



Zoning Ordinance

Module 2: Zoning Districts and Use Standards

Technical Committee Draft

March 2013

If you are viewing a digital version of this Zoning Ordinance, you may click on any cross-reference (click here → Article 1) and you will be taken automatically to the appropriate page.

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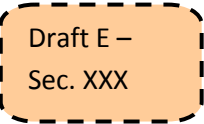



Note to Draft Reviewers

This draft Zoning Ordinance shows when language in the existing Zoning Ordinance has been deleted, modified or retained. Changes in punctuation and capitalization are not shown with editing marks. Seemingly insignificant edits are made at times in an effort to consistently use certain terms. For example, the word “allowed” may be show stricken and replaced with the word “permitted.” One word is not necessarily better than the other. The change is made for the sake of consistency throughout the document.

Here are a few notes that should help in the review of this draft.

Editing Marks

Existing Text	Text from the existing Zoning Ordinance that has not been modified.
Added Text Deleted Text	Text that has been added to or deleted from the existing regulations
COMMENTARY / QUESTON / NOTE	Poses questions and provides commentary to the draft reviewers. Boxes marked as “COMMENTARY” are intended to remain in the adopted document. Questions and Notes should be addressed and deleted prior to adoption.
	<p>Notes within the margin that show the location in the Zoning Ordinance of text that is existing, modified or deleted.</p> <p>The reference in the call-out applies to all subsequent text in the draft until the next call-out appears in the margin.</p>
	Shows where language from Draft E has been copied over to this draft. A citation is provided.
	Idea brought up in Zoning Ordinance Critique

Module 2

The purpose of Module 2 is to create the zoning district and use standards of the New Zoning Ordinance.

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ARTICLE 4 ZONING DISTRICTS & DEVELOPMENTAL STANDARDS

DISTRICTS AND ZONE MAPS.

Art.2,
Sec. 1

Sec. 4.1. General

4.1.1 Zoning Districts

- A. The County is hereby divided into ~~12~~ zoning districts known and designated throughout this Ordinance 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 Hereinafter	
Residential Districts		
Rural Residential	RR	New
Single-Family Residential	R-1	
Two-Family Residential	R-2	
Multiple-Family Residential	R-3	
Residential Mixed Use-Multiple-Family Residential and professional office	R-4	New name & new standards
Nonresidential Districts "B" — Business Districts		
Limited Neighborhood Business	B-1G	
General Business	B-2G	
Business and Wholesale Heavy Business	B-3G	
"M" — Manufacturing Districts		
Limited Manufacturing	M-1G	
General Heavy Manufacturing	M-2G	
Restricted Manufacturing District	M-3G	Unused on map so removed
Special Purpose and Overlay Districts		
Office Park	E-1	Merge Office & Business Park
Business Park	E-2	
Gateway Interchange Park	E-3 E-2	
General Planned Unit Development Overlay	-GPUD	
Detailed Planned Unit Development Overlay	-DPUD	
Town Residential Overlay	-TR	New
Wellhead Protection Overlay	-WP	
Agricultural	A-1	
Conservation	A-2	Unused - Floodplain
Farmland Preservation	A-3	



Name of District	Designation Hereinafter
Confined Feeding Protection	A-4
Intense Livestock Operation	A-5

Note to Reviewers: The “C” is stricken from each district designation. The “C” is not used on the zoning map or in everyday use.

Note to Reviewers: The Special Purpose and Overlay zoning districts will be handled in Module 3.

Planned Development Corridor District designations.

The designation will be made on the Zoning Maps of Elkhart County, the incorporated towns of Wakarusa, Bristol, Middlebury and Millersburg by the following:

The letter combinations “PCD” with the underlying zoning district will be added as a suffix with a hyphen. (Example: PCD-A-1, PCD-B-1, PCD-M-1 etc.)

4.1.2 Zoning Map Zone Maps

Art.2,
Sec. 2

- A. The official Zoning Map is available on the County’s website. The Plan Director must post all amendments to the map as soon as possible after the effective date of the Zoning Map Amendment. The Zone Maps, dated October 30, 1959, are hereby incorporated by reference into this Ordinance.

Note to Reviewers: Staff will need to work to make sure the digital zoning map is accurate before it is posted. If this does not happen by the time of adoption of this Ordinance, the above language will have to revert to referencing a paper official map.

- B. The Zoning Map Zone Maps shows the areas included in the above zoning districts. All notations, references, indications and other matters shown on the Zoning Map Zone Maps are as much a part of this Ordinance as if they were fully described in its text.

Two copies of those Zone Maps are on file in the office of the County Recorder and are available for public inspection.

4.1.3 Determination and Interpretation of District Boundaries

Art.2,
Sec. 3

- 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 Zone Maps, the Zoning Administrator must make a determination based on the following rules of interpretation shall apply:

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 shall 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 shall must be determined by use of the scale of the Zoning Map Zone Maps.
3. If the boundary remains uncertain, the Board of Zoning Appeals shall must interpret the intent of the Zoning Map Zone Maps to determine the location of the boundary in question.

4.1.4 Procedure Relating to Annexed, ~~or~~ Disannexed or Vacated Areas

Art.2,
Sec. 4

- A. Territory annexed or disannexed from a town or city on or after February 1, 1960 shall must remain as zoned unless changed by an ~~amendment of this Ordinance~~ 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 ~~is legally vacated~~, the zoning districts adjoining each side of that street, alley, public way, railroad right-of-way, waterway, or similar areas, shall must be extended to the center of that vacation. All area included in the vacation shall 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

Art.2,
Sec. 5

All streets, alleys, public ways, and railroad rights-of-way, if not otherwise specifically designated, shall ~~be~~ are deemed to be in the same ~~use~~ 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, shall ~~be~~ is deemed to be the same as that of the abutting property up to that center line.

Rezoning of Public and Semi-Public Areas

Note to Reviewers: *This stricken portion assumes that the Zoning Map is going to call out schools and other public uses as such. But this is not the case.*

Art.3,
Sec. 8

An area indicated on the zoning map as a public park, recreation area, public school site, cemetery, or other similar open space, shall not be used for any other purpose than that designated. ~~When that use of the area is discontinued, it shall automatically be zoned to the most restricted adjoining district until or unless appropriate zoning is authorized by the Board of County Commissioners within three months after the date of application filed for rezoning.~~

Availability For Public Inspection

Art.9,
Sec. 1

Note to Reviewers: This stricken portion may not apply if the official zoning map is the GIS map. If the official zoning map is the paper map, then the stricken language will need to be revived.

Duty of the County Recorder.

Art.9,
Sec. 1

The County Recorder shall keep two copies of the Zone Maps referred to in Article 2, Section 2, and of the Specifications referred to in Article 3, Section 10 on file for public inspection during the regular office hours of the County Recorder.

Sec. 4.2. Zoning District Purpose Statements

Note to Reviewers: Purpose statements are important because they set the tone for what land uses will be allowed in the district and what the development standards for each district will be. Purpose statements should also be considered by the Plan Commission and Board of County Commissioners when making a rezoning decision.

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

Similar
to Draft
E

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, in close proximity to a municipality or adjacent to another residential zoning district.

4.2.3 R-2, Two-Family Residential

Similar
to Draft
E

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, in close proximity to a municipality or adjacent to another R-2, R-3 or R-4 zoning district.

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 B-1, Neighborhood Business

Similar
to Draft
E

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. The zoning district is appropriately applied at the intersection of a local and a collector road or of two collector roads.

4.2.7 B-2, General Business

Similar
to Draft
E

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. The zoning district is appropriately applied at the intersection of collector or arterial roads or adjacent to such roads.

4.2.8 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 highways.

4.2.9 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. The zoning district also accommodates more intense uses associated with agriculture and natural resource extraction.

4.2.10 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.

4.2.11 E-1, Office and Business Park District

Specifications E,
Sec. 1

~~PURPOSE. Office Park District—~~ The purpose of the E-1, Office and Business Park, zoning district is to promote and accommodate ~~creates a higher standard for aesthetic development of large tracts of land in a park like setting for administrative, professional, or clerical office, warehousing and distribution, and research and development-oriented light industrial operations. An office or business park is to be designed and conducted as an integrated facility for a number of separate office buildings and supporting secondary uses. Such a development is planned, designed, and constructed 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 located adjacent to major arterials and are served by collector streets and are customarily operated during daylight hours and involves no outside display or selling of merchandise.~~

~~E-2, Business Park District~~

Specifications E,
Sec. 2

~~E. Business Park District—Creates a higher standard for aesthetic development in a park like which provides for assembly, warehousing and distribution facilities with assorted offices for management, sales and service with no outside storage or display of product or equipment, no outside sale of merchandise, and no outside assembly being permitted. Business Parks are located adjacent to major arterials and are served by collector streets. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, open space and signage.~~

4.2.12 E-2, E-3, Gateway Interchange Park District

Specifications E,
Sec. 3

~~PURPOSE—It is~~ The purpose of the E-2, Gateway Interchange Park, zoning district is to accommodate large integrated developments which are located adjacent to highway interchanges serviced by major arterials. All development will be is integrated with special attention given to aesthetic and architectural design that enhances the entryways to the Elkhart County.

4.2.13 -TR, Town Residential

The purpose of the TR-, Town Residential, overlay zoning district is to accommodate higher density residential uses on smaller lots. In addition, the overlay district is intended to stabilize and preserve the character of the neighborhoods within municipalities without creating widespread nonconformities. The district should only be applied within the limits of incorporated municipalities in the County.

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

Purpose:

Specifications I,
Sec.1

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 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.

It is The purpose of the Planned Unit Development districts to require the integration of development with all adjacent properties. The criteria for this integration shall be the giving of reasonable regard to the adjacent land uses, adjacent development patterns, and adjacent building forms.

- B. To encourage development with such characteristics, Planned Unit Developments may allow flexibility that includes districts through incentives that are, but is not limited to the following:
1. Flexibility with Zoning Ordinance development and design standards;
 2. Permitting of mixed land uses not normally allowed in the base zoning district;
 3. Allowance for creative approaches to land use development; or
 4. Coordination of Public Improvements that are directly affected by the Planned Unit Development with procedures to post sureties.

4.2.15 A-1, Agricultural District

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.

~~A-2, Conservation District~~

~~PURPOSE. It is the purpose of this district to protect the public health, safety and general welfare by reducing the hardships and financial burdens caused by the periodic flooding of streams. The provisions of this district are intended to further locally the purpose of Indiana Code 13-2-25-1 et seq. (Indiana Flood Control Act of 1945).~~

Specific
ations
A, Sec.
A

LOCATION. The boundaries of this district indicate the flood plain area, which is susceptible to the risk of flooding. Exact boundaries are based upon flood elevations, topographic maps, and aerial photographs.

FUTURE CHANGES. As land within the Conservation District becomes sufficiently protected from the possibility of flooding, the rezoning of that land may be considered.

Note to Reviewers: The A-2 district is shown as stricken since other staff has advised that it is obsolete.

4.2.16 A-3, Farmland Preservation District

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

4.2.17 A-4, Confined Feeding Protection District

The purpose of the A-4 Confined Feeding Protection, zoning district is to permit accommodate intensive agricultural uses and to recognize certain needs of the agricultural community. The goals of an A-4 would be the zoning district are enhanced right-to-farm protection, recognition by community, promote promotion of agricultural economic development and the promotion of coexistence with residential neighborhoods.

Specifications A,
Sec. A

4.2.18 A-5, Intensive Livestock Operation

The purpose of the A-5 Intense Livestock Operation, zoning district is to address accommodate extremely large confined feeding operations and to recognize certain health, safety, and general welfare needs of Elkhart County. The goals of an A-5 District would be the zoning district are the protection of the public Protect health, safety and general welfare, of residents of Elkhart County, recognition by community, promote promotion of agricultural economic development and the promotion of coexistence with residential neighbors.

Specifications A,
Sec. A

Corridor Planned Unit Development

Purpose-

The Purpose in to Provide for a larger area General Planned Unit Development to cover a corridor of and consisting of larger tracts or tracts of land which may be zoned by different sections or owned by more than one land owner and to provide for orderly development along said corridor.

Specifi
cations
I, Sec.7

(All detail will be added at a later date by amendment to the Text of the Zoning Ordinance.)

PLANNED-DEVELOPMENT-CORRIDOR-DISTRICT

———— Preamble-

Article 4 Zoning Districts & Developmental Standards

Sec. 4.2. Zoning District Purpose Statements

Elkhart County recognizes that land use patterns along major arterials may be subject to developmental pressures that may result in the area undergoing transition from low to high intensity development.

These pressures may result from:

Improvements to the arterial itself (i.e. additional travel and turn lanes and new or improved intersection signalization) which increase traffic volumes and make existing low intensity uses, especially single family residential less desirable;

Encroachment by nearby high intensity development (i.e. multi-family housing, office and business) into less intensely developed land located along the major arterial; or

A combination of these or other development factors.

The changes, actual and anticipated, within these arterial corridors directly impact:

Property (the use and enjoyment of) both within and adjoining the corridor;

The effectiveness of the arterial itself; and

The visual perception of the corridor. These impacts can be both substantial and detrimental without proper safeguards.

