properties including but not limited to impacts of dust, noise and lighting.

2. The Zoning Administrator must take into consideration the zoning district purpose statements in Sec. 4.2 for any such determinations.
3. If the Zoning Administrator determines that a proposed use not addressed in this Ordinance is similar to another listed use and adequately fits into an established Use Category, then the proposed use is permitted according to how its Use Category or similar use is treated in the use tables.
4. If the Zoning Administrator determines that a proposed use not addressed in this Ordinance is not similar to any other listed use or does not fit into an established Use Category, then the proposed use is permitted only following either approval of a Zoning Ordinance Text Amendment or a Use Variance.

D. Developments with Multiple Principal Uses

Developments with multiple principal uses must conform to the following provisions.

1. When all principal uses of a development fall within one Use Category, the entire development is assigned to that Use Category.
2. When the principal uses of a development fall within different Use Categories, each principal use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category.

EXAMPLE: *Where a use has a specific use standard applied in the use table (such as a minimum site acreage), the standard applies even when that use is part of a development with multiple principal uses.*

E. Characteristics

The "Characteristics" subsection of each Use Category table below describes the common characteristics of each principal use.

F. Principal Uses

The "Principal Uses" portion of each Use Category table lists principal uses common to that Use Category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

EXAMPLE: *A use that calls itself "Wholesale Warehouse," but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.*

G. Accessory Uses

Accessory uses are generally allowed by right in conjunction with a principal use. However, specific accessory uses with parenthetical cross-references in the following tables are permitted subject to additional standards in Sec. 5.5.

H. Uses Not Included

The "Uses Not Included" column provides cross-references to uses that may appear to be part of a particular category, but that are explicitly handled in a different Use Category.

5.2.2 Residential Uses

A. Household Living

Characteristics: 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.		
Principal Uses	Accessory Uses	Uses not Included
Single-family dwellings: detached, traditional, zero lot line, and attached Two-family dwelling Manufactured home subdivision or park Modular home Mobile home subdivision or park Multiple-family dwelling Upper-story residential	Accessory dwelling unit (5.5.3) Adult or child care home Bed and Breakfast Homestay (5.5.4) Boat house (5.5.5) Dock or pier (noncommercial) Garage or shed Firearms range, outdoor noncommercial Garden Greenhouse or nursery (noncommercial) Guest house Home occupation (5.5.6) Home workshop / business (5.5.7) Leasing office for manufactured home park or apartment complex Minor utilities Mobile Home (5.3.4) Model home with sales office in model home Personal residential storage (5.5.8) Place of Worship associated with a single-family dwelling (5.5.9) Pool house Private community center Radio antenna, amateur School bus parking, outdoor (5.5.10) Swimming pool Other miscellaneous household amenities	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 convalescent home (see Group Living) Hotel, motel or bed and breakfast (see Overnight Accommodations)

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.		
Principal Uses	Accessory Uses	Uses not Included

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.

Principal Uses	Accessory Uses	Uses not Included
Assisted living facility Boarding house Fraternity, sorority or dormitory Group home for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences Hospice or nursing or convalescent home Orphanage	Associated office Food preparation and dining facility Garden Greenhouse or nursery (noncommercial) Minor utilities Pool house Private community center Swimming pool Recreational facility Other miscellaneous household amenities	Halfway house (see Social Service Institutions) Drug, alcohol or psychiatric treatment center (see Social Service Institutions) Transient shelter (see Social Service Institutions) Hotel, motel or bed and breakfast (see Overnight Accommodations)

5.2.3 Public and Civic Uses

A. Community Service

Characteristics: Uses of a public, nonprofit, or charitable nature providing ongoing education, training or counseling to the general public on a regular basis, without a residential component.		
Principal Uses	Accessory Uses	Uses not Included
Assembly hall Community center Exhibition hall Library Museum Philanthropic institution Senior or youth center Other uses meeting the characteristics of the Community Service Use Category	Associated office Associated retail sales related to the primary use Food preparation and dining facility Garden Limited retail sales area Minor utilities Recreation facility	Athletic, swim, tennis or health club (see Retail Sales and Service) Church, mosque, synagogue or temple (Place of Worship) Counseling office (Office) Drug, alcohol or psychiatric treatment center (see Social Service Institutions) Park (Parks and Open Areas) Private community center (See Household Living: Accessory Uses) Transient shelter (see Social Service Institutions)

B. Day Care

Characteristics: Uses providing care, protection, and supervision for at least 17 children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Principal Uses	Accessory Uses	Uses not Included
Adult care center Child care center Nursery school or pre-school Other uses meeting the characteristics of the Day Care Use Category	Associated office Food preparation and dining facility Garden Minor utilities Recreation facility	Adult or child care home (see Household Living: Accessory Uses) On-site day care in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate Use Category under Accessory Uses)

C. Educational Facilities

Characteristics: Public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Principal Uses	Accessory Uses	Uses not Included
College, university or seminary Nursing or medical school not associated with a hospital Public or private elementary, middle or high school Other uses meeting the	Accessory dwelling unit (5.5.3) Assembly hall Associated office Auditorium or theater Before- and after-school day care Concession	Music, art or photographic studio or classroom (see Retail Sales and Service) Driving, vocational, trade and other commercial school (see Retail Sales and Service)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Principal Uses	Accessory Uses	Uses not Included
characteristics of the Educational Facilities Use Category	Dormitory Food preparation and dining facility Garden Laboratory Library Medical clinic Minor utilities Recreation facility	Nursery or pre-school (see Day Care) Riding academy (see Outdoor Recreation)

D. Government Facilities

Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
Principal Uses	Accessory Uses	Uses not Included
City, county, state or federal office, parking lot or maintenance area Detention center, jail or prison Emergency services, police or fire station Post office Other uses meeting the characteristics of the Governmental Facilities Use Category	Associated helicopter landing facility Day care for children of employees Dormitory Medical clinic for employees or inmates Meeting space Minor utilities Fleet maintenance Food preparation and dining facility Fueling facility Recreation facility	Park (see Parks and Open Areas) Utility (see Utilities)

E. Medical Facilities

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses not Included
Acupuncture clinic Blood or blood plasma center Chiropractor Drug, alcohol or psychiatric treatment center, out-patient Hospital Medical or dental office or laboratory Other uses meeting the characteristics of the Medical Facilities Use Category	Associated helicopter landing facility Associated office Associated retail sales related to the primary use Class rooms Day care for children of employees or patients Dormitory Fleet maintenance Food preparation and dining facility Garden Minor utilities Place of worship	Drug, alcohol or psychiatric treatment center, in-patient (see Social Service Institutions) Nursing or medical school not associated with a hospital (see Educational Facilities) Urgent care or emergency medical center (see Retail Sales and Service)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Principal Uses	Accessory Uses	Uses not Included
	Pharmacy Recreation facility	

