

Article
01

Zoning Ordinance Foundation

*Howard County
Zoning Ordinance*

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Basic Provisions

1.01 Title

This Ordinance shall be formally known as the “Howard County Zoning Ordinance,” and may also be cited and referred to as the “Zoning Ordinance,” or as the “Zoning Code.”

1.02 Defined Words

Words used in a special sense in the Zoning Ordinance are defined in *Article 09: Definitions*.

1.03 Authority

The Zoning Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana. Whenever codes cited in the Zoning Ordinance refer to Indiana Code which has been amended or superseded, the Zoning Ordinance shall be deemed amended in reference to the new or revised code.

1.04 Ordinance Jurisdiction

The Zoning Ordinance applies to all land within the county limits of Howard County, Indiana, excluding the legally established planning jurisdiction of the cities and towns within Howard County.

1.05 Purpose

The Zoning Ordinance is intended to guide the growth and development of the County in accordance with the Howard County Comprehensive Plan for the following purposes:

- A. Basic Rights: To secure adequate light, air, convenience of access, and safety from fire, flood and other dangers, which may include providing adequate open spaces for light, air and outdoor uses.
- B. General Welfare: To promote the public health, safety, morals, comfort, convenience and general welfare.
- C. Development and Growth: To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with County land use policy.
- D. Character: To protect the character and stability of agricultural, residential, institutional, commercial, industrial and natural areas.
- E. Circulation: To minimize or avoid congestion on public streets and to ensure safe, convenient and efficient traffic circulation.
- F. Environmental Integrity: To preserve and enhance the scenic beauty, aesthetics and environmental integrity of the planning jurisdiction.
- G. Compatibility: To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. Intensity: To regulate and restrict the use of buildings, structures and land for business, industry, residence and other uses.
- I. Public Service: To define the powers and duties of administrative officers and bodies and to establish procedures for the implementation and enforcement of the Zoning Ordinance.
- J. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of the Zoning Ordinance.

1.06 Applicability

No buildings, structures, land or uses thereof shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, demolished, divided or maintained except in full compliance with all provisions of the Zoning Ordinance and the permits required by the Zoning Ordinance have lawfully been issued.

1.07 Severability

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

Basic Provisions

1.08 Interpretation

- A. Minimum Requirements: The provisions of the Zoning Ordinance are the minimum requirements necessary to achieve the purpose of the Zoning Ordinance. See § 1.05: *Purpose*.
- B. Conflicts or Inconsistency:
1. *Internal*. If two (2) or more provisions of the Zoning Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply, unless specified otherwise.
 2. *Federal, State and Local*:
 - a. Whenever a provision of the Zoning Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation, or other County ordinance or regulation, the provision of the Zoning Ordinance shall apply.
 - b. Whenever a provision of any State or federal code or regulation, or other County ordinance or regulation imposes a greater restriction or a higher standard than is required by the Zoning Ordinance, the provision of the State or federal code or regulation, or other County ordinance or regulation shall apply.
 3. *Other*: Whenever a private covenant, contract, commitment, agreement or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Zoning Ordinance, the more restrictive provision shall apply. This section shall not be interpreted to mean the County is obligated to enforce the provisions of private covenants, contracts, commitments, agreements or other similar regulations.
- C. Text: If the meaning or implication of any drawing, table, figure, title or section heading differs from the meaning or implication of ordinance text, the text of the Zoning Ordinance shall apply.
- D. Time Frame: Any time frames stated within the Zoning Ordinance shall be calculated to include weekdays, weekends and holidays. However, if a time frame ends on a Saturday, Sunday or holiday on which the County offices are closed, the time frame shall be extended to the end of the next business day unless specified otherwise.
- E. Delegation of Authority: If a provision of the Zoning Ordinance requires the Planning Director or other County officer to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- F. Mandatory and Permissive Terms: The words "shall," or "must" are always mandatory and "may" or "should" are always permissive.
- G. Words Used: If words used in the Zoning Ordinance are not defined in *Article 09: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in the Zoning Ordinance shall be construed to have the meaning defined by appropriate lexicon or current and common dictionary.
- H. Tense: If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.
- I. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless in context, it clearly indicates the contrary.
- J. Conjunctions: "And" shall be construed to include all connected items in a series and "or" shall be construed to include one (1) or more of the items in a series, unless in context it clearly indicates the contrary.

Basic Provisions

1.09 Repealer

The following County ordinances are hereby repealed and are replaced by this Zoning Ordinance and Official Zoning Map:

- A. The Howard County Zoning Ordinance, No. 1981-9, as amended; and
- B. The accompanying Howard County Zoning Map(s), as amended.

1.10 Transition Rules

- A. Plan Commission: Any application that has been filed with the Plan Commission and is full and complete prior to the effective date of the Zoning Ordinance shall be regulated by the terms and conditions of the ordinance that was in place at the time of filing. However, the Zoning Ordinance shall determine administrative procedures after the effective date of the Zoning Ordinance and the amount of fees owed after adoption of the Zoning Ordinance.
- B. Board of Zoning Appeals: Any application (*e.g.* special exception, use variance, development standards variance) that has been filed with the Board of Zoning Appeals and is full and complete prior to the effective date of the Zoning Ordinance, shall be regulated by the terms and conditions of the ordinance that was in place at the time of filing, provided that:
 1. The application is still required by the terms of the Zoning Ordinance; or,
 2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of the Zoning Ordinance that were not required under the previous ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- C. Development Plans: All Development Plans shall meet the requirements of the Zoning Ordinance unless:
 1. An Improvement Location Permit and/or Building Permit was legally issued and is still valid, or
 2. A parcel was approved as a buildable lot prior to the effective date of the Zoning Ordinance.

1.11 Administrative Officer

The Planning Director shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Zoning Ordinance.

1.12 Saving Provision

The Zoning Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous zoning, subdivision, or related ordinance. The Zoning Ordinance shall not be construed as discontinuing, reducing, modifying or altering any penalty accruing or about to accrue.

Zoning Districts

1.13 Standard Zoning Districts

- A. Establishment: Each of the standard districts in the Zoning Ordinance stands alone and is not a part of a hierarchical or pyramidal system of zoning. Only those uses which are expressly permitted, and development standards assigned to each district apply to that zoning district. For the purpose of the Zoning Ordinance, Howard County is divided into the following zoning districts for the general purposes as stated:

District Abbreviation	District Name	District Purpose
PR	Parks and Recreation	This district is established for parks, trails, open spaces and recreational areas.
AG	Agricultural	This district is established for the protection of agricultural operations including small-scale confined feeding operations, and buildings associated with agricultural production. This district is generally synchronized with the City of Kokomo's AG district.
IA	Intense Agricultural	This district is established for high intensity agricultural operations and/or for special agricultural operations including large-scale confined feeding operations and agricultural industrial uses that might have an adverse impact on surrounding non-agricultural uses.
AC	Agricultural Commercial	This district is established for commercial and industrial uses directly related to agriculture and compatible with rural/agricultural areas.
RR	Rural Residential	This district is established for agricultural operations and single-family detached homes in a rural or country setting.
R1	Very Low Density Residential	This district is established for single-family detached, medium to large sized homes on medium to large sized lots. This district is generally synchronized with the City of Kokomo's R1 district.
R2	Low Density Residential	This district is established for single-family detached, small to medium sized homes on medium sized lots. This district is generally synchronized with the City of Kokomo's R2 district.
R3	Medium Density Residential	This district is established for single-family detached, small to medium sized homes on small to medium sized lots. This district is generally synchronized with the City of Kokomo's R3 district.
VR	Village Residential	This district is established for existing residential uses in small unincorporated towns and villages.
MR	Multiple-Family Residential	This district is established for high density single-family attached homes, duplexes, triplexes, condominiums, townhomes, cluster housing and apartments.
MP	Manufactured Home Park	This district is established for leased lot developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and double-wide manufactured homes. This district is generally synchronized with the City of Kokomo's MP district.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use. This district is generally synchronized with the City of Kokomo's IS district.
VM	Village Mixed Use	This district is established for existing commercial uses in small unincorporated towns or villages.
C1	Small to Medium Scale General Commercial	This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are small to medium in scale and low to medium intensity. This district is generally synchronized with the City of Kokomo's C1 district.
C2	Medium to Large Scale General Commercial	This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments that are medium to large in scale and medium to high intensity. This district is generally synchronized with the City of Kokomo's C2 district.
I1	Low Intensity Industrial	This district is established for low intensity industrial uses, light manufacturing facilities and business parks.
I2	Moderate Intensity Industrial	This district is established for moderate intensity industrial uses and light manufacturing facilities.
IU	Intense Use	This district is established for uses that typically involve an intense use on the property.

- B. Land Uses: Each standard zoning district lists land uses that are allowed in that district. Such land uses are of two kinds; permitted uses and special exception uses. Howard County's permitted and special exception uses for each district are noted in the "Permitted Use" and "Special Exception Uses" columns in *Article 02: Zoning Districts*.

Zoning Districts

1.14 Overlay Districts

A. Establishment:

1. The overlay districts below have been established to:
 - a. Add development standards;
 - b. Reduce development standards;
 - c. Add uses;
 - d. Reduce uses; or
 - e. Any combination of the above.
2. For the purpose of the Zoning Ordinance, Howard County has established the following overlay districts for the general purposes as stated:

District Abbreviation	District Name	District Purpose
AH-OL	Airport Hazard Area Overlay	This district is established to disallow land uses which are in conflict with or adversely affected by normal airport operations.
WR-OL	Well Restriction Overlay	This district is established to protect the public drinking water quality.
HS-OL	Hydric Soil Overlay	This district is established to protect the community from inappropriate development on hydric soils.
FC-OL	U.S. 31 Freeway Corridor Overlay	This district is established to protect the corridor from inappropriate development and to preserve aesthetic qualities along the corridor.
WH-OL	Wellhead Overlay	This district is established to protect the integrity and drinkability of the community's public water supply and enhance water quality of streams.
FH-OL	Flood Hazard Overlay	This district is established to minimize risk to life, protect property from damage, reduce risk of flooding and improve storm water quality.

- B. **Land Uses:** An overlay district will supercede any standard zoning district regulations, permitted uses, or special exception uses at noted in the overlay district text. Any additions or deletions to the permitted uses or special exception uses caused by an overlay district will be noted in the columns labeled "Effect on Uses" in *Article 03: Overlay Districts*.

1.15 Planned Unit Development Districts

- A. **Establishment:** The provisions of this Zoning Ordinance allow certain zoning districts to be rezoned for a Planned Unit Development (PUD). A Planned Unit Development may be petitioned for in the following districts:



- B. **Land Uses:** The provisions that regulate Planned Unit Developments can be found in *Article 04: Planned Unit Developments*.

1.16 Unlisted or Questionable Land Uses

Any land use not listed or that is questionable as a permitted use or special exception use on the two-page layouts in *Article 02: Zoning Districts* is not allowed unless determined otherwise, through interpretation of the intent of the Zoning Ordinance and the intent for each relevant individual zoning district.

- A. **Questionable Land Use Interpretation:** The Planning Director may determine an unlisted or questionable use may be permitted if it is significantly similar to another use that is permitted by right or as a special exception use in the zoning district. See *Article 07; § Land Use Interpretation*.
- B. **Administrative Appeal:** The decision of the Planning Director may be appealed to the Board of Zoning Appeals following the process established in *Article 07; § Administrative Appeals*.
- C. **Limitation of Interpretation:** Under no circumstance shall this interpretation be construed as a use variance.

Official Zoning Map

1.17 Official Zoning Map

- A. Description: The map labeled “Official Zoning Map” maintained by the Plan Commission is hereby included as part of the Zoning Ordinance and is to function as the means to identify a zoning district for each parcel in the County. The zoning map shall be formally known as the “Official Zoning Map” and it may be cited and referred to as the “Howard County Zoning Map” or the “Zoning Map.”
- B. Location: The Official Zoning Map will be located in the Plan Commission office and maintained by the Plan Commission and the Planning Director.
- C. Zoning District Boundaries:
 1. *Standard Zoning Districts*: The standard zoning district boundaries shall be shown on the Official Zoning Map. The abbreviations for the standard zoning districts appearing in the Zoning Ordinance shall be used to identify the zoning districts on the map.
 2. *Overlay Districts*: The overlay district boundaries shown on the Official Zoning Map shall be interpreted as follows:
 - a. *Labeling*: An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
 - b. *Fully Covered*: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 03: Overlay Districts*.
 - c. *Partially Covered*: A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.
 3. *Standards*: Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
 - a. *Streets*: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement or right-of-way.
 - b. *Section Lines*: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines or county corporation lines shall be construed as following or paralleling such lines.
 - c. *Water*: Zoning district boundaries indicated as approximately following the centerline of streams, rivers or other moving bodies of water shall be construed to follow such centerlines.
 - d. *Vacated*: Whenever any roads, alley, public way, railroad right-of-way, waterway or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall thereafter be subject to all regulations of the extended zoning districts. The following exception apply:
 - i. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all of the vacated area.
 4. *Interpretation*: Any disputes as to the exact zoning district boundaries shall be determined by the Planning Director. The Planning Director may refuse to make a determination when he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of the Zoning Ordinance.
- D. Regular Revisions: The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (i.e. rezonings, planned unit developments, annexations), or as the Planning Director determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the map.

Powers and Duties

1.18 Summary of Powers and Duties; County Commissioners

The powers and duties of the County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Duties:

1. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
3. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. Adopt, reject or amend a fee schedule that has been proposed or amended and submitted by the Plan Commission.
5. Other duties as permitted by Indiana State Code.

B. Powers:

1. Initiate a proposal to amend the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance or Subdivision Control Ordinance by requesting the Plan Commission to prepare the proposal.
2. Initiate a proposal to amend the Official Zoning Map by requesting the Plan Commission to prepare the proposal.
3. Other powers as permitted by Indiana State Code.

1.19 Summary of Powers and Duties; Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Duties:

1. Recommend to and maintain a Board of County Commissioners adopted Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules of procedure for holding meetings, holding public hearings, and for the administration and enforcement of the Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance.
3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. Publish and make available to the public all plans, ordinances and other related material that are the responsibility of the Plan Commission.
5. Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. Certify and submit recommendations to the Board of County Commissioners including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance and Official Zoning Map.
7. Certify and submit recommendations to the Board of County Commissioners for adopting Planned Unit Development Districts.
8. Maintain monetary and fiscal records of the Plan Commission.
9. Prepare and submit an annual budget to the County Council.
10. Approve or deny plats or replats of subdivisions.
11. Approve or deny development plans, final plans and amendments to such plans.
12. Approve or deny proposed subdivision names and street names in new developments.
13. Establish and maintain a fee schedule approved by the Board of County Commissioners that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
14. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance to the extent of the local resolutions, ordinances, and State of Indiana Law.
15. Other duties as permitted by Indiana State Code.

Powers and Duties

B. Powers:

1. Work with the Kokomo Plan Commission to delegate to a committee or person the role of Planning Director as provided by the Kokomo-Howard County Inter local Cooperative Agreement No. 1994-1, as amended.
2. Work with the Kokomo Plan Commission to hire, remove and determine job descriptions for support staff for the Plan Commission Office as provided by the Kokomo-Howard County Inter local Cooperative Agreement No. 1994-1, as amended.
3. Establish advisory committees as necessary made up of County officials and the general public.
4. Work with the Kokomo Plan Commission to establish an executive conference committee as provided by the Kokomo-Howard County Inter local Cooperative Agreement No. 1994-1, as amended.
5. Seek funding assistance through grant programs as necessary.
6. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance or Subdivision Control Ordinance to the general public and development community.
7. Determine the compensation for support staff and members as provided within the budget submission to County Council.
8. Other powers as permitted by Indiana State Code.

1.20 **Summary of Duties; Board of Zoning Appeals**

The duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations.

A. Duties:

1. Hear appeals of decisions of the Planning Director made under the Zoning Ordinance.
2. Hear and approve or deny all applications for special exceptions and variances based on the provisions of the Zoning Ordinance and Indiana State Code.
3. Other duties as permitted by Indiana State Code.

1.21 **Summary of Duties; Planning Director**

The duties of the Planning Director are described below. Duties should be interpreted as activities that are obligations.

A. Duties:

1. Assist the public in understanding the Zoning Ordinance, Subdivision Control Ordinance, land use and related County ordinances, plans and policies.
2. Review applications regarding the use of land, structures and the construction of structures.
3. Provide staff assistance to the Board of Zoning Appeals and the Plan Commission.
4. Keep records of the Zoning Ordinance and Subdivision Control Ordinance, including all maps, amendments, special exception, variance and planned unit development approvals and denials, interpretations, and decisions rendered, together with relevant background files and materials.

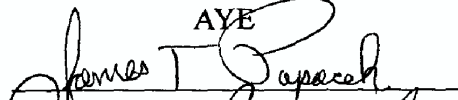

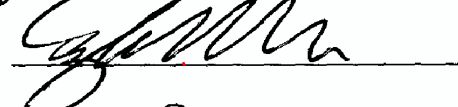
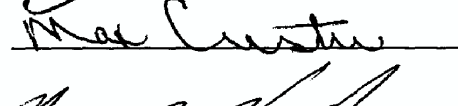





Certification

1.22 Plan Commission Certification

This Zoning Ordinance was certified for adoption on this 16th day of June, 2009 by the Howard County Plan Commission after holding a legally announced public hearing. This Zoning Ordinance was certified and validated by the following Plan Commission members vote.

Signatures:

THE PLAN COMMISSION OF HOWARD COUNTY, INDIANA

AYE		NAY
	Jim Papace President	_____
	James Miller, Vice President	_____
	Tyler Moore, Member	_____
	Max Custer, Member	_____
	Heath Van Natter, Member	_____
	Cheryl Graham, Member	_____
	Daniel Minor, Member	_____
	Mike Imbler, Member	_____
	Paul Marcellino, Member	_____

Attest:



Glen R. Boise, AICP; Plan Commission Secretary
Howard County, Indiana

Date: June 16, 2009

Adoption

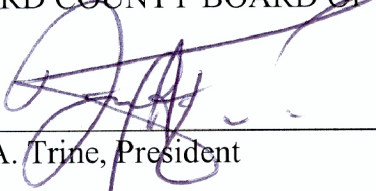
1.23 Adoption/Effective Date

This Zoning Ordinance is hereby adopted by the County Commissioners of Howard County, Indiana on this 1st day of February, 2010. This Zoning Ordinance shall become effect on the 1st day of June, 2010.

Signatures:

PASSED BY THE BOARD OF COUNTY COMMISSIONERS THIS 1st DAY OF February, ~~2009~~ 2010.


HOWARD COUNTY BOARD OF COMMISSIONERS



David A. Trine, President




William Thompson, Vice-President



Tyler O. Moore, Member

Attest:



Ann Wells, Howard County Auditor

Article
02

Zoning Districts

Howard County
Zoning Ordinance

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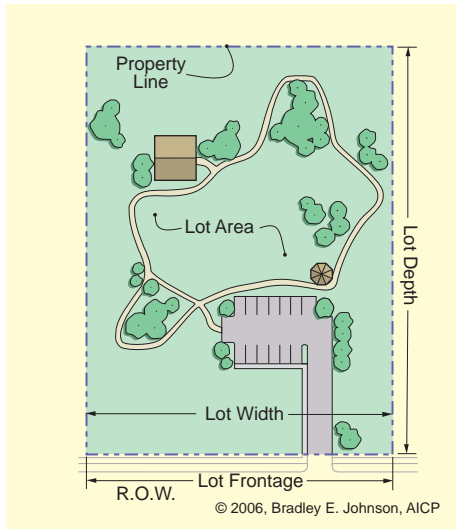
Parks and Recreation (PR) District

2.01 PR District Intent, Permitted Uses, and Special Exception Uses

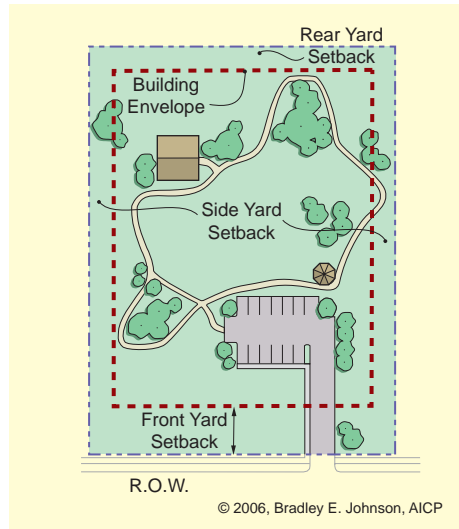
District Intent	Permitted Uses	Special Exception Uses
<p>The PR (Parks and Recreation) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • public parks, playgrounds, ball fields and recreational areas <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • spot zoning • buffer district <p>Development Standards</p> <ul style="list-style-type: none"> • promote high quality recreation and natural areas for public use <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • all districts <p>Plan Commission</p> <ul style="list-style-type: none"> • Both large and small tracts of land should be preserved for recreational uses <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • strive to protect the integrity of these natural areas 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • community center • government operations (non-office) • nature center • nature preserve • park, public • parking lot, public • pool, public • recreation center • recycling collection point <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • country club • golf course <p>Institutional Uses</p> <ul style="list-style-type: none"> • government office • library • museum • police, fire or rescue station <p>Utility Uses</p> <ul style="list-style-type: none"> • meteorological tower

Parks and Recreation (PR) District

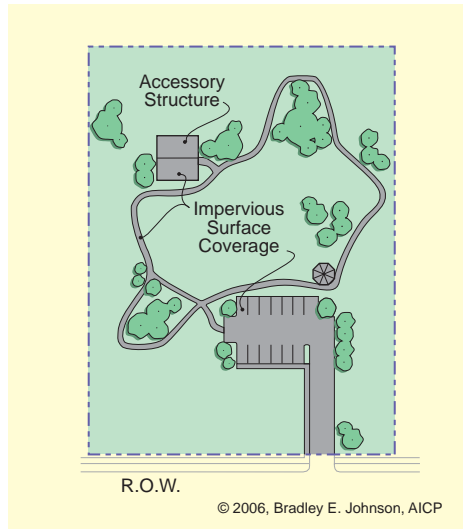
2.02 PR District Development Standards



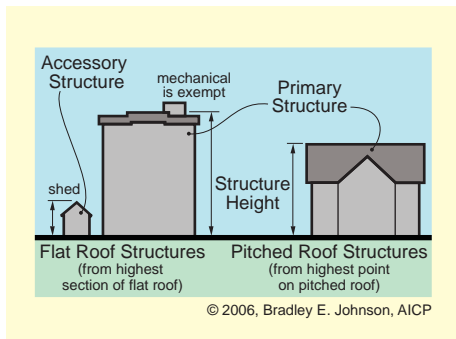
- Minimum Lot Area:**
 - n/a
- Minimum Lot Width:**
 - n/a
- Minimum Lot Frontage:**
 - n/a
- Sewer and Water:**
 - Does not require hook up to a community sanitary sewer system or community water system



- Minimum Front Yard Setback:**
 - 35 feet when adjacent to an Arterial
 - 25 feet when adjacent to a Collector
- Minimum Side Yard Setback:**
 - 15 feet
- Minimum Rear Yard Setback:**
 - 20 feet



- Maximum Lot Coverage:**
 - 70% of the lot area
- Minimum Main Floor Area:**
 - n/a



- Maximum Structure Height:**
 - 35 feet for Primary Structure
 - 25 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Outdoor Storage (OS)	Wind to Energy System (WE)
• AS-01 Page 5-4	• OS-01 Page 5-33	• WE-01 Page 5-57
Density and Intensity (DI)	Parking (PK)	
• DI-01 Page 5-7	• PK-01 Page 5-34	
Entrance and Driveway (ED)	Performance (PF)	
• ED-01 Page 5-9	• PF-01 Page 5-37	
Environmental (EN)	Public Improvement (PI)	
• EN-01 Page 5-11	• PI-01 Page 5-38	
Fence and Wall (FW)	Setback (SB)	
• FW-02 Page 5-12	• SB-01 Page 5-39	
Floodplain (FP)	Sewer and Water (SW)	
• FP-01 Page 5-14	• SW-01 Page 5-40	
Floor Area (FA)	Sign (SI)	
• FA-01 Page 5-15	• SI-01 Page 5-43	
Height (HT)	• SI-06 Page 5-46	
• HT-01 Page 5-16	Special Exception (SE)	
Landscaping (LA)	• SE-01 Page 5-50	
• LA-01 Page 5-23	Temp. Use & Structure (TU)	
Lighting (LT)	• TU-01 Page 5-54	
• LT-01 Page 5-29	• TU-03 Page 5-55	
Lot (LO)	Vision Clearance (VC)	
• LO-01 Page 5-32	• VC-01 Page 5-56	

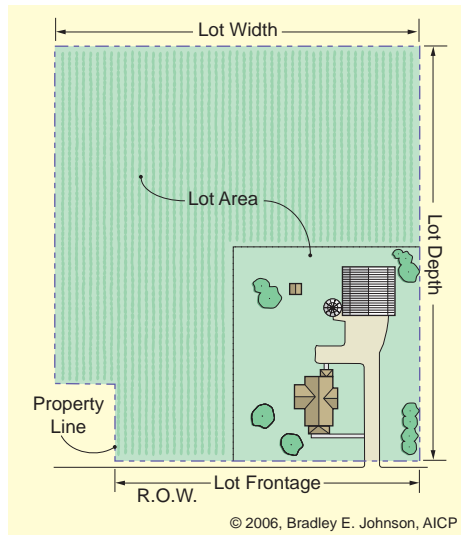
Agricultural (AG) District

2.03 AG District Intent, Permitted Uses, and Special Exception Uses

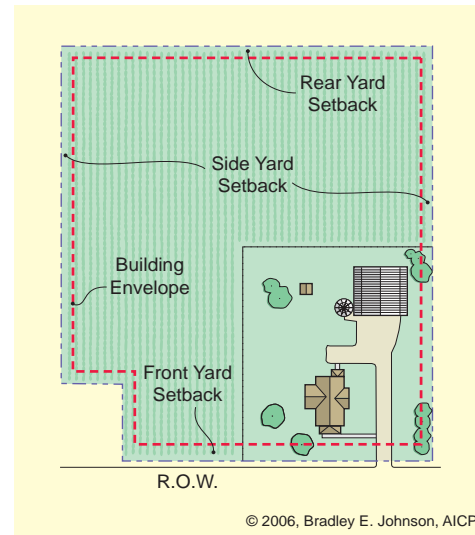
District Intent	Permitted Uses	Special Exception Uses
<p>The AG (Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agricultural operations including small scale confined feeding operations <p>Application of District</p> <ul style="list-style-type: none"> • existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for reasonable development standards to maximize protection of agricultural practices <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • all districts <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing agricultural areas <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it is clearly a benefit to the adjacent properties 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production • agricultural tourism • confined feeding operation (small) • farm tenant housing • orchard • plant nursery • raising of farm animals (limited) • roadside produce sales • storage of agricultural product • tree farm <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single-family • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium • wind energy facility, large 	<p>Residential Uses</p> <ul style="list-style-type: none"> • farm seasonal worker housing • home occupation (type 2) • home occupation (type 3) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility • meteorological tower • power generation facility • telecommunication facility