It is the intent of this section to establish a Planned Development Corridor District in order to:

Encourage orderly and compatible development within the Corridor District;

Preserve the carrying capacity of the corridor arterial and to encourage safe and efficient traffic flow;

Protect and preserve the quality and integrity of residential neighborhoods adjoining the corridor;

Protect existing residential uses within the corridor; and

Encourage a high standard of visual quality within the corridor.

DEFINITION AND DISTRICT DESIGNATIONS ON ZONING MAPS.

The PLANNED DEVELOPMENT CORRIDOR DISTRICT (or CORRIDOR DISTRICT) is a floating overlay zone containing design and developmental standards in addition to those of the underlying zoning district(s).

The establishment of a Corridor District does not invalidate the existing underlying zoning and its associated standards, except as specified in the approved DISTRICT CORRIDOR plan.

Note to Reviewers: *Corridor Overlay has never been used and is shown as stricken.*

Specific
ations
O,
Sec 1

Sec. 4.3. Measurements and Special Cases

Note to Reviewers: The intent of this Section is to provide methods for how various things such as height, setback, lot areas, etc are measured and to spell out specific instances where flexibility or exceptions are built in to the Ordinance.

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.

Art.3,
Sec. 2

No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, living area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which that building is located.

Note to Reviewers: The general provisions in Sec. 1.10 and Sec. 3.1.1 already cover the stricken language above.

4.3.2 Minimum Lot Area

Lot Dimension and Area

A. Measurement Methodology

Lot area is measured as the total area within the boundaries of the lot excluding submerged land.

B. Special Cases

1. If when two or more parcels of land, each of which lacks adequate area and dimension to qualify for a permitted use under the requirements of the use zoning district in which they are located, and are contiguous and held by the same owner, then the parcel shall 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 and area, may be utilized for a ~~one (1)~~ single-family detached or two-family detached dwelling when permitted by the applicable zoning district, if the required yards or lot areas are not less than sixty percent of the minimum required dimensions or areas.
3. Individual lots in a subdivision with public wastewater service and that receives primary approval after [insert effective date of this Ordinance] 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

Art.3,
Sec. 4

zoning district. In no case may the maximum density for the zoning district be exceeded due to such reduced lot size.

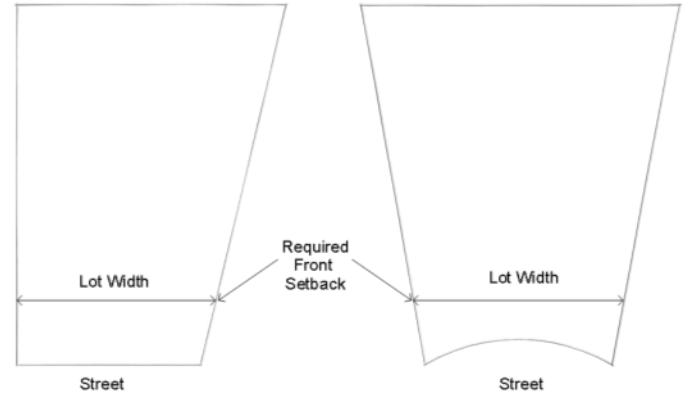
Note to Reviewers: 3 above provides a developer with flexibility, subject to limitations, on minimum lot size. It also allows lot lines to be arranged to be more sensitive to unique topography or vegetation.

Example: A 3- lot subdivision, with a minimum lot size of 7,200 square feet, could have a 6,480 square foot lot, a 7,200, and a 7,920, thus resulting in an overall average of 7,200 square feet.

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 lot depth front property line or the cord of the front property line at the established front building line required front yard setback.

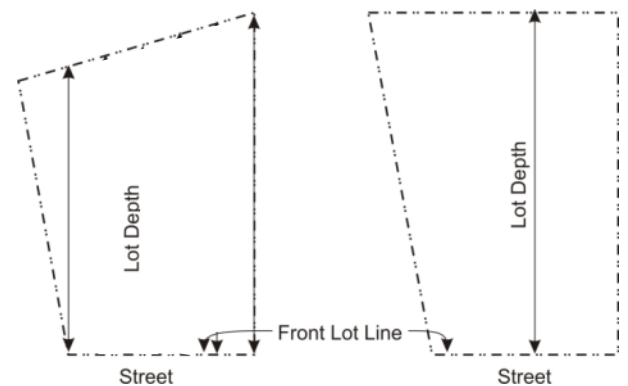


B. Special Cases

1. If ~~When~~ two or more parcels of land, each of which lacks adequate area and dimension width to qualify for a permitted use under the requirements of the use zoning district in which they are located, and are contiguous and held by the same owner, then ~~the parcel shall~~ 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 and area, may be utilized for a ~~one~~ (1) single-family detached or two-family detached dwelling when permitted by the applicable zoning district, if the required yards or lot areas widths are not less than sixty percent of the minimum required dimensions or areas 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 its deepest dimension and at its shallowest.



Note to Reviewers: Staff will make graphics consistent in style as the draft

Art.1,
Sec. 2

Art.1,
Sec. 2

moves along.

4.3.5 **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.

An open space on the same zoning lot with a principal building or group of buildings which is unoccupied and unobstructed from its lowest level upward, except as otherwise permitted in this Code section, and which extends along a lot line and at right angles to it to a depth or width specified in the yard regulations for the district in which the zoning lot is located.

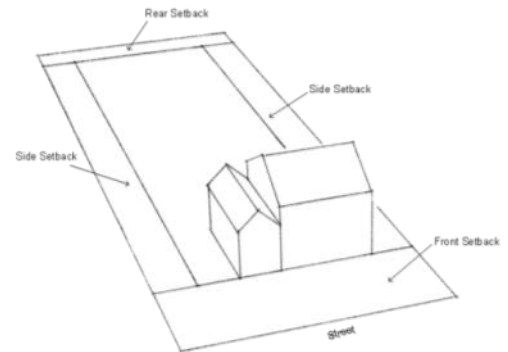
B. **Measurement Methodology**

1. **General Measurement**

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

2. **Front Setback Location**

Except in the E-1 and E-2 zoning districts, a front yard extending or a side (corner) setback extends across the full width of the zoning lot and lying lies between the front center line of the lot adjacent street and the nearest line projection of a building structure. In the E-1 and E-2 zoning districts, a front setback lies between the front property line of the lot and the nearest projection of a structure.



Art.1,
Sec. 2

Question for Tech Committee: Continue to measure front setback from street centerline?

3. **Side Setback Location**

A side setback That part of the yard lying lies between the nearest line projection of the principal a structure building and a side lot line, and extending extends from the required front yard setback line, or from the front lot line, in the E zoning districts or if there is no required front yard, to the required rear yard setback line.

4. **Rear Setback Location**

A rear setback A yard extending extends across the full width of the zoning lot and lying lies between the rear property line of the lot and the nearest line projection of a building structure.

C. **Special Cases**

1. **Encroachments Allowed in Required Setbacks**

Note to Reviewers: The allowances in a. through d. below are proposed for the sake of practicality (minor encroachments like this may already be permitted informally by policy) and for not putting constraints on providing architectural interest in a building (allowing flexibility if a property owner wishes to have a front porch or decorative windows or add visual human interest to the front of a restaurant building in the form of an outdoor dining area).

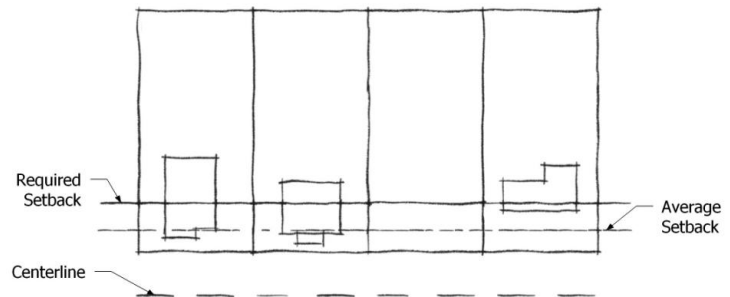
- a. Except where a minimum side setback is less than five feet, cornices, canopies, eaves or other architectural features may project into required setbacks up to two and one-half feet.
- b. Unenclosed balconies and unenclosed porches may project into a front or rear setback a maximum of 10 feet.
- c. An uncovered stair 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 into required setbacks, provided the space is at grade and is separated from the right-of-way by landscaping or a human-made barrier.

2. **Front Setback**

Spec. B,
Sec. C

a. **Setback Averaging**

If 25 percent or more of the lots in a block on streets other than federal and state highways are occupied by buildings, the average front building line setback of those buildings determines the dimension of the front yard in 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 and 15 feet on the side (corner). but the maximum front yard shall not be required to exceed fifty (50) feet.



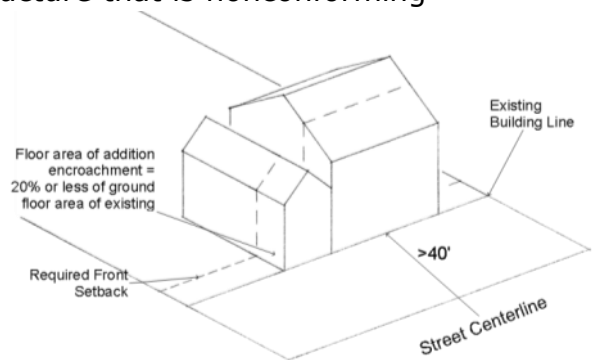
Spec. C,
Sec. C

b. **Platted Setbacks**

~~The front yard or setback line established in recorded subdivisions determines the dimensions of front yards setbacks in those blocks, except when those setbacks lines are less restrictive than those required for the zoning district. as provided in Article 1, Section 4.~~

c. **Residential Additions**

~~The Zoning Administrator may approve an Improvement Location Permit for a residential additions within the front yard setback. At the Zoning Administrators discretion, an Improvement Location Permit can be issued for additions to if the principal residential structure that is nonconforming because of its location in the required front yard setback. This permit can only be issued if subject to all of the following criteria has been met:~~



Spec. B,
Sec. C

- i. ~~That~~ The existing yards were created prior to [insert date certain] or in conformance with this the Zoning Ordinance in effect on [insert date certain]. and amendments, and
- ii. ~~That~~ The existing building line established by the principal residential structure is more than 40 feet from the centerline of any the adjacent road and is not presently within any public rights-of-way, and
- iii. ~~That~~ The proposed addition will be at or behind the existing building line. established by the principal residential structure, and
- iv. ~~That~~ The square-foot gross floor area of the portion of the addition (only that area which sets situated between the established existing building line and the required building setback line) is 20 percent or less of the ground floor area of the principal residential structure, and
- v. ~~That~~ The yard in question is not adjacent to a major arterial classified street or federal or state highway, and

~~That a site plan (as prescribed by the Plan Commission) is submitted. (Amended by PC 90-46)~~

d. **Setback Based on Fronting Street**

FRONT YARD.

Article 4 Zoning Districts & Developmental Standards

Sec. 4.3. Measurements and Special Cases

- i. The table below establishes the required front yard setback for a principal building, accessory building, fence or other structure based on the fronting road.

Fronting Road	Min. Front Setback (from ROW center line)	Min. Side (corner) Setback (from ROW centerline)
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.	120 ft.
Numbered County Road or Street	60 ft.	80 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.

On federal and state highways, a distance of 120 feet from the center line of the right-of-way.

On all numbered county roads and streets, a distance of 75 feet from the center line of the right-of-way except as provided for CR-6, CR-17 and CR-20 by Ordinance PC-87-24.

Art. 3,
Sec. 11

- iii. For the purposes of the table above, the following streets and/or roads which are designated as "Major Streets/Roads", a distance of 120 ft. from centerline of the right-of-way.

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 U.S. 20 County Road 38 on the south end
County Road 20	Beginning at County Road 6 on the north end to U.S. 20 on the south end

Major Street Classification

Art.3,
Sec. 3

The following requirements shall apply to property that is located along a Major Street as designated in this section of the Zoning Ordinance paragraph b, below:

Article 4 Zoning Districts & Developmental Standards

Sec. 4.3. Measurements and Special Cases

No principal building, accessory building, fence or structure shall be placed or constructed within 120 feet of the centerline of a designated major street.

- iv. The following items ~~improvements will be considered exceptions to subsection (a) of this section and shall~~ have a required setback of 55 feet from the centerline of the designated Major street 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.

~~Nameplates, identification, for sale and to rent signs in residential districts are permitted as regulated in Specification H – Signs, Section 1. a. (1) and (2).~~

The following streets and/or roads are designated as "Major Streets":

~~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 U.S. 20 on the south end.~~

~~County Road 20: beginning at West County Line Road on the west end to U.S. 33 on the east end.~~

~~All State and Federal Highways.~~

3. Side Yard Setback

Question for Tech Committee: Any special situations for side yards?

4. Rear Setback

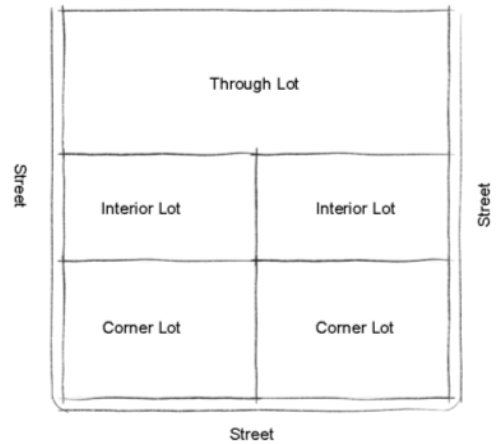
One-half of an alley abutting the rear lot may be included as part of the in the required rear yard setback.