F. Parks and Open Areas

Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Principal Uses	Accessory Uses	Uses not Included
Botanical garden, nature preserve or trail Cemetery, columbarium, mausoleum or memorial park Dog park, public Park or playground Recreational trail Other uses meeting the characteristics of the Parks and Open Areas Use Category	Associated office Associated retail sales related to the primary use Boat launch Concession Dining area Dock or pier (noncommercial) Garden Minor utilities Recreation facility Single attached residential unit for caretaker	Crematorium (see Light Industrial Service) Golf course, driving range or mini-golf course (see Outdoor Recreation) Water park (see Outdoor Recreation)

G. Passenger Terminals

Characteristics: Public or commercial facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail or bus service.		
Principal Uses	Accessory Uses	Uses not Included
Airport or heliport Bus passenger terminal, taxi dispatch center, train passenger terminal Other uses meeting the characteristics of the Passenger Terminal Use Category	Associated office Associated retail sales related to the primary use Concession Fleet maintenance Freight handling area Fueling facility Minor utilities	Associated helicopter landing facility (see Government Facilities or Medical Facilities) Scenic or sightseeing tour (see Agriculture)

H. Places of Worship

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses not Included

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses not Included
Church, mosque, synagogue or temple Other uses meeting the characteristics of the Places of Worship Use Category	Assembly hall Associated office Associated retail sales related to the primary use Class rooms Day care Food preparation and dining facility Garden Recreation facility Residences for clergy Minor utilities Library	Revival (see Temporary Uses) Social Service Establishment uses (see Social Service Establishments)

I. Social Service Establishments

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses not Included
Halfway house Drug, alcohol or psychiatric treatment center, in-patient Soup kitchen Domestic abuse or transient shelter Other uses meeting the characteristics of the Social Service Establishments Use Category	Associated office 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) Drug, alcohol or psychiatric treatment center, out-patient (see Medical Facilities)

J. Utilities

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or serving the general community, not regulated by a public or municipal entity and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses not Included
Minor Utilities: 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 lift station	Associated office Fleet maintenance Minor utilities Storage structures	Landfill (see Waste-Related Service) Utility office (see Office) TV or radio studio (see Office)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Public or private infrastructure serving a limited area with no on-site personnel (Minor Utility) or serving the general community, not regulated by a public or municipal entity and possibly having on-site personnel (Major Utility).

Principal Uses	Accessory Uses	Uses not Included
Major Utilities: 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		

5.2.4 Commercial Use Categories

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.

Principal Uses	Accessory Uses	Uses not Included
Adult use Bar, microbrewery or tavern Bowling alley Casino Convention center County club Dance hall Fitness gym Gymnastic, dance or martial arts facility Indoor firearms range Membership club or lodge Movie or other theater Pool hall Tattoo parlor Other uses meeting the characteristics of the Indoor Recreation Use Category	Associated office Associated retail sales related to the primary use Concession Food preparation and dining facility Minor utilities Swimming pool, indoor	Outdoor Recreation uses (see Outdoor Recreation)

B. Offices

Characteristics: Activities conducted in an office setting and generally focusing on business, professional or financial services. Accessory uses generally have no external access or signs.

Principal Uses	Accessory Uses	Uses not Included
Offices or agencies for services	Day care for children of	Building and development

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Activities conducted in an office setting and generally focusing on business, professional or financial services. Accessory uses generally have no external access or signs.

Principal Uses	Accessory Uses	Uses not Included
such as advertising, bill collection, charitable organization, consulting, counseling, data processing, investment or brokerage, real estate or insurance, sales, temporary employment or travel Bank or savings and loan Professional service such as lawyer, accountant, designer, bookkeeper, engineer or architect Travel agent TV or radio studio Utility office Other uses meeting the characteristics of the Office Use Category	employees Medical clinic for employees Minor utilities Food preparation and dining facility for employees Recreation facility for employees Private telecommunication or transmission tower	contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site (see Light Industrial Service) Government office (see Governmental Facilities) Mail order house (see Wholesale Trade) Medical or dental office or laboratory (see Medical Facilities) Research, testing or development laboratory Urgent care or emergency medical center (see Retail Sales and Service)

C. Outdoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.

Principal Uses	Accessory Uses	Uses not Included
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Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.		
Principal Uses	Accessory Uses	Uses not Included
Outdoor activity such as archery range, batting cage, corn maze, firearms range, swimming pool, tennis court, water park or riding academy Amusement park Animal racing or training Drive-in theater or amphitheater Fairgrounds or rodeo grounds Flea market, outdoor Golf course, driving range or mini-golf course Marina Motorcycle, go kart or other motor vehicle track Paintball facility Recreational vehicle park or campground Ski slalom course Stadium, arena, running track or ball field Other uses meeting the characteristics of the Outdoor Recreation Use Category	Associated office Associated retail sales related to the primary use Boat launch Class rooms Concession Dock or pier Food preparation and dining area Minor utilities Single attached residential unit for caretaker	Indoor Recreation uses (see Indoor Recreation) Parks and Open Area uses (see Parks and Open Areas)

D. Overnight Accommodations

Characteristics: Bedroom and bathroom units arranged for short term stays of less than 30 days for rent or lease.		
Principal Uses	Accessory Uses	Uses not Included
Bed and breakfast inn Hotel or motel Resort Other uses meeting the characteristics of the Overnight Accommodations Use Category	Meeting space Minor utilities Recreational facility Restaurant Swimming pool	Recreational vehicle park or campground (see Outdoor Recreation) Convention center (see Indoor Recreation) Halfway house or transient shelter (see Social Service Facility)

E. Parking, Commercial

Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses not Included
Park-and-ride facility Parking lot or structure, off-site Truck, tractor, trailer or bus storage or parking yard, lot or garage Other uses meeting the characteristics of the	Minor utilities	Bus passenger terminal, taxi dispatch center, train passenger terminal (see Passenger Terminals) Transfer and storage business (such as for recreational vehicles) where there are no

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Facilities that provide parking not accessory to a principal use, for which a fee may or may not be charged.		
Principal Uses	Accessory Uses	Uses not Included
Commercial Parking Use Category		individual storage areas or where employees are the primary movers of the goods to be stored or transferred

F. Restaurants

Characteristics: Establishments that prepare and sell food for on-premises or off-premises consumption.		
Principal Uses	Accessory Uses	Uses not Included
Catering establishment, small scale Coffee shop Restaurant, standard Restaurant, drive-in or drive-through Pizza delivery facility Yogurt or ice cream shop Other uses meeting the characteristics of the Restaurant Use Category	Associated office Drive-through facility Minor utilities Outdoor dining area Recreational facility	Bar or Tavern (see Indoor Recreation) Catering establishment, large scale (see Industrial Service)