Agricultural (AG) District

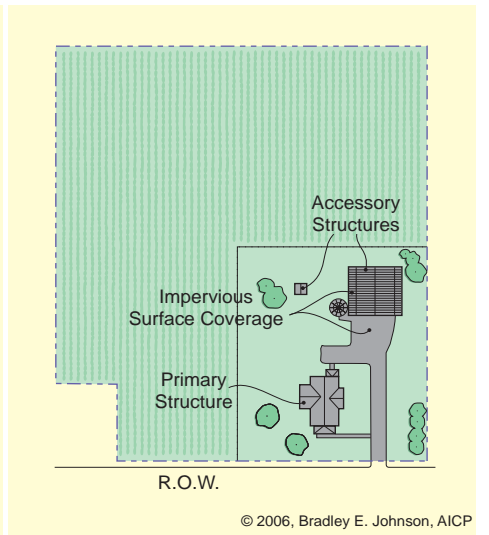
2.04 AG District Development Standards



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Minimum Lot Area:

- 20 acres for Primary Structure
- may substitute up to 19 acres of contiguous, permanent conservation easement; or
- a lot of record

Minimum Lot Width:

- 120 feet

Minimum Lot Frontage:

- 50 feet

Sewer and Water:

- Does not require hook up to a community sanitary sewer system or community water system

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector or Local Street

Minimum Side Yard Setback:

- 40 feet for Primary Structure
- 30 feet for Accessory Structure

Minimum Rear Yard Setback:

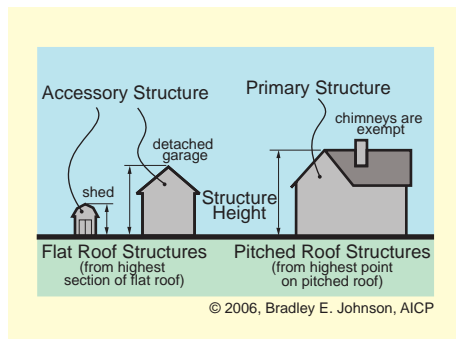
- 40 feet for Primary Structure
- 30 feet for Accessory Structure

Maximum Lot Coverage:

- 15% of the lot area

Minimum Main Floor Area:

- n/a



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Maximum Structure Height:

- 40 feet for Primary Structure
- 35 feet for Accessory Structure
- Agriculture related Primary and Accessory Structures are exempt

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Easement (EM)</p> <ul style="list-style-type: none"> • EM-01 Page 5-8 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-01 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 • HO-03 Page 5-21 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 	<p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-06 Page 5-46 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Telecom. Facility (TC)</p> <ul style="list-style-type: none"> • TC-01 Page 5-51 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-02 Page 5-54 • TU-03 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56 <p>Wind to Energy System (WE)</p> <ul style="list-style-type: none"> • WE-01 Page 5-57 • WE-02 Page 5-58
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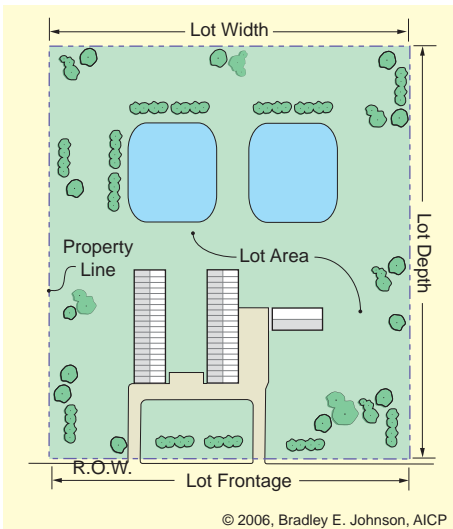
Intense Agricultural (IA) District

2.05 IA District Intent, Permitted Uses, and Special Exception Uses

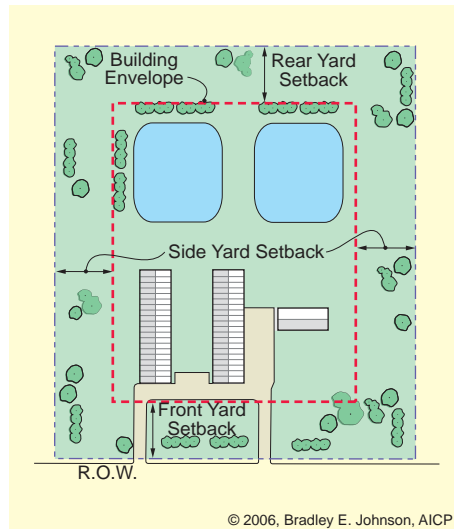
District Intent	Permitted Uses	Special Exception Uses
<p>The IA (Intense Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> intense agricultural operations such as confined feeding operations and commercial stables <p>Application of District</p> <ul style="list-style-type: none"> existing land spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> PR, AG, IA, AC, RR, R1, MP, IS, C1, C2, I1, I2, I3, AP and IU <p>Plan Commission</p> <ul style="list-style-type: none"> should use this district for existing intense agricultural activities and cautiously for new intense agricultural activities <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> require significant buffering and separation from adjacent uses and environmental features be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> agricultural crop production confined feeding operation (small) confined feeding operation (medium) orchard plant nursery raising of farm animals (limited) roadside produce sale stable, commercial storage of agricultural product tree farm <p>Utility Uses</p> <ul style="list-style-type: none"> wind energy facility, small wind energy facility, medium wind energy facility, large 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> confined feeding operation (large) grain elevator processing of agricultural product <p>Utility Uses</p> <ul style="list-style-type: none"> above ground utility facility dwelling, single family farm tenant housing farm seasonal worker housing meteorological tower power generation facility telecommunication facility

Intense Agricultural (IA) District

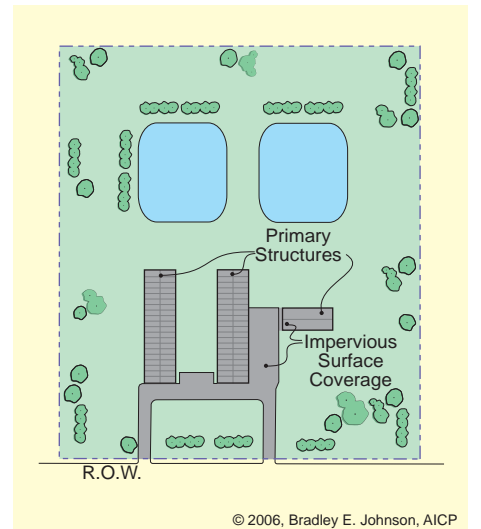
2.06 IA District Development Standards



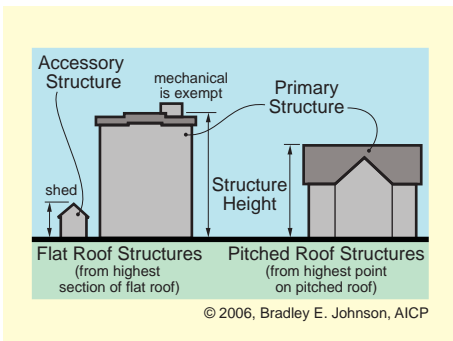
- Minimum Lot Area:**
 - 5 acres
- Minimum Lot Width:**
 - 400 feet
- Minimum Lot Frontage:**
 - 200 feet
- Sewer and Water:**
 - Does not require hook up to a community sanitary sewer system or community water system



- Minimum Front Yard Setback:**
 - 70 feet when adjacent to an Arterial
 - 60 feet when adjacent to a Collector
- Minimum Side Yard Setback:**
 - 60 feet for Primary Structure
 - 50 feet for Accessory Structure
- Minimum Rear Yard Setback:**
 - 60 feet for Primary Structure
 - 50 feet for Accessory Structure



- Maximum Lot Coverage:**
 - 40% of the lot area
- Minimum Main Floor Area:**
 - n/a



- Maximum Structure Height:**
 - 40 feet for Primary Structure
 - 35 feet for Accessory Structure
 - Agriculture related Primary and Accessory structures are exempt

Additional Development Standards that Apply		
Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 	Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-33 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Density and Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-7 	Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-34 	Wind to Energy System (WE) <ul style="list-style-type: none"> • WE-01 Page 5-57 • WE-02 Page 5-58
Entrance and Driveway (ED) <ul style="list-style-type: none"> • ED-01 Page 5-9 	Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-37 	
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-11 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-38 	
Fence and Wall (FW) <ul style="list-style-type: none"> • FW-01 Page 5-12 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-39 	
Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-14 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-40 	
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-06 Page 5-46 	
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 	Special Exception (SE) <ul style="list-style-type: none"> • SE-01 Page 5-50 	
Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-23 	Telecom. Facility (TC) <ul style="list-style-type: none"> • TC-01 Page 5-51 	
Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-29 	Temp. Use & Structure (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-03 Page 5-55 	
Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-32 		

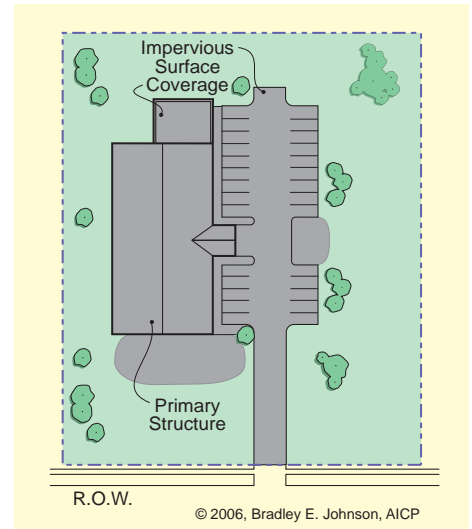
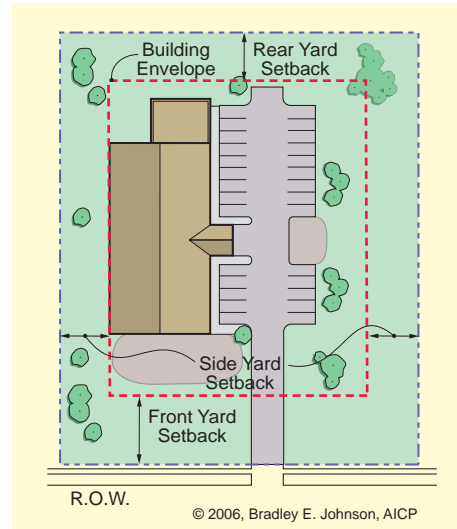
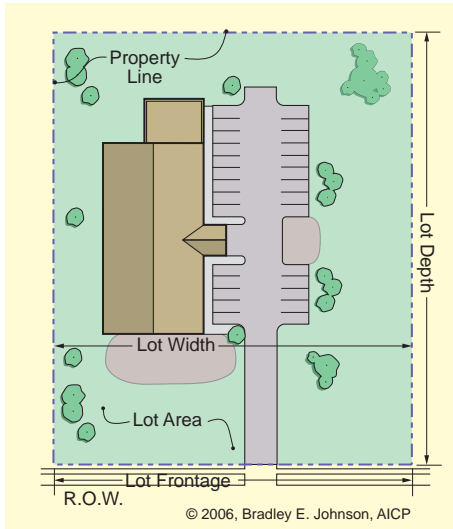
Agricultural Commercial (AC) District

2.07 AC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The AC (Agricultural Commercial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> commercial and industrial uses directly related to agriculture and compatible with rural character <p>Application of District</p> <ul style="list-style-type: none"> existing and new development spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> PR, AG, IA, AC, RR, VM, C1, C2, I1, I2 and AP <p>Plan Commission</p> <ul style="list-style-type: none"> should be utilized for agricultural uses and other business and industrial uses that are supportive of agricultural operations careful consideration should be taken when reviewing any development that is in conflict with agricultural operations <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> require significant buffering and separation from adjacent uses and environmental features be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> agricultural crop production farm implement repair farm implement sales grain elevator orchard plant nursery raising of farm animals (limited) roadside produce sales stable, commercial storage of agricultural product tree farm <p>Commercial Uses: General</p> <ul style="list-style-type: none"> animal hospital farmers market <p>Commercial Uses: Office</p> <ul style="list-style-type: none"> veterinarian office/hospital <p>Industrial Uses</p> <ul style="list-style-type: none"> liquid fertilizer storage/distribution storage tanks (nonhazardous) warehouse <p>Utility Uses</p> <ul style="list-style-type: none"> wind energy facility, small wind energy facility, medium 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> processing of agricultural product <p>Commercial Uses: General</p> <ul style="list-style-type: none"> kennel (commercial) <p>Industrial Uses</p> <ul style="list-style-type: none"> food production/processing <p>Utility Uses</p> <ul style="list-style-type: none"> above ground utility facility dwelling, single family farm tenant housing farm seasonal worker housing meteorological tower power generation facility telecommunication facility

Agricultural Commercial (AC) District

2.08 AC District Development Standards



Minimum Lot Area:

- 35,000 square feet

Minimum Lot Width:

- 75 feet

Minimum Lot Frontage:

- 75 feet

Sewer and Water:

- Does not require hook up to a community sanitary sewer system or community water system

Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector

Minimum Side Yard Setback:

- 40 feet for Primary Structure
- 30 feet for Accessory Structure

Minimum Rear Yard Setback:

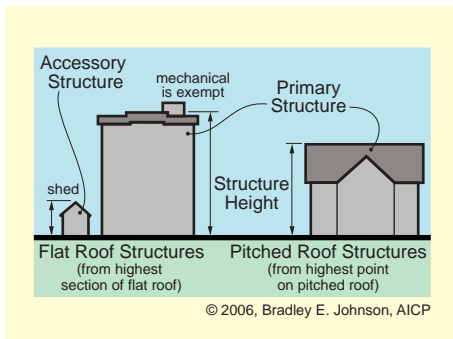
- 40 feet for Primary Structure
- 30 feet for Accessory Structure

Maximum Lot Coverage:

- 65% of the lot area

Minimum Main Floor Area:

- 600 square feet



Maximum Structure Height:

- 40 feet for Primary Structure
- 25 feet for Accessory Structure
- Agriculture related Primary and Accessory structures are exempt

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-01 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 	<p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-07 Page 5-46 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Telecom. Facility (TC)</p> <ul style="list-style-type: none"> • TC-01 Page 5-51 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-03 Page 5-55 	<p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56 <p>Wind to Energy System (WE)</p> <ul style="list-style-type: none"> • WE-01 Page 5-57
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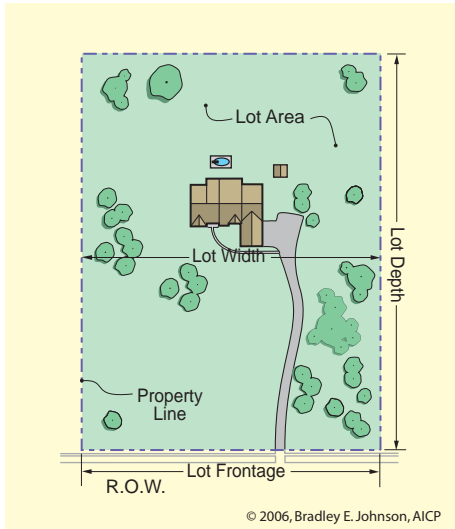
Rural Residential (RR) District

2.09 RR District Intent, Permitted Uses, and Special Exception Uses

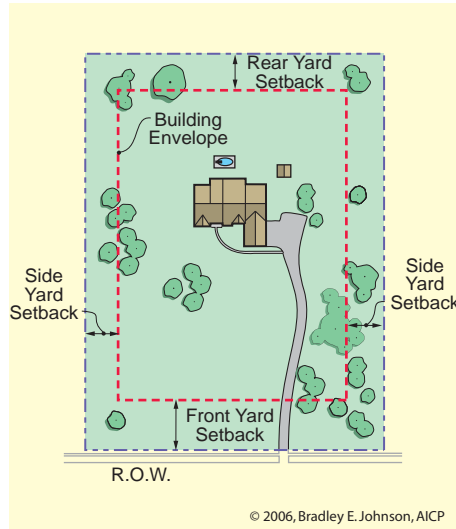
District Intent	Permitted Uses	Special Exception Uses
<p>The RR (Rural Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agricultural activities • rural estates • single-family detached homes • medium to large sized homes • large sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with farmland and other natural settings • Promote long term planning of property development by requiring any petition for rezoning of property to RR include: <ul style="list-style-type: none"> • An area of at least 5 acres of land; and • A drawing of the parent tract(s) of the parcel(s) proposed for rezoning showing any properties separated from the parent tract since the date of adoption of this zoning ordinance <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, AC, RR, R1, R2, R3 and VR <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production • orchard • tree farm <p>Residential Uses</p> <ul style="list-style-type: none"> • accessory uses including private farming • child care home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> • confined feeding operations (small) • plant nursery (small) • raising of farm animals (limited) <p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling, two-family • fair housing facility (large) • home occupation (type 2) • home occupation (type 3) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility • meteorological tower

Rural Residential (RR) District

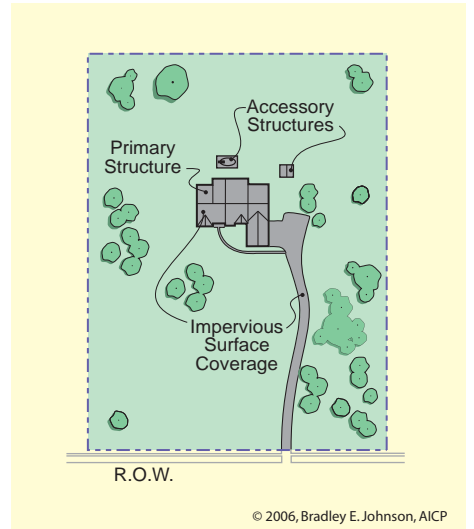
2.10 RR District Development Standards



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Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- 120 feet

Minimum Lot Frontage:

- 50 feet on a public street with access from said public street

Sewer and Water:

- Does not require hook up to a community sanitary sewer system or community water system

Minimum Front Yard Setback:

- 75 feet on Federal or State Highway
- 50 feet on Arterial Highway
- 40 feet all other Streets

Minimum Side Yard Setback:

- 5 feet for Accessory Structure
- 10% of lot width on each side, but not less than 5 feet nor need to be greater than 16 feet for Primary Structure

Minimum Rear Yard Setback:

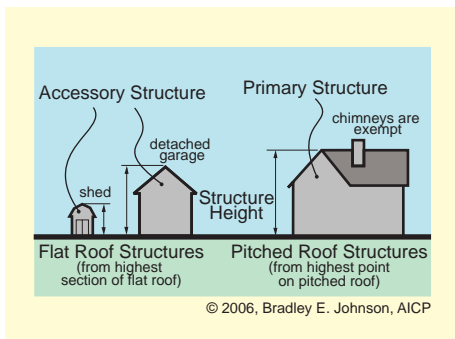
- 25 feet for Primary Structure
- 5 feet for Accessory Structure

Maximum Building Lot Coverage:

- 30% of the lot area

Minimum Main Floor Area:

- 1,600 square feet for one story Primary Structure; or
- 1,000 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,600 square feet or more



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Maximum Structure Height:

- 45 feet for Primary Structure
- 35 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-02 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-01 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 • HO-03 Page 5-21 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-02 Page 5-25 • LA-06 Page 5-26 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 	<p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-04 Page 5-45 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-02 Page 5-54 • TU-04 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56 <p>Wind to Energy System (WE)</p> <ul style="list-style-type: none"> • WE-01 Page 5-57
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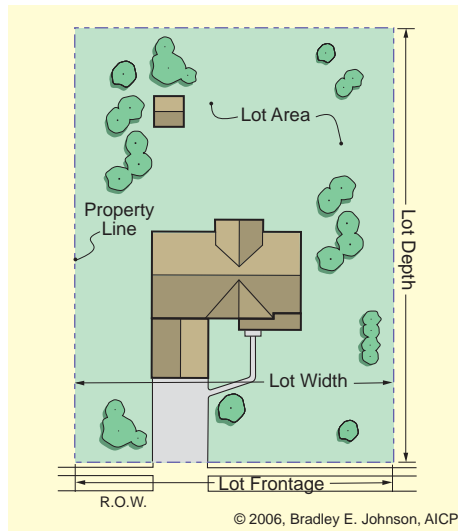
Very Low Density Residential (R1) District

2.11 R1 District Intent, Permitted Uses, and Special Exception Uses

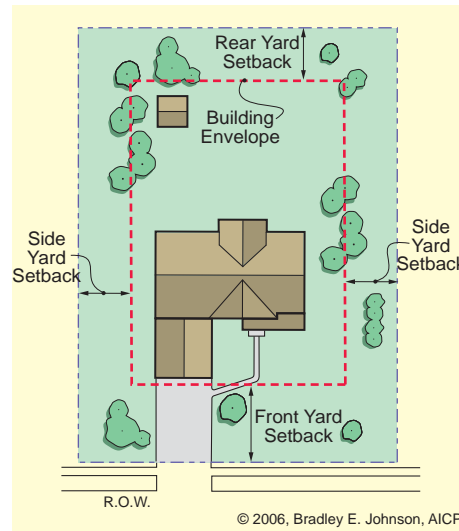
District Intent	Permitted Uses	Special Exception Uses
<p>The R1 (Very Low Density Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • large sized homes • medium to large sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, AC, RR, R1, R2, R3 and VR <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> • child care home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • fair housing facility (large) • group home • home occupation (type 2) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility

Very Low Density Residential (R1) District

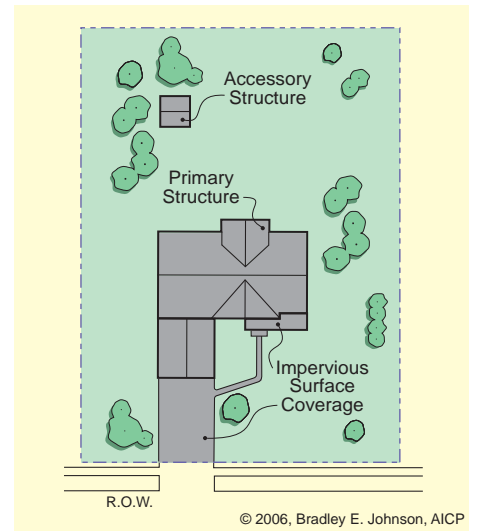
2.12 R1 District Development Standards



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Minimum Lot Area:

- 15,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

- 3 times the Lot Width

Minimum Lot Frontage:

- 50 feet on a public street with access from said public street

Sewer and Water:

- Requires hook up to a community sanitary sewer system and, when available, to community water system

Minimum Front Yard Setback:

- 30 feet when adjacent to an Arterial
- 25 feet when adjacent to a Collector or Local Street

Minimum Side Yard Setback:

- 10 feet for Primary Structure
- 5 feet for Accessory Structure

Minimum Rear Yard Setback:

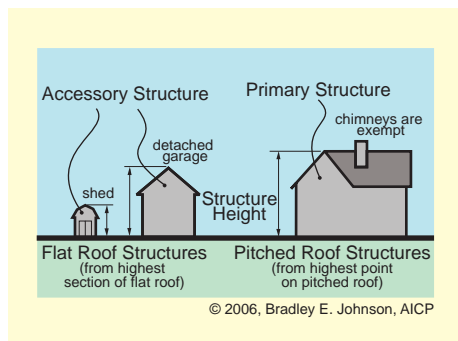
- 20 feet for Primary Structure
- 5 feet for Accessory Structure

Maximum Building Lot Coverage:

- 35% of the lot area

Minimum Main Floor Area:

- 1,200 square feet for one story Primary Structure; or
- 1,000 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 4,700 1,200 square feet or more



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Maximum Structure Height:

- 45 feet for Primary Structure
- 20 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-03 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-02 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-02 Page 5-25 • LA-06 Page 5-26 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 	<p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-04 Page 5-45 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56
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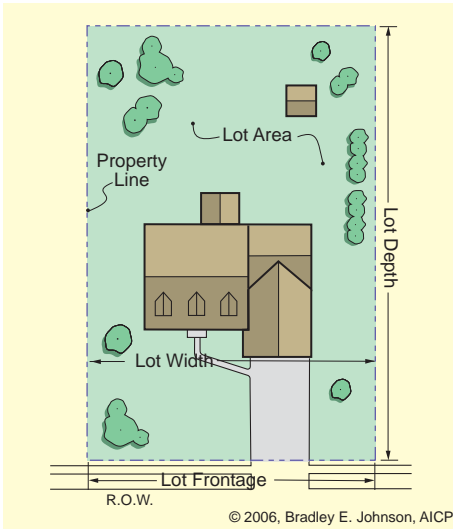
Low Density Residential (R2) District

2.13 R2 District Intent, Permitted Uses, and Special Exception Uses

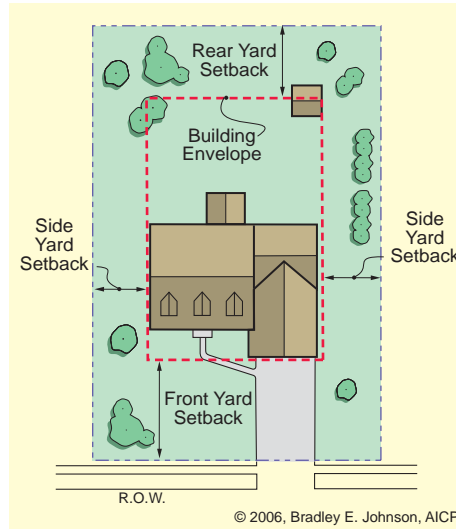
District Intent	Permitted Uses	Special Exception Uses
<p>The R2 (Low Density Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • small to medium sized homes • medium sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small to large area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, RR, R1, R2, R3 and VR <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for the majority of new residential development within the County. <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> • child care home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • community center • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • fair housing facility (large) • group home • home occupation (type 2) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility

Low Density Residential (R2) District

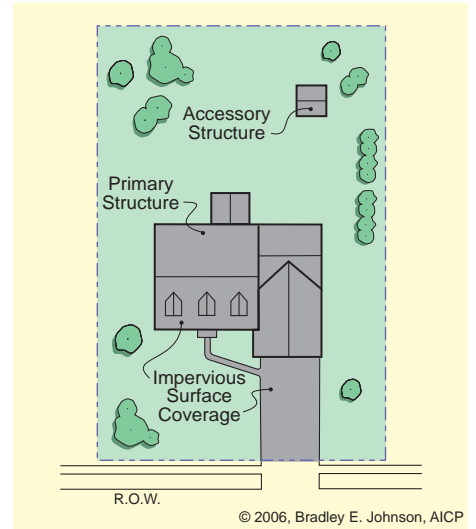
2.14 R2 District Development Standards



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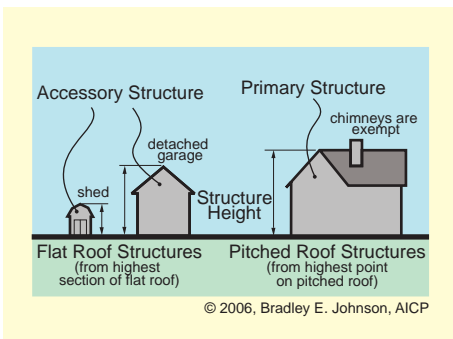


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- Minimum Lot Area:**
 - 10,000 square feet
- Minimum Lot Width:**
 - 80 feet
- Maximum Lot Depth:**
 - 3 times the Lot Width
- Minimum Lot Frontage:**
 - 40 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and, when available, to community water system