5. Corner Lots

If a side yard abuts a street, then a front yard side (corner) setback shall be is required rather than a full front setback. side yard.

6. Through Lots

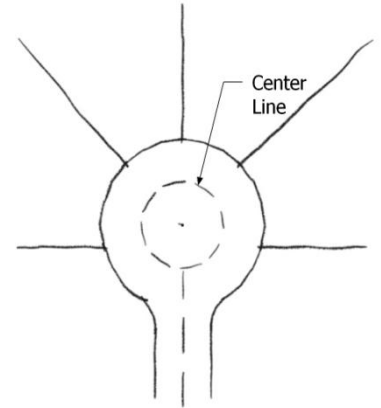
On lots extending through from one street to another, a front yard setback shall be is required on adjacent to each street.



Spec. B,
Sec. C

7. **Cul-de-Sac Lots**

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.



4.3.6 **Maximum Building Lot Coverage**

Art.1,
Sec. 2

A. **Measurement Methodology**

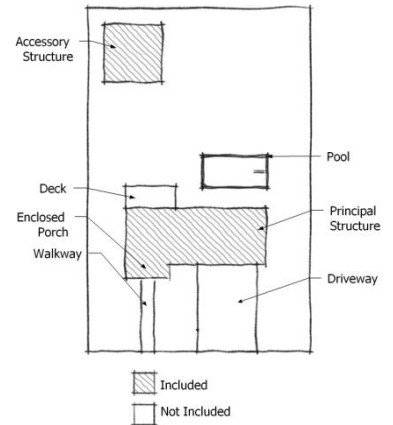
Building coverage is measured as the area of a zoning lot occupied by the principal building structure or buildings and accessory buildings structures.

B. **Special Cases**

Properties that utilize green roofs, solar panels, or XXX 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%.

Technical Committee: What other environmentally friendly improvements could be counted to allow a building coverage bonus or bonus related to some other provision in this Section?



4.3.7 **Minimum Ground Floor Area**

Art.1,
Sec. 2

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, exterior and interior stairways.

B. **Special Cases**

Question for Reviewers: Any examples of when we would apply special rules to ground floor area?

4.3.8 **Maximum Building Height**

Art.1,
Sec. 2

A. **Measurement Methodology**

1. Building height is measured as the vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of immediately adjacent to the building to the highest point of the roof in the case of a flat roof; to the mean average height level 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. ~~In all districts,~~ 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. ~~Conditional Exception—~~ 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 or three (3) stories, if two side yards a minimum of 15 feet each are provided.
- 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. —buildings may be erected higher than the Normal Maximum if they are set back, from front and rear property lines, one foot for each two feet of additional height above the Normal Maximum Height.~~

Specifications B, B

Specifications C, C

4.3.9 Maximum Density

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

4.3.10 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.

4.3.11 Intersection Visibility Triangle

~~VISION CLEARANCE AT ROAD AND STREET INTERSECTIONS.~~

~~Ten feet from the intersection of property lines.~~

Spec. A, Sec. B

Spec. B,
Sec. C

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 shall must be kept free of any obstruction to vision between the heights of two and one-half and 12 feet above the established grade.

Spec. C,
Sec. C

~~VISION CLEARANCE ON CORNER LOTS.~~

~~Ten (10) feet from the intersection of property lines.~~

~~VISION CLEARANCE ON CORNER LOTS.~~

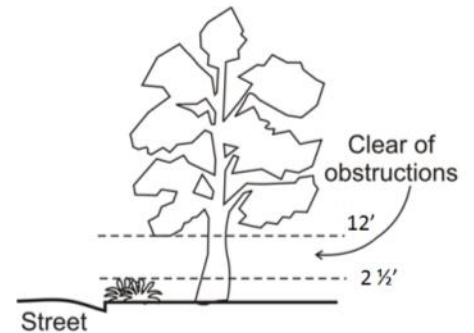
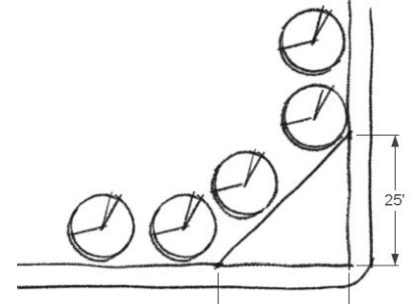
~~Ten (10) feet from the intersection of property lines.~~

Art.3,
Sec. 3

~~Yards, Lot Area and Size of Building~~

~~The square foot area of a private easement shall not be deemed part of the zoning lot.~~

~~No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, living area of residential buildings, or lot coverage regulations, established and specified for the use and the district in which that building is located.~~



4.3.12 Buildings on a Zoning Lot

Art.3,
Sec. 7

Every building erected or structurally altered to provide dwelling units shall must be located on a zoning lot as defined in Article 10 and in no case shall 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.

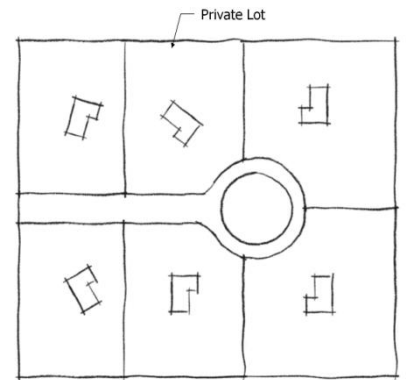
4.4.2 Subdivision Types

Two types of residential subdivisions are permitted, as follows.

Note to Reviewers: Both types of development are options. Recognizing the conventional will probably continue to be the norm for the foreseeable future, nothing in this draft requires a cluster subdivision to be developed.

A. Conventional Subdivision Option

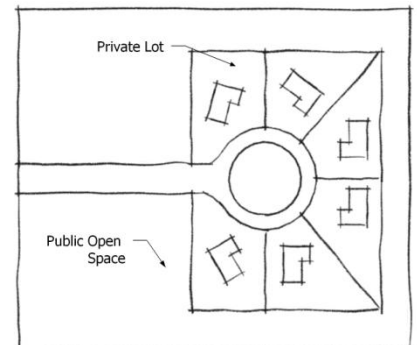
1. A conventional residential subdivision is a pattern of development that is allowed in any zoning district that allows residential uses and that provides the majority of property owners with substantial yards on their own property.
2. A conventional residential subdivision consists of attached or detached 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

Note to Reviewers: If this is a viable option in the view of the Policy Committee and Plan Commission, then more work will likely be needed in this Article and in the A-1 Section in Article 6. Staff does not want invest too much time in specific language if it is a non-starter.

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.

Note to Reviewers: *How much of a density bonus would be enough of an incentive to encourage a cluster residential subdivision?*

4. Units per acre and percentage of dedicated open space are primary factors in the character of a cluster residential subdivision.

Note to Reviewers: *Cluster subdivisions allow for permanent rural character without forcing residents to “borrow” neighboring open space that will eventually be developed, often to their disappointment. Clusters have traditionally been allowed only by Planned Unit Development, but if allowed by right, they would be easier to build with more certainty of approval for to the developer.*

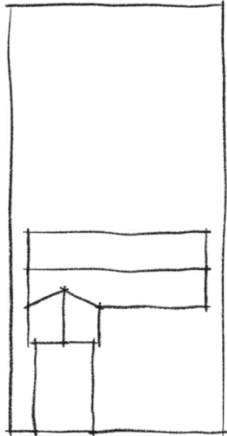
4.4.3 Optional Housing Types

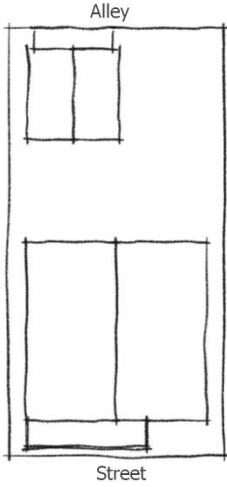
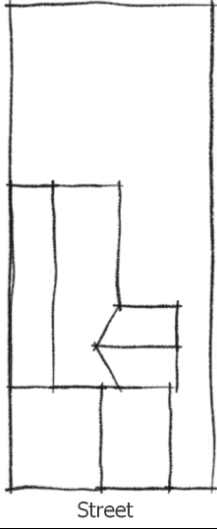
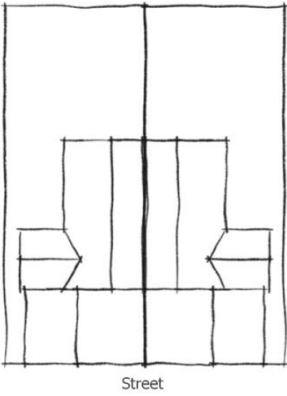
A. Definitions

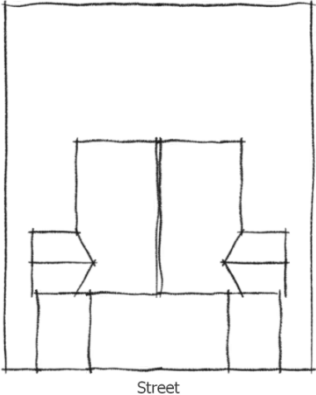
The following optional housing types are established to provide a common terminology for housing in the County and to facilitate a mixing of types, without special approval, if the free market dictates the need for such mixing of housing types.

GENERAL PROVISIONS AND CONDITIONAL EXCEPTIONS APPLICABLE TO ALL RESIDENTIAL USES IN DISTRICTS WHERE PERMITTED

GENERAL PROVISIONS

Description	Illustration
<p><u>Single-Family Detached Dwelling</u> DWELLING, ONE FAMILY. A building <u>located on a single lot</u>, designed exclusively for use and occupancy by one family and entirely separated from any other dwelling by space <u>setbacks on all sides</u>.</p>	 <p style="text-align: center;">Street</p>

Description	Illustration
<p><u>Traditional Dwelling</u></p> <p><u>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.</u></p>	
<p><u>Zero Lot Line Dwelling</u></p> <p><u>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.</u></p>	
<p><u>Single-Family Attached Dwelling</u></p> <p><u>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.</u></p> <p>DWELLING, ROW (PARTY-WALL). A row of two to eight attached, one family, party-wall dwellings, not more than two and one-half stories in height, nor more than two rooms in depth measured from building line.</p>	

Description	Illustration
<p><u>Two-Family</u></p> <p><u>DWELLING, TWO-FAMILY.</u> A building located on a single lot designed or altered to provide dwelling units 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>Multiple Family Dwelling</p> <p>A building located on a single lot or portion of it 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		
	RR	R-1	R-2, R-3
Lot Size (min.)			
Area (sq ft)	1 ac.	15,000	15,000
Width (ft)	150	80	80
Setbacks (min ft.)			
Front	80	50	50
Side (interior)	30	10	5
Side (corner)	70	45	40
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		
	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 (interior)	10	5	5
Side (corner)	45	40	40
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

Note to Reviewers: In the current Zoning Ordinance, R-4 appears to be treated the same as R-1, R-2, and R-3 as far as development standards go. This draft allows a slightly smaller lot for R-2 and R-3 when public wastewater is present and noticeably smaller lot in R-4 with smaller setbacks.

Traditional	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 (interior)	5	2.5	2.5
Side (corner)	35	30	30
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

Note to Reviewers: The Maximum front setback means that the front of the house can be no more than 35 feet from the street center line, assuming a local, non-county numbered street. This, along with the required sidewalk and porch allows for a smaller house on a smaller lot in trade for these more traditional amenities.

Zero Lot Line	Zoning District		
	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 (interior)	0	0	0
Side (total)	20	10	10
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

Single-Family Attached	Zoning District		
	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
Side (corner)	35	30	30
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	
	R-2, R-3	
Lot Size (min.)		
Area (sq ft)	30,000	
Width (ft)	100	
Setbacks (min ft.)		
Front	50	
Side (interior)	10	
Side (corner)	45	
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	
	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 (interior)	5	5
Side (corner)	30	30
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

Note to Reviewers: In the current Zoning Ordinance, R-4 appears to be the same as R-1, R-2, and R-3 as far as development standards go. This draft allows a smaller lot in R-4 with smaller setbacks.

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 (interior)	10	
Side (corner)	45	
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)	60	??
Setbacks (min ft.)		
Front	50	50
Side (interior)	10	10
Side (corner)	45	45
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

***Note to Reviewers:** If this is a viable option in the view of the Policy Committee and Plan Commission, then more work will likely be needed in this Article and in the A-1 Section in Article 6. Staff does not want invest too much time in specific language if it is a non-starter.*

- 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

MINIMUM STANDARD AND REQUIREMENTS FOR ONE AND TWO FAMILY DWELLINGS.

Speci
ficati
ons
B, B

The following ~~will detail the~~ are minimum standards for ~~One~~ single- and two-family dwellings. ~~units in Elkhart County. This is done to~~ 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 shall must be completely enclosed with the permanent perimeter enclosure except for the required openings.
2. The support system for all load bearing foundations shall must be permanently affixed in conformance with the manufacturer's installation specifications and the ~~regulation of the~~ County building codes.

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B. Structural Restriction

All residential ~~one~~ single- and two-family dwellings must have an average minimum width of 20 feet and must meet the minimum ~~sq.~~ ft. as prescribed by 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. Those dwelling structures permitted to apply for a Special Use Permit under Specification F.