G. Retail Sales and Service

Characteristics: Companies or Individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses not Included
Sales-Oriented: Store selling, leasing or renting consumer, home, and business goods including, but not limited to, alcoholic beverages, animal feed, antiques, appliances, art, art supplies, baked goods (retail), bicycles, books, building supplies, cameras, candy, carpet and floor coverings, crafts, clothing, collectibles, computers, convenience goods, electronic equipment, electronic and mixed media, fabric, fireworks, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement supplies, household products, jewelry, luggage, medical supplies, musical instruments, office supplies, pawned items, pets, pet supplies,	Associated office Concession Day care for children of employees Food preparation and dining area Minor utilities Single attached residential unit for caretaker	Car wash (see Vehicle Sales and Service) Fuel sales (see Vehicle Sales and Service) Restaurant use (see Restaurants) Sale or service of motor vehicles, motorcycles, RVs, boats, and light and medium trucks (see Vehicle Sales and Service) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, or store fixtures (see Wholesale Trade)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Companies or Individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Principal Uses	Accessory Uses	Uses not Included
<p>pharmaceuticals, photographic supplies, picture frames, plants, postal substation, printed materials, produce, school or teacher supplies, seeds, souvenirs, shoes, sporting goods, stationery, tobacco and related products, toys, vehicle parts and accessories</p> <p>Service-Oriented: Animal grooming Barber or beauty shop Driving, vocational, trade and other commercial school Dry cleaning and pressing establishment Funeral home Laundromat Kennel Massage, nail or tanning establishment Music, art or photographic studio or classroom (see Retail Sales and Service) Optician or optometrist Photocopy, blueprint, package shipping and quick-sign service Photography studio Psychic or medium Shoe repair Tailor Taxidermist Upholsterer Urgent care or emergency medical center Veterinary clinic or hospital</p> <p>Repair-Oriented: Store offering repair of appliances, bicycles, canvas products, clocks, electronics, jewelry, locks and keys, musical instruments, office equipment, shoes, watches Tailor, milliner or upholsterer Other uses meeting the</p>		

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Companies or Individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.

Principal Uses	Accessory Uses	Uses not Included
characteristics of the Retail Sales and Service Use Category		

H. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.

Principal Uses	Accessory Uses	Uses not Included
Boat or recreational vehicle storage Mini-warehouse or multistory enclosed storage facility Other uses meeting the characteristics of the Self-Service Storage Use Category	Associated office Minor utilities Moving vehicle rental Single attached residential unit for caretaker	Manufacturing storage area (see Industrial Use Categories) Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)

I. Vehicle Sales and Service

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Minor Vehicle Service provide service while the customer waits, same day pick-up of the vehicle or allow customers to leave a vehicle on-site for less than 24 consecutive hours.

Principal Uses	Accessory Uses	Uses not Included
General: Car wash Fuel sales Manufactured home, mobile home, portable building or trailer sales or rental Truck stop Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats and recreational vehicles) Major Repair: Alignment shop, auto body shop, auto upholstery shop, towing service Other repair of cars, trucks, motorcycles, RVs and boats not included in Minor Vehicle Service below Minor Servicing:	Associated office Car wash Concession Food preparation and dining area Fueling facility Minor utilities Sale of auto parts Towing Vehicle storage	Retail or wholesale sales of agriculturally-related supplies and equipment (see Agriculture) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, or store fixtures (see Wholesale Trade) Vehicle parts sale as a principal use (see Retail Sales and Service) Tire recycling or recapping (see Waste-Related)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Minor Vehicle Service provide service while the customer waits, same day pick-up of the vehicle or allow customers to leave a vehicle on-site for less than 24 consecutive hours.

Principal Uses	Accessory Uses	Uses not Included
<p>Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and dent repair, bed liner installation, tire sales and mounting</p> <p>Other uses meeting the characteristics of the Vehicle Sales and Service Use Category</p>		

5.2.5 Industrial Use Categories

A. Heavy Industrial

Characteristics: Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Principal Uses	Accessory Uses	Uses not Included
<p>Intense Heavy Industrial:</p> <p>Manufacture, assembly or processing of acid, acetylene gas, ammonia, asphalt, bones, celluloid, cement, creosote, disinfectant, dyes or inks, fat, fertilizer, fireworks, glue, grease, gunpowder, gypsum, insecticide, lard, lime, paint, petroleum, plaster of Paris, poison, rubber, salt, shellac, tallow, tar, turpentine, varnish, vinegar, or yeast</p> <p>Arsenal</p> <p>Coke oven</p> <p>Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental)</p> <p>Smelter</p> <p>Slaughtering, packaging or processing of animals</p> <p>Wrecking, junk or salvage yard</p> <p>Uses declared a nuisance in court</p> <p>Less Intense Heavy Industrial:</p> <p>Manufacture, assembly or processing of batteries,</p>	<p>Associated office</p> <p>Associated retail sales related to the primary use</p> <p>Day care for children of employees</p> <p>Fleet maintenance</p> <p>Food preparation and dining facility</p> <p>Fueling facility</p> <p>Medical clinic for employees</p> <p>Meeting space</p> <p>Minor utilities</p> <p>Recreation facility</p> <p>Single attached residential unit for caretaker</p>	<p>Microbrewery (see Restaurants)</p> <p>Recycling facility (see Waste-Related Service)</p>

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.

Principal Uses	Accessory Uses	Uses not Included
aircraft, alcoholic beverages (wholesale), asbestos and asbestos products, automobiles or trucks, boxes or crates or pallets, brick or tile or terra cotta, building materials, chalk, charcoal, chemicals, chlorine, coffins, corrugated metal, cotton oil, gas, gelatin, glass, graphite, hemp, lacquer, linoleum, machinery, manufactured or mobile homes, metal, motors or engines, paraffin, plastic, porcelain, recreational vehicles, railroad vehicles and equipment, tires, trailers, wax Boiler works Bulk storage of explosive or hazardous materials Concentrated animal feeding operation Concrete batching and asphalt processing and manufacture Feed milling Grain elevator Railroad yard or repair shop Sawmill Wool scouring and pulling Uses declared a nuisance in court Other uses meeting the characteristics of the Heavy Industrial Use Category		

B. Light Industrial

Characteristics: Uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods, usually from basic finished inputs such metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses not Included
Manufacture or assembly of appliances, awnings, beds, blinds, boats, books, brooms, buses, carpet, clothing or textiles or canvas, cosmetics, equipment, electrical items,	Associated office Associated retail sales related to the primary use Associated showroom Day care for children of employees	Catering establishment, small scale (see Restaurant) Mining or excavating (see Resource Extraction) Outdoor storage yard (see Warehousing and Freight)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods, usually from basic finished inputs such metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses not Included
<p>felt, hardware, ice, jewelry, medical, optical or dental instruments or supplies, mirrors, musical instruments, perfume, pharmaceuticals, shoes, shutters or shades, signs, toys</p> <p>Bakery, wholesale</p> <p>Bottling or canning</p> <p>Bulk mailing service</p> <p>Catering establishment, large scale</p> <p>Clothing or textile manufacturing</p> <p>Building and development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site</p> <p>Creamery</p> <p>Crematorium</p> <p>Engraver</p> <p>Food processing</p> <p>Janitorial and building maintenance service, exterminator, maintenance yard or facility</p> <p>Laundry, dry-cleaning, and carpet cleaning plants</p> <p>Metal plating</p> <p>Metal shop</p> <p>Printing, publishing, and lithography</p> <p>Repair of scientific or professional instruments, electric motors</p> <p>Research, testing, and development laboratory</p> <p>Smoking or processing of meat products</p> <p>Stone cutting</p> <p>Welding, tool repair or machine shop</p> <p>Woodworking, including cabinet makers and furniture manufacturing</p> <p>Other uses meeting the</p>	<p>Fleet maintenance</p> <p>Food preparation and dining facility</p> <p>Fueling facility</p> <p>Medical clinic for employees</p> <p>Meeting space</p> <p>Minor utilities</p> <p>Recreation facility</p> <p>Single attached residential unit for caretaker</p>	<p>Movement)</p> <p>Recycling facility (see Waste-Related Service)</p> <p>Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)</p>