- Minimum Front Yard Setback:**
 - 30 feet when adjacent to an Arterial
 - 25 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
 - 8 feet for Primary Structure
 - 5 feet for Accessory Structure
- Minimum Rear Yard Setback:**
 - 20 feet for Primary Structure
 - 3 feet for Accessory Structure

- Maximum Building Lot Coverage:**
 - 40% of the lot area
- Minimum Main Floor Area:**
 - 1,000 square feet for one story Primary Structure; or
 - 800 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,000 square feet or more



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- Maximum Structure Height:**
 - 45 feet for Primary Structure
 - 20 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-03 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-02 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-02 Page 5-25 • LA-06 Page 5-26 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 	<p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-04 Page 5-45 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56
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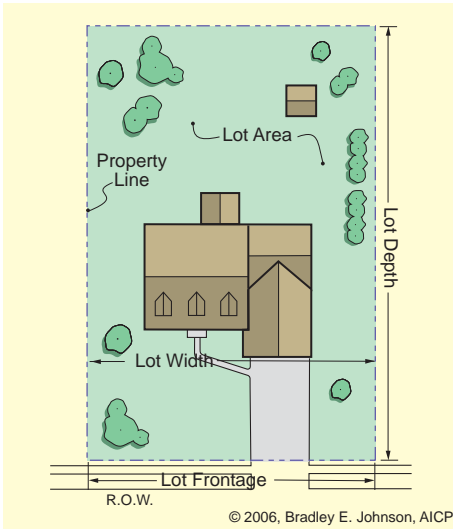
Medium Density Residential (R3) District

2.15 R3 District Intent, Permitted Uses, and Special Exception Uses

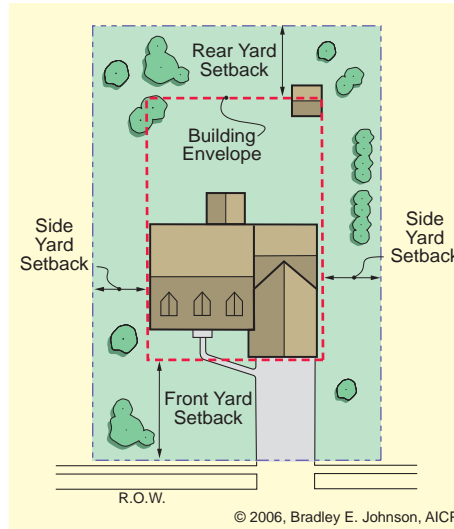
District Intent	Permitted Uses	Special Exception Uses
<p>The R3 (Medium Density Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • very limited mixes of residential uses • small to medium sized homes • small to medium sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, RR, R1, R2, R3, VR, MR, IS, VM and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development within the County • recognize that design quality must increase as lots get smaller <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> • child care home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • community center • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • fair housing facility (large) • group home • home occupation (type 2) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility

Medium Density Residential (R3) District

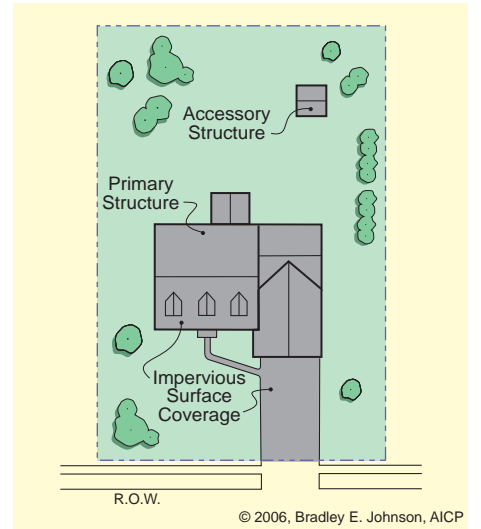
2.16 R3 District Development Standards



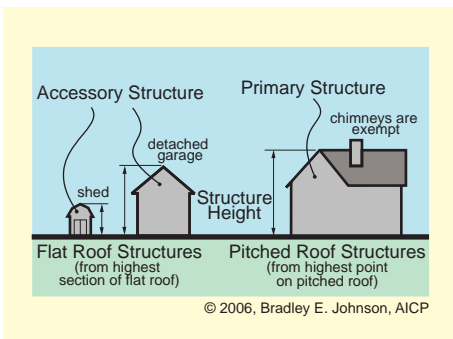
- Minimum Lot Area:**
 - 7,200 square feet
- Minimum Lot Width:**
 - 60 feet
- Maximum Lot Depth:**
 - 3 times the Lot Width
- Minimum Lot Frontage:**
 - 30 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and, when available, to community water system



- Minimum Front Yard Setback:**
 - 30 feet when adjacent to an Arterial
 - 25 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
 - 6 feet for Primary Structure
 - 3 feet for Accessory Structure
- Minimum Rear Yard Setback:**
 - 20 feet for Primary Structure
 - 3 feet for Accessory Structure



- Maximum Building Lot Coverage:**
 - 45% of the lot area
- Minimum Main Floor Area:**
 - 800 square feet for one story Primary Structure; or
 - 600 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 800 square feet or more
- Minimum Structure Width:**
 - 30 feet



- Maximum Structure Height:**
 - 40 feet for Primary Structure
 - 20 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-03 Page 5-4 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-02 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-02 Page 5-25 • LA-06 Page 5-26 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 	<p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-04 Page 5-45 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56
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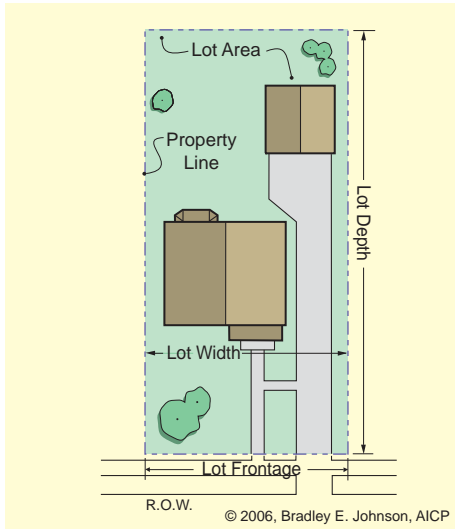
Village Residential (VR) District

2.17 VR District Intent, Permitted Uses, and Special Exception Uses

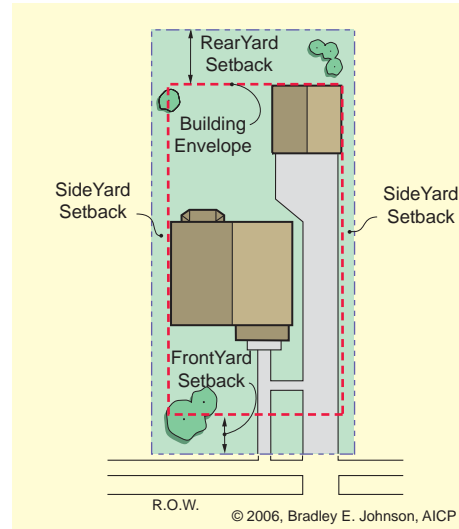
District Intent	Permitted Uses	Special Exception Uses
<p>The VR (Village Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • multiple-family residential • small to medium sized lots <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning • lots located in unincorporated towns or villages <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, RR, R1, R2, R3, VR, MR, MP, IS, VM and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • expansion of this district should maintain the character of the existing residential lots within the unincorporated areas <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> • child care home • dwelling, manufactured home • dwelling, single-family • dwelling, two-family • fair housing facility (small) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • community center • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling, multiple-family (3 or 4 units) • fair housing facility (large) • group home • home occupation (type 2) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility

Village Residential (VR) District

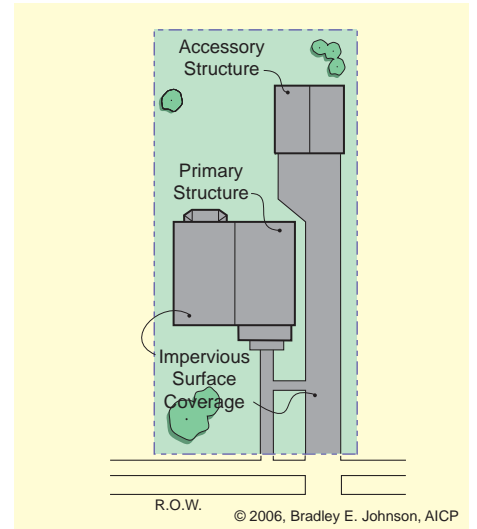
2.18 VR District Development Standards



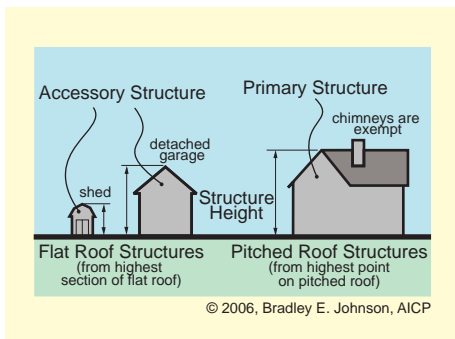
- Minimum Lot Area:**
 - 6,500 square feet
- Minimum Lot Width:**
 - 60 feet
- Minimum Lot Frontage:**
 - 50 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and, when available, to community water system



- Minimum Front Yard Setback:**
 - 25 feet
- Minimum Side Yard Setback:**
 - 5 feet
- Minimum Rear Yard Setback:**
 - 20 feet for Primary Structure
 - 5 feet for Accessory Structure



- Maximum Building Lot Coverage:**
 - 65% of the lot area
- Minimum Main Floor Area:**
 - 900 square feet for one story Primary Structure; or
 - 730 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 900 square feet or more
- Minimum Structure Width and Depth:**
 - 27 feet
- Minimum Floor Area Per Unit:**
 - 800 square feet average per dwelling unit in a multiple-unit Primary Structure



- Maximum Structure Height:**
 - 40 feet for Primary Structure
 - 20 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-03 Page 5-4 	Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-02 Page 5-25 • LA-06 Page 5-26 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-40
Density and Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-7 	Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-29 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-04 Page 5-45
Entrance and Driveway (ED) <ul style="list-style-type: none"> • ED-01 Page 5-9 	Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-32 	Special Exception (SE) <ul style="list-style-type: none"> • SE-01 Page 5-50
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-11 	Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 	Temp. Use & Structure (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55
Fence and Wall (FW) <ul style="list-style-type: none"> • FW-02 Page 5-12 	Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-02 Page 5-34 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-14 	Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-37 	
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-38 	
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-39 	
Home Occupation (HO) <ul style="list-style-type: none"> • HO-01 Page 5-17 • HO-02 Page 5-19 		

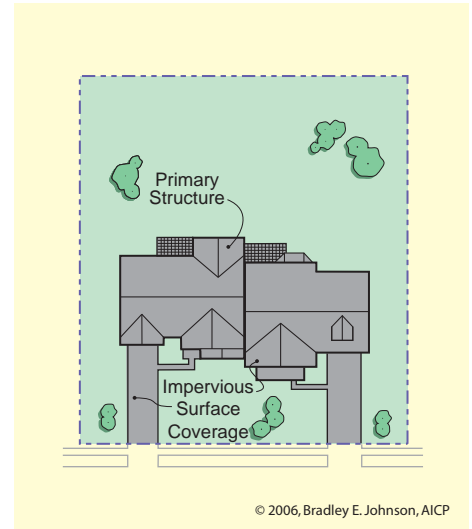
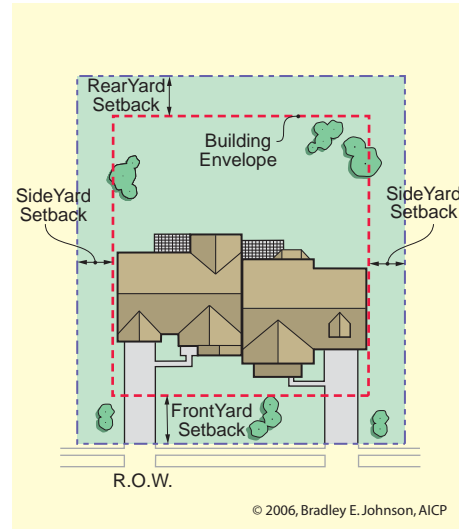
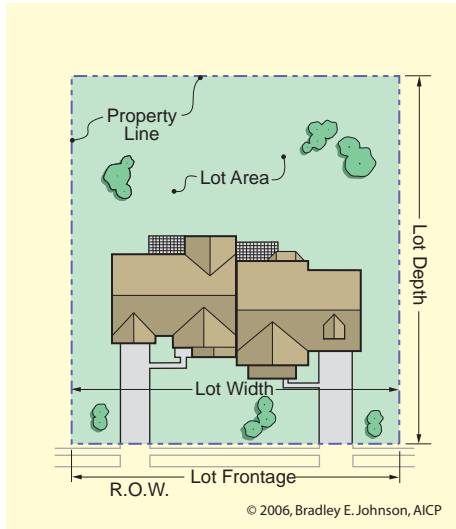
Multiple-Family Residential (MR) District

2.19 MR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The MR (Multiple-Family Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> •small-scale multiple-family residential •limited mixes of residential uses •one primary structure per lot •low intensity <p>Application of District</p> <ul style="list-style-type: none"> •existing and new development •small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> •recognize that multiple-family development requires more stringent development standards to protect the quality of life of tenants and surrounding districts <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> •PR, AG, R3, VR, MR, MP, IS, VM and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> •should use this district for existing developments and carefully for new residential development that are located in close proximity to urban areas <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> •allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> •child care home •dwelling, multiple-family (3 or 4 units) •dwelling, single-family (attached) •dwelling, two-family •fair housing facility (small) •home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> •wind energy facility, small •wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> •swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> •community center •park, public <p>Residential Uses</p> <ul style="list-style-type: none"> •assisted living facility •bed and breakfast •boarding house •dwelling, manufactured home •dwelling, multiple-family (5 to 8 units) •dwelling, single-family •fair housing facility (large) •group home •home occupation (type 2) •nursing home •retirement community <p>Utility Uses</p> <ul style="list-style-type: none"> •above ground utility facility

Multiple-Family Residential (MR) District

2.20 MR District Development Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 70 feet

Minimum Lot Frontage:

- 50 feet

Sewer and Water:

- Requires hook up to a community sanitary sewer system and community water system

Minimum Front Yard Setback:

- 30 feet when adjacent to an Arterial
- 25 feet when adjacent to a Collector or Local Street

Minimum Side Yard Setback:

- 15 feet for Primary Structure
- 10 feet for Accessory Structure

Minimum Rear Yard Setback:

- 15 feet

Maximum Lot Coverage:

- 65% of the lot area

Maximum Density:

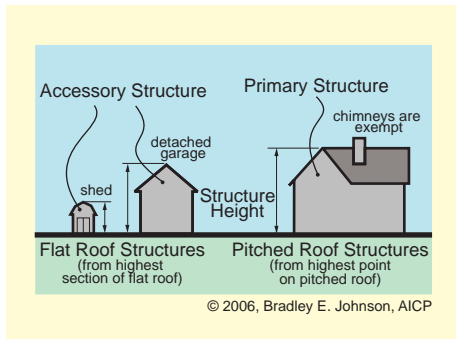
- 8 unit per acre

Minimum Main Floor Area:

- 1,100 square feet for single-family or multiple-family uses

Minimum Floor Area Per Unit:

- 800 square feet average per dwelling unit in a multiple-unit Primary Structure



Maximum Structure Height:

- 45 feet for Primary Structure
- 20 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-04 Page 5-5 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-02 Page 5-12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Home Occupation (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-17 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-03 Page 5-25 • LA-06 Page 5-26 • LA-07 Page 5-27 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-03 Page 5-34 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 	<p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-05 Page 5-46 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56
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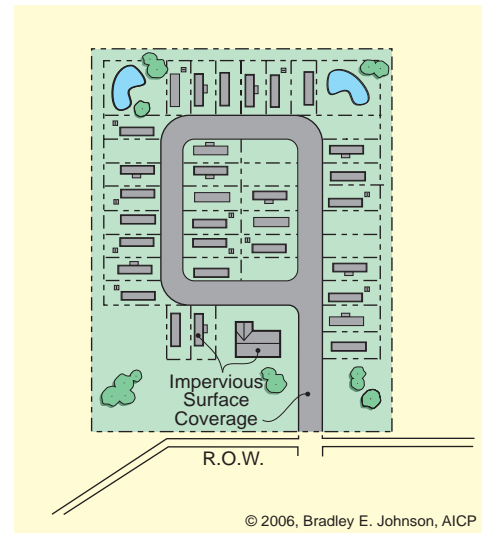
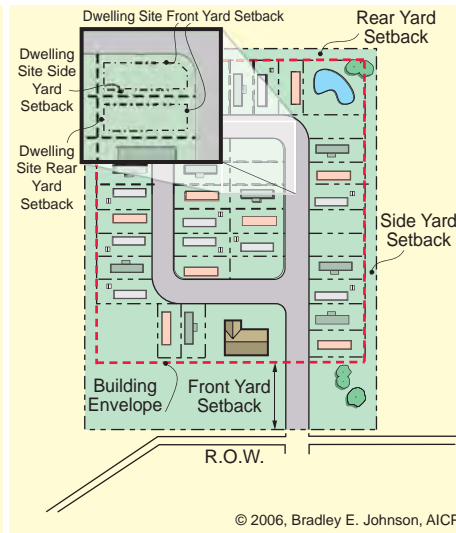
Manufactured Home Park (MP) District

2.21 MP District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The MP (Manufactured Home Park) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • lease lot housing developments (typically mobile or manufactured homes) • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • small area or spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize that lease lot development requires more stringent development standards to protect the quality of life of tenants and surrounding districts • shall be in accordance with IC 16-41-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, State Board of Health requirements and the requirements of this Ordinance <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, VR, MR, MP, IS, VM and C1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this district for existing developments and carefully for new residential development in the County <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the residential component of the development 	<p>Residential Uses</p> <ul style="list-style-type: none"> • child care home • dwelling, manufactured home • dwelling, mobile home • fair housing facility (small) • home occupation (type 1) • manufactured home park • mobile home park <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • community center • park, public <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, single-family • home occupation (type 2) <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility

Manufactured Home Park (MP) District

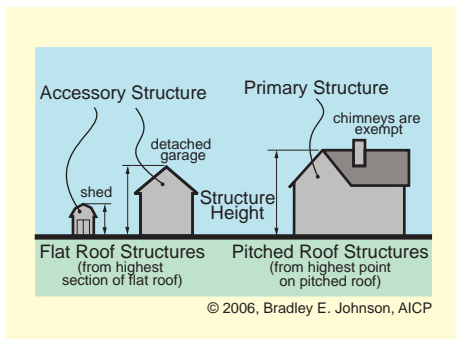
2.22 MP District Development Standards



- Minimum Lot Area:**
 - 3 acres
- Minimum Lot Width:**
 - 250 feet
- Minimum Lot Frontage:**
 - 70 feet on a public street with access from said public street
- Minimum Front Yard Setback:**
 - 40 feet
- Minimum Side Yard Setback:**
 - 20 feet
- Minimum Rear Yard Setback:**
 - 20 feet
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and community water system

- Minimum Dwelling Site Area:**
 - 3,000 square feet
- Minimum Dwelling Site Width:**
 - 30 feet
- Minimum Dwelling Site Front Yard Setback:**
 - 10 feet from edge of pavement of interior streets
- Minimum Dwelling Site Side Yard Setback:**
 - 5 feet for Primary Structure
 - 2 feet for Accessory Structure
- Minimum Dwelling Site Rear Yard Setback:**
 - 5 feet for Primary Structure
 - 3 feet for Accessory Structure

- Maximum Lot Coverage:**
 - 65% of the lot area
- Minimum Main Floor Area per Unit:**
 - 700 square feet per Primary Structure on a Dwelling Site



- Maximum Structure Height:**
 - 35 feet for Primary Structure
 - 20 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-05 Page 5-5 	Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-04 Page 5-25 • LA-06 Page 5-26 • LA-07 Page 5-27 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-39
Density and Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-7 	Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-29 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-40
Entrance and Driveway (ED) <ul style="list-style-type: none"> • ED-01 Page 5-9 • ED-02 Page 5-10 	Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-32 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-02 Page 5-44 • SI-05 Page 5-46
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-11 	Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 	Special Exception (SE) <ul style="list-style-type: none"> • SE-01 Page 5-50
Fence and Wall (FW) <ul style="list-style-type: none"> • FW-02 Page 5-12 	Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-04 Page 5-34 	Temp. Use & Structure (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-04 Page 5-55
Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-14 	Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-37 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-38 	
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 		
Home Occupation (HO) <ul style="list-style-type: none"> • HO-01 Page 5-17 		

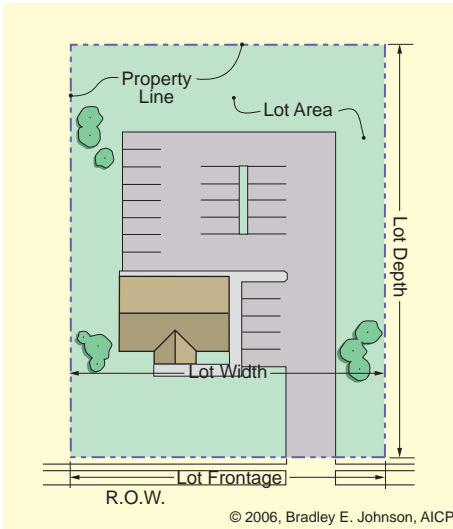
Institutional (IS) District

2.23 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IS (Institutional) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • institutionally owned lands, including state and county facilities • public facilities • limited quasi-public uses • multiple primary structures per lot <p>Application of District</p> <ul style="list-style-type: none"> • existing and new development • buffer district or transitional district • spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, R3, VR, MR, MP, IS, VM, C1, C2, I1, I2 and AP <p>Plan Commission</p> <ul style="list-style-type: none"> • give favorable recommendation for rezoning a property to IS only after determining the proposed use is compatible with the surrounding area and commitments are made to assure the use's evolution will also be compatible with the surroundings • pay particular attention to the impacts related to size, traffic, access to customers, access to public utilities, access to transportation facilities <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas and when traffic generation will not reduce quality of life for nearby residential areas • be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • swimming pool <p>Institutional Uses</p> <ul style="list-style-type: none"> • bus station • church, temple or mosque • community center • government office • government operation (non-office) • hospital • library • museum • parking lot, public • police, fire or rescue station • post office • school (P-12) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Institutional Uses</p> <ul style="list-style-type: none"> • cemetery • drug/alcohol rehabilitation clinic • jail • juvenile detention center • light rail station • prison (maximum security) • prison (minimum security) • recycling collection point • trade or business school • university or college <p>Residential Uses</p> <ul style="list-style-type: none"> • child care institution • fair housing facility (large) • fair housing facility (small) • home occupation (type 1) • home occupation (type 2) • nursing home <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility • meteorological tower • telecommunication facility

Institutional (IS) District

2.24 IS District Development Standards

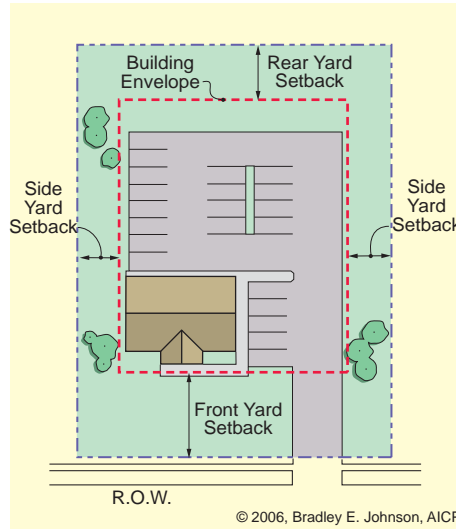


- Minimum Lot Area:**
- 6,000 square feet with hook up to community sanitary sewer system;
 - 40,000 square feet without hook up

- Minimum Lot Width:**
- 60 feet

- Minimum Lot Frontage:**
- 40 feet on a public street with access from said public street

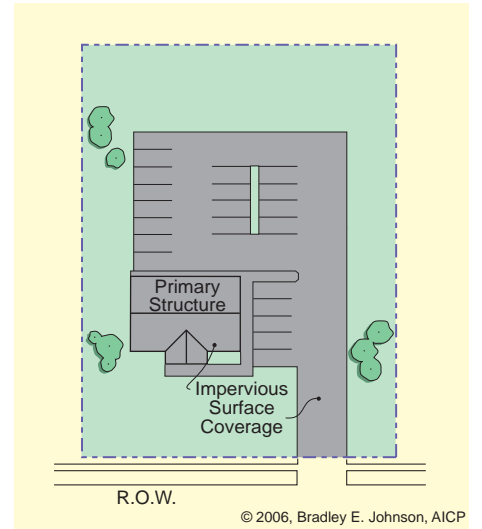
- Sewer and Water:**
- Does not require hook up to a community sanitary sewer system and community water system



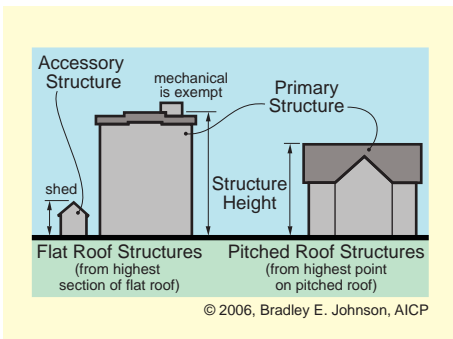
- Minimum Front Yard Setback:**
- 35 feet when adjacent to an Arterial
 - 25 feet when adjacent to a Collector or Local Street

- Minimum Side Yard Setback:**
- 15 feet

- Minimum Rear Yard Setback:**
- 20 feet



- Maximum Lot Coverage:**
- 70% of the lot area
- Minimum Main Floor Area:**
- 900 square feet



- Maximum Structure Height:**
- 55 feet for Primary Structure
 - 25 feet for Accessory Structure

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-06 Page 5-6 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-03 Page 5-13 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-05 Page 5-26 • LA-07 Page 5-27 • LA-08 Page 5-28 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 Page 5-31 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-02 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-05 Page 5-35 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 	<p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-03 Page 5-45 • SI-07 Page 5-46 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Telcom. Facility (TC)</p> <ul style="list-style-type: none"> • TC-01 Page 5-51 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-05 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56 <p>Wind to Energy System (WE)</p> <ul style="list-style-type: none"> • WE-01 Page 5-57

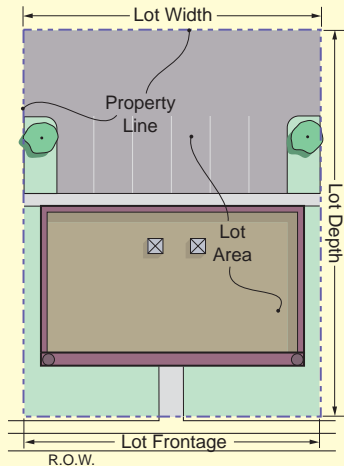
Village Mixed Use (VM) District

2.25 VM District Intent, Permitted Uses, and Special Exception Uses

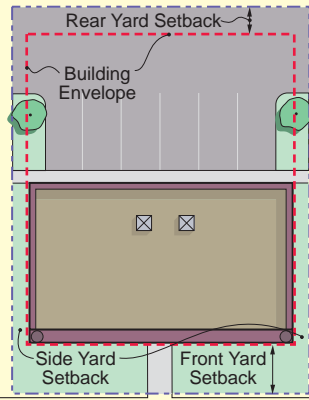
District Intent	Permitted Uses	Special Exception Uses
<p>The VM (Village Mixed Use) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • normal Commercial uses • low impact uses <p>Application of District</p> <ul style="list-style-type: none"> • existing development in small unincorporated “towns” or “villages” <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, AC, R3, VR, MR, MP, IS, VM, C1, C2 and I1 <p>Plan Commission</p> <ul style="list-style-type: none"> • strive to use this district only in the downtown area or its immediate surroundings • strive to minimize parking lots between buildings and instead encourage parking behind buildings and on the street • zone property for VM only after determining that the site is appropriate for any of the possible uses allowed in the district <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas • be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Agricultural Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Uses: General</p> <ul style="list-style-type: none"> • bank machine/ATM • barber/beauty shop • billiard/arcade room • coffee shop • coin laundry • delicatessen • emergency medical care clinic • farmers market • gas station • ice cream shop • oil change facility • pet grooming/store • photographic studio • restaurant (fast food) • restaurant (sit down) • shoe repair • studio arts • tailor/pressing shop • tanning salon • video/dvd store <p>Commercial Uses: Office</p> <ul style="list-style-type: none"> • business/financial services office • general services office <p>Commercial Uses: Retail</p> <ul style="list-style-type: none"> • very low intensity retail • low intensity retail • grocery/supermarket (small) <p>Institutional Uses</p> <ul style="list-style-type: none"> • church, temple or mosque • community center • government office • government operation (non-office) • library • museum • park, public • parking lot, public • pool, public • post office • recycling collection point • school (P-12) • trade or business school • university or college <p>Residential Uses</p> <ul style="list-style-type: none"> • boarding house • child care institution • dwelling unit (upper floors) • home occupation (type 1) <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Institutional Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station <p>Residential Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single-family • fair housing facility (large) • home occupation (type 2)

Village Mixed Use (VM) District

2.26 VM District Development Standards

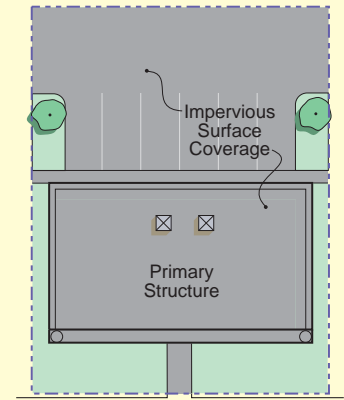


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R.O.W.