D. Three to One Lot Dimension Ratio

Question to Reviewers: *This is pretty frequently granted a Variance by the BZA. Any thoughts on making this a less frequent item before the BZA?*

LOT DIMENSIONS:

1. The depth-to-width ratio of the usable area of a lot shall may not be greater than three to one. ~~The width of a lot at the required front yard setback shall be at or greater than the development standard for that district. The exception to the depth to width ratio shall be on~~ Lots of three acres or more where the lot width

at the required setback line is 250 feet or more ~~with no restriction on depth~~ are exempt from this requirement.

2. The Advisory Plan Commission, when considering a Major Subdivision, may approve the platting of a ~~lot or~~ lots that do not conform with the three to one lot dimension requirement. The approval may be granted provided the lot width at the required front yard setback is at or greater than the development standard for that district.

[insert illustrations showing lot meeting 3:1, not meeting 3:1, and having 250 or more frontage]

Not less than the following:

(1) DISTRICT "R1C", "R2C", "R3C", "R4C", "B1C", "B2C" & "A-1"

GROUND FLOOR AREA 900 sq.ft.

(2) No two (2) story single family dwelling in any district shall have a ground floor area of less than six hundred (600) square feet.

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

Note to Reviewers: The existing Zoning Ordinance appears to be silent on how to treat nonresidential uses that are permitted in residential zoning districts.

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
Lot Size (min.)					
Area (sq ft)					
Width (ft)					
Setbacks (min ft.)					
Front	55	55	55	75	75
Side (interior)	10	10	10	25	25
Side (corner)	25	25	25	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

Art.3,
Sec.
10

Use

Specifications.

The following specifications are incorporated by reference into this ordinance. Two (2) copies of these specifications are on file in the Office of the County Auditor and are available for public inspection.

SPECIFICATIONS — A — AGRICULTURAL DISTRICTS AND USES

SPECIFICATIONS — B — RESIDENTIAL DISTRICTS AND USES

SPECIFICATIONS — C — COMMERCIAL DISTRICTS AND USES

SPECIFICATIONS — D — MANUFACTURING DISTRICTS & USES

SPECIFICATIONS — E — DEVELOPMENT PARK DISTRICTS AND USES

SPECIFICATIONS — F — SPECIAL USES

SPECIFICATIONS — G — VEHICLE PARKING AND LOADING

SPECIFICATIONS — H — SIGNS

SPECIFICATIONS — I — UNIT DEVELOPMENT PLAN

SPECIFICATIONS — J — MOBILE HOMES

SPECIFICATIONS — K — (deleted 12/05/2005-PC05-36)

SPECIFICATIONS — L — FLOOD PLAIN

SPECIFICATIONS O — OVERLAY DISTRICTS

Specifications A to E, inclusive, indicate which districts permit certain uses. These specifications delineate the requirements for:

Width of Lot

Height of Building

Vehicle Parking Space

Front, Side, Rear and Other Yards

Lot Coverage

Size of Building

Vision Clearance

Accessory Buildings and Uses

Which are applicable to that use in each district where is it authorized.

Sec. 5.1. Use Table

Art.3,
Sec. 1

5.1.1 General

No building or land shall ~~may~~ be used, or building erected, reconstructed or ~~structurally 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.

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
S/L	May be allowed 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

Note to Reviewers: An “L” use will always have an associated standard while an “S” use may or may not.

5.1.4 Use Table

The following principal uses are permitted by right, permitted subject to limitations or require a Special Use Permit approved in accordance with Sec. 3.6.

Note to Reviewers: In general, there are too many across-the-board Special Use Permits (e.g. Parks requiring an SUP in all districts). The table below will change some of those uses to be allowed by right in some districts or remove the use all together from certain districts. Since use variances are being retained in the draft, that becomes an available option for a property owner wanting to do something that isn’t allowed by right or SUP.

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

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
	RESIDENTIAL USES											
Household Living [see 5.2.2A]	Single-family detached dwelling	P	P	P	P	P						
	Traditional dwelling			L	L	L						5.3.1
	Zero Lot Line Dwelling			L	L	L						5.3.2
	Single-Family Attached Dwelling				L	L						5.3.3
	Two-Family Dwelling			P	P	P						
	Manufactured home subdivision or park			S	S	S						5.3.4
	Mobile home subdivision or park			S	S	S						5.3.5
	Modular home	P	P	P	P	P						
	Multiple-family dwelling				P	P	P					
Group Living [see 5.2.2B]	Upper-story dwelling					L	L	L	L			5.3.6
	All Group Living except as listed below:			S	S	P	P					
	Group home, XX residents or fewer	P	P	P	P	P						
	Group home, more than XX 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		
	Public or private elementary, middle or high school	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	
	Detention center, jail or prison						S	S	S	S	S	
	Post office [note: a federal post office or other type of federal building can actually locate wherever it wants to]	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	P	P	P	P		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	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
Parks and Open Areas [see 5.2.3F]	All Parks and Open Areas except as listed below:	P	P	P	P	P	P	P	P	P	P	
	Cemetery, columbarium, mausoleum or memorial park	S	S	S	S	S	S	S	S	S		
Passenger Terminals [see 5.2.3G]	All Passenger Terminals except as listed below:						P	P	P	P		
	Airport or heliport								S	S	S	
Places of Worship [see 5.2.3H]	All Places of Worship	S	S	S	S	L/S	P	P	P	P	P	5.3.9
Social Service Establishment [see 5.2.3I]	All Social Service Establishments					S	S	S	S	S		
Utilities [see 5.2.3J]	Minor Utilities except as listed below	P	P	P	P	P	P	P	P	P	P	
	Major Utilities except as listed below	S	S	S	S	S	S	S	S	S	S	
	Wireless communication facility	See Sec. 5.4										
COMMERCIAL USES												
Indoor Recreation [see 5.2.4A]	All Indoor Recreation except as listed below:					S	P	P	P	P		
	Adult business										S	
	County club	P	P	P	P	P	P	P	P			
	Membership club or lodge				S	S	P	P	P	P		
	Tattoo parlor								S			5.3.10
Offices [see 5.2.4B]	All Offices except as listed below:					L	P	P	P	P		5.3.11
	TV or radio studio								P	P		
Outdoor Recreation [see 5.2.4C]	All Outdoor Recreation except as listed below:						S	S	S	S		
	Firearms range						S	S	S	S		
	Golf driving range						S	S				
	Stadium, arena, running track or ball field		S	S	S	S	S	P	P			
	Track, motorcycle, go kart or car	See Sec. 6.6										[A-1 dist.]
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			5.3.12
	Resort	S	S	S	S	S	S	S	S			

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	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards	
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	P	P	P		
Restaurants [see 5.2.4F]	All Restaurants except as listed below:					P	P	P	P	P			
	Catering establishment, small scale						P	P	P	P			
	Restaurant, drive-in or drive-through					L	P	P	P	P		5.3.13	
Retail Sales & Service [see 5.2.4G]	All Retail Sales and Service (Sales-Oriented) except as listed below:					L	P	P	P			5.3.14	
	Building supplies or home improvement						P	P	P	P			
	Garden supplies						P	P	P	P			
	Pet shop, outdoor pens or runs						P	P	P	P			
	All Retail Sales and Service (Service-Oriented) except as listed below:					L	P	P	P			5.3.14	
	Barber or beauty shop		S	S	S	S	P	P	P				
	Funeral home						S	P	P	P			
	Kennel							S	S	S			5.3.15
	Veterinary clinic or hospital with outdoor pens							L	P	P	P		5.3.16
All Retail Sales and Service (Repair-Oriented)						L	P	P	P	P		5.3.14	
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	5.3.17	
	All Vehicle Sales and Service (General) except as listed below:								P	P			
	Fuel Sales							L	P	P	P	5.3.18	

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	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
	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	5.3.19
	Less Intense Heavy Industrial except as listed below:										P	
	Bulk storage of explosives or other hazardous materials										L	5.3.20
Light Industrial Service [see 5.2.5B]	All Light Industrial Service except as listed below:								L	P	P	5.3.21
	Building and development contractor establishment								L	P	P	5.3.22
	Welding, tool repair or machine shop								L	P	P	5.3.23
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									P	P	
	Tire recycling or recapping									P	P	
Wholesale Trade [see 5.2.5E]	All Waste-Related Service uses							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

Use Category	Specific Principal Use	RR	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2	Standards
	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	See Sec. 6.6										[A-1 dist.]
	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						
	Scenic or sightseeing tour							P	P	P		
	Stable	S	S	S	S	S	S	S	S	S	S	
Resource Extraction [see 5.2.6B]	All Resource Extraction uses							S	S	P	P	

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~~AGRICULTURAL DISTRICTS AND USES.~~

~~PERMITTED USES IN AGRICULTURAL DISTRICTS.~~

~~"A-1C" Agricultural District~~

~~Agricultural Uses where the tract of land contains more than three acres.~~

~~Residential Dwellings as specified in Specifications B – Residential Uses.~~

~~Special Uses as specified in Specifications F.~~

~~Off-Street parking facilities as required in Specifications G.~~

~~Signs as regulated in Specifications H.~~

~~Mobile Homes as provided in Specifications J.~~

~~kennel as provided in Sec. **Error! Reference source not found.**~~

~~GENERAL PROVISIONS.~~

~~The raising of farm crops, vegetables, flowers, and nursery plants is permitted in all Districts.~~

~~SPECIFICATIONS B – RESIDENTIAL DISTRICTS AND USES.~~

~~PERMITTED USES IN RESIDENTIAL DISTRICT.~~

~~"R1C" – Single Residential District~~

~~Single Family Dwellings and accessory buildings as provided in this Specification.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~"R2C" – Two-Family Residential District~~

~~Any residential use permitted in the "R1C" Single Family Residential District.~~

~~Two-Family Dwellings and accessory buildings as provided in this Specification.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

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A

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ations
A, Sec.
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~~Mobile homes as provided in Sec. Error! Reference source not found.-~~

~~"R3C" Multiple Family Residential District~~

~~Any residential use permitted in the "R2C" Two Family Residential District.~~

~~Group Houses and Garden Apartments as provided in this Specification.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~Mobile homes as provided in Sec. Error! Reference source not found.-~~

~~"R4C" Multiple Family Residential And Professional Office District~~

~~Any residential use permitted in the "R3C" Multiple Family Residential District.~~

~~Apartments as provided in this Specification.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~Professional offices of physicians, dentists, attorneys, architects, real estate brokers and other similar professional occupations.~~

~~Mobile homes as provided in Sec. Error! Reference source not found.-~~

~~SPECIFICATIONS C COMMERCIAL DISTRICTS AND USES.~~

~~PERMITTED USES IN COMMERCIAL DISTRICTS.~~

~~"B1C" Limited Business District~~

~~Any residential use permitted in the "R4C" Multiple Family Residential District.~~

~~Commercial Uses and accessory buildings as specified under Limited Business Uses.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~Mobile, compact or expandable homes as provided in Sec. Error! Reference source not found.-~~

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Sec. C

~~"B2C" – General Business District~~

~~Any residential use permitted in the "R4C" Multiple Family Residential District.~~

~~Commercial Uses and accessory buildings as specified under General Business Uses.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~Mobile, compact or expandable homes as provided in Sec. **Error! Reference source not found.**~~

~~"B3C" – Business and Wholesale District~~

~~Commercial Uses and accessory buildings as specified under Business and Wholesale Uses.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~Mobile, compact or expandable homes as provided in Sec. **Error! Reference source not found.**~~

~~SPECIFICATIONS D – MANUFACTURING DISTRICTS AND USES.~~

~~PERMITTED USES IN MANUFACTURING DISTRICTS.~~

~~"M1C" – Limited Manufacturing District~~

~~Any use other than residential permitted in the "B3C" Business and Wholesale District.~~

~~Manufacturing and Industrial Uses and accessory buildings as provided under Limited Manufacturing Uses in these Specifications.~~

~~Special Uses as provided in 0.~~

~~Off-Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~"M2C" – General Manufacturing District~~

~~Any use permitted in the "M1C" Limited Manufacturing District.~~

~~Manufacturing and Industrial Uses and accessory buildings as specified under General Manufacturing Uses herein.~~

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cations
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cations
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~~Special Uses as provided in 0.~~

~~Off Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

~~"M3C"– Restricted Manufacturing District~~

~~Manufacturing and Industrial Uses and accessory buildings as provided under Limited Manufacturing Uses and General Manufacturing Uses in these Specifications.~~

~~Special Uses as provided in 0.~~

~~Off Street parking facilities as required in Sec. 7.2.~~

~~Signs as regulated in Sec. 7.3.~~

Sec. 5.2. Use Categories

5.2.1 General

Note to Reviewers: Use Categories allow for: more consistent treatment of similar uses, the creation of an exhaustive and mutually exclusive list of parking requirements and other use based general development standards, a convenient “short hand” to use throughout the Ordinance (see ILP provisions regarding change of use), and provide direction to the Zoning Administrator when interpreting uses.

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:

Specifications
A, Sec.
D

- 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.

Note to Reviewers: *Suppose someone came to the Planning office wanting to establish a use not addressed in this Ordinance. The Zoning Administrator would use the criteria above and interpret the proposed use as fitting within a certain Use Category or being similar to a listed use or as not fitting. The use table in Sec. 5.1 would then say where that use is permitted, either based on the Use Category generally or on the specific use that is similar.*

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.