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses engaged in the manufacturing, assembly or processing of industrial, business or consumer goods, usually from basic finished inputs such metal, stone, glass, plastic or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Principal Uses	Accessory Uses	Uses not Included
characteristics of the Light Industrial Use Category		

C. Warehousing and Freight Movement

Characteristics: Uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Principal Uses	Accessory Uses	Uses not Included
Bulk storage, including cold storage plants, household moving and general freight storage, nonflammable liquids, separate warehouse used by retail store Bus shop, garage or storage Express hauling Food packing and distribution Motor freight or truck terminal Outdoor storage yard Semi-trailer parking Transfer and storage business (such as for recreational vehicles) where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred Trucking company Other uses meeting the characteristics of the Warehousing and Freight Movement Use Category	Associated office Day care for children of employees Fleet maintenance Food preparation and dining facility Fueling facility Medical clinic for employees Meeting space Minor utilities Outdoor storage yard Recreation facility Single attached residential unit for caretaker	Bulk storage of flammable liquids, fats or oils (see Heavy Industrial) Mini-warehouse or multistory enclosed storage facility (see Self-Service Storage)

D. Waste-Related Service

Characteristics: Uses characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.

Principal Uses	Accessory Uses	Uses not Included
Animal waste processing Composting facility Landfill Manufacture and production of goods from composting organic material Recycling facility Tire recycling or recapping Other uses meeting the	Associated office Fleet maintenance Fueling facility Minor utilities Repackaging and shipment of byproducts	Stockpiling of sand, gravel, or other aggregate materials (see Resource Extraction) Water treatment plant (see Utilities)

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Principal Uses	Accessory Uses	Uses not Included
characteristics of the Waste-Related Service Use Category		

E. Wholesale Trade

Characteristics: Uses involved in the sale, lease, or rent of products to Industrial, Institutional or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.		
Principal Uses	Accessory Uses	Uses not Included
Fuel sales, bulk Mail-order business Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures Wholesale or auction of food, clothing, auto parts, or hardware Other uses meeting the characteristics of the Wholesale Trade Use Category	Associated office Associated showroom Day care for children of employees Fleet maintenance Food preparation and dining facility Medical clinic for employees Meeting space Minor fabrication Minor utilities Product repair Recreation facility Repackaging of goods Single attached residential unit for caretaker Warehouse	Warehouse and Freight Movement Use (see Warehouse and Freight Movement) Wholesale club (see Retail Sales and Service)

5.2.6 Open Uses

A. Agriculture

Characteristics: Uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.		
Principal Uses	Accessory Uses	Uses not Included
Agribusiness Agricultural implement sales and service Chick hatchery Dairy Domestic animal raising including cattle, horses, hogs, donkeys, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, or animal breeding and development Ferrier	Associated office Accessory dwelling unit (5.5.3) Barn, silo or stable Greenhouse, commercial or noncommercial Dock or pier (noncommercial) Home occupation (5.5.6) Home workshop / business (5.5.7) Minor utilities Roadside stand Single-family dwelling Slaughtering, processing and packaging of animals raised	Animal products, packing and processing (see Heavy Industrial) Animal waste processing (see Waste-Related Service) Concentrated or intensive animal feeding operation (see Heavy Industrial) Manufacture and production of goods from composting organic material (see Waste-Related Service) Slaughtering, packaging or

Article 5 Use Standards
Sec. 5.2. Use Categories

Characteristics: Uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.

Principal Uses	Accessory Uses	Uses not Included
Floriculture, horticulture, pasturage, row and field crops, viticulture or orchard Greenhouse, commercial Livestock sale or auction Roadside stand Scenic or sightseeing tour Stable Other uses meeting the characteristics of the Agriculture Use Category	on-site U-pick facility	processing of animals (see Heavy Industrial)

B. Resource Extraction

Characteristics: Characterized by activities that extract minerals and other solids and liquids from land on which the use is established.

Principal Uses	Accessory Uses	Uses not Included
Mine or quarry Extraction of sand, gravel, minerals, natural gas or oil Other uses meeting the characteristics of the Resource Extraction Use Category	Associated office Minor utilities Outdoor storage yard Resource processing Stockpiling of resources extracted from the site	Building and development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site (see Light Industrial Service)

Sec. 5.3. Specific Use Standards

COMMENTARY: These standards only apply to uses in the use table marked with an “L” or an “S”. “L” stands for permitted by right subject to limitations and “S” means a Special Use Permit is required. These standards **DO NOT APPLY** to uses marked with a “P” in the use table.

5.3.1 Traditional Dwelling

A traditional dwelling is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

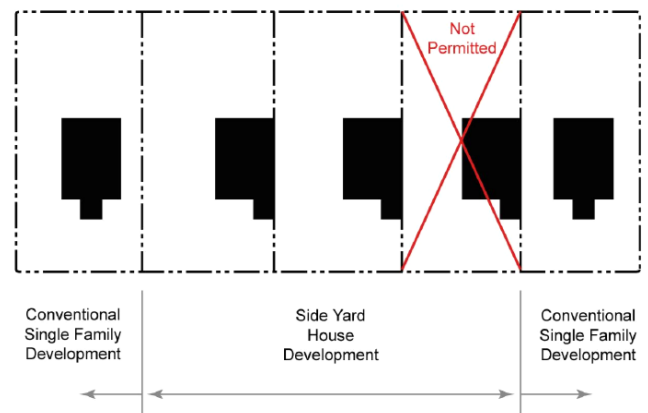
- A. A traditional dwelling may only be constructed fronting on a maintained and usable public sidewalk in an infill context or as part of a larger greenfield development with interconnected public sidewalks.
- B. A traditional dwelling must have a covered, but not enclosed, front porch a minimum of 10 feet wide by six feet deep.
- C. Vehicular access for a traditional dwelling must take place from a rear public or private alley.
- D. A traditional dwelling must be served by public wastewater or other approved system.
- E. The property owner must provide to the Zoning Administrator a survey prepared by a registered Indiana land surveyor at the time of application for an Improvement Location Permit.

5.3.2 Zero Lot Line Dwelling

A zero lot line dwelling is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

A. Single Side Setback

A single side setback must be provided comprising the equivalent of two side setbacks of a conventional single-family detached dwelling. This zero side setback is not allowed on the side yard adjacent to residential lots that are not part of the zero lot line development. The side yard adjacent to a residential lot that is not part of the zero lot line development must have a minimum setback required of a single-family detached dwelling. Each lot line with no side setback must be indicated on the secondary plat for the subdivision.



B. Maintenance Easement

An easement to allow for maintenance or repair of the zero lot line dwelling is required on the lot adjacent to the zero lot side setback. The easement on the adjacent property must provide a minimum of five feet of unobstructed space. The easement must be recorded on the secondary plat for the subdivision.