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R.O.W.

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Minimum Lot Area:

- 5,000 square feet

Minimum Lot Width:

- 40 feet

Minimum Lot Frontage:

- 40 feet

Sewer and Water:

- Requires hook up to a community sanitary sewer system and, when available, to community water system

Minimum Front Yard Setback:

- 15 feet

Minimum Side Yard Setback:

- 5 feet

Minimum Rear Yard Setback:

- 10 feet

Maximum Lot Coverage:

- 100% of the lot area

Minimum Main Floor Area:

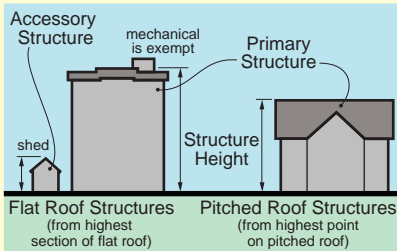
- 1,000 square feet

Maximum Main Floor Area:

- 10,000 square feet

Maximum Primary Structures:

- One



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Maximum Structure Height:

- 35 feet for Primary Structure
- 20 feet for Accessory Structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-06 Page 5-6 <p>Density and Intensity (DI)</p> <ul style="list-style-type: none"> • DI-01 Page 5-7 <p>Entrance and Driveway (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-11 <p>Fence and Wall (FW)</p> <ul style="list-style-type: none"> • FW-03 Page 5-13 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 Page 5-14 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-15 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-16 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-05 Page 5-26 • LA-07 Page 5-27 • LA-08 Page 5-28 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-29 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 Page 5-31 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-32 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-03 Page 5-33 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-05 Page 5-35 <p>Performance (PF)</p> <ul style="list-style-type: none"> • PF-01 Page 5-37 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-38 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-39 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-40 	<p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-03 Page 5-45 • SI-07 Page 5-46 <p>Special Exception (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-50 <p>Temp. Use & Structure (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-05 Page 5-55 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-56 <p>Wind to Energy System (WE)</p> <ul style="list-style-type: none"> • WE-01 Page 5-57
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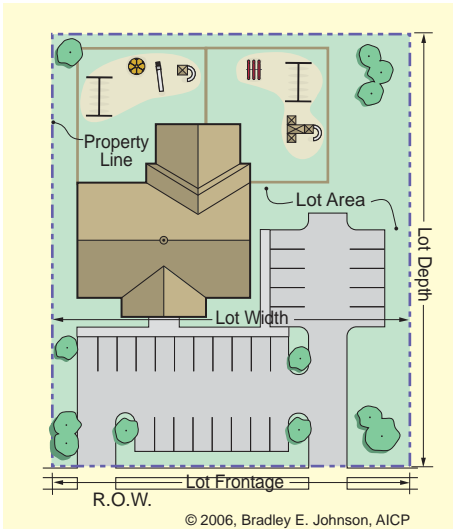
General Commercial (C1) District

2.27 C1 District Intent, Permitted Uses, and Special Exception Uses

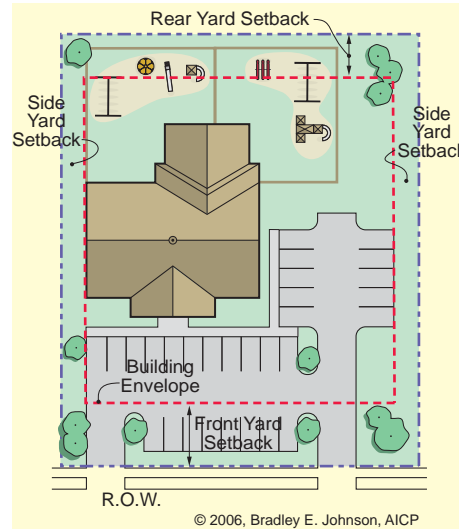
District Intent	Permitted Uses	Special Exception Uses
<p>The C1 (Small to Medium Scale General Commercial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low to moderate impact uses • wide variety of retail, commercial, service, eating, and entertainment establishments • stand alone buildings and small strip centers <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, AC, R3, VR, MR, MP, IS, VM, C1, C2 and I1 <p>Planning Commission</p> <ul style="list-style-type: none"> • zone property for C1 only after determining that the site is appropriate for any of the possible uses allowed in this district • Require written acknowledgment of the maximum main floor area requirement <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas • be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • bank machine/ATM • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • car rental • car wash • coffee shop • coin laundry • communication shop • country club • dance/night club • day-care center, adult • day-care center, child • delicatessen • dry-cleaning service • emergency medical clinic • farmers market • fitness center/gym • funeral home or mortuary • gas station • health spa • ice cream shop • motor vehicle accessory installation • oil change facility • parts sales • party/event rental • pet grooming/store • photographic studio • play center • print shop/copy center • restaurant (fast food) • restaurant (sit down) • sexually oriented business, accessory • shoe repair • sign shop • skate park • sport fields • studio arts • tailor/pressing shop • tanning salon • video/dvd store <p>Commercial Uses: Office</p> <ul style="list-style-type: none"> • business/financial services office • design/planning office • general services office • medical office <p>Commercial Uses: Retail</p> <ul style="list-style-type: none"> • very low intensity retail • low intensity retail • medium intensity retail <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • banquet hall • body shop • commercial training facility or school • driving range • hotel/motel • kennel (commercial) • miniature golf • motor vehicle repair • movie theater • skating rink • tattoo/piercing parlor <p>Commercial Uses: Retail</p> <ul style="list-style-type: none"> • high intensity retail <p>General</p> <ul style="list-style-type: none"> • dwelling, single family (upper floors only) • dwelling, multi-family (upper floors only) • off-site parking lot <p>Institutional Uses</p> <ul style="list-style-type: none"> • church, temple or mosque using an existing building <p>Utility Uses</p> <ul style="list-style-type: none"> • above ground utility facility • telecommunication facility

General Commercial (C1) District

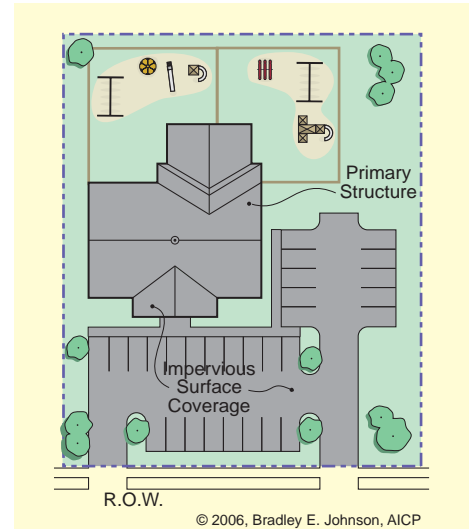
2.28 C1 District Development Standards



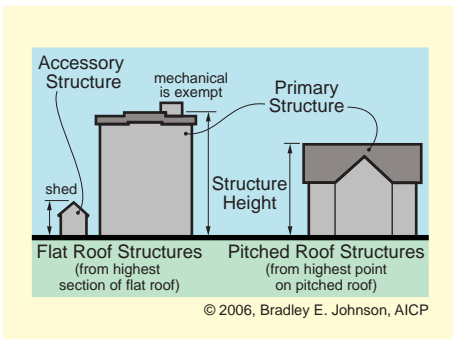
- Minimum Lot Area:**
 - 10,000 square feet
- Minimum Lot Width:**
 - 65 feet
- Minimum Lot Frontage:**
 - 50 feet on a public street with access from said public street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and community water system



- Minimum Front Yard Setback:**
 - 25 feet when adjacent to an Arterial
 - 15 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
 - 20 feet
- Minimum Rear Yard Setback:**
 - 20 feet



- Maximum Lot Coverage:**
 - 65% of the lot area
- Minimum Main Floor Area:**
 - 300 square feet for Primary Structures
- Maximum Main Floor Area:**
 - 25,000 square feet for Primary and Accessory Structures associated with retail uses



- Maximum Structure Height:**
 - 40 feet for Primary Structure
 - 15 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Lighting (LT)	Sign (SI)
• AS-01 Page 5-4	• LT-01 Page 5-29	• SI-01 Page 5-43
• AS-06 Page 5-6	Loading (LD)	• SI-03 Page 5-45
Density and Intensity (DI)	• LD-01 Page 5-31	• SI-08 Page 5-47
• DI-01 Page 5-7	Lot (LO)	Special Exception (SE)
Entrance and Driveway (ED)	• LO-01 Page 5-32	• SE-01 Page 5-50
• ED-01 Page 5-9	Outdoor Storage (OS)	Telecom. Facility (TC)
Environmental (EN)	• OS-01 Page 5-33	• TC-01 Page 5-51
• EN-01 Page 5-11	• OS-03 Page 5-33	Temp. Use & Structure (TU)
Fence and Wall (FW)	Parking (PK)	• TU-01 Page 5-54
• FW-03 Page 5-13	• PK-01 Page 5-34	• TU-05 Page 5-55
Floodplain (FP)	• PK-05 Page 5-35	Vision Clearance (VC)
• FP-01 Page 5-14	Performance (PF)	• VC-01 Page 5-56
Floor Area (FA)	• PF-01 Page 5-37	Wind to Energy System (WE)
• FA-01 Page 5-15	Public Improvement (PI)	• WE-01 Page 5-57
Height (HT)	• PI-01 Page 5-38	
• HT-01 Page 5-16	Setback (SB)	
Landscaping (LA)	• SB-01 Page 5-39	
• LA-01 Page 5-23	Sewer and Water (SW)	
• LA-05 Page 5-26	• SW-01 Page 5-40	
• LA-07 Page 5-27	Sexually Oriented Bus. (SX)	
• LA-08 Page 5-28	• SX-01 Page 5-41	

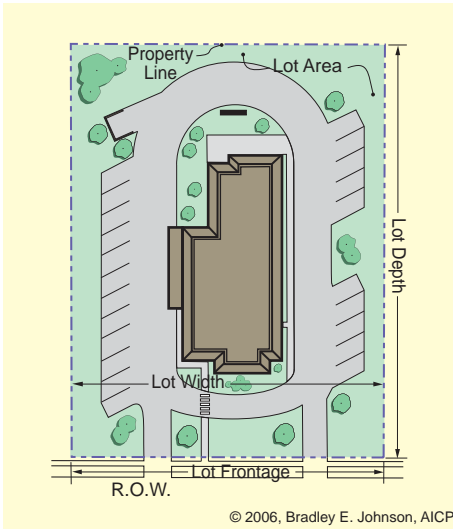
General Commercial (C2) District

2.29 C2 District Intent, Permitted Uses, and Special Exception Uses

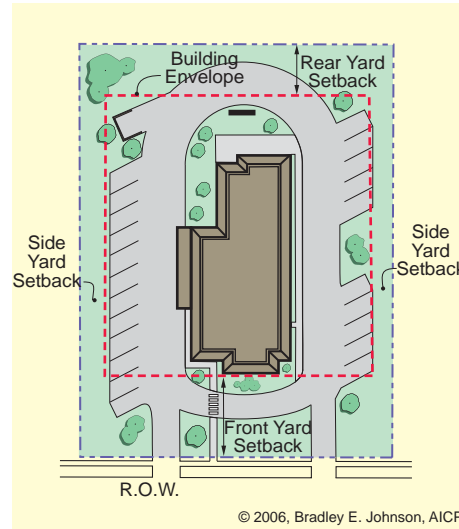
District Intent	Permitted Uses	Special Exception Uses
<p>The C2 (Medium to Large Scale General Commercial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • moderate to high impact uses • wide variety of retail, commercial, service, eating, and entertainment establishments • stand alone buildings, strip centers and malls <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • assure that there are no negative affects on the natural environment <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, AC, IS, VM, C1, C2, I1 and I2 <p>Planning Commission</p> <ul style="list-style-type: none"> • zone property for C2 only after determining that the site is appropriate for any of the possible uses allowed in this district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas • be very sensitive to the potential for light pollution, excessive parking lots, oversized signs, aesthetics, and pedestrian and vehicular safety 	<p>Commercial Uses</p> <ul style="list-style-type: none"> • automobile oriented facility • bank machine/ATM • banquet hall • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • car rental • coffee shop • coin laundry • communication shop • country club • dance/night club • delicatessen • driving range • dry-cleaning service • emergency medical clinic • fitness center/gym • funeral home or mortuary • health spa • hotel/motel • ice cream shop • kennel (commercial) • miniature golf • movie theater • party/event rental • pet grooming/store • photographic studio • play center • print shop/copy center • quick cash/check cashing • restaurant (drive-in) • restaurant (fast food) • restaurant (sit down) • sexually oriented business, accessory • sexually oriented business, entertainment • sexually oriented business, retail • shoe repair • sign shop • skate park • skating rink • studio art • tailor/pressing shop • tanning salon • video/dvd store • business/financial services office • design/planning office • general services office • medical office • very low intensity retail • low, medium, and high intensity retail <p>Utility Uses</p> <ul style="list-style-type: none"> • wind energy facility, small • wind energy facility, medium • wind energy facility, large 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • commercial training facility or school • equipment rental • golf course • mini storage facility • publishing company • sport field <p>Commercial Uses: Office</p> <ul style="list-style-type: none"> • construction trade office <p>Commercial Uses: Retail</p> <ul style="list-style-type: none"> • very high intensity retail <p>General Uses</p> <ul style="list-style-type: none"> • dwelling, single family (upper floors only) • dwelling, multi-family (upper floors only) • off-site parking lot <p>Institutional Uses</p> <ul style="list-style-type: none"> • church, temple or mosque using an existing building <p>Utility Uses</p> <ul style="list-style-type: none"> • above-ground utility facility • radio/TV station • telecommunications facility

General Commercial (C2) District

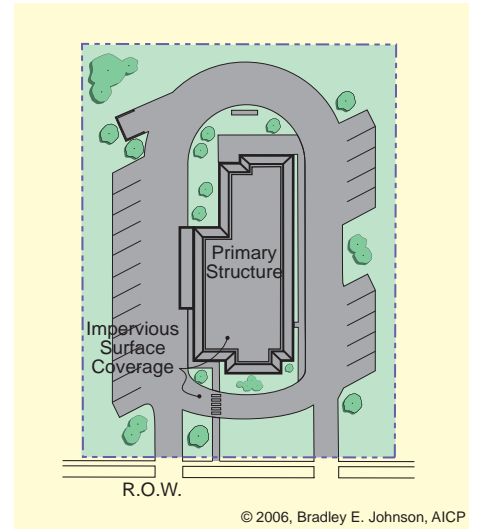
2.30 C2 District Development Standards



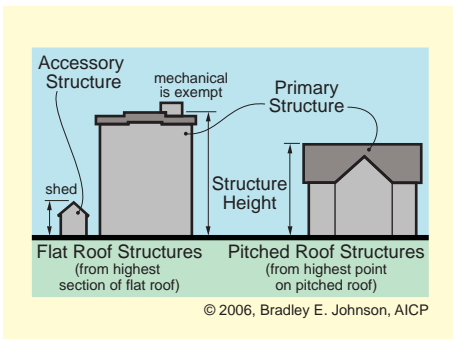
- Minimum Lot Area:**
 - 20,000 square feet
- Minimum Lot Width:**
 - 100 feet
- Minimum Lot Frontage:**
 - 80 feet on a Public Street with access from said Public Street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and community water system



- Minimum Front Yard Setback:**
 - 40 feet when adjacent to an Arterial
 - 30 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
 - 25 feet
- Minimum Rear Yard Setback:**
 - 30 feet



- Maximum Lot Coverage:**
 - 70% of the lot area
- Minimum Main Floor Area:**
 - 600 square feet for Primary Structures



- Maximum Structure Height:**
 - 45 feet for Primary Structure
 - 20 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-06 Page 5-6 	Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-29 	Sexually Oriented Bus. (SX) <ul style="list-style-type: none"> • SX-01 Page 5-41 • SX-02 Page 5-41
Density and Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-7 	Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-31 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-03 Page 5-45 • SI-08 Page 5-47
Entrance and Driveway (ED) <ul style="list-style-type: none"> • ED-01 Page 5-9 	Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-32 	Special Exception (SE) <ul style="list-style-type: none"> • SE-01 Page 5-50
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-11 	Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-03 Page 5-33 	Telecom. Facility (TC) <ul style="list-style-type: none"> • TC-01 Page 5-51
Fence and Wall (FW) <ul style="list-style-type: none"> • FW-03 Page 5-13 	Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-05 Page 5-35 	Temp. Use & Structure (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-05 Page 5-55
Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-14 	Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-37 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-38 	Wind to Energy System (WE) <ul style="list-style-type: none"> • WE-01 Page 5-57
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-39 	
Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-05 Page 5-26 • LA-07 Page 5-27 • LA-08 Page 5-28 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-40 	

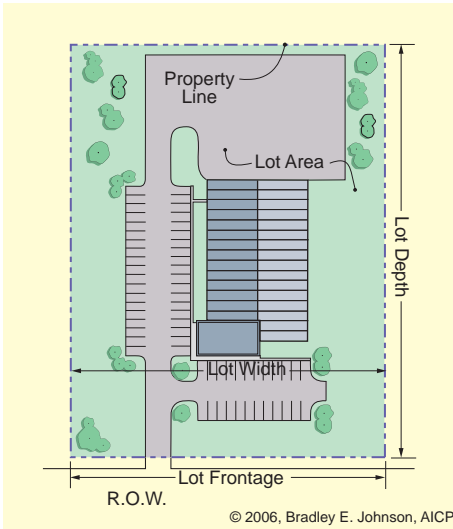
Low Intensity Industrial (I1) District

2.31 I1 District Intent, Permitted Uses, and Special Exception Uses

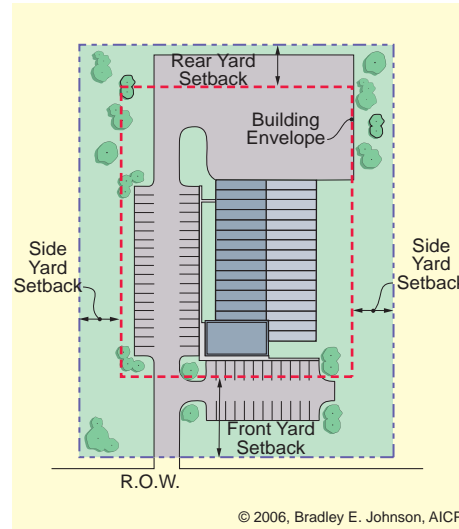
District Intent	Permitted Uses	Special Exception Uses
<p>The I1 (Low Intensity Industrial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • low impact industrial uses • business park, distribution operations, construction trades, and industrial facilities • stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • do not require separation or buffering from uses with similar intensity • require extensive buffers when adjacent to lesser intense land uses • assure that there are no negative affects on the natural environment <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, AC, IS, VM, C1, C2, I1, I2, I3, AP and IU <p>Planning Commission</p> <ul style="list-style-type: none"> • zone property for I1 only after determining that the site is appropriate for any of the possible uses allowed in this district • Require written acknowledgment of the maximum lot area requirement • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas • assure environmental protection prior to granting a special exception • be very sensitive to the potential for light pollution, noise pollution, loading bays fronting roads, oversized signs, large truck traffic, ingress/egress, and pedestrian and vehicular safety 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • mini-storage facility • restaurant (fast food) • restaurant (sit down) <p>Commercial Uses: Office</p> <ul style="list-style-type: none"> • construction trade office • design/planning office • general services office <p>Commercial Uses: Retail</p> <ul style="list-style-type: none"> • convenience store (small) • very high intensity retail <p>Industrial Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • flex-space • light manufacturing • recycling sorting/distribution • research center • sign painting/fabrication • testing lab • tool and die shop • warehouse • welding <p>Institutional Uses</p> <ul style="list-style-type: none"> • government operations (non-office) <p>Utility Uses</p> <ul style="list-style-type: none"> • above-ground utility facility • wind to energy system, small • wind energy facility, small • wind energy facility, medium • wind energy facility, large 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • commercial training facility or school <p>General Uses</p> <ul style="list-style-type: none"> • off-site parking lot <p>Industrial Uses</p> <ul style="list-style-type: none"> • bottled gas storage/distribution • food production/processing • outdoor storage • storage tanks (nonhazardous) <p>Institutional Uses</p> <ul style="list-style-type: none"> • crematorium • police, fire or rescue station <p>Utility Uses</p> <ul style="list-style-type: none"> • meteorological tower • radio/TV station • sewage treatment plant • telecommunications facility • water treatment plant

Low Intensity Industrial (I1) District

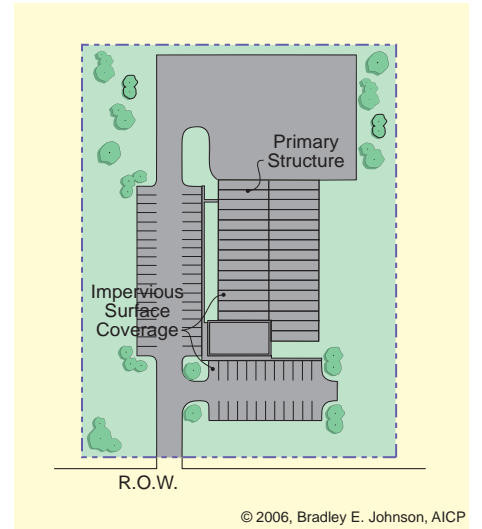
2.32 I1 District Development Standards



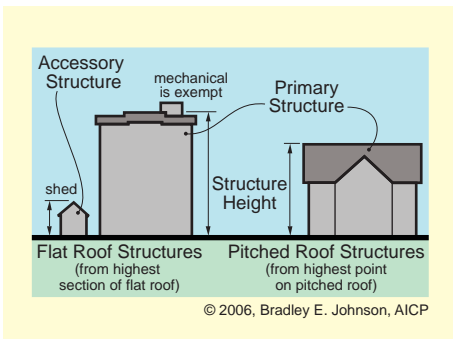
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 80 feet
- Minimum Lot Frontage:**
 - 50 feet on a Public Street with access from said Public Street
- Sewer and Water:**
 - Requires hook up to a community sanitary sewer system and community water system



- Minimum Front Yard Setback:**
 - 25 feet when adjacent to an Arterial
 - 15 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
 - 5 feet for Primary and Accessory Structures
- Minimum Rear Yard Setback:**
 - 5 feet for Primary and Accessory Structures



- Maximum Lot Coverage:**
 - 85% of the lot area
- Maximum Main Floor Area:**
 - 120,000 square feet for all structures combined



- Maximum Structure Height:**
 - 45 feet for Primary Structure
 - 45 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Lighting (LT)	Sign (SI)
• AS-01 Page 5-4	• LT-01 Page 5-29	• SI-01 Page 5-43
• AS-07 Page 5-6	Loading (LD)	• SI-03 Page 5-45
Density and Intensity (DI)	• LD-01 Page 5-31	• SI-09 Page 5-48
• DI-01 Page 5-7	Lot (LO)	Special Exception (SE)
Entrance and Driveway (ED)	• LO-01 Page 5-32	• SE-01 Page 5-50
• ED-01 Page 5-9	Outdoor Storage (OS)	Telecom. Facility (TC)
Environmental (EN)	• OS-01 Page 5-33	• TC-01 Page 5-51
• EN-01 Page 5-11	• OS-03 Page 5-33	Temp. Use & Structure (TU)
Fence and Wall (FW)	Parking (PK)	• TU-01 Page 5-54
• FW-03 Page 5-13	• PK-01 Page 5-34	• TU-05 Page 5-55
Floodplain (FP)	• PK-05 Page 5-35	Vision Clearance (VC)
• FP-01 Page 5-14	Performance (PF)	• VC-01 Page 5-56
Floor Area (FA)	• PF-01 Page 5-37	Wind to Energy System (WE)
• FA-01 Page 5-15	Public Improvement (PI)	• WE-01 Page 5-57
Height (HT)	• PI-01 Page 5-38	• WE-02 Page 5-58
• HT-01 Page 5-16	Setback (SB)	
Landscaping (LA)	• SB-01 Page 5-39	
• LA-01 Page 5-23	Sewer and Water (SW)	
• LA-05 Page 5-26	• SW-01 Page 5-40	
• LA-07 Page 5-27		
• LA-08 Page 5-28		