Note to Reviewers: *rather than concentrating on what districts certain accessory uses are allowed, the permitted accessory uses are tied to their associated principal uses.*

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	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	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

<p>Multiple-family dwelling Upper-story residential</p>	<p>noncommercial (5.5.6) Garden Greenhouse or nursery (noncommercial) Guest house Home occupation (5.5.7) Home workshop / business (5.5.8) Leasing office for manufactured home park or apartment complex Minor utilities Mobile Home (5.5.9) Personal residential storage (5.5.10) Place of Worship associated with a single-family dwelling (5.5.11) Pool house Private community center School bus parking, outdoor (5.5.12) Swimming pool Other miscellaneous household amenities</p>	<p>Group Living) Hotel, motel or bed and breakfast (see Overnight Accommodations)</p>
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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
<p>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</p>	<p>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</p>	<p>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)</p>

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)

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
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)

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 Park or playground 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 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
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 Minor utilities Library	Revival (see Temporary Uses) Social Service Establishment uses (see Social Service Establishments)

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

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 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 the general community and possibly having on-site personnel (Major Utility).		
Principal Uses	Accessory Uses	Uses not Included
Minor Utilities: Solar panel array Stormwater retention or detention facility Telephone exchange Water or wastewater lift station Major Utilities: Cell antenna Cell antenna, stealth Cell tower Electrical substation Electric or gas generation plant, Television or radio transmission tower Water treatment plant Water tower or tank Other uses meeting the characteristics of the Utilities Use Category	Associated office Fleet maintenance Minor utilities Storage structures	Landfill (see Waste-Related Service) Utility office (see Office) TV or radio studio (see Office)

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 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 such as advertising, bill collection, 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	Day care for children of employees Medical clinic for employees Minor utilities Food preparation and dining facility for employees Recreation facility for employees Transmission tower (TV or radio studio only)	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) 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
Outdoor activity such as archery range, batting cage, firearms range, swimming pool, tennis court, water park or riding academy Amusement park Drive-in theater or amphitheater Fairgrounds 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 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 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)

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		

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, 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, pharmaceuticals, photographic supplies, picture frames, plants, postal	Associated office Concession Food preparation and dining area Minor utilities Single 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)

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>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</p> <p>Other uses meeting the characteristics of the Retail Sales and Service Use</p>		

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
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 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
<p>General: Car wash Fuel sales Manufactured home, mobile home or trailer sales or rental Truck stop Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats and recreational vehicles)</p> <p>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</p> <p>Minor Servicing: Quick lubrication facilities, battery sales and installation, auto detailing, minor scratch and</p>	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)

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
dent repair, bed liner installation, tire sales and mounting Other uses meeting the characteristics of the Vehicle Sales and Service Use Category		

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
Intense Heavy Industrial: 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 Arsenal Coke oven Incinerator for reduction of garbage, dead animals, offal, refuse or automobile bodies (non-governmental) Smelter Slaughtering, packaging or processing of animals Wrecking, junk or salvage yard Uses declared a nuisance in court Less Intense Heavy Industrial: Manufacture, assembly or processing of batteries, aircraft, alcoholic beverages (wholesale), asbestos and	Associated office Associated retail sales related to the primary use Day care for children of employees Fleet maintenance Food preparation and dining facility Fueling facility Medical clinic for employees Meeting space Minor utilities Recreation facility Single residential unit for caretaker	Microbrewery (see Restaurants) Recycling facility (see Waste-Related Service)

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
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 or 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 Service

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,	Associated office Associated retail sales related to the primary use Associated showroom Day care for children of	Catering establishment, small scale (see Restaurant) Mining or excavating (see Resource Extraction) Outdoor storage yard (see

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>equipment, electrical items, 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>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 residential unit for caretaker</p>	<p>Warehousing and Freight 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>

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
Other uses meeting the 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 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 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 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 characteristics of the Waste-	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)

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
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
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 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 Floriculture, horticulture,	Associated office Accessory dwelling unit (5.5.3) Barn, silo or stable Greenhouse, commercial or noncommercial Dock or pier (noncommercial) Home occupation (5.5.7) Home workshop / business (5.5.8) Minor utilities Roadside stand Single-family dwelling Slaughtering, processing and packaging of animals raised on-site	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 processing of animals (see

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
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	U-pick facility	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 or minerals 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)

Agricultural Use Specifications

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 B

Definition

An agricultural use includes the raising and keeping of all "large" livestock such as horses, cows, ponies, goats, sheep, or swine or the raising and keeping of "small" livestock such as chickens, ducks, geese, or rabbits. The raising of crops, flowers, and vegetables shall not be deemed an agricultural use.

Location Permitted

In A-1C Agricultural Districts and A-2C Conservation Districts on a tract of land containing more than three acres; by Special Use on a tract of land containing three acres or less in "A-1C and A-2C Districts and; by Special Use in all other Districts regardless of tract size.

Limited Business Uses

Definition

Commercial uses primarily of a retail or service nature.

Interpretation

The following named uses shall be deemed to include those uses or buildings in general keeping with and appropriate to the uses specified in this list.

Location Permitted

The following business uses as stated or implied are permitted in the "B1C", "B2C", "B3C", "M1C" and "M2C" Districts.

Art and school supply store.

Auto accessory store, if there is no driveway entrance across the sidewalk into the principal building.

Bakery Shop, including the baking and processing of food products, if prepared for retail use on the premises only.

Banks and financial institutions.

Barber shop, beauty parlor, chiropody, massage or similar personal service shop.

Book stores.

Bowling alleys, billiard and pool rooms, dance halls, gymnasiums, meeting halls, lodge halls, fraternal organizations and clubs, if they are located in a basement or above the first floor and above a business use permitted in this section, or those uses may be located on the ground floor if a permitted business establishment occupies street frontage except for an entranceway to the rear use.

Candy and ice cream shops.

Camera and photographic supply shops for retail sales.

Coin and philatelic stores.

Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only.

Currency exchanges.

Department stores.

Drug stores.

Dry cleaning and pressing establishment if using not more than two clothes cleaning units neither of which has a rated capacity of more than 40 pounds and which use cleaning fluids approved by the State Fire Marshal Department.

Specifi
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~~Dry goods store.~~

~~Electrical appliance store and repair, but not including appliance assembly or manufacturing.~~

~~Florist shop and conservatory for retail trade on the premises only.~~

~~Food and fruit stores.~~

~~Frozen food stores.~~

~~Furniture store, and upholstery if conducted as part of the retail operations and secondary to the main use.~~

~~Furrier, if conducted for retail trade on the premises only.~~

~~Garden supplies and seed stores.~~

~~Gift shops.~~

~~Greenhouse, commercial.~~

~~Hardware stores.~~

~~Haberdashery.~~

~~Hobby stores.~~

~~Hotels, including dining and meeting rooms, if business uses occupy the street frontage except for an entranceway to the hotel lobby.~~

~~Household appliance store.~~

~~Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, if conducted as part of the retail operations and secondary to the main use.~~

~~Jewelry store and watch repair.~~

~~Launderette, laundromat, or other similar type of self-service laundry.~~

~~Leather goods and luggage store.~~

~~Liquor store, package goods only.~~

~~Loan offices.~~

~~Meat markets.~~

~~Mortuaries or funeral homes.~~

~~Musical instrument sales and repair if retail trade only.~~

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~~News stand.~~

~~Notions store.~~

~~Offices, business and professional, including medical clinics.~~

~~Optician, optometrist.~~

~~Pet Shop with indoor pens and/or runs.~~

~~Paint and wallpaper store.~~

~~Photography studio, including the developing of film and pictures when conducted as part of the retail business on the premises.~~

~~Plumbing showroom if without shop or repair facilities.~~

~~Postal substations, finance stations and contract stations.~~

~~Public utility buildings, such as collection of offices and administration offices.~~

~~Restaurants, standard.~~

~~Savings and Loan Association.~~

~~Sewing machine sales and service.~~

~~Shoe store.~~

~~Sign Construction, as defined and regulated in Specifications H.~~

~~Sporting goods store.~~

~~Stationery stores.~~

~~Telegraph office.~~

~~Tobacco shop.~~

~~Toy store.~~

~~Travel bureau and transportation ticket office.~~

~~Typewriter and adding machine sales and service.~~

~~Variety store.~~

~~Veterinarian Clinic with indoor pens and/or runs.~~

~~Wearing apparel shop.~~

Specific
ations
C, Sec.
A, 1

~~Any other similar type retail store not specifically listed here, and which is economically compatible with the established uses on adjoining properties.~~

Specific
ations
C, Sec.
A, 1

~~Any use permitted in the "B2C" District may also be permitted in this district if it is located in the basement or above the first floor.~~

General Business Uses

Definition

~~Commercial uses including wholesale and storage uses if conducted within enclosed, substantially constructed buildings.~~

Location Permitted

~~The following classifications of business uses as stated or implied are permitted in the "B2C", "B3C", "M1C" and "M2C".~~

~~Any use permitted in the "B1C" District.~~

~~Art galleries and studios.~~

~~Antique shops.~~

~~Automobile service stations.~~

~~Bicycle sales and repair.~~

~~Bed and Breakfast Inn.~~

~~Billiard and pool rooms.~~

~~Billboards, outdoor advertising.~~

Note to Reviewers: Billboards will be treated in Article 7.

~~Clubs and fraternal organizations.~~

~~Costume rental shop.~~

~~Employment agency.~~

~~Hand laundries employing not more than four persons.~~

~~Locksmith.~~

~~Mirror and glazing shop.~~

~~Motels.~~

Specific
ations
C, Sec.
A, 2

~~Orthopedic and medical appliance store, but not including the assembly or manufacture of those articles.~~

~~Pawn shop.~~

~~Picture framing, if conducted for retail trade on the premises.~~

~~Plumbing showroom and shop.~~

~~Post office branch.~~

~~Public auction rooms.~~

~~Physical culture and health services.~~

~~Restaurants, Standard, including those serving alcoholic beverages~~

~~Schools; music, dance, business, commercial or trade.~~

~~Second hand stores and rummage shops.~~

~~Taverns.~~

~~Taxidermist.~~

~~Theater, indoor.~~

~~Any other similar type retail stores not specifically permitted here and which are economically compatible with the established uses on adjoining properties.~~

~~Business and Wholesale Uses~~

~~Definition~~

~~Commercial uses, including wholesale and storage and light industrial uses if conducted within enclosed, substantially constructed buildings.~~

~~Location Permitted~~

~~The following classifications of business, wholesale and industrial uses as stated or implied are permitted in "B3C", "M1C" and "M2C" Districts:~~

~~Any Commercial Use permitted in the "B2C" District.~~

~~Agricultural implement sales and services.~~

~~Air conditioning and heating sales and service.~~

Specific
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C, Sec.
A, 2

Specifi
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Sec. A,
3

~~Automobile and truck minor motor repair and service shop, but not including body repair and rebuilding or painting.~~

~~Automobile and truck sales and service shop.~~

~~Automobile washing, including the use of mechanical conveyors, blowers, and steam cleaning.~~

~~Battery and tire service stations.~~

~~Beverage, non-alcoholic, bottling and distributing.~~

~~Blueprinting and photo-stating establishments.~~

~~Bicycle and motorcycle sales and repair.~~

~~Boat showroom.~~

~~Bookbinding.~~

~~Catering establishments.~~

~~Contractors' offices and shops, if no fabricating is done on the premises and if all storage of material is within a building.~~

~~Creameries and dairies.~~

~~Exterminating shops.~~

~~Feed and seed store, wholesale.~~

~~Garage, public, for storage of private passenger automobiles and commercial vehicles.~~

~~Glass cutting and glazing establishments.~~

~~Household appliance repair shop.~~

~~Laboratories, medical, dental, research, experimental and testing, if no production or manufacturing of products occurs.~~

~~Parcel delivery station.~~

~~Parking area, public.—~~

~~Parking structure or lot.~~

~~Plumbing, heating and roofing supply shops.~~

~~Printing, publishing and issuing of newspapers, periodicals, books, stationary and other reading matter.~~

~~Photograph developing and processing.~~

Advertising displays.

Awnings, venetian blinds and window shades.

Specifications
C, Sec. A, 3

eries, wholesale.

nes and brooms.

Cosmetics, drugs and perfumes.

Food processing, packaging distribution.

Electrical equipment appliances.

Ice cream.

Jewelry

Medical and dental supplies.

Optical goods and equipment.

Pattern-making.

Scientific and precision instruments.

Products from finished materials such as plastic, bone, cloth, cork, feathers, felt, fibre, paper, fur, glass, hair, horn, leather, precious or semi-precious stones, rubber, shell or yard.

Radio and Television broadcasting stations.

Recreation establishments, including bowling alley, dance hall, gymnasium, skating rink, indoor archery range, golf practicing range, miniature golf course or other similar places of amusement or entertainment when operated for pecuniary profit.

Specifications
C, Sec. A, 3

, drive-in, fast food.

sies.

Sheet metal shop, if the floor area occupied does not exceed 6,000 square feet.

Silver plating and repair shop.

Smoking and processing of meat products.

Trailer sales or rental of house trailers or mobile homes on an open lot or within a building.

Used car or new passenger automobile sales, or used car lot on an open lot or within a building.