C. Privacy Windows

If the side wall of the zero lot line dwelling is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side setback of the adjacent property are not allowed. Windows that do not allow visibility into the side setback of the adjacent property, such as a clerestory window or a translucent window, are allowed provided they comply with applicable building code requirements.

D. Public Wastewater

A zero lot line dwelling must be served by public wastewater or other approved system.

E. Eaves Prohibited

Eaves are prohibited on the building along the zero side setback.

F. Survey Required

The property owner must provide to the Zoning Administrator a survey prepared by a registered Indiana land surveyor at the time of application for an Improvement Location Permit.

5.3.3 Single-Family Attached Dwelling

A single-family attached dwelling is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. Each dwelling unit must be totally separated from each adjacent unit by an unpierced fire-rated wall extending from ground to roof.
- B. A single-family attached dwelling must be served by public wastewater, or other approved system.
- C. The property owner must provide to the Zoning Administrator a survey prepared by a registered Indiana land surveyor at the time of application for an Improvement Location Permit.

5.3.4 Manufactured (Single-Wide) or Mobile Home Structure, Park or Subdivision

A single-wide manufactured or mobile home structure, subdivision or park is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

A. Single-Wide Manufactured or Mobile Home Structure

A single-wide manufactured or mobile home structure is allowed by Special Use Permit if it is located a minimum of 300 feet from any existing habitable dwelling not owned by the applicant. The Board of Zoning Appeals may waive the 300-foot separation requirement if it finds that the mobile home is used by an aged or infirm relative of the family residing in the principal dwelling.

B. Single-Wide Manufactured or Mobile Home Park

1. Drainage Requirements

The park must be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

2. Minimum Site Area

The park must have a minimum site area of five acres and must provide home pads. Each such pad must be clearly defined or delineated. Each pad must have an area per family dwelling unit of not less than 3,000 square feet and a width of not less than 40 feet.

3. State Board of Health Requirements

If not otherwise specified or if these standards do not meet or equal standards set by the State Board of Health, the State Board of Health standards prevail.

4. Distance from Park Boundaries

No single-wide manufactured or mobile home may be located closer than 30 feet to any park property line. If the park abuts a public road, then the standard setback line for that roadway as established in Article 4 for conventional housing prevails. In the setback so established, each park developer must provide a street buffer as established in Article 7.

5. Distance from Existing Housing

A single-wide manufactured or mobile home must be located at least 300 feet from any existing habitable residential dwelling not owned by the mobile home park owner.

6. Distance from Residential District or Subdivision

A single-wide manufactured or mobile home park must be established at least 600 feet from the boundary of a R-1 or R-2 zoning district or any platted residential subdivision.

C. Single-Wide Manufactured or Mobile Home Subdivision

1. Minimum Site Area

A single-wide manufactured or mobile home subdivision must have a minimum site area of 10 acres.

2. Subdivision Control Ordinance

Single-wide manufactured or mobile home subdivisions must be planned and platted to the same specifications required for any residential subdivision in the particular districts where the subdivision is proposed.

3. State Board of Health Requirements

If not otherwise specified or if these standards do not meet or equal standards set by the State Board of Health, the State Board of Health standards prevail.

4. Distance from Subdivision Boundaries

No single-wide manufactured or mobile home may be located closer than 30 feet to any property line within its subdivision. If a park abuts a public street or highway, then the standard setbacks for that road as established in Article 4 for conventional housing prevail. In the setback so established, each park developer must provide a street buffer as established in Article 7.

5. Distance from Existing Housing

A single-wide manufactured or mobile home must be located at least 300 feet from any existing habitable residential dwelling not owned by the single-wide manufactured home, mobile home or subdivision owner.

6. Distance from Residential District or Subdivision

Any single-wide manufactured or mobile home subdivision must be located at least 600 feet from the boundary of an R-1 or R-2 zoning district or any platted residential subdivision.

5.3.5 Multiple-Family Dwelling

A multiple-family dwelling is permitted in accordance with the use tables in this Article and Article 6 provided that prior to issuance of an Improvement Location Permit, the land owner submits a concept plan for development of the property that shows site elements such as all proposed building locations, driveways, parking, access, and drainage.

5.3.6 Upper-Story Dwelling

An upper-story dwelling is permitted in accordance with the use tables in this Article and Article 6 provided that a minimum of one off-street parking space is provided per dwelling.

5.3.7 Community Service Use

A Community Service 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 4,000 square feet.
- B. The primary structure must be setback from a single- or two-family dwelling a minimum of 40 feet.
- C. A Community Service use that cannot meet these gross floor area and setback standards requires a Special Use Permit.

5.3.8 Medical Facilities Use

A Medical Facility use is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. In the R-4 zoning district, the gross floor area of all primary and accessory structures must be less than 10,000 square feet.
- B. In the A-1 zoning district, the gross floor area of all primary and accessory structures must be less than 2,500 square feet.
- C. The primary structure must be setback from a single- or two-family dwelling a minimum of 60 feet.
- D. A Medical Facility that cannot meet these gross floor area and setback standards requires a Special Use Permit.

5.3.9 Places of Worship Use

A Place of Worship 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 6,000 square feet.
- B. The primary structure must be setback from a single- or two-family dwelling a minimum of 40 feet.
- C. A Place of Worship that cannot meet these gross floor area and setback standards requires a Special Use Permit.

5.3.10 Tattoo Parlor

A tattoo parlor is permitted in accordance with the use tables in this Article and Article 6 provided that the use is more than 300 feet from any R zoning district, or the following Use Categories:

- A. Place of Worship;
- B. Educational Facility; or
- C. Day Care.

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.

5.3.12 TV or Radio Studio

A bed and breakfast inn is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. Private telecommunication or transmission towers are not permitted.
- B. [Insert satellite dish size limits]

5.3.13 Track, Motorcycle, Go Kart or Car

A motorcycle go kart or car track is permitted in accordance with the use tables in this Article and Article 6 provided the track is more than 1000 feet from any Residential zoning district or any residential use not on the same parcel with the Special Use.

5.3.14 Bed and Breakfast Inn

A bed and breakfast inn is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. The bed and breakfast inn may have a minimum of seven and a maximum of 14 guest rooms.
- B. The bed and breakfast inn may provide sleeping accommodations for no more than 30 consecutive days to a particular guest.
- C. The bed and breakfast inn is limited to one double face sign not to exceed four square feet.

5.3.15 Restaurant, Drive-In or Drive-Through

A drive-in or drive-through restaurant is permitted in accordance with the use tables in this Article and Article 6 provided that no drive-through speaker is oriented to face a single- or two-family dwelling or R-1 or R-2 zoning district.

5.3.16 Retail Sales and Service

A Retail Sales and Service 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 6,000 square feet.
- B. The primary structure must be setback from a single- or two-family dwelling a minimum of 60 feet.

5.3.17 Fireworks Sales

A fireworks sales establishment is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. Fireworks sales must be located in a primary structure equipped with a functioning sprinkler system.
- B. Fireworks sales may not be located within a 100-foot radius of a residential use or zoning district, fuel sales, fuel storage tank or any other land use that contains highly flammable materials on-site. The distance is measured from the nearest property line to nearest property line in all directions.