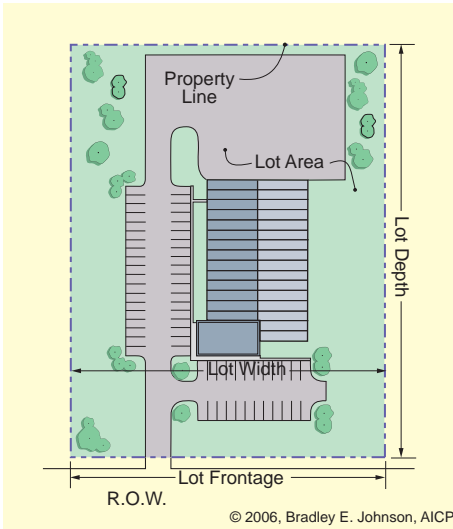
High Intensity Industrial (I2) District

2.33 I2 District Intent, Permitted Uses, and Special Exception Uses

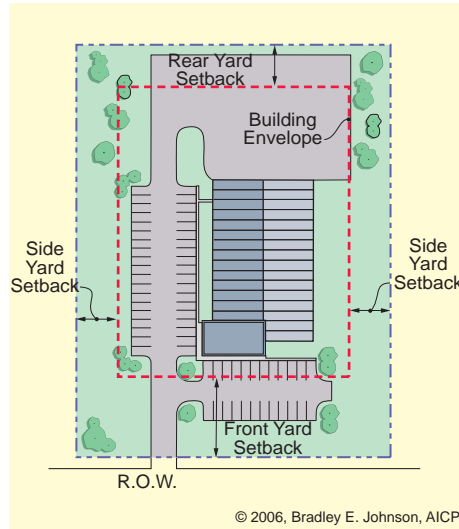
District Intent	Permitted Uses	Special Exception Uses
<p>The HI (High Intensity Industrial) District is intended to be used as follows:</p> <p>Type and Intensity</p> <ul style="list-style-type: none"> • moderate to high impact industrial uses • industrial parks, manufacturing facilities and utility usage • stand alone buildings or multiple primary structures <p>Application of District</p> <ul style="list-style-type: none"> • new and existing development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • do not require separation or buffering from uses with similar intensity • assure that there are no negative affects on the natural environment • minimize light, noise, water, and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, I1, I2, I3, AP and IU <p>Planning Commission</p> <ul style="list-style-type: none"> • zone property for I3 only after determining that the site is appropriate for any of the possible uses allowed in this district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception use only when it clearly is a benefit to the surrounding areas • require significant buffering and separation from residential uses, environmental features, and historic areas if within the vicinity • assure environmental protection prior to granting a special exception • be very sensitive to the potential for light pollution, noise pollution, loading bays fronting roads, oversized signs, large truck traffic, ingress/egress, and pedestrian and vehicular safety 	<p>Industrial Uses</p> <ul style="list-style-type: none"> • assembly • bottled gas storage/distribution • distribution facility • flex-space • food production/processing • heavy manufacturing • light manufacturing • outdoor storage • research center • scrap metal yard • sign painting/fabrication • storage tanks (nonhazardous) • testing lab • tool and die shop • trucking terminal • warehouse • welding <p>Institutional Uses</p> <ul style="list-style-type: none"> • crematory <p>Utility Uses</p> <ul style="list-style-type: none"> • above-ground utility facility • sewage treatment plant • water treatment plant • wind energy facility, small • wind energy facility, medium • wind energy facility, large 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> • junk yard • race track <p>General Uses</p> <ul style="list-style-type: none"> • off-site parking lot <p>Industrial Uses</p> <ul style="list-style-type: none"> • asphalt plant • concrete plant • gravel/sand mining • incinerator • liquid fertilizer/distribution • sanitary landfill/refuse dump • storage tanks (hazardous) • waste disposal facility • waste transfer station <p>Institutional Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station <p>Utility Uses</p> <ul style="list-style-type: none"> • meteorological tower • power generation facility • telecommunication facility

High Intensity Industrial (I2) District

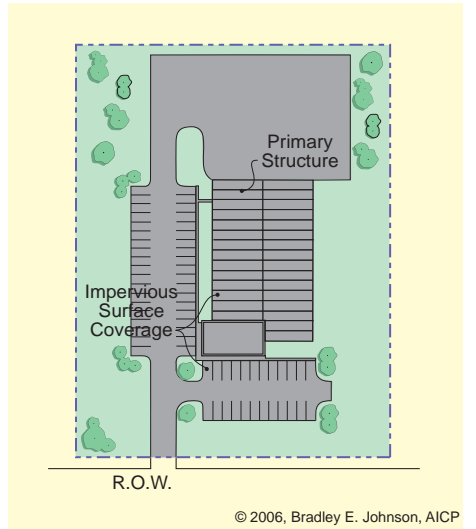
2.34 I2 District Development Standards



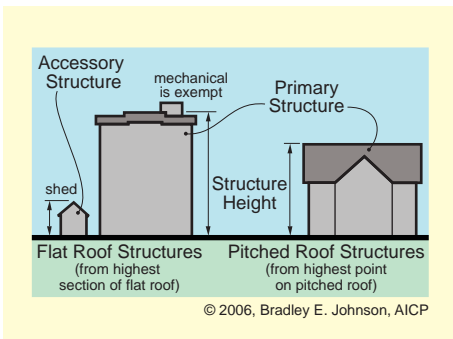
- Minimum Lot Area:**
- 2 acres (87,120 square feet)
- Minimum Lot Width:**
- 200 feet
- Minimum Lot Frontage:**
- 90 feet on a public street with access from said public street
- Sewer and Water:**
- Requires hook up to a community sanitary sewer system and community water system



- Minimum Front Yard Setback:**
- 25 feet when adjacent to an Arterial
 - 15 feet when adjacent to a Collector or Local Street
- Minimum Side Yard Setback:**
- 5 feet
- Minimum Rear Yard Setback:**
- 5 feet



- Maximum Lot Coverage:**
- 85% of the lot area



- Maximum Structure Height:**
- 70 feet for Primary Structure
 - 60 feet for Accessory Structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Lighting (LT)	Sign (SI)
• AS-01 Page 5-4	• LT-01 Page 5-29	• SI-01 Page 5-43
• AS-07 Page 5-6	Loading (LD)	• SI-03 Page 5-45
Density and Intensity (DI)	• LD-01 Page 5-31	• SI-09 Page 5-48
• DI-01 Page 5-7	Lot (LO)	Special Exception (SE)
Entrance and Driveway (ED)	• LO-01 Page 5-32	• SE-01 Page 5-50
• ED-01 Page 5-9	Outdoor Storage (OS)	Telecom. Facility (TC)
Environmental (EN)	• OS-01 Page 5-33	• TC-01 Page 5-51
• EN-01 Page 5-11	• OS-03 Page 5-33	Temp. Use & Structure (TU)
Fence and Wall (FW)	Parking (PK)	• TU-01 Page 5-54
• FW-03 Page 5-13	• PK-01 Page 5-34	• TU-05 Page 5-55
Floodplain (FP)	• PK-05 Page 5-35	Vision Clearance (VC)
• FP-01 Page 5-14	Performance (PF)	• VC-01 Page 5-56
Floor Area (FA)	• PF-01 Page 5-37	Wind to Energy System (WE)
• FA-01 Page 5-15	Public Improvement (PI)	• WE-01 Page 5-57
Height (HT)	• PI-01 Page 5-38	• WE-02 Page 5-58
• HT-01 Page 5-16	Setback (SB)	
Landscaping (LA)	• SB-01 Page 5-39	
• LA-01 Page 5-23	Sewer and Water (SW)	
• LA-05 Page 5-26	• SW-01 Page 5-40	
• LA-07 Page 5-27		
• LA-08 Page 5-28		

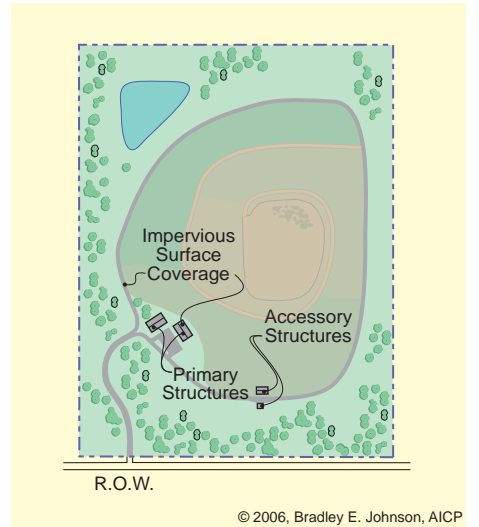
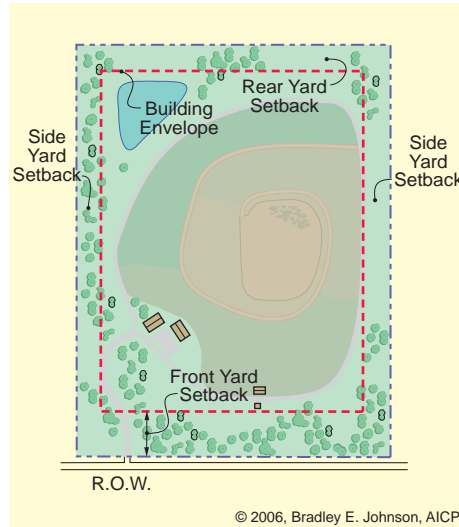
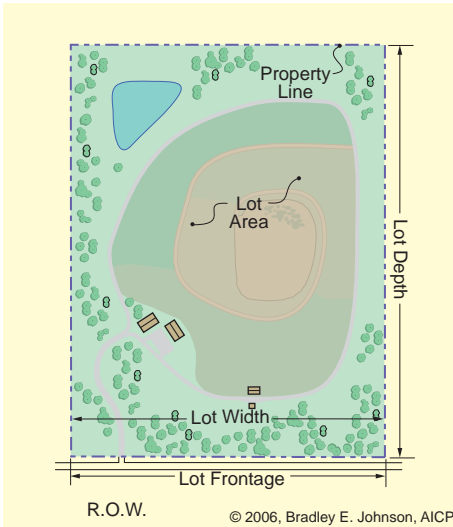
Intense Use (IU) District

2.35 IU District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The IU (Intense Use) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> •intense uses <p>Application of District</p> <ul style="list-style-type: none"> •existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> •recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality •minimize light, noise, water and air pollution <p>Appropriate Adjacent Districts</p> <ul style="list-style-type: none"> • PR, AG, IA, I1, I2, I3, AP and IU <p>Plan Commission</p> <ul style="list-style-type: none"> •zone property for IU only after determining that the site is appropriate for any of the possible uses allowed in the district •be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> •allow a special exception use only when it clearly is a benefit to the surrounding areas •require significant buffering and separation from adjacent uses and environmental features •be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Commercial Uses: General</p> <ul style="list-style-type: none"> •airport •heliport/helipad <p>Industrial Uses</p> <ul style="list-style-type: none"> •bio-fuels refinery •manufacturing of hazardous products •petroleum refinement •processing of hazardous chemicals •recycling sorting/distribution •rendering plant •sand and gravel extraction •sanitary landfill/refuse dump <p>Institutional Uses</p> <ul style="list-style-type: none"> •municipal airport •municipal heliport/ heliport <p>Utility Uses</p> <ul style="list-style-type: none"> •wind energy facility, small •wind energy facility, medium •wind energy facility, large 	<p>Industrial Uses</p> <ul style="list-style-type: none"> •hazardous waste landfill •processing of hazardous waste •solid waste processing •storage tanks (hazardous) <p>Utility Uses</p> <ul style="list-style-type: none"> •meteorological tower

Intense Use (IU) District

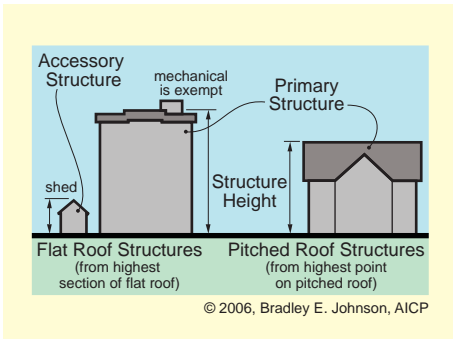
2.36 IU District Development Standards



- Minimum Lot Area:**
 - 10 acres
- Minimum Lot Width:**
 - 500 feet
- Minimum Lot Frontage:**
 - 120 feet
- Sewer and Water:**
 - Does not require hook up to a community sanitary sewer system and community water system

- Minimum Front Yard Setback:**
 - 150 feet
- Minimum Side Yard Setback:**
 - 100 feet
- Minimum Rear Yard Setback:**
 - 100 feet

- Maximum Lot Coverage:**
 - 65% of the lot area



- Maximum Structure Height:**
 - 50 feet for primary structures
 - 30 feet for accessory structures

Additional Development Standards that Apply		
Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 • AS-07 Page 5-6 	Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-29 	Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-43 • SI-03 Page 5-45 • SI-09 Page 5-48
Density and Intensity (DI) <ul style="list-style-type: none"> • DI-01 Page 5-7 	Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-31 	Special Exception (SE) <ul style="list-style-type: none"> • SE-01 Page 5-50
Entrance and Driveway (ED) <ul style="list-style-type: none"> • ED-01 Page 5-9 	Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-32 	Telecom. Facility (TC) <ul style="list-style-type: none"> • TC-01 Page 5-51
Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-11 	Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-33 • OS-03 Page 5-33 	Temp. Use & Structure (TU) <ul style="list-style-type: none"> • TU-01 Page 5-54 • TU-05 Page 5-55
Fence and Wall (FW) <ul style="list-style-type: none"> • FW-03 Page 5-13 	Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-34 • PK-05 Page 5-35 	Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-56
Floodplain (FP) <ul style="list-style-type: none"> • FP-01 Page 5-14 	Performance (PF) <ul style="list-style-type: none"> • PF-01 Page 5-37 	Wind to Energy System (WE) <ul style="list-style-type: none"> • WE-02 Page 5-58
Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-15 	Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-38 	
Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-16 	Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-39 	
Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-23 • LA-05 Page 5-26 • LA-07 Page 5-27 • LA-08 Page 5-28 	Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-40 	

Appropriate Adjacent District Table

2.37 Appropriate Adjacent Zoning Districts Table

	Parks & Recreation	Agricultural	Intense Agricultural	Agricultural Commercial	Rural Residential	Very Low Density Residential	Low Density Residential	Medium Density Residential	Village Residential	Multiple-Family Residential	Manufactured Home Park	Institutional	Village Mixed Use	Small to Medium Scale General Commercial	Medium to Large Scale General Commercial	Low Intensity Industrial	High Intensity Industrial	Intense Use
Parks & Recreation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Agricultural	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Intense Agricultural	X	X	X	X	X	X					X	X		X	X	X	X	X
Agricultural Commercial	X	X	X	X	X	X							X	X	X	X		
Rural Residential	X	X	X	X	X	X	X	X	X									
Very Low Density Residential	X	X	X	X	X	X	X	X	X									
Low Density Residential	X	X			X	X	X	X	X									
Medium Density Residential	X	X			X	X	X	X	X	X		X	X	X				
Village Residential	X	X			X	X	X	X	X	X	X	X	X	X				
Multiple-Family Residential	X	X						X	X	X	X	X	X	X				
Manufactured Home Park	X	X	X						X	X	X	X	X	X				
Institutional	X	X	X					X	X	X	X	X	X	X	X	X		
Village Mixed Use	X	X		X				X	X	X	X	X	X	X	X	X		
Small to Medium Scale General Commercial	X	X	X	X				X	X	X	X	X	X	X	X	X		
Medium to Large Scale General Commercial	X	X	X	X								X	X	X	X	X		
Low Intensity Industrial	X	X	X	X								X	X	X	X	X	X	X
High Intensity Industrial	X	X	X													X	X	X
Intense Use	X	X	X													X	X	X

X = Appropriate Adjacent District

Article
03

Overlay Districts

Howard County
Zoning Ordinance

Airport Hazard Area Overlay (AH-OL) District

3.01 AH-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The Airport Hazard Area Overlay District (AH-OL) has been created to promote a "buffer" of appropriate land uses around the airport in order to promote the growth and ongoing operations of the airport.</p> <p>Land Use Restrictions</p> <ul style="list-style-type: none"> •strive to minimize land uses which pose a hazard to air traffic, including excessive lighting, tall structures, lighting that resembles a runway, etc. •restrict any land use that could be adversely affected by the noise related to air traffic. 	<p>Permitted Uses All uses permitted in the base zoning district as permitted uses are permitted in the AH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Special Exception Uses All uses permitted in the base zoning district as special exception uses are permitted as special exceptions uses in the AH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> •assisted living facility •bed and breakfast facility •boarding house •bottled gas storage/distribution •church, temple or mosque •dwelling, manufactured •dwelling, multiple-family •dwelling, single-family •dwelling, two-family •electrical generation plant •fair housing facility (large) •fair housing facility (small) •group home •hospital •incinerator •liquid fertilizer distribution •manufactured home park •movie theater •nursing home •retirement community •radio/TV station •sanitary landfill/refuse dump •school (P-12) •storage tanks (hazardous) •telecommunications facility •trade or business school •university or college 	<ul style="list-style-type: none"> •When the development standards outlined in § 3.04 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All applicable development standards in Article 05 that are not addressed in § 3.04 will still apply in accordance with the base zoning district. •AH-OL regulations shall be applicable to all Planned Unit Developments which are overlaid by the Airport Hazard Overlay District.

Airport Hazard Area Overlay (AH-OL) District

3.02 AH-OL Applicability

The following requirements apply to all land within the Airport Hazard Area Overlay District.

3.03 AH-OL Jurisdictional Boundary

The jurisdictional boundaries for the Airport Hazard Overlay District (AH-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Airport Hazard Overlay District (AH-OL).

3.04 AH-OL Additional Development Standards

The following development standards are required as follows in order to promote the intent of this zoning district and meet the goals of the Howard County Comprehensive Plan.

A. Lighting Standards: Adjustments to lighting standards are as follows:

1. No parking lot, street, exterior building or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure or building shall be full cutoff fixture.
2. No lighting shall spin, oscillate or blink within this district, except the airport's fixtures and equipment installed on or off of the airport property.

B. Site Design Standards: Site design of any property or properties in conjunction shall not resemble an airport, taxiway or runway.

C. Construction Standards: All structures to be used for offices within this district are encouraged to be constructed with extra sound dampening and proofing such to mitigate noise from aircraft.

D. Location Standards: No structure may be located within 1,000 feet of a runway unless it is used as a part of the airport facility or aviation operation.

E. Height Standards:

1. The maximum height of any structure is forty (40) feet when it is 1,000 feet to 4,500 feet from any airport runway. The Planning Director may mandate a maximum height less than forty (40) feet if the structure is within a precision runway approach (slope of 1 to 50 from the end of runway).
2. The maximum height of any structure is ninety (90) feet when 4,500 feet to 7,920 feet (1½ mile) from any airport runway.

F. Noise:

1. The noise restrictions in Article 5 shall not apply to the airport or airport operations.

[Note: All property purchasers and developers in the Airport Hazard Area Overlay District should be aware that noise restrictions in this ordinance do not apply to airport operations and that the airport facility may expand in the future, thus resulting in more air traffic and larger aircraft.]

Well Restriction Overlay (WR-OL) District

3.05 WR-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The WR-OL (Well Restriction Overlay) District is intended to protect the community from chemicals contaminating ground water. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none">• All areas designated by an engineering study necessary for protecting the community. <p>Development Standards</p> <ul style="list-style-type: none">• Restrict the drilling of water wells which may bring contaminated ground water to the surface.	<p>Permitted Uses All uses permitted in the base zoning district are permitted in the WR-OL zoning district.</p> <p>Special Exception Uses All uses permitted as special exceptions in the base zoning district are permitted as special exceptions in the WR-OL zoning district.</p>	<ul style="list-style-type: none">• No water wells may be dug or drilled within the WR-OL District except for monitoring wells, extraction wells for a groundwater remediation system, or other wells required or approved by the Indiana Department of Environmental Management.

Well Restriction Overlay (WR-OL) District

3.06 WR-OL Applicability

The requirements of the Well Restriction Overlay (WR-OL) District apply to all land designated by an engineering study necessary to protect private or public drinking water supply and established as the Well Restriction Overlay District.

3.07 WR-OL Jurisdictional Boundary

The jurisdictional boundaries for the Well Restriction Overlay District (WR-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Well Restriction Overlay District (WR-OL).

Hydric Soil Overlay (HS-OL) District

3.08 HS-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The HS-OL (Hydric Soil Overlay) District is intended to protect the community from inappropriate development on hydric soils. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none"> • All areas designated by U.S. Department of Agriculture, Natural Resource Conservation Service or other engineering study determined to be hydric soils. <p>Restriction of Uses</p> <ul style="list-style-type: none"> • Restrict all buildings from being constructed in these designated areas. <p>Development Standards</p> <ul style="list-style-type: none"> • Restrict encroachment into riparian areas and filtration strips along water courses. • Restrict encroachment into filtration strips around wetlands. 	<p>Permitted Uses</p> <p>All uses permitted in the base zoning district are restricted in the HS-OL zoning district. However, all the following land uses are permitted.</p> <ul style="list-style-type: none"> • agricultural crop production • nature center • nature preserve • orchard • park, public • plant nursery • tree farm <p>Special Exception Uses</p> <p>All uses permitted as special exceptions in the base zoning district are restricted as special exceptions in the HS-OL zoning district. However, all the following land uses are permitted as special exceptions.</p> <ul style="list-style-type: none"> • golf course 	<ul style="list-style-type: none"> • The integrity of any existing natural filtration strip and riparian corridor must be maintained. Prior to construction of any playground, golf course, shelter or the like, a filtration strip shall be installed if a filtration strip or riparian plants do not exist. The new filtration strip and riparian plants shall be at least 66 feet wide.

Hydric Soil Overlay (HS-OL) District

3.09 HS-OL Applicability

The following requirements apply to all land designated by the U.S. Department of Agriculture, Natural Resource Conservation Service (formerly the Soil Conservation Service) or an engineering study determining the area is dominantly hydric soils. Small islands of non-hydric soils, surrounded by hydric soils shall also be included in the HS-OL. The list of hydric soils in Howard County include, but are not limited to the following:

- Carlisle muck,
- Lynwood muck,
- Genesee silt loam, and
- Shoals silt loam.

Land types that are applicable include depressions, terraces, till plains, ground moraines, and flood plains.

3.10 HS-OL Jurisdictional Boundary

The jurisdictional boundaries for the Hydric Soil Overlay District (HS-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Hydric Soil Overlay District (HS-OL). However, the Planning Director may direct an applicant to provide a soil scientist study of their property if there is reasonable suspicion that hydric soils exist on that property. The soil scientist shall first determine if hydric soils exist, and if they do, provide delineation of hydric and non-hydric soils on the property.

U.S. 31 Freeway Corridor Overlay (FC-OL) District

3.11 FC-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The FC-OL (U.S. 31 Freeway Corridor Overlay) District is intended to protect the corridor from inappropriate development which damages the corridor's ability to convey traffic on an off at interchanges and to preserve aesthetic qualities along the corridor. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none"> • All areas immediately adjacent to the realigned route for U.S. 31 and adjacent to each roadway leading to and from the interchanges. <p>Restriction of Uses</p> <ul style="list-style-type: none"> • Limit noise sensitive uses adjacent to the U.S. 31 corridor. <p>Development Standards</p> <ul style="list-style-type: none"> • Limit driveway (ingress/egress) near interchanges to reduce congestion and limit risks of traffic accidents. • Restrict pole signs and off premise signs along the U.S. 31 corridor. 	<p>Permitted Uses All uses permitted in the base zoning district are permitted in the FC-OL zoning district, except:</p> <ul style="list-style-type: none"> • single family residential • two-family residential <p>Special Exception Uses All uses permitted as special exceptions in the base zoning district are permitted as special exceptions in the FC-OL zoning district, except:</p> <ul style="list-style-type: none"> • single family residential • two-family residential 	<ul style="list-style-type: none"> • When the development standards outlined in § 3.14 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.14 will still apply in accordance with the base zoning district. • FC-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the U.S. Freeway Corridor Overlay District.

U.S. 31 Freeway Corridor Overlay (FC-OL) District

3.12 FC-OL Applicability

The following requirements apply to all lots, or fractions of lots contained within an area extending from the U.S. 31 Freeway Corridor 530 feet (1/10 mile) as measured from the corridor's right-of-way. Also, all lots or fraction of lots within 200 feet of corridors leading to or from interchanges along the U.S. 31 Freeway Corridor, for a distance of 2,640 feet (1/2 mile) from the U.S. 31 Freeway Corridor's right-of-way.

3.13 FC-OL Jurisdictional Boundary

The jurisdictional boundaries for the U.S. 31 Freeway Corridor Overlay District (FC-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the U.S. 31 Freeway Corridor Overlay District (FC-OL).

3.14 FC-OL Additional Development Standards

The following development standards are required in order to promote the intent of the U.S. 31 Freeway Corridor Overlay District and meet the goals of the Howard County Comprehensive Plan.

A. Driveways: The following limitations on driveway and curb-cut locations shall apply.

1. No driveway or local street may enter onto a road leading to or from a U.S. 31 Freeway Corridor interchange within 1,000 feet of the intersection of the center lines of the road and the U.S. 31 Freeway Corridor. Frontage roads are encouraged for allowing safe access to properties close to the U.S. 31 Freeway Corridor.
2. All driveways or curb-cuts shall be spaced a minimum of 150 feet from one another, and if driveways or curb-cuts are to be located across from one another, they shall be directly across from one another or spaced 150 feet apart, as if they were on the same side of the street.

B. Signs: The following requirements shall apply to all signs within the U.S. 31 Freeway Corridor Overlay District.

1. All on-premise signs types allowed in the base zoning district by Article 5 §Sign Standards are permitted in the U.S. 31 Freeway Corridor Overlay District except for pole signs. On-premise signs shall not exceed 300 square feet in area. The height of any freestanding on-premise sign shall not exceed twenty (20) feet.
2. On lots without a building, only one sign is permitted and it shall not exceed thirty-two (32) square feet in area and eighty (8) feet in height. This type of sign may be mounted on one or two posts.
3. Off-premise signs allowed in the base zoning district by Article 5 Sign Standards are permitted in the U. S. 31 Freeway Corridor Overlay District. Off-premise signs shall not exceed 672 square feet in area. The height of any freestanding off-premise sign shall not exceed thirty (30) feet. The minimum separation between any two (2) off-premise signs on both sides of the U. S. Freeway Corridor shall be 2,000 feet and shall be at least 1,000 feet from any off-premise sign along other roads.

Wellhead Overlay (WH-OL) District

3.15 WH-OL District Intent, Effect on Uses and Development Standards.

District Intent	Effect on Uses	Development Standards
<p>The WH-OL (Wellhead Overlay) District is intended to protect the public drinking water quality. This district should be used as follows.</p> <p>Land Use Restrictions</p> <ul style="list-style-type: none"> • restrict any use that utilizes or contains volatile, poisonous, toxic or other material hazardous to the potability of water. <p>Development Standards</p> <ul style="list-style-type: none"> • minimize the risk of contaminants getting into the community's drinking water. 	<p>Permitted Uses All uses permitted in the base zoning district as permitted uses are permitted in the WH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Special Exception Uses All uses permitted in the base zoning district as special exceptions uses are permitted as special exceptions uses in the WH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> • automobile oriented facility • bottled gas storage/distribution • cemetery • confined feeding operation • dry-cleaning service • food production/processing • gravel and sand mining • heavy industry • incinerator • junk yard • liquid fertilizer distribution • radio/TV station • raising of farm animals • rendering plant • sanitary landfill/refuse dump • scrap yard • storage tanks (hazardous) 	<ul style="list-style-type: none"> • When the development standards outlined in § 3.18 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.18 will still apply in accordance with the base zoning district. • WH-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the Wellhead Overlay District.

Wellhead Overlay (WH-OL) District

3.16 WH-OL Applicability

The following requirements apply to all land designated by an engineering study necessary to protect the public drinking water supply and established as the Wellhead Overlay District, with the exceptions of single and multiple-family residential land uses connected to municipal sanitary and storm sewers.