~~Uses customarily incidental to any of the above uses and accessory buildings if located on the same premises.~~

~~Wholesale business if conducted wholly within enclosed buildings.~~

~~Manufacturing Use Specifications~~

~~Limited Manufacturing Uses~~

~~Definition~~

~~A limited Manufacturing Use requires both buildings and open area for manufacturing, fabricating, processing, heavy repairing, dismantling, storage or disposal of raw materials, manufactured products or waste; is not injurious to the health or safety of humans or animals, or injurious to vegetation and is not noxious or offensive due to the emission of smoke, dust, gas fumes, odors, or vibrations beyond the premises where the industry is conducted.~~

~~Interpretation~~

~~The following named uses shall be deemed to include those uses or buildings in general keeping with and appropriate to the uses listed in this Specification.~~

~~Location Permitted~~

~~In the "M1C", "M2C" and "M3C" District. Permitted uses are:~~

~~Any use permitted in a "B3C" District.~~

~~Acid manufacture, other than those acids specified as conditional uses in the "M2C" District.~~

~~Artificial limb manufacture.~~

~~Automobile and truck repair (major), painting, upholstering, reconditioning, and body and fender repairing.~~

~~Apparel and other products manufactured from textiles.~~

~~Batteries, manufacture and rebuilding.~~

~~Bedspring and mattress manufacture.~~

~~Belting manufacturing.~~

~~Bicycle manufacture.~~

~~Brooms and brushes manufacturing.~~

~~Boat building and repair.~~

Specific
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C, Sec.
A, 4

Specificat
ions C,
Sec. A, 4

~~Building equipment; yards for building materials; lumber, coal, sand and gravel yards; yards for contracting equipment, maintenance or operating equipment of public agencies, or public utilities, or materials or equipment of a similar nature.~~

~~Bus line shops and garages.~~

~~Canning and preserving.~~

~~Canvas and canvas products manufacturing.~~

~~Carpet and rug cleaning.~~

~~Carpet manufacturing.~~

~~Cartage, express hauling or storage yards.~~

~~Ceramic products, pottery, and glazed tile manufacturing.~~

~~Chick hatcheries.~~

~~Cleaning and Dyeing Establishments, if using more than two cleaning units and if using cleaning fluids approved by the State Fire Marshal Department.~~

~~Cigarettes and cigars.~~

~~Coated fabrics, except rubberized, manufacturing.~~

~~Cork and cork products manufacturing.~~

~~Creameries and dairies.~~

~~Drapery and bedding manufacture.~~

~~Drugs and pharmaceutical products manufacturing.~~

~~Electric motors and generators manufacturing.~~

~~Engraving.~~

~~Felt manufacture.~~

~~Fur goods, not including tanning or dyeing manufacturing.~~

~~Glass products, from previously manufactured glass.~~

~~Ice cream and ice manufacture.~~

~~Kennel. (Amended 5/21/2012 PC12-04)~~

~~Laundries with more than 1,000 pounds daily capacity.~~

~~Livestock sale or auction.~~

Specific
ations
C, Sec.
A, 4

~~Machine shops and metal products manufacture, if not equipped with punch presses exceeding fifty ton pressure, drop forges, riveting and grinding machines or any other equipment which may create noise, vibration, smoke, odors, heat, glare or fire hazards, disturbing to the occupants of adjoining properties.~~

~~Metal polishing and plating.~~

~~Motor freight terminal, private.~~

~~Musical instruments manufacturing.~~

~~Pianos and organs manufacturing.~~

~~Perfumes and cosmetics manufacturing.~~

~~Pet Shop with outdoor pens and/or runs.~~

~~Plastic products, but not including the processing of the raw materials or manufacturing.~~

~~Public or private warehousing or storage of non-flammable goods.~~

~~Rubber products, small, such as washers, globes, footwear and bathing caps, but not rubber and synthetic rubber processing manufacturing.~~

~~Shoes and boots manufacturing.~~

~~Storage and sale of trailers, farm equipment and similar equipment on the unimproved part of any lot.~~

~~Sporting and athletic equipment manufacturing.~~

~~Stone, marble and granite grinding and cutting.~~

~~Textiles spinning, weaving, dyeing and printing.~~

~~Tools and hardware, such as hand tools, bolts, nuts, screws, cutlery, house hardware, locks and plumbing appliances, manufacturing.~~

Specific
ations
C, Sec.
A, 4

~~Tool and die shops.~~

~~Trailer factory.~~

~~Truck, tractor, trailer or bus storage or parking yard, lot or garage.~~

~~Truck terminal, including exchange and hauling of freight.~~

~~Toys and children's vehicles, manufacturing.~~

~~Veterinarian Clinic with outdoor pens and/or runs. _____~~

Wire brush manufacture.

Any other manufacturing establishment which can be operated in compliance with the requirements of this section, without creating objectionable noise, odor, dust, smoke, gas fumes or vapor, and which is compatible with the use and occupation of adjoining properties.

General Manufacturing Uses

Definition

A General Manufacturing Use requires buildings and open area for manufacturing, fabricating, processing, heavy repair, dismantling, storage or disposal of raw materials, manufactured products or wastes; is not injurious to health or safety of humans or animals, or injurious to vegetation; and which has not been declared a nuisance by any court.

Specific
ations
C, Sec.
A, 5

Location Permitted

In the "M2C" and "M3C" Districts. ~~Uses permitted in "M2C" and "M3C" Districts:~~

Any use permitted in the "M1C" District.

Aircraft, assembly and testing of fuselage and motors.

Asbestos and asbestos products, manufacturing.

Automobiles, trucks and truck trailers, manufacturing.

Alcoholic beverages, manufacturing.

Blacksmith shop.

Blast furnaces, steel works or rolling mills.

Boiler works.

Box and crate manufacture.

Brass foundry.

Brick, tile and terra cotta manufacture.

Building materials, such as prefabricated houses, composition wallboards, partitions and panels.

Cement products.

Chalk manufacturing.

Charcoal manufacturing.

~~Chemicals, non-inflammable and non-explosive, the manufacture or use of.~~

~~Coffin manufacture.~~

~~Copperage works.~~

~~Corrugated metal products.~~

~~Cotton-ginning and cotton-wadding.~~

~~Cottonseed oil manufacturing.~~

~~Dyes, aniline, ink pigments and others, manufacturing.~~

~~Feed-milling and processing.~~

~~Gelatin, vegetable and animal.~~

~~Glass-blowing and manufacture.~~

~~Grain elevators.~~

~~Graphite and graphite products, manufacturing.~~

~~Hemp products, manufacturing.~~

~~Ink from primary raw materials, including colors and pigment.~~

~~Linoleum manufacture.~~

~~Lumber, preserving treatment, processing, sawmills and planing mills.~~

~~Metal stamping and extrusion of metal products.~~

~~Metal foundries and casting.~~

~~Machinery, heavy manufacturing and repairing, including electrical, construction, mining and agriculture manufacturing.~~

~~Meat and fish products, packing and processing of, but not including slaughtering glue and size manufacturing.~~

~~Motor testing or internal combustion motors manufacturing.~~

~~Porcelain products, such as bathroom and kitchen equipment, manufacturing.~~

~~Railroad equipment, such as railroad car and locomotive manufacture.~~

~~Railroad yards and repair shops.~~

Specific
ations
C, Sec.
A, 5

~~Rubber products, including tires and tubes manufacture and tire recapping.~~

~~Wax products, manufacture from paraffin.~~

~~Wool scouring and pulling.~~

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Sec. A, 5

Sec. 5.3. Specific Use Standards

Note to Reviewers: 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

Note to Reviewers: The purpose behind this set of 3 residential standards is to enable the mixing of housing types within a subdivision or for infill without the need for a PUD or Variance.

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

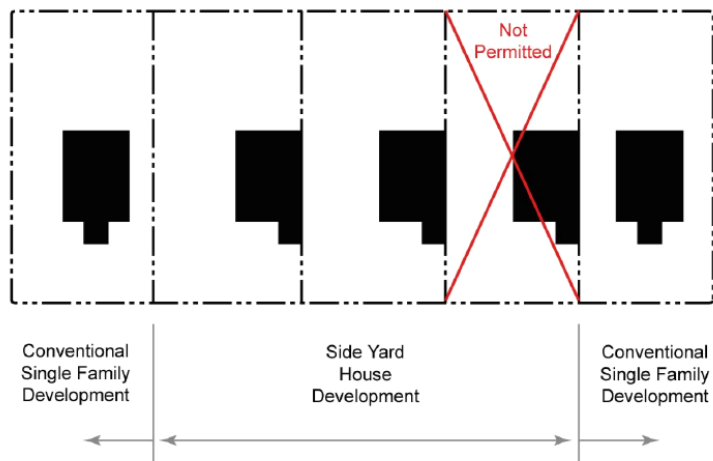
- A. A traditional dwelling may only be constructed fronting on a maintained and usable public sidewalk in an infill context or as part of a larger greenfield development with interconnected public sidewalks.
- B. A traditional dwelling must have a covered front porch a minimum of 10 feet wide by six 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.

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. 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 line dwelling. 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.

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.

5.3.4 Manufactured Home Subdivision or Park

Comment to Tech Committee: Help! The existing Zoning Ordinance is pretty silent on manufactured homes. I am used to considering a mobile home as a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974. And a Manufactured home as constructed on June 15, 1976 or after, that is in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974. And how should we treat modular homes, which are built in modules off-site and then laid on a permanent foundation system? Some communities treat them identical to stick-built homes and some treat them like manufactured homes.

5.3.5 Mobile Home Subdivision or Park

A mobile home subdivision or park is permitted in accordance with the use tables in this Article and Article 6 subject to the following standards.

General

Purpose

The purpose of this section is to allow for the placement of Mobile Homes and dwellings that do not comply with the minimum dwelling standards for one and two family homes in SPECIFICATIONS—B.

Specifi
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Location Permitted

In any approved Mobile Home Park.

In any approved Mobile Home Subdivision.

In A1C, R2C, R3C, R4C, B1C, and B2C a mobile home or Sectional Manufactured Home, not in compliance with the Minimum Dwelling Standards is permitted by special use only and must meet the requirements of the single family residence development stands. (Special Use Applications will not be accepted in R-1C, B-3C, M-1C and M-2C)

Specifi
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The following standards shall be imposed:

All applicable development standards for a single family residence from Specification B shall be applied.

Distance from Existing Residential Dwellings

A. Mobile Home Park

Location Permitted

Mobile home parks may be located in any B1C, B2C or B3C District if laid out, planned, platted and constructed in accordance with the following specifications. A park may also be located in an A1C, R3C or R4C District by special use granted by the Board of Zoning Appeals.

1. Drainage Requirements

The park shall 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

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

3. State Board of Health Requirements

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

4. Distance from ~~Court~~ Park Boundaries

No mobile home shall may be located closer than 30 feet to any mobile home park property line. If the park abuts a public road

Specifications J

~~street or highway, then the standard setback line for that roadway as established by the ordinance for the district in Article 4 for conventional housing in which that park is located shall prevail. In the buffer zone setback so established, each park developer shall must provide screening by fencing or appropriate planting of trees or shrubbery a street buffer as established in Article 7.~~

5. Distance from Existing Housing

~~Any mobile home shall must be located at least 300 feet from any existing habitable residential dwelling not owned by the mobile home park owner. if that park is located in an A1C, B1C, B2C or B3C, R3C or R4C District. These distance requirements may be waived by a variance applied for and granted by the Board of Zoning Appeals.~~

6. Distance from Residential District or Plat Subdivision

~~Any mobile home park shall must be established at least 600 feet from the boundary of a R-1 or R-2 zoning district or any platted residential subdivision. These distance requirements may be waived by a variance applied for and granted by the Board of Zoning Appeals.~~

B. Mobile Home Subdivision

Location Permitted

~~Mobile home subdivisions may be located in any B1C, B2C or B3C District, if laid out, planned, platted and constructed in accordance with the following specifications. A mobile home subdivision may also be located in an A1C, R2C, R3C or R4C District by special use applied for and granted by the Board of Zoning Appeals.~~

1. Minimum Site-Acreage Area

~~A Every mobile home subdivision shall must have a minimum site area of 10 acres platted.~~

2. Subdivision Control Ordinance

~~Mobile home subdivisions shall must be planned and platted to the same specifications required for any residential subdivision in the particular districts where the mobile home subdivision is proposed. will be located.~~

3. State Board of Health Requirements

~~If not otherwise specified or if specifications do not meet or equal standards set by the State Board of Health, the State Board of Health standards for mobile home parks shall prevail.~~

Specifications J

4. Distance from Subdivision Boundaries

No mobile home shall may be located closer than 30 feet to any mobile home subdivision property line. If that park abuts a public street or highway, then the standard setback lines for that roadway as established ~~by the ordinance for the district in Article 4~~ for conventional housing in which that park is located shall prevail. In the ~~buffer zone~~ setback so established, each park developer shall must provide screening ~~by fencing or appropriate planting of trees or shrubbery~~ a street buffer as established in Article 7.