5.3.18 Kennel

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

- A. In the A-1 and RR zoning districts, the minimum lot area for a kennel is three acres.
- B. Any runs, pens, facilities, fencing and structures, must be:
 - 1. Setback a minimum of 200 feet from the nearest principal residence not occupied by the kennel operator;
 - 2. Setback a minimum of 50 feet from any other property line; and
 - 3. Screened with a XXX bufferyard in accordance with Article 7.

5.3.19 Veterinary Clinic or Hospital with Outdoor Pens

A veterinary clinic or hospital with outdoor pens is permitted in accordance with the use tables in this Article and Article 6 provided that any outdoor pen is setback from a residential dwelling a minimum of 100 feet.

5.3.20 Vehicle Sales and Service (Minor Servicing)

A vehicle sales and service (minor servicing) establishment is permitted in accordance with the use tables in this Article and Article 6 provided that a minimum of 10 percent of the site must be landscaped with one canopy or evergreen tree and one ornamental tree per 1,000 square feet of required landscaped area.

5.3.21 Fuel Sales

A fuel sales establishment is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. A minimum of 10 percent of the site must be landscaped with one canopy or evergreen tree and one ornamental tree per 1,000 square feet of required landscaped area.
- B. A maximum of four fuel pumps are permitted.
- C. An eight foot masonry wall must be required at the property line of residentially-zoned property, in addition to the required bufferyard between uses established in Article 7.
- D. Fuel pumps, vacuum, air, and water stations as well as other similar equipment are prohibited between the principal structure and the property line of a residentially-zoned property.
- E. Any freestanding light fixtures between the principal structure and the property line of a residentially-zoned property must be a maximum of 15 feet in height.
- F. No car wash is allowed with the fuel sales use if the property abuts a residentially-zoned property.

5.3.22 Wrecking, Junk or Salvage Yard

A wrecking, junk or salvage yard is permitted in accordance with the use tables in this Article and Article 6 provided that the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences a minimum of eight feet in height.

5.3.23 Bulk Storage of Explosives or Other Hazardous Materials

Bulk storage of explosives or other hazardous materials is permitted in accordance with the use tables in this Article and Article 6 provided that if the materials are stored in tanks, each tank may have of no more than 50,000 gallons capacity. In addition, the location and protective measures of the property must be approved in writing by all responsible County and State officials, including the Fire Marshal for the township in which the property is located.

5.3.24 Light Industrial Uses

A Light Industrial Service use is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. The space occupied in a building must not exceed 6,000 square feet of gross floor area. total floor and basement space, not including stairwells, or elevator shafts;
- B. The Light Industrial Service use must be conducted without noise, vibration, smoke, odors, heat, glare or fire hazards that might be disturbing to occupants of adjacent buildings.

5.3.25 Building and Development Contractor Establishment

A building and development contractor establishment is permitted in accordance with the use tables in this Article and Article 6 provided that no

fabricating takes place on the premises and all storage of material takes place within a building.

5.3.26 Welding, Tool Repair or Machine Shop

A welding, tool repair or machine shop is permitted in accordance with the use tables in this Article and Article 6 provided that the shop must not be equipped with punch presses exceeding 50 ton pressure, drop forges, riveting and grinding machines or any other equipment which may create noise, vibration, smoke, odors, heat, glare or fire hazards, that might be disturbing to the occupants of adjacent properties.

5.3.27 Recycling Facility

A recycling facility is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

- A. The minimum lot size for the facility is XX acres.
- B. The land owner must submit the following materials when applying for a Special Use Permit for the facility.
 - 1. Copies of all approved federal, state or local permits that pertain to the site;
 - 2. A Report from a soil scientist, geotechnical engineer or hydrologic engineer addressing measures being taken to prevent groundwater contamination from the activity;
 - 3. A Phase I Environmental Site Assessment and Phase II Assessment if a Phase I recommends it so;
 - 4. A boundary survey showing all easements of record; and
 - 5. Plans showing current and propose grading, lighting utilities, improvements, materials processing and storage.

5.3.28 Greenhouse, Commercial

A commercial greenhouse is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

Sec. 5.4. Wireless Communication Facilities

This Section establishes standards for the location of wireless communication facilities.

5.4.1 Applicability

This Section applies to wireless communication facilities under the Telecommunications Act of 1996. It does not apply to personal television antennas, ham radio or short wave radio antennas, or other communications equipment accessory to residential uses or to the criteria for location without a public hearing as stipulated in XXXX below.

5.4.2 Special Use Permit Required

A. General

1. A Special Use Permit is required in accordance with Sec. 3.6 for a new wireless communication facility.
2. As a part of the Special Use Permit application, the petitioner must submit the following:
 - a. A Federal Aviation Administration Form 7460-1, Notice of Proposed Construction or Alteration;
 - b. An engineering report on collapsibility of the tower; and
 - c. Supporting evidence that co-location of the proposed facility with an existing approved tower or facility cannot be accommodated, including a listing of all existing towers and facilities within a two mile radius of the proposed tower location, a description of each existing site, and a discussion of the ability or inability to co-locate on each existing site, according to the following criteria:
 - i. No existing towers or facilities are located within a two mile radius of the proposed tower location.
 - ii. Existing towers or facilities are not of sufficient height to meet the petitioner's engineering requirements.
 - iii. Existing towers or facilities do not have sufficient structural strength to support the applicant's proposed antenna or related equipment.
 - iv. The petitioner's planned equipment would cause frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause frequency interference with the applicant's planned equipment that cannot be reasonably prevented.
 - v. Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal.

- vi. Existing towers are located beyond a reasonable distance to provide necessary coverage.

B. Ability for Future Co-Location and Height Standards

1. A new facility must be designed to allow a minimum co-location of two additional antennas from two additional providers.
2. All option and site lease agreements may not be written to prohibit the possibility of co-location.
3. A facility may be constructed to a maximum overall height of 200 feet regardless of the maximum height requirements listed in the zoning district. The measurement of overall height includes the height of a building that a wireless communication tower may be mounted upon measured from the grade to the highest point of the tower.
4. The Board of Zoning Appeals must evaluate and determine the type of construction of the tower (mono pole, guy wire or free standing) based upon adjacent land uses and character of adjacent properties.
5. The Board of Zoning Appeals may require camouflage on a new wireless communication tower. A tower proposed near an airport or in a designated flight path may need a contrasting color to its surroundings if required by the Federal Aviation Administration.
6. Any tower 100 feet or less in overall height need not be painted red and white.

C. Setbacks

1. All structures related to the wireless communication facility, excluding fences, must be located a minimum distance from all surrounding property lines or lease lines a distance equal to the height of the tower, but not less than 50 feet.
2. Towers must be setback from any residential use a minimum of one and one half times the height of the tower. This standard does not apply to the residence owned by the person leasing or selling the property for the purposes of locating the tower.
3. The Board of Zoning Appeals may require a greater setback where a proposed tower is in close proximity to a concentrated area of residential uses, an airport or heliport, a state or federal highway or a Park and Open Space use.