3.17 WH-OL Establishment of Wellhead Protection Zone

For purposes of this ordinance, any area contained within a five year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 Indiana Administrative Code 8-4.1 is designated as a Wellhead Protection Zone. The modeled delineation shall be shown and maintained on the County GIS.

3.18 WH-OL Additional Development Standards

The following development standards are required in order to promote the intent of the Wellhead Overlay District and meet the goals of the Howard County Comprehensive Plan.

- A. Treatment of Land: No natural area or vegetated buffer shall be treated with any herbicide, insecticide, fertilizer, or the like without EPA (Environmental Protection Agency) or DNR (Department of Natural Resources) approval for a specific treatment and recommended frequency of treatment presented to the Planning Director in writing. Only lawn fertilizer and lawn weed control chemicals available over-the-counter are exempt from this regulation.

Flood Hazard Overlay (FH-OL) District

3.19 FH-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The FH-OL (Flood Hazard Overlay) District is intended to minimize risk to life, protect property from damage, reduce risk of flooding, and improve storm water quality.</p> <p>Application of District</p> <ul style="list-style-type: none"> any area within the 100 year floodplain and any other areas along regulated ditches, streams, rivers, ponds and ponds deemed necessary. <p>Land Use Restrictions</p> <ul style="list-style-type: none"> restrict any use that utilizes or contains volatile, poisonous, toxic, or otherwise hazardous to flora, fauna and the potability of water. <p>Development Standards</p> <ul style="list-style-type: none"> restrict the construction of habitable or occupiable structures within the 100 year floodplain. assure no net loss of floodplain storage capacity due to building or filling within the 100 year floodplain. preserve riparian corridors and buffer areas around bodies of water from direct, indirect and inadvertent disturbances and removal of plant material. reduce the speed at which storm water reaches regulated ditches, streams and rivers. 	<p>Permitted Uses</p> <p>All uses permitted in the base zoning district are permitted in the FH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Special Exception Uses</p> <p>All uses permitted in the base zoning district as special exceptions are permitted as special exceptions in the FH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> auto oriented facility auto salvage yard bottled gas storage/distribution cemetery dry-cleaning service food production/processing gravel and sand mining heavy industry incinerator liquid fertilizer storage/distribution radio/TV station raising of farm animals rendering of farm animals sanitary landfill/refuse dump scrap yard storage tanks (hazardous) junk yard 	<ul style="list-style-type: none"> When the development standards outlined in § 3.22 conflict with the base zoning district development standards in Article 05 or other Development Standards in this Article, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.22 will still apply in accordance with the base zoning district. FH-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the Flood Hazard Overlay District.

Flood Hazard Overlay (FH-OL) District

3.20 FH-OL Applicability

The following requirements apply to all land within the Flood Hazard Overlay District.

3.21 FH-OL Jurisdictional Boundary

The jurisdictional boundaries for the Flood Hazard Overlay District (FH-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Flood Hazard Overlay District (FH-OL).

3.22 FH-OL Additional Development Standards

The following development standards are required as follows in order to promote the intent of the Flood Hazard Overlay District and meet the goals of the Howard County Comprehensive Plan.

- A. Flood Hazard Areas Ordinance: The development standards of the Flood Hazard Areas Ordinance, No. O-1994-53, as amended, shall apply.
- B. Prohibited: No lot or building site, created after the adoption of this Zoning Ordinance, shall locate any buildings within Flood Hazard Overlay District.
- C. Buffer Area: No habitable or occupiable structure shall be constructed partially or fully within 200 feet of the 100-year floodplain.

Article
04

Planned Unit Development Districts

Howard County
Zoning Ordinance

Planned Unit Development (PUD) Districts

4.01 PUD District Intent, Regulations and Prerequisites

District Intent	Regulations	Prerequisites
<p>The purpose of the Planned Unit Development (PUD) district is to provide flexible design and land use regulations for medium to large scale developments that cannot follow a standard zoning district's regulations due to:</p> <ul style="list-style-type: none"> • The interest in an integrated mixed use development; • The existence of unique geological or natural features; or • The interest in a timely unique and/or innovative development design. <p>Plan Commission Intent</p> <ul style="list-style-type: none"> • Any parcel that meets the prerequisites may be rezoned to a Planned Unit Development district after Plan Commission review and approval; and after the County Commissioners review and adopt the Planned Unit Development Ordinance in conformity with Article 4 and the Comprehensive Plan. • Under no circumstances is the Plan Commission or County Commissioners required to rezone a property to a Planned Unit Development. 	<p>Permitted Uses</p> <ul style="list-style-type: none"> • Dominantly in-line with previous standard zoning district; • Dominantly in-line with Comprehensive Plan; • Compatible with surrounding land uses and zoning districts; and • Flexible only to the extent permitted in Article 4. <p>Development Standards</p> <ul style="list-style-type: none"> • Generally in-line with standards of the original zoning district; • Dominantly in-line with Comprehensive Plan; • Compatible with surrounding land uses and zoning districts; and • Flexible only to the extent permitted in Article 4. <p>Design Standards</p> <ul style="list-style-type: none"> • Generally in compliance with all design standards; and • Flexible only to the extent permitted in Article 4. <p>Construction Standards</p> <ul style="list-style-type: none"> • Fully in compliance with the county's construction standards. 	<ul style="list-style-type: none"> • The area proposed for a Planned Unit Development shall be under single ownership or if multiple ownership, it shall be under control by a single developer. • The minimum gross area required for a Planned Unit Development is five (5) acres.

Planned Unit Development (PUD) Districts

4.02 General

- A. Description: Planned Unit Developments are a special district that may be pursued by an applicant in which a stand alone ordinance regulating that development is drafted and which binds the development to unique language.
- B. Creation: The procedure for the creation of a Planned Unit Development shall be consistent with the process set forth in *Article 7: Permits, Processes & Fees* of the Zoning Ordinance.
- C. Regulations:
 - 1. The requirements of *Article 05: Development Standards* of the Zoning Ordinance as well as the requirements of the Subdivision Control Ordinance shall apply to Planned Unit Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the development. Any lessening of the required standards of the Zoning Ordinance and Subdivision Control Ordinance shall be directly linked to the intent of the Planned Unit Development to provide a mixed use development, provide a creative and unique design, or address unusual physical conditions.
 - 2. The Development Plan shall indicate the land use, location of all improvements, development standards, design standards, construction standards and other applicable specifications of the Howard County Code which shall govern the Planned Unit Development. If the Development Plan is silent or doesn't address a particular land use, development standard, design standard, construction standard or other specification of the Howard County Code, the standard of the underlying district or the applicable regulations shall apply.
- D. Maps: The boundaries of the Planned Unit Developments shall be designated on the Official Zoning Map.
- E. Open Space: Open space shall either be:
 - 1. Conveyed to a municipal or public corporation; or
 - 2. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development.

4.03 Origination of Proposals

Any applicant may propose a Planned Unit Development District in accordance with the Zoning Ordinance. Such a proposal shall be initiated by the property owner(s). A parcel proposed for a Planned Unit Development is not required to be under single ownership. However, if not under single ownership, the multiple owners shall all consent to the development of their individual properties consistent with the requirements of the Planned Unit Development. Any transfer of land within the development resulting in ownership within the development by two or more owners after an application has been filed shall not alter the applicability of the regulations contained in the Zoning Ordinance. A Preliminary Development Plan approved hereunder shall be binding upon the applicant(s), their successors and assigns and shall limit and control the issuance and validity of all Improvement Location Permits.

4.04 Rules of Procedure

All proceedings brought under *Article 4: Planned Unit Development Districts* are subject to the Rules of Procedure of the Plan Commission, unless stated otherwise. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Article 7: Permits, Processes & Fees* of the Unified Development Ordinance.

4.05 Limitation of Revisions to the Zoning Ordinance

- A. Public Health and Safety: Changes to the Zoning Ordinance that directly effect public health and safety shall apply to any Planned Unit Development whether prior to or during development. All other changes to the Zoning Ordinance shall not be enforced upon the Planned Unit Development.
- B. Failure to Comply: If a Planned Unit Development is no longer proceeding in accordance with its ordinance, commitments, or time requirements imposed by its ordinance or by agreement, amendments to the Zoning Ordinance may be applied.
- C. Rezoning to Standard District: All Planned Unit Developments, once ninety-five (95%) built-out are subject to being rezoned into an appropriate standard zoning district if the County deems it necessary to better administer the development.

Planned Unit Development (PUD) Districts

4.06 Designation of Permanent Open Space

- A. Definition: Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership. Where a single-family residential development incorporates individual lots, the yards of such lots shall not constitute open space.
- B. Designation: No Planned Unit Development shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and County Commissioners. Open space shall be provided in at least the following percentage of the total gross area of the planned unit development by type of use:
1. Single-family and multiple-family residential use: 20%
 2. Office use: 15%
 3. All other uses: 10%
- C. Mixed Uses: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. The permanent open space need not be located in proximity to the use in the case of preservation of existing features.
- D. Development in Stages: If the Preliminary Plan provides for the Planned Unit Development to be constructed in stages, open space shall be provided for each stage of the development in proportion to that stage, and conveyed or guaranteed.

Article
05

Development Standards

Howard County
Zoning Ordinance



Development Standards Overview


5.01 How to Use This Article

Article 5 contains development standards which are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

- A. **Two-Page Layouts:** Refer to the two-page layouts in *Article 2: Zoning Districts* for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific zoning district are listed four-digit codes that determine which development standards apply. Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that zoning district.

[As an example, on page 2-11, the four digit code "AS-01" can be found under the "Additional Development Standards that Apply" section in the Rural Residential (RR) zoning district. Therefore, the development standards in the section labeled "AS-01" (on page 5-4) would apply to the Rural Residential (RR) zoning district.]











- B. **Icons:** Refer to the icons used at the top of each development standard section in *Article 5: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by square icons with zoning district abbreviations (e.g.  for the Village Mixed Use zoning district or  for the Rural Residential zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.

[As an example, on page 5-4, the  icon can be found under the AS-01 development standard section. Therefore the language in the AS-01 section would apply to the Rural Residential zoning district.]

Section Name	Page Number	Section Name	Page Number
How to Use This Article	5-2	Lot Standards (LO)	5-32
Icon Legend	5-3	Outdoor Storage Standards (OS)	5-33
Accessory Structure Standards (AS)	5-4	Parking Standards (PK)	5-34
Density and Intensity Standards (DI)	5-7	Performance Standards (PF)	5-37
Easement Standards (EM)	5-8	Public Improvement Standards (PI)	5-38
Entrance and Driveway Standards (ED)	5-9	Setback Standards (SB)	5-39
Environmental Standards (EN)	5-11	Sewer and Water Standards (SW)	5-40
Fence and Wall Standards (FW)	5-12	Sexually Oriented Business Standards (SX)	5-41
Floodplain Standards (FP)	5-14	Sign Standards (SI)	5-43
Floor Area Standards (FA)	5-15	Special Exception Use Standards (SE)	5-50
Height Standards (HT)	5-16	Telecommunication Facility Standards (TC)	5-51
Home Occupation Standards (HO)	5-17	Temporary Use and Structure Standards (TU)	5-54
Landscaping Standards (LA)	5-23	Vision Clearance Standards (VC)	5-56
Lighting Standards (LT)	5-29	Wind to Energy System Standards (WE)	5-57
Loading Standards (LD)	5-31		

Development Standards Icon Legend

5.02 Icon Legend

-  - Parks and Recreation District
-  - Agricultural District
-  - Intense Agricultural District
-  - Agricultural Commercial District
-  - Rural Residential District
-  - Very Low Density Residential District
-  - Low Density Residential District
-  - Medium Density Residential District
-  - Village Residential District
-  - Multiple-Family Residential District
-  - Manufactured Home Park District
-  - Institutional District
-  - Village Mixed Use District
-  - Small to Medium Scale General Commercial District
-  - Medium to Large Scale General Commercial District
-  - Low Intensity Industrial District
-  - High Intensity Industrial District
-  - Airport Commercial District
-  - Intense Use District

Accessory Structure Standards (AS)

5.03 AS-01 [Accessory Structure; General]

This Accessory Structure Standards section applies to the following zoning districts:



The following accessory structure standards apply:

- A. **Standards:** Accessory structures shall comply with all development standards for the subject zoning district unless specified otherwise.
- B. **Relationship to Primary Structure:** Accessory structures shall relate to the primary structure and its use; and be commonly and usually used in connection to the specific primary use.
- C. **Placement:** Accessory structures are not permitted on a lot prior to any primary structure.
- D. **Location:**
 - 1. Accessory structures shall meet all setback requirements of the subject zoning district.
 - 2. Accessory structures shall not encroach on any platted easements.
 - 3. Accessory structures shall be located to the rear or side of the primary structure unless specifically permitted otherwise.
 - 4. Accessory structures shall be at least 6 feet from other structures on the same or adjoining lots.
- E. **Prohibited:**
 - 1. Accessory structures shall be not utilized as residences.
- F. **Swimming Pools:** Swimming pools shall abide by this Zoning Ordinance as well as Indiana State Code (675 IAC 20).

5.04 AS-02 [Accessory Structure; Rural Residential]

This Accessory Structure Standards section applies to the following zoning district:



The following accessory structure standards apply:

- A. **Maximum Size:** The cumulative square footage of all enclosed non-farm accessory structures shall not exceed 6,000 square feet.
- B. **Prohibited:**
 - 1. A mobile home or manufactured home shall not be utilized as an accessory structure.
 - 2. An unlicensed recreational vehicle, unlicensed semi-trailer, shipping container, truck cargo box, unlicensed boat or unlicensed motor vehicle shall not be utilized as an accessory structure unless approved by the Board of Zoning Appeals as a temporary accessory structure.
 - a. The maximum duration of any temporary accessory structure is two (2) years or less if required by the Board of Zoning Appeals.
 - b. Renewals of the temporary accessory structure may be granted by the Board of Zoning Appeals for five (5) years upon findings that the property is well maintained and continues to meet all the applicable development standards.

5.05 AS-03 [Accessory Structure; Single-Family Residential]

This Accessory Structure Standards section applies to the following zoning districts:



The following accessory structure standards apply:

- A. **Maximum Number:** No more than two (2) enclosed accessory structures (e.g. detached garage, pool house, shed, etc.) are permitted on a lot.

Accessory Structure Standards (AS)

- B. Maximum Size: The cumulative square footage of all enclosed accessory structures shall not exceed 1,000 square feet or 100% of the square footage of the primary structure, whichever is less.
- C. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, shipping container, truck cargo box, boat or motor vehicle shall not be utilized as an accessory structure.

5.06 AS-04 [Accessory Structure; Multiple-Family Residential]

This Accessory Structure Standards section applies to the following zoning districts:

MR

The following accessory structure standards apply:

- A. Maximum Number:
 - 1. No more than one (1) detached garage or carport facility shall be permitted per primary structure.
 - 2. No more than one (1) additional enclosed accessory structure (e.g. pool house, storage building, etc.) shall be permitted per primary structure.
- B. Maximum Size: The cumulative square footage of all enclosed accessory structures and carports shall not exceed fifty percent (50%) of the square footage of the primary structure(s).
- C. Appearance:
 - 1. The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure.
 - 2. Enclosed accessory structures shall have a residential appearance and character suited for a residential district.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, shipping container, truck cargo box, boat or motor vehicle shall not be utilized as an accessory structure.

5.07 AS-05 [Accessory Structure; Manufactured Home Park]

This Accessory Structure Standards section applies to the following zoning district:

MP

The following accessory structure standards apply:

- A. Types: Management offices, sales offices, storage, laundry, and other structures customarily incidental to manufactured home parks are permitted, provided the following criteria are met:
 - 1. The accessory structure is subordinate to the residential component of the park;
 - 2. The accessory structure is located, designed and intended to serve only the needs of the park; and

Accessory Structure Standards (AS)

3. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.
- B. **Maximum Number:** Each manufactured home or mobile home is allowed no more than two (2) accessory structures. Permitted accessory structures include a; carport, deck, garage, gazebo, greenhouse, hot tub, mini barn, shed, sport court, and boat house.
- C. **Maximum Size:** The total area of all accessory structures on an individual site shall not exceed twenty percent (20%) of the dwelling site.
- D. **Model Homes:** Model manufactured or mobile homes as sales units are permitted provided the following criteria are met:
 1. The maximum number of model homes shall be limited to five percent (5%) of the authorized number of dwelling sites in the park;
 2. Model homes shall comply with all standards set forth in the MP district; and
 3. Only one (1) unit may be used as a sales office.
- E. **Prohibited:** A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, shipping container, truck cargo box, boat or motor vehicle shall not be utilized as an accessory structure.

5.08 AS-06 [Accessory Structure; Institutional and Commercial]

This Accessory Structure Standards section applies to the following zoning districts:



The following accessory structure standards apply:

- A. **Maximum Number:** No more than two (2) enclosed accessory structures (e.g. detached garage, shed, storage building, etc.) shall be permitted per lot.
- B. **Maximum Size:** The cumulative square footage of all enclosed accessory structures shall not exceed 1,500 square feet or fifty percent (50%) of the square footage of the primary structure(s), whichever is less.
- C. **Appearance:**
 1. The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure.
 2. Enclosed accessory structures shall have a commercial appearance and character suited for a commercial district.

5.09 AS-07 [Accessory Structure; Industrial and Intense Use]

This Accessory Structure Standards section applies to the following zoning districts:



The following accessory structure standards apply:

- A. **Appearance:**
 1. The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure.
 2. Enclosed accessory structures shall have a commercial or industrial appearance and character suited for an industrial district.

Density and Intensity Standards (DI)

5.10 DI-01 [Density and Intensity; General]

This Density and Intensity Standards section applies to the following districts:



The following density and intensity standards apply:

- A. Applicability: If one or more of the above listed density or intensity standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
- B. Maximum Density: The maximum density shall be per each two-page layout in *Article Two*.
- C. Minimum Lot Coverage: The minimum lot coverage shall be per each two-page layout in *Article Two*.
- D. Maximum Lot Coverage: The maximum lot coverage shall be per each two-page layout in *Article Two*.

Easement Standards (EM)

5.11 EM-01 [Easement; Conservation]

This Easement Standards section applies to the following zoning districts:

AG

The following easement standards apply:

A. Location:

1. Conservation easements may be placed on land used for agriculture and open space areas such as woodlots and wetlands.
2. Conservation easements may cross public roads, railroads, and bufferyards, but shall exclude their right-of-ways or easement areas from measurement of the conservation easement area.

B. Exemptions: Conservation easements shall not include any of the following:

1. Property with an existing structure on it;
2. Property used directly with any structure;
3. Other conservation easements; or
4. Bufferyards.

C. Size: Conservation easements shall meet the following dimension requirements:

1. Minimum width equal to the minimum lot width required for the district;
2. Adjoin the full length of at least two (2) sides of the lot(s) for which it was established; and
3. Adjoin public roads for a distance equal to the number of lots times the minimum lot width required for the district.

D. Duration: Conservation easements shall remain in place until the lot(s) for which the conservation easement was established have all structures removed and returned to open agriculture fields or open space use.

Entrance and Driveway Standards (ED)

5.12 ED-01 [Entrance and Driveway; General]

This Entrance and Driveway Standards section applies to the following zoning districts:



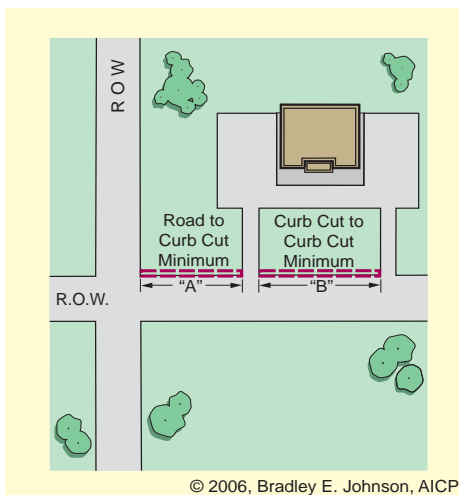
The following entrance and driveway standards apply:

- A. **Classification:** All classification of roads shall be based on the Thoroughfare Plan as found and maintained in the Howard County Comprehensive Plan.
- B. **Single Entrance:** No entrance or driveway shall be permitted to be installed:
 1. Within 100 feet of any intersecting road if along an arterial or collector road (see “A” below in the illustration);
 2. Within fifty (50) feet of any intersecting road if along a local road (see “A” below in the illustration); or
 3. If the parcel is not large enough to achieve the required separation, then the driveway shall be installed at a location farthest from the intersection.

The distances listed above shall be determined by measuring from the intersection right-of-way line to the back of curb or edge of surface (whichever is less) of the entrance or driveway.

- C. **Multiple Entrance:** If the parcel has two entrances or drives, they shall not be permitted to be installed:
 1. Within 100 feet of one another if along an arterial or collector road (see “B” below in the illustration);
 2. Within fifty (50) feet of one another if along a local road (see “B” below in the illustration); or
 3. The distances shall be determined by measuring from the back of curb or edge of surface to the back of curb or edge of surface (whichever is less) of each entrance or driveway.

Entrances and driveways may be shared in order to meet the above listed requirements. However, an easement shall be established and recorded applicable to both properties. Further, no more than two properties may share a single entrance or driveway off of a private or public street.



- D. **Width:** Entrances and driveways shall have a surface width of at least twenty (20) feet wide for two-way traffic. If the entrance or driveway is one-way, the measurements shall be at least one-half of this requirement. No entrance or driveway shall exceed the following surface widths for two-way traffic. If the entrance or driveway is one-way, the measurements shall be one-half of the following requirements:
 1. Thirty-four (34) feet from a nonresidential use onto an arterial or collector road;
 2. Thirty (30) feet from a nonresidential use onto a local road;
 3. Thirty (30) feet from a multifamily residential use onto any type of road;
 4. Twenty-four (24) feet from a single-family residential use onto any type of road; and

Entrance and Driveway Standards (ED)

- E. Location:
1. Entrances and driveways shall be located off of internal roads whenever possible and may be required by the Plan Commission.
 2. The Plan Commission may require relocation of entrances and driveways for avoiding conflicts with neighboring entrances and driveways. The Plan Commission shall seek to minimize the number of entrances and driveways along arterials, especially State and federal highways.
- F. Site Improvements: The Planning Director and/or Highway Superintendent may determine if acceleration lanes, deceleration lanes, passing blisters, and/or wider shoulders or approaches are needed for each proposed development.
- G. Materials: All entrances and driveways shall consist of materials approved by the Plan Commission.
- H. Driveway Configuration for Emergency Vehicle Access: All driveways shall be configured to provide for unimpeded emergency vehicle access to all principal and accessory buildings as follows:
1. Any driveway shall have a surface wide enough for accommodating a single unit truck at least eight (8) feet wide, fifteen (15) feet tall and an overall length of at least thirty (30) feet. (See figure)
 2. Any driveway turns shall have a surface with a minimum inside radius of at least thirty-two (32) feet, an outside radius of at least forty-five (45) feet and an additional two (2) foot overhang clearance on both sides.
 3. Any driveway surface, culvert or bridge shall be adequate to support vehicles weighing five (5) tons and with three (3) ton axle weights.
 4. The Planning Director may require greater turning radius, additional turn around area, reduced slope, stronger driveway materials, removal of vegetation, and the like if deemed unsafe or does not allow appropriate emergency vehicle access to any primary or accessory structure. The Planning Director may request a licensed engineer's analysis of the structural capacity and suitability of any driveway.

Environmental Standards (EN)

5.13 ED-02 [Entrance and Drive; Manufactured Home Park]

This Entrance and Driveway Standards section applies to the following zoning districts:

MP

The following entrance and driveway standards apply:

- A. Access: Manufactured home parks with forty (40) or more dwelling sites shall have a minimum of two (2) access points to provide ingress to and egress from the site.
- B. Driveways: Individual dwelling sites within manufactured home parks shall only have driveways on interior streets.

5.14 EN-01 [Environmental; General]

This Environmental Standards section applies to the following districts:

PR AG IA AC RR R1 R2 R3 VR MR MP IS VM C1 C2 I1 I2 AP IU

The following environmental standards apply:

- A. Excessive Slope: Areas of land shall be deemed unsuitable for buildings when pre-development or post-development slopes are greater than twenty-five percent (25%).
- B. Unsuitable Land Qualities: Areas of land shall be deemed unsuitable for buildings when it:
 1. Contains adverse soil or rock formations;
 2. Is highly susceptible to erosion;
 3. Has very low percolation rate;
 4. Does not have the capacity to bear a structure's weight; or
 5. Contains hydric soils or is within a floodplain.
- C. Erosion Prevention: All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be graded and seeded after the removal or destruction of said natural cover to prevent erosion. All land shall meet the minimum erosion prevention requirements of 327 IAC 15-5 (Rule 5) and 327 IAC 15-13 (Rule 13).
- D. Alterations to Shoreline: No alteration of a shoreline, wetland or bed of a stream or creek shall be made until written approval is obtained from the County Drainage Board and any other government agency with jurisdiction, and the provisions of this Zoning Ordinance are complied with. Alterations can include filling of a stream, creek, regulated ditch or wetlands, and dredging of a stream, creek, or ditch. The maintenance of Regulated Drains by the County Surveyor shall be exempt from this provision.
- E. Water and Soil Pollution Prevention: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters or soils shall be deposited or discharged on any parcel.
- F. Debris/Refuse Nuisance Prevention: Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood is considered a nuisance and a threat to the environment. To protect the health and safety of residents, these materials shall not accumulate on any property.
- G. Retention, Detention, and Pond Edges:
 1. The use of engineered hard edges is not permitted except around inlets and outlets. The use of engineered hard edges shall not exceed five percent (5%) of lineal feet of the total edge of any retention facility, detention facility, or pond. "Rip-rap" above the water level is discouraged.
 2. All retention facilities shall be designed in a manner to allow a person or child to stand-up when within five (5) feet of the waters edge. For this reason, the maximum depth of water within five (5) feet of the waters edge (shoreline) shall not exceed two (2) feet in depth.
 3. All retention facilities shall allow a person or child to walk-out if they inadvertently fall into the retention facility. For this reason, the maximum slope into and out of the retention facility shall be one (1) foot of rise per every eight (8) feet of run (1:8 slope).

Environmental Standards (EN)

5.15. EN-02 [Environmental; Fuel Storage]

This Environmental Standards section applies to the following districts:

R1 **R2** **R3** **VR** **MR** **MP**

The following environmental standards apply:

- A. Fuel Storage: No flammable or explosive liquids, solids, or gasses as identified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lots the tanks or drums of fuel.

Fence and Wall Standards (FW)

5.16 FW-01: [Fence and Wall; Agricultural]

This Fence and Wall Standards section applies to the following zoning districts:



The following fence and wall standards apply:

A. Appearance:

1. Fences and walls shall present the non-structural face outward (e.g. the finished side outward).
2. Fences and walls shall not exceed seventy percent (70%) opacity when used in the front yard (e.g. cannot be a solid screen).

B. Height: Fences and walls shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.

C. Location:

1. Fences and walls are permitted up to the property line.
2. Fence and wall footers shall not cross the property line.
3. Fences and walls shall not be closer than two (2) feet from any public right-of-way.

D. Clearance: Fences and walls shall meet all vision clearance standards in *Article 05; § VC: Vision Clearance Standards*.