5. Distance from Existing Housing

Any mobile home shall must be located at least 300 feet from any existing habitable residential dwelling not owned by the mobile home or subdivision owner. ~~when that park is located in an A1C, B1C, B2C, B3C, R2C, R3C or R4C District. These distance requirements may be waived by a variance applied for and granted by the Board of Zoning Appeals.~~

6. Distance from Residential District or ~~Plat~~ Subdivision

Any mobile home subdivision shall must be located at least 600 feet from the boundary of an R-1 or R-2 zoning district or any platted residential subdivision. ~~These distance requirements may be waived by a variance applied for and granted by the Board of Zoning Appeals.~~

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.

Note to Reviewers: This allows a dwelling unit on the second floor of a typical downtown or new urbanist development. It is allowed in R-4 (where mixing of uses is allowed), B-1, B-2 and B-3.

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.

Note to Reviewers: This standard only applies in R-4 and could apply in RR, R-1, R-2, R-3 and M-1 by SUP. Osolo Branch of the Elkhart Public Library is 3,881 square feet. In existing Zoning Ordinance, these uses require an SUP across the

board. "C" in this use standards and in the two below allows an SUP for these public uses rather than a Variance (which is harder to get) if they facility cannot meet the max floor area or setback standards.

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

Note to Reviewers: This standard only applies in R-4 and could apply in B-1 by SUP. Wakarusa Clinic is 9,600 square feet and ~45 feet from a house. In existing Zoning Ordinance, these are not allowed in R-4.

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.

Note to Reviewers: This standard only applies in R-4 and could apply in A-1, R-1, R-2 and R-3 by SUP. The Jehovah's Witness Church on CR 11 and CR 22 is 6,000 square feet and 70 feet from a house. In existing Zoning Ordinance, these are allowed by Special Use Permit in all zoning districts. In this draft, they are Limited use in R-4, SUPs in R-1, -2, -3 and by right in B and M.

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 which shall be is more than 1,000 feet from any R zoning district, or the following Use Categories:

- A. ~~church~~ Place of Worship;
- B. ~~school~~ Educational Facility;
- C. Day Care;
- D. ~~public park~~ Park or Open Space; or
- E. ~~any Residential Use Household or Group Living.~~

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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.

Note to Reviewers: This applies in the R-4 zoning district. The intent is to mimic a residential structure for this commercial use. The current zoning ordinance allows office in R-4 but says they have to be home occupations.

5.3.12 Bed and Breakfast Inn

An 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 ~~has~~ seven and a maximum of ~~to~~ 14 guest rooms.
- B. The bed and breakfast inn may provides 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, ~~per side in the A-1, R-3, R-4 and B-1 zones;~~

Note to Reviewers: B&B Homestays are treated in Sec. 5.4, Accessory Uses and Structures.

5.3.13 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.

Note to Reviewers: This applies in the R-4 zoning district only. The intent is to minimize the drive thru's impacts on single- and two-family dwellings. The current zoning ordinance does not allow drive-in or drive-thru restaurants in R-4 but does allow them in M-1 and M-2. This draft does not allow them in M-2.

5.3.14 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.

Note to Reviewers: This applies in the R-4 zoning district only. The intent is to minimize the retail's impacts on single- and two-family dwellings. The current zoning ordinance does not allow retail in R-4 but does allow them in M-1 and M-2. This draft allows some in M-1 and does not allow them in M-2.

5.3.15 Kennel

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

- A. The minimum lot area for a kennel is on a minimum of three acres.
- B. ~~provided the use, including~~ Any runs, pens, facilities, fencing and structures, shall must be:
1. ~~Setback at least a minimum of~~ 200 feet from the nearest principal residence not occupied by the kennel operator; ~~and,~~
 2. ~~Setback at least a minimum of~~ 50 feet from any other property line; and
 3. ~~Screened with Fenced with a visual buffer to neighboring properties a~~ **XXX** bufferyard in accordance with Article 7.

Note to Reviewers: Bufferyards between potentially conflicting zoning districts are proposed to be established in Module 4.

5.3.16 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.

Note to Reviewers: This applies to B-1. Veterinarians with outdoor runs are allowed by SUP in the existing Ordinance. In this draft, they would be allowed by right in B-1 subject to this separation standard.

5.3.17 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.

Note to Reviewers: General, overall landscaping provisions (not counting buffering between uses and along streets) are not likely to appear in Article 7 so this basic landscaping provision is applied to uses in districts where they are not currently allowed. For example, this standard applies to brake, oil change and tire businesses in B-2. The use is currently not allowed in B-2 in the existing zoning ordinance. This draft says this type of use can go into B-2 if it provides some basic landscaping.

Example: A 20,000 square-foot lot for an oil change business would need 2,000 square feet set aside for landscaping and would need two canopy or evergreen

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trees and two ornamental trees.

5.3.18 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.

***Note to Reviewers:** General, overall landscaping provisions (not counting buffering between uses and along streets) are not likely to appear in Article 7 so this basic landscaping provision is applied to uses in districts where they are not currently allowed. This standard applies to gas stations in B-1. The use is currently not allowed in B-1 in the existing zoning ordinance. This draft says this type of use can go into B-1 if it provides some basic landscaping, has a limited number of pumps and that the pumps and other service equipment are not adjacent to possible surrounding residential districts. If the property isn't abutting a residential district, then the only standards that apply are #1 and #2.*

5.3.19 Wrecking, Junk or Salvage Yard

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A wrecking, junk or salvage yard is permitted in accordance with the use tables in this Article and Article 6 provided that ~~Junk yards and automobile wrecking,~~ if the use is confined within enclosed buildings or in yards completely enclosed and surrounded by solid walls or solid fences at least a minimum of eight feet in height, ~~and if fences are kept in sound repair and satisfactory in appearance.~~

5.3.20 Bulk Storage of Explosives or Other Hazardous Materials

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Bulk storage of flammable liquids, ~~fats or oil~~ 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, ~~and only after~~ the location and protective measures ~~have been~~ 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.

Note to Reviewers: *What about things not stored in tanks?*

5.3.21 Light Industrial Service Uses

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

- A. ~~Processing or assembly~~ The space occupied in a building does must not exceed 6,000 square feet of gross floor area, total floor and basement space, not including stairwells, or elevator shafts;
- B. ~~and if that processing or assembly is~~ The Light Industrial Service use must be conducted without noise, vibration, odor, dust or any other condition which noise, vibration, smoke, odors, heat, glare or fire hazards that might be disturbing to occupants of adjacent buildings. If manufacturing operations of the same or similar products require space exceeding 6,000 square feet, they shall then be located in the "M1C" Manufacturing District.

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5.3.22 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 if no fabricating is ~~done~~ takes place on the premises and if and all storage of material is takes place within a building.

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5.3.23 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 ~~adjoining~~ adjacent properties.

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5.3.24 Greenhouse, Commercial

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

Special Uses

Note to Reviewers: *These uses have been worked into the main use table and will be worked into the special purpose and overlay use tables, as appropriate, in Module 3.*

The following uses, or structural alterations to them, which are classified as Special Uses, may be permitted by the Board of Zoning Appeals, in accordance with the procedure specified in ~~Error!~~ **Reference source not found.**

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~~Agri-Business in A-1C Districts.~~

~~Agricultural Storage of agriculturally related items in a semi-truck trailer and/or box truck body in Agricultural District on tracts of land containing 20 acres or more~~

~~Agricultural Use in Agricultural Districts on tracts of land containing less than three acres, and agricultural uses in all other districts regardless of the size of the tract of land involved~~

~~Airport, landing field, or landing strip, in any use district.~~

~~Any public or private passenger transportation terminal facility, in any use district.~~

~~Areas for Municipal, County or privately owned dumps or sanitary landfills for the dumping or disposal of trash or garbage in any use district.~~

~~Athletic park, athletic field, stadium, arenas and other similar places for public or private events, in the A-1, R-1, R-2, R-3, R-4, B-1 and B-2 districts.~~

~~Barber Shops and Beauty Shops in an "A" or "R" District.~~

~~Bed and Breakfast Homestay in the A-1, R-1, R-2, R-3, R-4, B-1 and B-2 districts.~~

~~Bed and Breakfast Inn in the A-1, R-3, R-4 and B-1 Districts.~~

~~Business and professional offices which employ no more than two employees other than the immediate family of the proprietor in any "A" District.~~

~~Cemeteries, crematories or mausoleums, in the A-1, R-1, R-2, R-3, R-4, B-1, B-2, B-3, M-1, and M-2 districts.~~

~~Child Care Center in R-4, B-1, B-2, B-3, M-1 and M-2 districts.~~

~~Child Care Home in A-1, R-1, R-2, R-3, R-4 B-1 and B-2 districts.~~

~~Church or Temple in any use district.~~

~~College or University in any use district.~~

~~Country clubs or golf course in the A-1, R-1, R-2, R-3, R-4, B-1, B-2, B-3, M-1, and M-2 districts.~~

~~Extraction and sale of gravel, sand or other raw materials in any use District.~~

~~Greenhouses, commercial in the A-1 district.~~

~~Home Workshop/Business in any use district.~~

~~Hospitals or sanitariums, public or private, in A-1, R-1, R-2, R-3, R-4, B-1, B-2, B-3, E-1, E-2 and E-3.~~

~~Institutions for the care of adults, children, youth, and/or juvenile in any Use District. —~~

~~Kennel in B-1, B-2 and B-3 Districts.~~

~~Livestock auction facility and daily livestock market sales facility in the A-1 and A-3 Districts.~~

~~Marina in A-1, R-1, R-2, R-3, R-4, B-1, B-2, B-3, M-1 and M-2 Districts.~~

~~Mortuaries or funeral homes in R-4 District.~~

~~Municipal or County owned parking lots, in any use district.~~

~~Municipal, County or privately owned recreation building or community center, in any use district.~~

~~Municipal, County, or Governmental building in any use district.~~

~~Nursing Home or Home for the Aged in any use district.~~

~~Outdoor firearms and outdoor archery range in the A-1, B-1, B-2, B-3, M-1 and M-2 districts.~~

~~Outdoor golf driving range in A-1, B-1 and B-2 districts.~~

~~Outdoor Market in the A-1, A-3, B-1, B-2, B-3, M-1 and M-2 Districts.~~

~~Outdoor paintball course in the A-1, B-1, B-2, B-3, M-1 and M-2 districts.~~

~~Outdoor theaters in any use district except "R1C" and "R2C" Districts.~~

~~Parking areas, public (off-site) in an A-1, R-1, R-2, R-3, R-4, B-1 and/or B-2 Districts.~~

~~Penal or correctional institutions, in any use district.~~

~~Pet Shop with outdoor pens and/or runs in A-1, A-3, B-1, B-2 and B-3 Districts.~~

~~Police station or fire station, in any use district.~~

~~Private Clubs, Fraternal Organizations, Lodges or Adult Organizations in "A", "R3C", "R4C" or "B" Districts.~~

~~Private Off Road Track, Motor Cross Track, Go Kart Track, Car Racetrack in A-1 zones only, which shall be more than 1000 feet from any "R" District or any residential use not on the same parcel with the Special Use.~~

~~Public buildings including art gallery, post office, library, museum, or similar structures in any use district.~~

~~Public or private park or playground, in any use district.~~

~~Public or privately owned and operated fairgrounds, permanent carnivals, kiddie parks, or other similar amusement centers, in any "A1C", "B" or "M" District.~~

~~Public Utility filtration plants, water reservoirs, pumping stations, heating plants, power plants, gas holders, gas regulation center, steam generating stations, electric transformer stations and substations, local transmission and distribution facilities (except when located in any public way or easement provided for them in an approved subdivision), commercial broadcast, relay or receiving towers and telephone exchanges in all use districts.~~

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~~Railroad right of way, in any use district. _____~~

~~Reserved. (Amended 5/21/2012 PC12-04)~~

~~Resort hotel on a lake or river in any use district except an "M" District.~~

~~Rest homes and nursing homes in any "R1C" and "R2C" District.~~

~~Roadside stands for the sale by the owner/producer of fruits, vegetables and plant nursery products raised on the premises in A-1, A-3, A-4, R-1, R-2, R-3, and R-4 districts.~~

~~Saw mills in "A" or "M" Districts.~~

~~Schools, elementary, high and college, public or private, in any "A", "B" or "R" District, but not trade or commercial schools operated for profit.~~

~~Stable, livery, in any "B" or "M" District.~~

~~Subordinate dwelling in a R1C District.~~

~~Tattoo Parlor in a B-3 District (Amended 1/5/98 PC98-01)~~

~~The parking or storing of school buses in any A, R, or B districts. (Amended 11/7/94 PC 94-31)~~

~~Tire recapping in "B2C" and "B3C" Districts.~~

~~Trailer, Mobile Subdivisions, as provided for in Specification J. (Amended 11/21/94 PC 94-35)~~

~~Trailers, Mobile Home Parks as provided for in Specifications J. (Amended 11/21/94 PC 94-35)~~

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~~Trailers, Mobile Homes and Sectional Manufactured Housing (not complying with the minimum standards and requirements for one and two family dwellings), as provided in Specification J. (Amended 11/21/94 PC 94-35)~~

~~Veterinarian Clinic with outdoor pens and/or runs in A-1, A-3, B-1, B-2 and B-3 Districts.~~

~~Warehousing and storing, including construction storage yards, in "A" and "B" Districts.~~

Sec. 5.4. Wireless Communication Facilities

Note to Reviewers: This Section is almost identical to the County's existing Wireless Communication Facilities written policy, which was never adopted into the Zoning Ordinance.

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 of 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, an accessory structure must be subordinate in floor area and 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 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.