D. Illumination

Towers must not be illuminated, except in accordance with state or federal regulations.

E. Staffing and Vehicular Access

Other than periodic visits for maintenance, the facility must be unstaffed. To accommodate such visits, ingress/egress shall only be from approved access points.

F. Screening

1. Woven wire or chain link fences that are 80 percent open or solid fences made from wood or other materials that are less than 50 percent open, must be used to enclose the overall site. Such fences may not be less than six feet in height or more than eight feet in height and must include the use of barbed wire.
2. Screening of ground level compounds such as equipment shelters or backup generators must be provided and maintained with evergreen trees that are a minimum of six feet in height at planting. The trees must be planted in a staggered pattern at a maximum distance of eight feet on center. The screening must be placed in an area between the property line or lease line, and a 10-foot setback.
3. The Board of Zoning Appeals may require enhanced screening when the facility is in close proximity to a residential use, a major road, a state or federal highway or a Park and Open Space use.

G. Parking

All driveways and off-street parking areas must be composed of dust proof materials.

H. Signs

No signs are permitted, except those displaying emergency information, owner contact information, warning or safety instructions, or signs which are required by a federal, state, or local agency. Such signs may not exceed five square feet in area.

I. Removal

When the facility is no longer required, the landowner or provider must remove it and restore the property to its natural state.

5.4.3 Most Preferred to Least Preferred Locations for Potential Sites

The Board of Zoning Appeals may use the following list of locations, listed from most preferred to least preferred, when reviewing a Special Use Permit request for a new wireless communication facility:

- A. Existing utility towers;
- B. Existing structures;
- C. Manufacturing zoning districts;
- D. Commercial zoning districts;

- E. Agricultural zoning districts;
- F. Residential zoning districts.

5.4.4 Wireless Communication Facilities Permitted by Right

A. Stealth Wireless Communication Antennas

New antennas being placed on existing structures (including but not limited to flag poles, buildings, water towers, light poles, electric towers, church steeples, or silos) do not require a Special Use Permit, but do require an electrical or building permit.

B. Co-Location

New antennas being placed on existing wireless communication towers with a valid Special Use Permit do not require a Special Use Permit, but do require an electrical or building permit.

C. Minor Towers

1. Towers 50 feet or less in overall height do not require a Special Use Permit when proposed outside of a platted residential subdivision and outside of a residential zoning district. Such towers do require an Improvement Location Permit and a Building Permit.
2. As a part of the Improvement Location Permit and Building Permit application, the petitioner must submit the following:
 - a. A statement that the tower will not interfere with other communications (such as radio or television);
 - b. An engineering report on collapsibility of the tower; and
 - c. A letter stating the facility operator will disassemble the tower and bring the property back to grade when the tower is no longer in use.

Sec. 5.5. Accessory Uses and Structures

An accessory use or structure may be established provided that it is associated with a principal use in the Use Category tables in Sec. 5.2 and that it complies with the standards of this Section.

5.5.1 General Standards

- A. The accessory use or structure must be subordinate to and serve a principal use or principal structure.
- B. Except as provided in this Section, a non-agricultural accessory structure must be subordinate in height to the principal structure.
- C. Accessory uses located in residential zoning districts must not be used for commercial purposes other than authorized home occupations or home workshop / businesses.
- D. No detached accessory structure may be constructed until the construction of the rafters, or general equivalent, of the principal structure has commenced. No accessory structure may be used unless the principal structure also is being used.
- E. An accessory use or structure must contribute to the comfort, convenience, or necessity of occupants of the principal use or structure served.
- F. An accessory use or structure must be located on the same zoning lot, in the same zoning district and under the same ownership as that of the principal use or principal structure served.

5.5.2 Setbacks

- A. No detached accessory structure may be located closer than six feet to any other structure.
- B. Detached accessory structures have a minimum side setback of five feet. Detached accessory structures have a minimum rear setback of 10 feet.
- C. Accessory structures must comply with the front setback standards for the principal structure established in Article 4.
- D. Except as provided below, the maximum height for an accessory structure is 18 feet. The maximum height of an accessory structure may be increased to 25 feet if the minimum required five-foot side setback is increased one foot for each two feet that the structure is above 18 feet.

[insert graphic]

5.5.3 Accessory Dwelling Unit

- A. Accessory dwelling units are permitted by right or by Special Use Permit, as appropriate, in association with a single-family dwelling or

Article 5 Use Standards

Sec. 5.5. Accessory Uses and Structures

Educational Facilities use on property one acre or more in lot area in the A-1 zoning district.

- B. Where associated with an Educational Facility use in the A-1 zoning district, the accessory dwelling unit must be shown on the Special Use Permit site plan or the Board of Zoning Appeals must approve an amendment to the existing Special Use Permit site plan for an Educational Facility.
- C. Where associated with a single-family dwelling in the A-1 zoning district, the accessory dwelling unit is allowed by right.
- D. An accessory dwelling unit must have a minimum gross above-ground floor area of 600 square feet and a maximum gross floor area of 1,000 square feet. An accessory dwelling with attached personal storage space may have up to 1,200 square feet gross floor area. In no case may the accessory dwelling have more floor area than the principal dwelling.
- E. The maximum height of an accessory dwelling unit is a single story of livable space.
- F. When associated with a single-family dwelling, the owner of the property must reside in either the principal dwelling or the accessory dwelling unit.
- G. For the purposes of this Section, a mobile or manufactured home may not be used as an accessory dwelling unit. A Special Use Permit in accordance with Sec. 3.6 is required.
- H. An accessory dwelling unit must be served by the same curb cut that serves the principal dwelling or Educational Facility.
- I. A minimum of one off-street parking space must be provided in addition to the off-street parking required for the principal dwelling or Educational Facility.
- J. An accessory dwelling must either be located within the principal structure (and meet the principal structure setback and yard requirements) or meet the standards in Sec. 5.5.2 above.

5.5.4 Bed and Breakfast Homestay

A bed and breakfast homestay is allowed by Special Use Permit in association with a single-family dwelling in the A-1, R-1, R-2, R-3, R-4, B-1 and B-2 districts subject to the following standards.

- A. A bed and breakfast homestay may have a maximum of six guest rooms.
- B. A bed and breakfast homestay may provide sleeping accommodations for no more than 15 consecutive days to a particular guest.
- C. A bed and breakfast homestay is limited to one sign not to exceed four square feet in area.

5.5.5 Boat House

A boat house is allowed by right in association with a Household Living use if not more than ten feet high as measured from normal water level.

5.5.6 Home Occupation

A home occupation is allowed by right in association with any Household Living use in any zoning district subject to the following standards.

- A. A home occupation must be carried on wholly within the principal building or within a building accessory to it.
- B. A maximum of one person outside of the occupants of the residence may be employed in the home occupation.
- C. There may be no article sold or offered for sale on the premises.
- D. There may be no service sold or offered for sale on the premises that would generate vehicle or customer traffic to the premises beyond traffic normally associated with the residential use.
- E. Signs advertising the home occupation are prohibited.
- F. There must be no display or exterior storage of materials or products or other exterior indication of the home occupation or variation from the residential character of the principal building.
- G. A home occupation must not produce any noise, vibration, smoke, dust, odors, heat or glare which can be detected beyond the premises.