E. Prohibitions: Razor wire fences are not permitted.

5.17 FW-02: [Fence and Wall; Parks and Recreation and Residential]

This Fence and Wall Standards section applies to the following zoning districts:



The following fence and wall standards apply:

A. Appearance:

1. Fences and walls shall present the non-structural face outward (e.g. the finished side outward).
2. Fences and walls shall not exceed fifty percent (50%) opacity when used in the front yard (e.g. cannot be a solid screen).

B. Height:

1. Fences and walls shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
2. Fences and walls located around a sports field, sports court or sport facility that necessitates such enclosure are permitted to exceed the maximum heights listed above.

C. Location:

1. Fences and walls are permitted up to the property line.
2. Fence and wall footers shall not cross the property line.
3. Fences and walls shall not be closer than one (1) foot from any public right-of-way.

D. Clearance: Fences and walls shall meet all vision clearance standards in *Article 05; § VC: Vision Clearance Standards*.

E. Prohibitions: Electrified, barbed, and razor wire fences are not permitted.

Fence and Wall Standards (FW)

5.18 FW-03: [Fence and Wall; Institutional, Commercial, Industrial and Intense Use]

This Fence and Wall Standards section applies to the following districts:



The following fence and wall standards apply:

A. Appearance:

1. Fences and walls shall present the non-structural face outward (e.g. the finished side outward).
2. Fences and walls shall not exceed forty percent (40%) opacity when outside the building envelope (e.g. cannot be a solid screen).
3. Fences and walls may be solid (opaque) inside the building envelope.

B. Height:

1. Fences and walls shall not be greater than eight (8) feet in height in the side yard and rear yard or greater than five (5) feet in height in the front yard.
2. Structural posts and columns between fence sections may extend up as much as five percent (5%) higher than the maximums stated above.

C. Location:

1. Fences and walls are permitted up to the property line.
2. Fence and wall footers shall not cross the property line.
3. Fences and walls shall not be closer than one (1) foot from any public right-of-way.

D. Clearance: Fences and walls shall meet all vision clearance standards in *Article 05*; § *VC: Vision Clearance Standards*.

E. Prohibitions: Electrified and razor wire fences are not permitted.

Floodplain Standards (FP)

5.19 FP-01: [Floodplain; General]

This Floodplain Standards Section applies to the following zoning districts:



The following floodplain standards apply:

A. Applicability: All development is subject to the following ordinances and any subsequent amendments:

1. The Howard County Ordinance for Flood Hazard Areas (Ordinance # 01994-53 as amended by Ordinance # 2002-BCC-19).
2. Chapter 151 Flood Prevention Damage, BCC Ordinance 1994-53.
3. Chapter 154 Storm Water Drainage, BCC Ordinance 2001-38.
4. Municipal Separate Storm Sewer System (MS4) Illicit Discharge Ordinance, BCC 2004-37.
5. Storm Water Erosion and Sediment Control Ordinance, BCC 2004-38.
6. Storm Water Management in New Development and Redevelopment Ordinance, BCC 2007-__.

Floor Area Standards (FA)

5.20 FA-01 [Floor Area; General]

This Floor Area Standards section applies to the following zoning districts:



The following floor area standards apply:

- A. Applicability: If a floor area standard does not appear on the two-page layout for a zoning district, then a floor area standard does not apply to that particular zoning district.
- B. Minimum Main Floor Area: The minimum main floor area shall be as per each two-page layout in *Article Two*.
- C. Maximum Main Floor Area: The maximum main floor area shall be as per each two-page layout in *Article Two*.
- D. Minimum Floor Area per Unit: The minimum floor area per unit shall be as per each two-page layout in *Article Two*.
- E. Minimum Dwelling Width: A permanent single family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

Height Standards (HT)

5.21 HT-01 [Height; General]

This Height Standards section applies to the following zoning districts:



The following height standards apply:

- A. **Applicability:** If a height standard does not appear on the two-page layout for a zoning district, then a height standard does not apply to that particular zoning district.
- B. **Maximum Structure Height:** The maximum structure height shall be per each two-page layout in *Article Two*
- C. **Exemptions:** The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:
 1. Church steeples, bell towers, and religious symbols so long as the maximum height does not exceed fifty percent (50)% more than the height of the primary structure;
 2. Water towers are allowed up to a height of 150 feet;
 3. Noncommercial radio and television antennae are allowed up to a height of seventy (70) feet;
 4. Telecommunication towers are regulated independently later in this Article (Section 5.59).
 5. Wind to Energy Systems are regulated independently later in this Article (5.66 and 5.67).

5.22 HT-01 [Height; Exemptions]

This Height Standards section applies to the following districts:



The following height standards apply:

- A. **Exemptions:**
 1. Chimneys are allowed to extend ten (10) feet above the roof's highest point;
 2. Mechanical appurtenances are allowed to extend ten (10) feet above the roof's highest point, but shall be located such that it is not visible from adjacent private and public roads.
 3. Passenger and freight elevator bulkheads are allowed to extend fifteen (15) feet above the roof's highest point, but shall be:
 - a. Located such that it is inconspicuous from adjacent private and public roads, or
 - b. Architecturally integrated into the building's designs as to not look like an elevator bulkhead.

Home Occupation Standards (HO)

5.23HO-01 [Home Occupation, General]

This Home Occupation Standards section applies to the following zoning districts:



Home Occupations have different impacts on neighboring properties. Three classes of home occupations are permitted.

A. The following standards apply:

1. Type 1 Home Occupations are various types of home office uses conducted entirely within a home where:
 - a. No outside indication that the use is conducted within the home (e. g. display of goods or materials, any exterior changes for accommodating the use, house additions, additional entrances);
 - b. No signage is permitted on or off premises;
 - c. The use does not create or transfer any physical object within the home;
 - d. Only persons living in the home shall participate in conducting the use;
 - e. The use does not involve customers, clients or vendors coming to the property for conducting business;
 - f. The use shall not create any odors, electrical interference, noise, vibration, light, fumes or any thing offensive; and
 - g. The conduct of the use shall not include receiving or sending any items to or from the home other than by the U. S. Postal Service, express courier companies like UPS or FedEx, or by electronic means; or
 - h. When the primary activity of the use requires providing services off-site, such as by the building trades, one passenger or light truck motor vehicle used for the use may be parked on the property and may have signage related to the use.
2. Type 2 Home Occupations are uses providing services on a one-to-one basis or creating custom made physical items and are conducted entirely within a home or an accessory structure where:
 - a. No outside indication that the use is conducted within the home or accessory structure other than an unlighted sign not exceeding 3 square feet;
 - b. Only persons living in the home shall participate in conducting the use;
 - c. The use is conducted in a manner were minimal numbers of customers, clients or vendors come to the property for the conduct of business;
 - d. The use shall not create any odors, electrical interference, noise, vibration, light, fumes or any thing offensive; and
 - e. The conduct of the use shall not include receiving or sending any items to or from the home other than by the U. S. Postal Service and express courier companies like UPS or FedEx, or by electronic means; or
 - f. When the primary activity of the use requires providing services off-site, such as by the building trades, one passenger or light truck motor vehicle used for the use may be parked on the property and may have signage related to the use.
3. Type 3 Home Occupations are uses providing services on a one-to-one or small group basis or creating or repairing physical items and conducted entirely within an accessory structure, other than accessory office activities conducted within the home, where:
 - a. No outside indication that the use is conducted within the home or accessory structure other than an unlighted sign not exceeding 3 square feet;
 - b. At least one person living in the home shall participate in conducting the use;
 - c. Up to three persons not living in the home may work on the site;
 - d. The use is conducted in a manner were minimal numbers of customers, clients or vendors come to the property for the conduct of business;
 - e. The use shall not create any odors, electrical interference, noise, vibration, light, fumes or any thing offensive; and

Home Occupation Standards (HO)

- f. The conduct of the use shall not include receiving or sending any items to or from the home other than by small box trucks, small flat bed trucks, the U. S. Postal Service and express courier companies like UPS or FedEx, or by electronic means; or
 - g. When the primary activity of the use requires providing services off-site, such as by the building trades, any vehicle used for the use shall be parked on hard or improved surfaces in a discreet location and may have signage related to the use.
- B. Interpretation: Permitted home occupation uses are interpreted by the Planning Director. The interpretation may be appealed to the Board of Zoning Appeals. (See 7.## Questionable Land Use Appeal)
- C. Nuisance: The Board of Zoning Appeals may rule a home occupation is a nuisance and not-permitted after a public hearing on the matter. The Planning Director or any person reasonably affected by the home occupation may request such a hearing.
- D. Sample Uses:

Uses	Type			Uses	Type		
	1	2	3		1	2	3
animal hospital	N	N	N	kennel	N	N	N
art and music training	N	P	P	landscaping/lawn care business	N	N	P
assembly of products	N	N	P	light manufacturing	N	N	P
automobile, motor vehicle, or equipment repair of any kind	N	N	P	manufacturing of any other kind	N	N	N
bait sales	N	N	P	medical clinic of any kind	N	N	N
bakery	N	N	P	painting of automobiles motor vehicles, or equipment of any kind	N	N	N
catalog business	P	P	P	professional service	P	P	P
clergy office	P	P	P	restaurant or similar establishment	N	N	N
commercial photo processing	N	N	N	restaurant or similar establishment	N	N	N
contractors office/shop	N	N	P	retail of any kind	N	N	N
design service	P	P	P	salvage operation of any kind	N	N	N
domestic crafts	N	P	P	tattooing piercing or body art services	N	N	N
fortune telling	N	N	N	telecommuting office	P	P	P
freight or trucking operation of any kind	N	N	N	television, radio or other electronics repair	N	N	P
funeral home	N	N	N	tool or equipment rental of any kind	N	N	N
furniture repair	N	N	P	tooling, welding, or machining of any kind	N	N	P
hair cutting/styling	N	P	P	tourist home	N	N	N
home office	P	P	P	trailer rental	N	N	N
internet business	P	P	P	tutoring	N	P	P

P = Permitted N = Not Permitted

Landscaping Standards (LA)

5.24 LA-01 [Landscaping; General]

This Landscaping Standards section applies to the following districts:



The following landscape standards apply:

A. Right-of-Way and Easements:

1. Softscape material (e.g. trees, shrubs, mounds, etc.) and hardscape material (e.g. accent lighting, retaining walls, sculpture, etc.) may extend into any existing or proposed right-of-way with the written permission of the County Highway Department.
2. Softscape material and hardscape material may extend into an existing or proposed easement with the written permission from the utilities using or which may use the easement.

B. Maintenance:

1. Trees, vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking and other site details.
2. The applicant and/or landowner, and their successors in interest, are responsible for the regular maintenance of all landscaping elements so that they are kept in good condition.
 - a. Any softscape material required by this Zoning Ordinance, the Plan Commission, or the Board of Zoning Appeals that dies, or is otherwise removed, shall be replaced within sixty (60) days of death. The Planning Director may grant up to a ninety (90) day extension due to the weather.
 - b. All softscape material shall be maintained free from disease, pests, weeds, litter and erosion.
 - c. All hardscape material shall be refinished, repaired, cleaned and/or replaced periodically to maintain a structurally and aesthetically sound condition.

C. Permitted Materials: The use of species native to the region is encouraged.

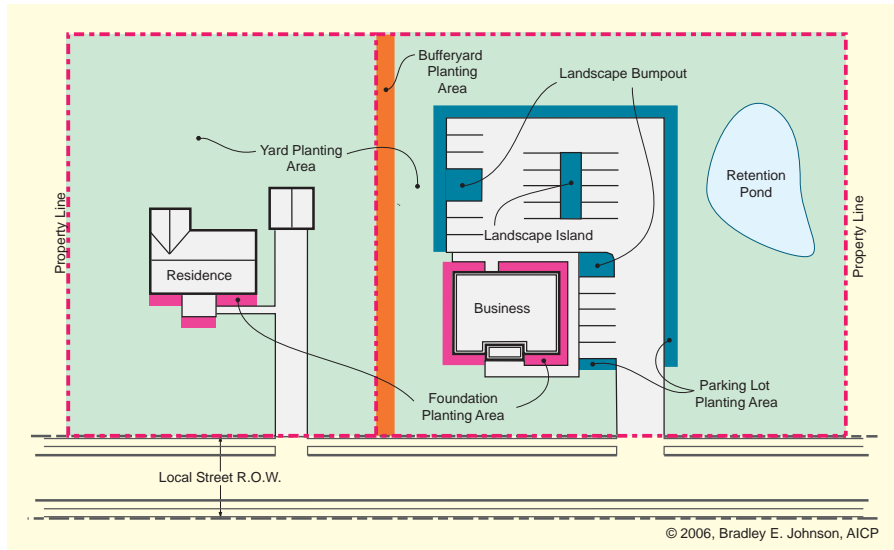
D. Prohibited Materials:

1. Under no circumstances shall any artificial plant be installed and/or counted as part of the minimum planting required in the Zoning Ordinance.
2. The use of rock, stone, sand or gravel as a primary groundcover is discouraged. Rock, stone, sand or gravel used for landscaping of any planting area shall not exceed thirty-six (36) square feet per tree or shrub planted or preserved.
3. Under no circumstances may the species identified and listed in Schedule A - Pest Plants be used to meet the minimum planting requirements of this Zoning Ordinance.

Schedule A - Pest Plants	
Scientific Name	Common Name
Acer ginnala	Amur maple
Acer platanoides	Norway maple
Ailanthus altissima	Tree-of-heaven
Albizia julibrissin	Mimosa
Euonymus alata	Winged wahoo-burning bush
Euonymus fortunei	Winter creeper
Ligustrum spp.	Privets
Ligustrum vulgare	Privet
Lonicera japonica	Japanese honeysuckle
Lythrum salicaria	Purple loosestrife
Pinus nigra	Austrian pine
Polygonum cuspidatum	Japanese knotweed
Pueraria lobata	Kudzu vine
Rhamnus davurica	Common buckthorn
Rhamnus davurica	Dahurian buckthorn
Rhamnus frangula	Alder buckthorn

Landscaping Standards (LA)

- E. **Landscape Area:** The Zoning Ordinance recognizes the need for landscaping requirements in four different areas on a property. They are yard planting areas, parking lot planting areas, foundation planting areas, and bufferyard areas. The following image conceptually demonstrates the location of each landscape area.



- F. **Preservation:** The preservation of an existing healthy tree shall constitute a credit toward the minimum landscape requirements in the Zoning Ordinance. A credit will be given per tree that contributes to and satisfies the intent of a particular section of the landscape standards in this article.
1. **Credits:** The following credits shall be granted for an existing tree as follows:
 - a. For each preserved deciduous tree over two (2) inches but less than five (5) inches diameter at breast height (DBH), a credit for two (2) deciduous trees shall be granted.
 - b. For each preserved deciduous tree over five (5) inches but less than eighty (8) inches DBH, a credit for three (3) deciduous trees shall be granted.
 - c. For each preserved deciduous tree over eight (8) inches but less than twelve (12) inches DBH, a credit for 4 deciduous trees shall be granted.
 - d. For each preserved deciduous tree over twelve (12) inches DBH, a credit for five (5) deciduous trees shall be granted. The Planning Director may grant larger credits for trees over twelve (12) inches DBH upon request.
 - e. For each preserved evergreen tree over six (6) feet tall but less than ten (10) feet tall, a credit for two (2) evergreen trees shall be granted.
 - f. For each preserved evergreen tree over ten (10) feet tall, a credit for three (3) evergreen trees shall be granted. The Planning Director may grant larger credits for evergreen trees over ten (10) feet tall upon request.
 - 2.. **Protection:**
 - a. Any trees to be preserved shall have orange construction fencing installed around them at or beyond their drip lines.
 - b. Any trees marked "Do Not Remove" on the site plan that are removed or injured beyond repair shall be replaced by one (1) or more similar specie trees with a cumulative DBH of one and one-half (1.5) times the DBH of the tree which was to be preserved.
- G. **Minimum Size:**
1. All deciduous trees planted for a bufferyard shall have at least a one and one-half (1.5) inch caliper. DBH
 2. All evergreens planted shall be at least three (3) feet in height.
- H. **Substitutions:**
1. Substitutions or alterations of minimal planting required may be reviewed and approved by the Planning Director, but shall be equal to or greater than that which is required in this article.
 2. If the applicant can produce evidence the planting area is unsuitable for the required tree(s) due to soil or site conditions, the applicant may substitute another type of tree as approved by the Planning Director.

Landscaping Standards (LA)

5.25 LA-03 [Landscaping; Multiple-Family Residential; Lot Plantings]

This Landscaping Standards section applies to the following districts:

MR

The following landscaping standards apply:

A. Yard Planting Area:

1. Lots with less than 10,000 square feet shall be required to plant two (2) trees in the yard planting area.
2. Lots over 10,000 square feet but less than 20,000 square feet shall be required to plant three (3) trees in the yard planting area.
3. Lots over 20,000 square feet shall be required to plant four (4) trees plus one (1) more tree per every 10,000 square feet over the initial 20,000 square feet.

B. Foundation Planting Area:

1. All primary structures shall have a minimum of one (1) shrub or tree planted per twenty (20) lineal feet of foundation facing a street or parking area.
2. These foundation planting shall be located within ten (10) feet of the foundation of the primary structure.

5.26 LA-04 [Landscaping; Manufactured Home Park; Lot Plantings]

This Landscaping Standards section applies to the following districts:

MP

The following landscaping standards apply:

A. Yard Planting Area:

1. Each manufactured home park shall be required to plant two (2) trees per 15,000 square feet of lot area.
2. These planting may be located on dwelling sites or common areas.
3. For every ten (10) dwelling sites in a manufactured home park, one (1) tree shall be planted in the yard planting area.

B. Foundation Planting Area:

1. All dwelling sites shall have a minimum of two (2) shrubs or ornamental trees planted in the foundation planting area or next to the main entrance into the home.
2. The dwelling site foundation planting shall be within six (6) feet of the foundation of the dwelling unit.
3. All common or administrative buildings shall have a minimum of one (1) shrub or tree planted per twenty (20) lineal feet of foundation facing a street or parking area.
4. The common or administrative building foundation plantings shall be located within ten (10) feet of the foundation of the building.

5.27 LA-05 [Landscaping; Non-Residential; Lot Plantings]

This Landscaping Standards section applies to the following districts:

IS VM C1 C2 I1 I2 AP IU

The following landscaping standards apply:

A. Yard Planting Area:

1. Lots with less than 20,000 square feet shall be required to plant two (2) trees in the yard planting area.
2. Lots over 20,000 square feet but less than 40,000 square feet shall be required to plant three (3) trees in the yard planting area.
3. Lots over 40,000 square feet shall be required to plant four (4) trees plus one (1) additional tree per every 20,000 square feet over the initial 40,000 square feet.

B. Foundation Planting Area:

1. Foundation planting are required for all primary structures when they face a street or parking area.
2. Foundation planting must be provided at a ratio of one (1) tree or large shrub per fifty (50) lineal feet of foundation facing a street or parking area.
3. These foundation planting shall be located within thirty (30) feet of the building's foundation.

Landscaping Standards (LA)

4. The foundation planting shall not be placed at regular intervals. Rather, clustering and variation of distance between the plant and the foundation is required.

C. **Parking Lot Planting Areas:** Parking lots with twenty (20) or more spaces shall provide perimeter landscaping as follows:

1. One (1) tree per sixty (60) lineal feet of perimeter around the parking lot.
2. One (1) shrub per thirty (30) lineal feet of a parking lot facing a public street.
3. Trees and shrubs may be spaced irregularly in informal groupings.
4. The trunk of any tree or shrub shall not be planted within five (5) feet of the parking lot edge or impervious surface.
5. At the election of the petitioner, as much as fifty percent (50%) of the required tree and shrub plantings may be planted in parking lot landscape islands or bumpouts. Islands or bumpouts shall be 150 square feet in area or greater and be mulched or hardy ground cover used (e.g. plant material).

5.28 **LA-06 [Landscaping; Residential Bufferyard]**

This Bufferyard Standards section applies to the following districts:



The following landscaping standards apply:

A. **Required:** The following bufferyard standards apply to properties which are adjacent to an expressway:

1. All primary structures shall be a minimum of 100 feet from the lot line that is adjacent to the expressway. In addition the following buffer requirements apply:
 - a. A staggered row of deciduous canopy trees shall be planted such that there is one (1) tree every thirty (30) feet along the entire property line that abuts the expressway. All numbers shall be rounded up to the nearest multiple of thirty (30). Each deciduous canopy tree shall not be spaced more than forty (40) feet or within fifteen (15) feet from one another.
 - b. Additionally, a six (6) foot tall fence, or five (5) foot tall undulating berm, or a row of evergreen trees no less than twelve (12) feet apart shall also be planted parallel to the property line and the evergreen trees shall be at least twenty (20) feet from the deciduous canopy trees.
 - c. All trees shall be planted between ten (10) and forty (40) feet from the property line and within the subject property.

B. **Waiving of Requirements:** The Planning Director may waive the requirements for a wall or berm if the expressway has a natural or built feature that serves the same purpose.

5.29 **LA-07 [Landscaping; Bufferyard for Conflicting Zoning Districts]**

This Landscaping Standards section applies to the following districts:



The following landscaping standards apply:

- A. **Required:** The bufferyard standards only apply along the property lines where the two (2) conflicting zoning districts meet.
- B. **Installation:**
 1. The property which is zoned for higher intensity uses is responsible for installing the bufferyard.
 2. A natural or irregular row and spacing of trees is preferred in a bufferyard.

Landscaping Standards (LA)

C. **Matrix:** The following matrix determines the type of bufferyard which must be installed. First find the zoning district of the subject property (across the top). Second, find the zoning district of the adjacent property (in the left column). Where the two intersect on the matrix, there is the letter “A”, “B”, “C”, “D” or a blank space. When there is a blank space no bufferyard is required. If an "A", "B", "C" or “D” is indicated in the matrix, a bufferyard is mandatory.

Adjacent District	Zoning District of Subject Property										
	MR	MP	IS	VM	C1	C2	I1	I2	I3	AP	IU
PR	A	A	A	A	B	B	C	C	D	B	D
AG		A	B	B	B	B	B	B	B	B	C
IA		A	B	B	B	B	B	B	B	B	C
AC		A	B	B	B	B	B	B	B	B	C
RR	A	B	B	B	C	C	C	D	D	C	D
R1	A	B	B	B	C	C	C	D	D	C	D
R2	A	B	B	B	C	C	C	D	D	C	D
R3		B	B	B	C	C	C	D	D	C	D
VR		B	B	A	C	C	C	C	D	C	D
MR		B	B	A	B	C	C	C	D	B	D
MP			B	A	B	C	C	C	C	B	D
IS				A	A	B	B	B	C	B	D
VM					A	B	B	B	C	B	D
C1						A	A	B	B	A	C
C2							A	B	B	A	C
I1									A	A	B
I2										A	B
I3											B
AP											
IU											
A= Bufferyard "A"					C= Bufferyard "C"						
B= Bufferyard "B"					D= Bufferyard "D"						

- D. **Bufferyard "A":** If bufferyard "A" is required the following standards shall be met.
- One (1) canopy tree and one (1) evergreen tree shall be planted for every seventy (70) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of seventy (70).
 - All trees shall be planted between five (5) and fifteen (15) feet from the property line that is contiguous to the conflicting property.
- E. **Bufferyard "B":** If bufferyard "B" is required the following standards shall be met.
- An additional ten (10) feet of setback is required in addition to the normal setback.
 - One (1) canopy tree and two (2) evergreen trees shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 - All trees shall be planted between five (5) and fifteen (15) feet from the property line.
- F. **Bufferyard "C":** If bufferyard "C" is required the following standards shall be met.
- An additional twenty (20) feet of setback is required in addition to the normal setback.
 - One (1) canopy tree shall be planted for every thirty (30) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of thirty (30).
 - One (1) evergreen tree shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 - Irregular spacing is allowed, but no two (2) trees shall be planted more than sixty (60) feet from one another.

Landscaping Standards (LA)

5. A five (5) foot tall opaque fence or four (4) foot tall undulating berm may be used along ninety percent (90%) of the entire length of the abutting property lines as a substitute for either fifty percent (50%) of the evergreen trees required or twenty-five percent (25%) of the canopy trees required.
 6. All trees shall be planted between five (5) and twenty-five (25) feet from the property line.
- G. **Bufferyard "D"**: If bufferyard "D" is required the following standards shall be met.
1. An additional thirty (30) feet of setback is required in addition to the normal setback.
 2. A row of evergreen trees that are a minimum of six (6) feet in height when planted and no more than twelve (12) feet apart and either a six (6) foot tall opaque fence or a five (5) foot tall undulating berm shall be placed parallel to the property line and at least twenty-five (25) feet back from the property line.
 3. One (1) canopy tree shall be planted for every forty (40) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of forty (40).
 4. One (1) evergreen tree shall be planted for every fifty (50) feet of contiguous boundary with the conflicting district. All numbers shall be rounded up to the nearest multiple of fifty (50).
 5. The trees required in "3" and "4" above are required to be irregularly spaced. No two (2) trees shall be more than sixty (60) feet from one another.
 6. The trees required in "3" and "4" above are required to be planted within twenty (20) feet of the property line.
- H. **Reduction**: The Planning Director may lessen these requirements by as much as twenty five percent (25%) due to site conditions or special site features.

5.30 LA-08 [Landscaping; Non-Residential Bufferyard]

This Bufferyard Standards section applies to the following districts:



The following landscaping standards apply:

- A. **Required**: The following bufferyard standards apply to properties which are adjacent to an expressway:
1. All primary structures shall be a minimum of fifty (50) feet from the lot line that is adjacent to the expressway. In addition the following buffer requirements apply:
 - a. A staggered row of deciduous canopy trees shall be planted such that there is one (1) tree every twenty-five (25) feet along the entire property line that abuts the expressway. All numbers shall be rounded up to the nearest multiple of twenty-five (25). Each deciduous canopy tree shall not be spaced more than forty (40) feet or within fifteen (15) feet from one another. The deciduous canopy trees shall be installed in uneven intervals and clusters resembling a natural environment.
 - b. All trees shall be planted between ten (10) and forty (40) feet from the property line and within the subject property.