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Shall not be permitted prior to the erection of the principal building.

Note to Reviewers: *The first part of D. above is currently in practice but not codified.*

~~ACCESSORY BUILDING OR USE: An "accessory building or use" is one which:~~

~~Is incidental and subordinate to, and serves the principal building or principal use; and~~

~~Is customarily and commonly associated with the principal building or principal use served; and~~

~~Is subordinate in area, extent, and purpose to the principal building or principal use served; and~~

- E. An accessory use or structure must contribute to the comfort, convenience, or necessity of occupants of the principal use building or principal use structure served.; ~~and~~
- F. An accessory use or structure must be located on the same zoning lot, and in the same zoning district and under the same ownership as that of the principal use building or principal use structure served.; ~~and~~

~~Is not specifically enumerated as a special use in the particular zoning district in which the principal building or principal use served lie; and~~

~~An "accessory use" includes, but is not limited to:~~

~~A children's playhouse, garden house, and private greenhouse.~~

~~A garage, shed, or building for domestic storage.~~

Art.
1,
Sec. 2

~~Incinerators incidental to residential use.~~

~~Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless that storage is prohibited by the district regulations.~~

~~Storage of goods used in or produced by manufacturing activities, on the same lot or parcel of ground with those activities, unless that storage is prohibited by the district regulations.~~

~~Off street motor vehicle parking areas, and loading and unloading facilities.~~

~~Signs, other than advertising signs as permitted and regulated in each district incorporated in this Code Section.~~

~~Carports.~~

~~Swimming Pools if private, being incidental to use by owner and guests.~~

~~Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.~~

5.5.2 Setbacks

ACCESSORY BUILDINGS.

- A. No accessory structure may be located closer than five feet to any other structure.
- B. ~~Detached accessory buildings structures may shall~~ not be located within five feet of a side lot line in any zoning district. ~~Detached accessory buildings structures may shall~~ not be located within 10 feet of the rear lot line in any zoning district.
- C. Accessory structures must comply with the front setback standards for the principal structure established in Article 4.
- D. Except as provided below, the normal maximum height for an accessory structure is permitted shall be 18 feet or one and one-half (1-1/2) stories above the average level of the ground adjacent to the exterior walls of the building. The maximum height of an accessory buildings structure may be increased to 25 feet or two (2) stories if the minimum required five-foot distance from side lot lines in setback is increased one foot for each two feet that the structure is above 18 feet. above the normal maximum height permitted.

[insert graphic]

5.5.3 Accessory Dwelling Unit

~~Servants' quarters if part of an accessory garage and solely for occupancy by a servant or household employee of the occupants of the principal dwelling and the family of that servant or employee.~~

Art. 1, Sec. 2

Specifications B, B

Note to Reviewers: *Accessory dwelling units (darty houses, granny flats, mother-in-law units, etc.) currently require a Use Variance, which is difficult to prove a hardship for. This provision would allow them by right, subject to limitations. The reason they are proposed to be allowed outside of just A-1 is that they allow aging relatives to live nearby, and they can provide income to the property owner to offset a mortgage or maintenance of the property. They are also a method of keeping housing costs down.*

1. Accessory dwelling units are permitted by right or by Special Use Permit, as appropriate, under the following circumstances:
 - a. In association with a single-family dwelling or Educational Facilities use in the A-1 zoning district; or
 - b. In association with a single-family dwelling on a residentially-zoned property over an acre in size.
2. 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.
3. Where associated with a single-family dwelling in either the A-1 zoning district or on a residentially-zoned property over an acre in size, the accessory dwelling unit is allowed by right.
4. An accessory dwelling unit must have a minimum gross floor area of 600 square feet and a maximum gross floor area of 1,000 square feet. In no case may the accessory dwelling have more floor area than the principal dwelling.
5. The maximum height of an accessory dwelling unit is a single story of livable space.

Note to Reviewers: *A garage apartment is two stories, but would still be a single story of livable space.*

6. When associated with a single-family dwelling, the owner of the property must reside in either the principal dwelling or the accessory dwelling unit.
7. 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.
8. An accessory dwelling unit must be served by the same curb cut that serves the principal dwelling or Educational Facility.
9. 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.

10. 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.

Art.1, Sec. 2 ~~A non-paying guest house or rooms for guests within an "accessory building," if those facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others as housekeeping units.~~

~~except that in A two-story garage with living quarters upon the second floor, those quarters may be occupied by a servant of the family occupying the main structure and the family of that servant. A guest house may also be constructed without a kitchen or rooms for guests within an accessory building if those facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others as a housekeeping unit. The zoning lot shall have the required open area for private sanitary disposal where no public sewer exists.~~

Art.3, Sec. 7 ~~except that in A two-story garage with living quarters upon the second floor, those quarters may be occupied by a servant of the family occupying the main structure and the family of that servant. A guest house may also be constructed without a kitchen or rooms for guests within an accessory building if those facilities are used for the occasional housing of guests of the occupants of the main structure and not for permanent occupancy by others as a housekeeping unit. The zoning lot shall have the required open area for private sanitary disposal where no public sewer exists.~~

Note to Reviewers: Guest House and servants quarters do are not needed if accessory dwelling units are in the draft.

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 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 ~~has no more than~~ six guest rooms.
- B. A bed and breakfast homestay may provides sleeping accommodations for no more than 15 consecutive days to a particular guest.
- C. A bed and breakfast homestay is limited to one double-faced sign not to exceed four square feet in area. ~~per side;~~

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.

Art.1, Sec. 2 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 Firearms Range, Outdoor Noncommercial

An outdoor noncommercial firing range is allowed by right in association with a single-family dwelling subject to the following standards.

- A. The property must have a minimum lot area of 3 acres.
- B. The shooting area and backstop must be a minimum of 300 feet from any residential property line.

Note to Reviewers: This is in this draft because I just had an extremely contentious issue between a firearms range owner and a neighbor and had very little guidance in the Zoning Ordinance for sorting it out.

5.5.7 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.

Art.1, Sec. 2

- A. Any home occupation shall 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. , and only by occupants of the residence.

Note to Reviewers: This is proposed so that a business that currently needs to be considered a home workshop/business due to having an outside employee (and therefore need an SUP that is very likely to be approved) can have the employee without needing an SUP.

- C. There shall must be no article sold or offered for sale on the premises.
D. There shall must be no service sold or offered for sale on the premises that would generate vehicle or customer/client traffic to the premises beyond traffic normally associated with the residential use.

Note to Reviewers: The existing language may be too strict in this area. Typically, ordinances prohibit the sale of merchandise in a home occupation but allow limited service-oriented occupations. Under the existing rules something as innocuous as a piano teacher would not technically be allowed to have a home occupation, but would instead need a SUP for a home workshop / business. The added language above attempts to soften the standard.

- E. There shall be no Signs advertizing the home occupation are prohibited.

Note to Reviewers: It is common to allow a small wall sign (1 or 2 square-feet) for the home occupation. But the no-sign rule remains in this draft.

Art.1, Sec. 2

- F. There shall 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 The home occupation shall must not produce any noise, vibration, smoke, dust, odors, heat or glare which can be detected beyond the premises.

5.5.8 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.

Art.1, Sec. 2

- A. A The home workshop or business shall must be carried on wholly within the principal building or within a building accessory to it.
B. A The home workshop or business shall with a gross floor area of XXXX square feet or less must be operated only by occupants of the residence and by no more than a maximum of two employees, associates, or partners who do not occupy the residence. A home

workshop or business with a gross floor area of more than XXXX square feet may have a maximum of three outside employees, associates or partners who do not occupy the residence.

Note to Reviewers: *This would allow a larger home occupation to have one more employee and possibly cut down on the frequency of Use Variance requests related to number of employees.*

- C. ~~The premises shall be~~ A home workshop or business is limited to a single one non-illuminated wall or freestanding sign which may be double faced, but shall not to exceed four square feet per side. If freestanding, the sign must be shall 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 and shall not exceed four feet in height.
- D. ~~There shall be no~~ Display or storage of materials or products is prohibited except within a totally enclosed building.
- E. ~~A The home workshop or business shall~~ must not produce noise, vibration, smoke, dust, odors, heat or glare which can be detected beyond the premises.

Art.1,
Sec. 2

~~Any home workshop or business meeting these standards shall require a special use in any use district.~~

5.5.9 **Mobile Home for Aged or Infirm**

A mobile home is allowed in association with a single-family dwelling in the A-1 zoning district by Special Use Permit if the mobile home is used by an aged or infirm relative of the family residing in the principal dwelling.

~~All mobile homes or Sectional manufactured homes, not in compliance with the minimum dwelling standards shall be located at least 300 feet from any existing habitable residential dwelling not owned by the applicant, unless it is granted for the aged or infirm family members or in extreme hardship cases.~~

5.5.10 **Personal Residential Storage**

~~ACCESSORY BUILDING, USES PERMITTED.~~

~~Private garage (attached or detached), storage, exclusive of industrial or commercial use are permitted provided the total square footage of all accessory buildings is less than the total square footage of the living area of the primary structure.~~

- 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. The total square footage of all accessory structures must not exceed 110 percent of the square footage of the principal dwelling.

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- B. In the Agricultural zoning district, the storage of personal agricultural equipment in accessory structures is exempt from the square footage limitation.

Note to Reviewers: The current standards require that the accessory storage square footage not exceed the square footage of the house. Storage spaces exceeding this standard are routinely approved by the BZA by Variance. This draft allows accessory storage of personal items to exceed the square footage of the house by 110%.

5.5.11 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 3 acres.

Note to Reviewers: This is in the draft so that Amish house churches are made clearly allowable.

5.5.12 School Bus Parking, Outdoor

Outdoor parking of a school bus 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 3 acres.
- B. An outdoor bus parking area must be screened from view from the public right-of-way and neighboring residential properties by an opaque fence or masonry wall a minimum of six feet in height or by evergreen plantings a minimum of eight feet in height at the time of installation.
- C. In the A-1 and R- zoning districts, an indoor bus parking structure must be designed and constructed to compliment the principal dwelling.

Note to Reviewers: School bus parking as an accessory use currently requires a SUP in the A-1, R and B zoning districts. This allows it by right, subject to limitations, in the A-1, R and B districts.

The parking or storing of school buses in any A, R, or B districts. (Amended 11/7/94 PC 94-31)

5.5.13 Solar Panel Array

A solar panel array is permitted by right 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.

Specifications F, A

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. Ground-Mounted Arrays

Ground mounted solar panel arrays require a Special Use Permit.

***Note to Reviewers:** The existing ordinance does not address solar panels and they are proposed at the counter about once a month, on average. Policy has been that roof-mounted arrays are allowed by right and ground mounted arrays are allowed by Special Use Permit.*

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. A temporary use must not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- C. Off-street parking for a temporary use must not eliminate required parking for any of the other existing uses on the site.
- D. Adequate on-site rest room facilities and refuse containers must be provided. 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.
- E. A temporary use must not produce noise vibration, smoke, dust, odors, heat or glare what can be detected beyond the premises.
- F. No property may have more than four of the events listed below in one calendar year.
- G. 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.

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. 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.

Note to Reviewers: *This is current policy being codified into the Ordinance.*

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, once every six months.

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.

Conditional Industrial Unit Development

Note to Reviewers: *These uses will be worked into the main use table and may possibly become SUPs.*

The following uses may be permitted in a M-2 District if located more than 300 feet from any part of an "R" District or residential use subject to the approval of the Board of County Commissioners by specific amendment of this ordinance after paying reasonable regard to IC 36-7-4-603, and after receiving a recommendation from the Plan Commission following a public hearing.

An Adult Use

Animal and poultry slaughterhouse for wholesale purposes and stockyards.

Acetylene gas manufacture.

Acid manufacture.

Ammonia bleaching powder or chlorine manufacture.

Arsenal.

Asphalt manufacture or refining.

Celluloid manufacture or treatment.

Cement, gypsum, lime or plaster of Paris manufacture.

Coke ovens.

Creosote treatment or manufacture.

Disinfectant, insecticide or poison manufacture.

Distillation of bones, coal or wood.

Dyestuff manufacture.

Fat rendering.

Fertilizer manufacture.

Fireworks or explosive manufacture or storage.

Gas (illuminating or heating) manufacture.

Glue, sizing or gelatin manufacture.

Gunpowder manufacture and storage.

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~~Incinerator for reduction of garbage, dead animals, offal or refuse and automobile bodies, except for governmental purposes.~~

~~Paint, oil (including linseed), shellac, turpentine, lacquers or varnish manufacture.~~

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~~Petroleum refining.~~

~~Rock crushing.~~

~~Rubber or gutta-percha manufacture or treatment.~~

~~Salt works.~~

~~Sausage or bologna manufacture.~~

~~Smelters.~~

~~Stone mill or quarry.~~

~~Sulfuric, nitric, hydrochloric or picric acid manufacture.~~

~~Tallow, grease or lard manufacture or refining.~~

~~Tar distillation or manufacture.~~

~~Tar roofing or water-proofing manufacture.~~

~~Vinegar manufacture.~~

~~Yeast plant.~~

~~In general, those uses which have been declared a nuisance in any court or which in the opinion of the Zoning Administrator are or may be unreasonably dangerous, obnoxious or offensive due to the emission of odor, vapor, smoke, gas, noise or radioactive substance.~~