5.5.7 Home Workshop / Business

A home workshop / business is allowed by Special Use Permit in association with any single-family dwelling in any zoning district subject to the following standards.

- A. A home workshop / business must be carried on wholly within the principal building or within a building accessory to it.
- B. A home workshop / business may be operated only by occupants of the residence and by a maximum of two employees, associates or partners who do not occupy the residence. A Special Use Permit approved in accordance with Sec. 3.6 is required in order to have more than two outside employees.
- C. A home workshop or business is limited to one non-illuminated wall or freestanding sign not to exceed four square feet. If freestanding, the sign must be set back a minimum of 55 feet from the center line of the right-of-way and a minimum of 15 feet from the front property line. The freestanding sign may not exceed four feet in height.
- D. Display or storage of commercial vehicles, materials or products is prohibited except within a totally enclosed building.

Article 5 Use Standards

Sec. 5.5. Accessory Uses and Structures

- E. A home workshop or business must not produce noise, vibration, smoke, dust, odors, heat or glare which can be detected beyond the premises.
- F. On properties in the A-1 zoning district that are more than three acres in lot area, the gross floor area of accessory structures for a home workshop / business and personal residential storage must not exceed 200 percent of the gross floor area of the primary residential structure.

5.5.8 Personal Residential Storage

- A. Structures for storage of personal items, such as a garage and storage sheds, are allowed in association with a Household Living use subject to the following standards.
 - 1. Items stored must not be associated with a nonresidential use or activity.
 - 2. Except as provided in paragraph C below, the total square footage of all accessory structures must not exceed 110 percent of the gross floor area of the principal dwelling.
- B. In the Agricultural zoning district, the storage of agricultural equipment in accessory structures is exempt from the square footage limitation.
- C. On properties in the A-1 zoning district that are more than three acres in lot area, the gross floor area of accessory structures for personal residential storage must not exceed 200 percent of the gross floor area of the primary residential structure.

5.5.9 Place of Worship

A place of worship as an accessory use to a single-family dwelling is allowed by right in the A-1 zoning districts provided that the property has a minimum lot area of three acres.

5.5.10 School Bus Parking, Outdoor

Outdoor parking of a school bus with current registration used for the transportation of students in grades kindergarten through 12, as an accessory use to a single-family dwelling is allowed by right in the A-1, R- and B- zoning districts subject to the following standards.

- A. The property must have a minimum lot area of one acre.
- B. An outdoor bus parking area must be screened from view from the public right-of-way and neighboring residential properties by one or more of the following:
 - 1. An opaque fence or masonry wall a minimum of six feet in height;

2. Evergreen plantings a minimum of eight feet in height at the time of installation; or
 3. The dwelling itself.
- C. The bus parking area must be behind the plane of the front wall of the dwelling.
- D. In the A-1 and R- zoning districts, an indoor bus parking structure must be designed and constructed to compliment the principal dwelling.
- E. The parking area must be situated so that a backing motion into the public right-of-way is not necessary.
- F. A Special Use Permit approved in accordance with Sec. 3.6 is required if the subject property or property owner is unable to meet the requirements of this Section.

5.5.11 Solar Panel Array

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

A. Roof-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 street 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 via the building's façade parapet or similar mechanism.
3. A solar panel array that cannot meet these placement standards requires a Special Use Permit.

B. Wall- or Ground-Mounted Arrays

1. Wall-mounted solar panels require a Special Use Permit approved in accordance with Sec. 3.6.
2. Ground-mounted solar panel arrays greater than 850 square feet in area or on properties less than three acres in lot area require a Special Use Permit.
3. Ground-mounted solar panel arrays 850 square feet or less in area on properties three acres or more in lot area are permitted by right provided that the arrays have a minimum setback of 100 feet from any property or right-of-way line.

Sec. 5.6. Temporary Uses

Temporary uses have characteristics which require certain controls in order to insure compatibility with other uses in the zoning district within which they are proposed and to guarantee that a use originally proposed to be temporary does not become a permanent use without the associated improvements required for a permanent use.

5.6.1 Temporary Use Permit Required

The temporary uses in this Section are allowed in the frequency stated upon approval of a Temporary Use Permit in accordance with Sec. 3.12.

5.6.2 General Standards

- A. All structures associated with a temporary use must be promptly removed upon the cessation of the use. Upon cessation of the use, the site must be returned to its previous condition, including the removal of all trash, debris, signs or other evidence of the temporary use.
- B. Off-street parking for a temporary use must not eliminate required parking for any of the other existing uses on the site.
- C. Adequate on-site rest room facilities and refuse containers must be provided, where appropriate. All litter generated by the event or use must be removed at no expense to the County or the Towns under the jurisdiction of this Ordinance.
- D. A temporary use must not produce excessive noise, vibration, smoke, dust, odors, heat or glare what can be detected beyond the premises.
- E. No property may have more than four of the events listed below in one calendar year.
- F. Unless otherwise permitted in the Specific Temporary Use Standards below, a Temporary Use Permit expires 90 days after approval.

5.6.3 Specific Temporary Use Standards

The following temporary uses are allowed in the frequency stated below.

A. Commercial Circuses, Carnivals or Fairs

Commercial circuses, carnivals or fairs, are permitted for a maximum of two consecutive weeks in any calendar year.

B. Concrete Batch Plant

- 1. A temporary concrete batch plant must be located a minimum of 1,000 feet from any principal residential structure.
- 2. A batch plant must be removed from the property within 14 days of completion of the project.

3. A Special Use Permit approved in accordance with Sec. 3.6 is required if the subject property or property owner is unable to meet the requirements of this Section.

C. Emergency Dwelling

A mobile or manufactured home may be used as a temporary dwelling on a site where the principal residential structure has been damaged and is uninhabitable subject to the following standards.

1. The family to live in the temporary mobile or manufactured home must be the family displaced from the damaged permanent residence.
2. Prior to issuance of a Temporary Use Permit, the property owner must submit to the Zoning Administrator a cost estimate and schedule for repairs and a site plan showing placement of the temporary dwelling and all other structures on the property.
3. The permit for the temporary dwelling is valid for 180 days. The Zoning Administrator may renew the Temporary Use Permit for a second 180-day period if the property owner has made progress toward rebuilding a permanent dwelling on the property. If the temporary dwelling will be used for longer than 180 days, then the property owner must apply for a Special Use Permit for the temporary dwelling.

D. Temporary Religious or Revival Activities

Temporary religious or revival activities in tents in association with a place of worship are permitted for a maximum of two consecutive weeks, twice every calendar year.

E. Tent Sales

Tent sales by a business permanently occupying the property on which the sale is conducted are permitted for a maximum of seven days, once every six months. The business must have a valid Certificate of Occupancy prior to approval of a Temporary Use Permit.

F. Grand Opening Sales

Grand opening sales, including outside food and beverage vending and entertainment, are permitted for three consecutive days, once per Certificate of Occupancy.