Lighting Standards (LT)

5.31 LT-01 [Lighting; General]

This lighting standards section applies to the following districts:



The following lighting standards apply:

- A. **Applicable Codes:** All outdoor illuminating devices shall be installed in conformance with the provisions of the Zoning Ordinance, Building Code, and Electrical Code; and only after appropriate permit and inspection.
- B. **Applicability:**
 1. *New Development.* For all proposed new land uses, developments, buildings, and structures that require a permit, Board of Zoning Appeals approval, and/or Plan Commission approval, all lighting fixtures shall meet the requirements of this section.
 2. *Change in Use.* If there is a change in use of the property, the provisions of this section shall apply when the new use commences.
 3. *Additions or Modifications.* All building additions or modifications of twenty-five percent (25%) or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions, shall cause the requirements of this section to apply to the entire property, including previously installed and any new outdoor lighting.
 4. *Replacement Lighting.* Any modification or replacement of existing outdoor lighting (e.g. fixtures or elements) where more light is generated from one or more fixtures, or a greater amount of light is directed more horizontal than originally installed (e.g. due to a new style of fixture) shall cause each light fixture being modified to abide by the Lighting Standards in the Zoning Ordinance.
 5. *New Lighting.* Any new outdoor lighting on the site shall meet the requirements of this section.
- C. **Interpretation:**
 1. *Initial Lumens.* For the purposes of the Zoning Ordinance, “lumens” means “initial lumens.” The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer’s specifications and testing data.
 2. *Light Trespass Measurements.* Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at any height between one (1) foot and twenty (20) feet above the ground level, using any orientation of the light meter.
- D. **Prohibitions:**
 1. *Laser Source Light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal or off site, is prohibited.
 2. *Searchlights.* Searchlights may be used up to thirty (30) days per calendar year or as restricted by the County’s sign regulations. Otherwise, the operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.
 3. *Towers.* Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

Lighting Standards (LT)

E. Exemptions:

1. *Carnivals and Festivals.* Lighting for temporary festivals and carnivals is exempt but should be in keeping with the intent of this section.
2. *Emergency Lighting.* Emergency lighting, used by police, fire fighters, or medical personnel, or by others at their direction, is exempt from all requirements of this section.
3. *Lighting for Flags.* Illuminating the United States, State of Indiana, Howard County, and other government flags is exempt from the provisions of this section. However, floodlights or spotlights shall have lamp shielding that protect the lamp from being visible from any off-site residential property or public right-of-way. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this section.
4. *Holiday Lighting.* Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent or LED lamps are exempt from the provisions of this section.
5. *Low-intensity Lighting.*
 - a. No lamp shielding is required for a light fixture with a lamp rated at 260 lumens or less.
 - b. Lamp shielding is not required for a light fixture with a lamp rated at more than 260 lumens and less than 1,000 lumens when the lamps are installed inside frosted glass or other translucent covers.
6. *Swimming Pool and Fountain Lighting.* Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and lamp shielding standards provided herein, though it must conform to all other provisions of this section.
7. *Traffic Control Lighting.* Traffic control lighting is exempt from the provisions of this section.
8. *Security Lighting.* Security lighting is exempt as long as the lights do not shine onto adjacent properties.

F. Design Standards:

1. *Light Trespass.* All lighting fixtures shall be installed so as to not cause light trespass beyond the property boundary.
 - a. Ten (10) lux at any location on the property line adjacent to any nonresidential property line, and
 - b. Five (5) lux at any location on the property line adjacent to any parcel either zoned or used for residential purposes.
2. *Glare.* All lighting fixtures shall be installed so as not to cause glare at or beyond the property line, or within parking lots.
 - a. All lighting fixtures shall be a full cutoff design and be installed as per the manufacturers specifications to achieve the definition of a full cutoff fixture; except as specified otherwise below.
 - b. A lighting fixture may beam light above the horizontal, if all such upward light is reflected back down by a canopy, roof, or other such structure.
 - c. All lamps emitting 1,000 lumens or more must be shielded to an observer at the property line. This can be achieved with light fixture location, mounting height, natural or artificial barriers on the fixture owner's property, fixture shielding, and other fixture design features.
 - d. Floodlights and spotlights shall have shields that protect the lamp from being visible from any off-site residential property or public right-of-way.
 - e. The centerline beam of a floodlight or spotlight shall be aimed no lower than forty-five degrees (45°) above horizontal; however, light fixtures that cast illumination over more than ninety degrees (90°) shall be aimed such that no light shall be cast below the horizontal.
2. *Lighting Height.* Lighting fixtures in parking areas shall not exceed twenty (20) feet in height and be consistent with the architectural style of the other lighting fixtures used on site.

Loading Standards (LD)

5.32 LD-01 [Loading; General]

This Loading Standards section applies to the following zoning districts:



The following loading standards apply:

A. Placement:

1. All off-street loading docks shall be located on the same lot as the use to be served.
2. Loading docks shall not be located in a front, side or rear setback area.
3. Loading docks shall not face the primary street.
4. When any portion of the loading docks are visible from a public street, the loading docks shall be screened by either building walls, a solid fence, densely planted shrubbery, or an combination thereof, none of which may be less than six (6) feet in height.
5. When loading docks are facing or oriented to a side or rear lot line of an adjoining Residential District, the loading docks shall be screened from the Residential District by building walls, a solid fence, densely planted shrubbery, or an combination thereof, none of which may be less than six (6) feet in height.
6. No portion of a vehicle using a loading dock shall project into a street or alley right-of-way.
7. Loading docks shall have adequate accessibility from an appropriate street, maneuvering apron and vertical clearance for truck deliveries. Truck maneuvering in the public right-of-way shall not be permitted.

B. Construction Standards: Loading docks shall be paved with asphalt or concrete.

Lot Standards (LO)

5.33 LO-01 [Lot; General]

This Lot Standards section applies to the following zoning districts:



The following lot standards apply:

- A. Applicability: If one or more of the below listed lot standard does not appear on the two-page layout for a zoning district, then that lot standard does not apply to that particular zoning district.
- B. Minimum Lot Area: The minimum lot area shall be per each two-page layout in *Article Two*.
- C. Minimum Dwelling Site Area: The minimum dwelling site area shall be per each two-page layout in *Article Two*.
- D. Minimum Lot Width: The minimum lot width shall be per each two-page layout in *Article Two*.
- E. Minimum Dwelling Site Width: The minimum dwelling site width shall be per each two-page layout in *Article Two*.
- F. Minimum Lot Depth: The minimum lot depth shall be per each two-page layout in *Article Two*.
- G. Minimum Lot Frontage: The minimum lot frontage shall be per each two-page layout in *Article Two*.
- H. Maximum Lot Coverage: The maximum impervious surface coverage shall be per each two-page layout in *Article Two*.
- I. Lot Standards: Any new residential lot, within 3,000 feet of an AG, IA or AC district, shall have the following statement added to its plat or deed:

“Agricultural Activities Notice - This lot, when established, was within 3,000 feet of agricultural activities, possibly including planting, growing and harvesting of row crops and the raising of livestock. Lot users may experience noise, odor, dust, heavy equipment traffic, and other potential nuisances from seasonal agricultural activities.”

Outdoor Storage Standards (OS)

5.34 OS-01 [Outdoor Storage; General]

This Outdoor Storage Standards section applies to the following zoning districts:



The following outdoor storage standards apply:

- A. **Recreational Vehicles:** Storage or parking of recreational vehicles shall be subject to the following conditions:
 1. No one may occupy or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes for more than fifteen (15) consecutive days. The recreational vehicle shall not be reused for living, sleeping or housekeeping purposes for more than seven (7) consecutive days except as outlined below.
 2. A property owner may allow a visitor's recreational vehicle to park on the owner's property for up to fifteen (15) consecutive days. The visitor may not return their recreational vehicle to the owner's property for at least seven (7) consecutive days after visiting the property.
 3. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel containing less than two (2) acres at any one time.
 4. A recreational vehicle shall not be parked on a parcel without a primary structure.
 5. The owner of a recreational vehicle may store or park the recreational vehicle behind or alongside the primary structure in such a manner that no part of the vehicle projects beyond the front of the primary structure, into the side yard setback, or the rear yard setback.
 6. A recreational vehicle shall not block a sidewalk or other public right-of-way.
 7. A recreational vehicle shall not be used for personal storage.
- B. **Trash Receptacles:**
 1. Dumpsters, compactors and similar containers shall be enclosed by a fence or wall. Glass or similar translucent and breakable materials shall not be used.
 2. The height of the enclosure shall be tall enough to block the view of the dumpster, compactor or similar container.

5.35 OS-02 [Outdoor Storage; Residential and Institutional]

This Outdoor Storage Standards section applies to the following zoning districts:



The following outdoor storage standards apply:

- A. **Prohibited:** The outdoor storage of inoperable vehicles, inoperable equipment, inoperable machinery, building materials, waste or scrap materials, pallets and similar materials is prohibited.

5.36 OS-03 [Outdoor Storage; Commercial and Industrial]

This Outdoor Storage Standards section applies to the following zoning districts:



The following outdoor storage standards apply:

- A. **Outdoor Storage:** The storage of construction materials (e.g. wood, pipe, and guttering), pallets, equipment, fleet vehicles, and the like shall be shielded from view with a six (6) foot privacy fence on all sides. Raw natural materials (e.g. sand, gravel, and soil) in piles is exempt from the fencing requirement, but shall only be allowed in rear or side yards; and is still subject to side and rear yard setbacks.

Parking Standards (PK)

5.37 PK-01 [Parking; General]

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Minimum Size: Each parking space shall be at least 180 square feet with a minimum width of nine (9) feet.
- B. Location: Off-street parking spaces may not fully or partially be in a public right-of-way or utility easement.

5.38 PK-02 [Parking; Single-Family Residential]

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Minimum Number: Two (2) off-street parking spaces are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages.

5.39 PK-03 [Parking; Multiple-Family Residential]

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Minimum Number:
 1. *Resident Parking*: Two (2) paved off-street parking spaces are required per dwelling unit.
 2. *Visitor Parking*:
 - a. One (1) paved off-street parking space per two (2) dwelling units is required for visitor parking.
 - b. Visitor parking spaces shall be spread evenly throughout the development.
 - c. Visitor parking spaces cannot include spaces in car ports or garages.
- B. Setbacks:
 1. Parking lots shall have the same setbacks as the primary structure in the district which they are located.
 2. Entrance and exit driveway may be within the setback area.
- C. Surface Standards: Parking lots shall be paved with a minimum of either:
 1. Three (3) inches of hot asphalt concrete pavement on eighty (8) inches of compacted aggregate base on a compacted subgrade; or
 2. Six (6) inches of concrete pavement on a compacted subgrade.
- D. Design Standards: All parking lots shall have appropriate bumper guards where required for safety.

5.40 PK-04 [Parking; Manufactured Home Park]

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Minimum Number:
 1. *Resident Parking*: Two (2) paved off-street parking spaces are required per dwelling unit.
 2. *Visitor Parking*:
 - a. One (1) paved off-street parking space per two (2) dwelling units is required for visitor parking.
 - b. Visitor parking spaces shall be spread evenly throughout the development.
 - c. Visitor parking spaces cannot include spaces in car ports or garages.

Parking Standards (PK)

5.41 PK-05 [Parking; Non-Residential]

This Parking Standards section applies to the following districts:



The following parking standards apply:

A. Surface Standards:

1. All parking lots for commercial, industrial, institutional, business, public and private employee parking, offices, organizations, and places of assembly shall be paved.
2. All ingress/egress into parking areas shall be paved.
3. Parking lots shall be paved with a minimum of either:
 - a. Three (3) inches of hot asphalt concrete pavement on eight (8) inches of compacted aggregate base on a compacted subgrade; or
 - b. Six (6) inches of concrete pavement on a compacted subgrade.

B. Location:

1. Parking lots may project into the front yard setback by twenty-five percent (25%) of the minimum front yard setback. Parking lots may project into the side yard setback by fifty percent (50%) of the minimum side yard setback. Entrance and exit driveway may be located within the setback area.
2. At least ten percent (10%) of all parking shall be in either the side or rear yard of the primary structure.
3. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way; such as backing out into streets or alleys.
4. Parking spaces prescribed in this section must be located either on the premises or on a lot approved by the Plan Commission excluding public parking areas. All required off-street parking spaces, however, must be located within 800 feet of the subject lot.

C. Design Standards:

1. Parking spaces shall be striped so as to show each parking space.
2. Parking areas shall be constructed to allow proper drainage and not create pooling of water.
3. All parking lots shall have appropriate bumper guards where required for safety.

D. Minimum Aisle Widths: Parking aisle widths shall be as follows:

1. Ninety degree (90°) angle space - Twenty-four (24) feet wide parking aisle
2. Sixty degree (60°) angle space - Eighteen (18) feet wide parking aisle
3. Forty-five degree (45°) angle space - Fourteen (14) feet wide parking aisle

E. Shared Parking: A single or group of adjacent properties may utilize a shared parking area if the number of spaces required for each use is adequate. The following requirements apply to shared parking:

1. Each lot must have at least eighty percent (80%) of the total spaces required for its use available at any given time.
2. A written reciprocal parking agreement signed by all property owners shall be demonstrated and recorded before any permits are issued.
3. The Plan Commission must approve the shared parking area and written parking agreement.

F. Minimum Number of Spaces Required: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for institutional, commercial, and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement listed in Table A - Parking Spaces Required. The numbers listed do not guarantee the quantity needed per use, only minimums are expressed. If a use is not clearly noted in Table A - Parking Spaces Required, the Planning Director shall determine into which category the uses best fit, therefore determining the parking requirements.

Parking Standards (PK)

Table A - Parking Spaces Required

Designation of Use	Number of Parking Spaces Required
Employee parking for office, commercial, institutional, communication/utilities, and industrial uses.	One parking space per employee that potentially can be working at any given time. Businesses with multiple shifts must also provide 1 additional parking space per 2 employees on the largest abutting shift. Subtract 1 parking space per 60 employees and su
Visitor parking for office, institutional and industrial uses.	One visitor parking space per 20 employees working at any given time up to 300 total employees, plus 1 visitor space per 50 employees for the amount over 300 employees.
Visitor parking for nursing home, hospital, or similar facilities.	One visitor space per 3 beds in a hospital or nursing home facility.
Visitor parking for hotel, motel and other overnight stay facilities.	One visitor parking space per rental unit.
Automobile, tractor, boat, bus or similar sales facility.	Two parking space plus 1 per sales person working on any given shift.
Restaurants, food services, theater, community center, auditorium, conference center, church racetrack, bars, nightclub or similar facility that seats people.	Parking spaces must equal 1/3rd of the allowable seating capacity.
Furniture, appliance, or similar large item sales facility.	One parking space per 400 sq. ft. of GFA up to 30,000 sq. ft. and 1 parking space per 600 sq. ft. above 30,000 sq. ft.
Hardware, home improvement, lumberyard auto parts stores or similar moderate size item sales facility.	One parking space per 300 sq. ft. of GFA up to 30,000 sq. ft. and 1 parking space per 400 sq. ft. above 30,000 sq. ft.
Fitness center, health spa, skating rink or similar facilities.	One parking space per 300 sq. ft. of GFA.
Retail stores, grocery stores, gasoline stations, liquor store, and similar high volume facilities.	One parking space per 250 sq. ft. of GFA up to 40,000 sq. ft. and 1 per 400 sq. ft. up to 80,000 sq. ft. and 1 per 600 sq. ft. above 80,000 sq. ft.
Day-care or similar facility.	One parking space per every 10 children enrolled. This number of spaces may be reduced by 1/4 in trade for passenger loading spaces.
Airport, heliport or similar facility.	One parking space per 5 aircraft tie-downs and hangar
Self-storage, warehouse, or similar facility.	One parking space per 5000 sq. ft. for a single tenant facility or 1 space per 6 leasable storage units. Loading areas my account for up to 1/4 of this requirement.
Body shop, vehicle repair, car wash or similar facility.	One parking space per interior service bay and per car wash stall.
Medical facility, clinic, doctor's office or similar facility.	One parking space per treatment or examination room/space.
Barber/beauty shop, fingernail salon, tanning salon, or similar facility	One parking space per operator station and tanning booth.
Governmental office, service commercial, library, organizational office, repair shop, bank, or similar facility.	One parking space per 800 sq. ft. of GFA.
Public or private school, trade or business school, or similar functioning facility.	One parking space per 2 elementary classrooms; and 2 parking space per junior high classroom; and 1 parking space per 5 highschool students; and 1 space per 2 students in a trade or business school.
Swimming pool, sport fields, recreational fields, or similar facility.	Twenty spaces per sport field; and 1 space per 100 sq. ft. of water surface.
Golf course, driving range, batting cages, bowling alley, or similar facility.	Thirty parking spaces per 9 holes; and 1 space per driving range or batting cage lane; and 2 spaces per alley.

Performance Standards (PF)

5.42 PF-01 [Performance; General]

This Performance Standards section applies to the following districts:



The following performance standards apply:

- A. Air Pollution: No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or to conflict with public air quality standards.
- B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Noise: Noise levels shall not exceed the following:
 1. No use on a property shall produce sustained noise over fifty (50) decibels when adjacent to residential uses or seventy (70) decibels when adjacent to all other uses. Decibels levels apply at all times of the day and shall be measured at any property line.
 2. No use on a property shall produce repetitive noise over seventy (70) decibels when adjacent to residential uses or eighty-three (83) decibels when adjacent to all other uses. Decibels levels apply at all times of the day and shall be measured at any property line.
 3. No use on a property shall produce short bursts of noise over eighty-three (83) decibels when adjacent to any land use. Decibels levels apply at all times of the day and shall be measured at any property line.
 4. Any noise that exceeds the above limits shall be muffled or otherwise controlled so as not to exceed these limits. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- D. Odor: No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines. All regulated agricultural uses are exempt from this requirement.
- E. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.

Public Improvement Standards (PI)

5.43 PI-01 [Public Improvement; General]

This Public Improvement Standards section applies to the following zoning districts:



The following public improvement standards apply:

- A. Adequate Facilities: Developments shall be permitted if the public streets, drainage facilities, and utilities are clearly adequate to serve the proposed development. All other developments may be denied unless a mitigation plan is prepared by the developer and accepted by the appropriate County agency.
- B. Minimum Requirements:
 1. Any public streets which will carry the increased traffic from the development shall be adequate to accommodate such traffic.
 2. The Plan Commission shall determine whether public street improvements are necessary and may seek recommendations from the Planning Director and County Highway Department.
 3. The Plan Commission shall determine whether adequate public utilities exist and have sufficient capacity and may seek guidance from utility companies, County Health Department, and the Planning Director.
 4. Drainage facilities shall have sufficient capacity to serve the development.
 5. The County Drainage Board and Plan Commission will determine the need for drainage improvements based upon the recommendations of the Planning Director and County Surveyor
 6. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements.
 7. The Planning Director may seek guidance from any other county, state or federal agency as deemed necessary to determine public improvement needs.

Setback Standards (SB)

5.44 SB-01 [Setback; General]

This setback standards section applies to the following zoning districts:



The following setback standards apply:

- A. **Applicability:** If one or more of the below listed setback standards does not appear on the two-page layout for a zoning district, then that setback standard does not apply to that particular zoning district.
- B. **Minimum Front Yard Setback:** The minimum front yard setbacks shall be per each two-page layout in *Article Two*.
- C. **Minimum Side Yard Setback:** The minimum side yard setbacks shall be per each two-page layout in *Article Two*.
- D. **Minimum Rear Yard Setback:** The minimum rear yard setbacks shall be per each two-page layout in *Article Two*.
- E. **Minimum Dwelling Site Front Yard Setback:** The minimum dwelling site front yard setbacks shall be per each two-page layout in *Article Two*.
- F. **Minimum Dwelling Site Side Yard Setback:** The minimum dwelling site side yard setbacks shall be per each two-page layout in *Article Two*.
- G. **Minimum Dwelling Site Rear Yard Setback:** The minimum dwelling site rear yard setback shall be per each two-page layout in *Article Two*.
- H. **Conservation Buffers:** No structure (e.g. homes, businesses, parking lots) shall be located within forty (40) feet of a stream, creek, open regulated drain, or natural lake; or within ten (10) feet of an established conservation easement whichever is greater. Intermittent streams or creeks are also required to be buffered. A variance from this setback requirement is strongly discouraged.
- I. **Exemptions:** The following site features' setback requirements may be reduced as follows but the minimum setback shall not be reduced to less than two (2) feet in any case.
 1. *Air conditioners (ground).* Ground air conditioners may encroach up to five (5) feet into the setback if screened by a fence, wall, or landscaping.
 2. *Chimneys.* Chimneys may encroach up to three (3) feet into the setback.
 3. *Eaves.* Eaves which are three (3) feet or less from the building are exempt from the setback requirements.
 4. *Fences and Walls.* Fences and walls are exempt from setbacks in this section, but must abide by the fence and wall standards in this article.
 5. *Handicap ramps.* Ramps may encroach up to twenty (20) feet into the front yard setback and eight (8) feet into the side and rear setback.
 6. *Landscaping.* Landscaping is exempt from this section, but must abide by the landscaping standards.
 7. *Residential Driveways.* Driveways in single family residential districts are exempt. Driveways off of alleys may be permitted.
 8. *Other Driveways.* Entrances and driveways in commercial, industrial, multifamily and institutional districts are exempt from front yard setbacks, but must abide by the entrance and driveway standards in this article.
 9. *Steps.* Steps may encroach up to six (6) feet into the setback.
 10. *Utilities.* Utility poles, lines, and junction boxes are exempt from the setbacks in this section.
 11. *Platted Subdivisions.* Historically platted subdivisions may use previously defined front yard setbacks if specifically recorded on the plat.
 12. *Infill development* may use the average of front yard setbacks of similar development adjacent to the subject lot.

Sewer and Water Standards (SW)

5.45 SW-01 [Sewer and Water; General]

This sewer and water standards section applies to the following zoning districts:



The following sewer and water standards apply:

- A. Applicability: If the below listed sewer and water standard does not appear on the two-page layout for a zoning district, then that sewer and water standard does not apply to that particular zoning district.
- B. Sewer and Water: Sewer and water hookup shall be per each two-page layout in *Article Two*.

Sexually Oriented Business Standards (SX)

5.46 SX-01 [Sexually Oriented Business; Accessory Retail]

This Sexually Oriented Business Standards section applies to the following districts:

C1 **C2**

The following sexually oriented business standards apply:

- A. **Accessory Sexually Oriented Retail Business:** Any business with at least ten percent (10%) but less than forty percent (40%) of its stock in trade or of gross public floor area devoted to the sale, rental or display of sexually oriented materials must abide by the following regulations.
1. The business must restrict access to any person under the age of eighteen (18) to either the entire business or to a separate room or section containing all of the sexually oriented materials.
 2. If restricting access to the entire business, then the business:
 - a. Shall not be open to any person under the age of eighteen (18).
 - b. Shall provide a sign at the entrance stipulating that persons under eighteen (18) are not permitted inside.
 - c. Shall have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not easily gain admission or the general public will not accidentally enter such business; or provide continuous video or window surveillance of the business entrance(s) by store personnel.
 - d. Shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented materials, on display within the store, shall be screened so they are not visible to persons looking at window displays.
 3. If restricting access to a separate room or section, then the room or section:
 - a. Shall not be open to any person under the age of eighteen (18).
 - b. Shall have a sign at the entrance stipulating that persons under eighteen (18) are not permitted inside.
 - c. Shall be physically and visually separated from the remainder of the business by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, which ever is less.
 - d. Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - e. Shall have access controlled by electronic or other means to provide assurance that persons under age 18 will easily not gain admission or the general public will not accidentally enter such room or section; or provide continuous video or window surveillance of the room by store personnel.
 - f. Shall not display sexually oriented materials in any business windows.

5.47 SX-02 [Sexually Oriented Business; Retail and Entertainment]

This Sexually Oriented Business Standards section applies to the following districts:

C2

The following sexually oriented business standards apply:

- A. **Sexually Oriented Retail Business:** Any business with at least forty percent (40%) of stock in trade or of gross public floor area devoted to the sale, rental or display of sexually oriented materials must abide by the following regulations.
1. The business shall not locate within 1,000 foot radius of a church or other religious institution, residential use or zoning district, public, private or parochial school (K-12), park, playground, licensed child care center, licensed child care home, licensed child care institution, registered child care ministry, library, nature trail, community center, public swimming pool, museum, reservoir open to public use, sexually oriented entertainment business, or other sexually oriented retail business. The distance is measured from the nearest property line to the nearest property line in all directions.

Sexually Oriented Business Standards (SX)

2. The business shall not locate within 1,000 feet of the right-of-way of any state or federal highway or other designated community gateway roads as measured from the nearest property line. The following roads are designated community gateway roads:
 - a. Davis Road from the north Kokomo city limits to its intersection with County Road 450 N;
 - b. Washington Street from the north Kokomo city limits to its intersection with County Road 00 EW (Apperson Way);
 - c. County Road 00 EW (Apperson Way) from the north Kokomo city limits to its intersection with County Road 450 N;
 - d. County Road 200 W (Dixon Road) from its intersection with County Road 300 N (Smith Road) to County Road 500 S; and
 - e. County Road 00 NS (Markland Avenue) from the east Kokomo city limits to its intersection with County Road 500 E and from the intersection with County Road 200 W (Dixon Road) to its intersection with Berkley Road.
 - f. County Roads 800 E and 900 E from the Greentown town limits to County Road 100 N.
 - g. County Roads 750 W from the Russiaville town limits to County Road 250 S.
 3. The business shall not be open to any person under the age of eighteen (18).
 4. The business shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. The business shall not offer on-site entertainment.
- B. Sexually Oriented Entertainment Business: A sexually oriented entertainment business shall abide by the following regulations.
1. The business shall not locate within 1,000 foot radius of a church or other religious institution, residential use or zoning district, public, private or parochial school (K-12), park, playground, licensed child care center, licensed child care home, licensed child care institution, registered child care ministry, library, nature trail, community center, public swimming pool, museum, reservoir open to public use, sexually oriented retail business, or other sexually oriented entertainment business. The distance is measured from the nearest property line to the nearest property line in all directions.
 2. The business shall not locate within 1,000 feet of the right-of-way of any state or federal highway or other designated community gateway roads as measured from the nearest property line. The following roads are designated community gateway roads:
 - a. Davis Road from the north Kokomo city limits to its intersection with County Road 450 N;
 - b. Washington Street from the north Kokomo city limits to its intersection with County Road 00 EW (Apperson Way);
 - c. County Road 00 EW (Apperson Way) from the north Kokomo city limits to its intersection with County Road 450 N;
 - d. County Road 200 W (Dixon Road) from its intersection with County Road 300 N (Smith Road) to County Road 500 S; and
 - e. County Road 00 NS (Markland Avenue) from the east Kokomo city limits to its intersection with County Road 500 E and from the intersection with County Road 200 W (Dixon Road) to the intersection with Berkley Road.
 - f. County Roads 800 E and 900 E from the Greentown town limits to County Road 100 N.
 - g. County Roads 750 W from the Russiaville town limits to County Road 250 S.
 3. The business shall not be open to any person under the age of eighteen (18).
 4. The business shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. The business shall offer entertainment only in rooms or spaces which each have a gross public floor area of at least 1,000 square feet, excluding restrooms, hallways and entryways. Such rooms or spaces shall not be subdivided by temporary or permanent walls or dividers.
 6. Shall not sell, rent or display sexually oriented materials.

Sign Standards (SI)

5.48 SI-01 [Sign; General]

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Permit Required:** Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign without first obtaining a sign permit from the Plan Commission Office.
- B. **Abandoned Signs:** A sign, all mountings, and related components shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Planning Director shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Planning Director may remove the sign. Any cost associated with signs removed by the Planning Director shall be reimbursed by the owner of said sign. Should said sign not be redeemed within forty-five (45) days of its removal, it may be disposed of in any manner deemed appropriate by the County.
- C. **Illuminated Signs:** All illuminated signs shall comply with the following standards:
 - 1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 - 2. All electrical wiring for permanent signs shall be in conduit and shall meet or exceed all applicable electrical codes.
 - 3. The direct or reflected light from a primary light source shall not create a traffic hazard to operators of motor vehicles on public and/or private roadways.
 - 4. The light from any illuminated sign shall be shaded, shielded, or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.
- D. **Prohibited Signs:** The following types of signs are expressly prohibited in all zoning districts.
 - 1. Signs that utilize any motion picture, laser, or visual projection of images or copy.
 - 2. Signs that emit audible sound, odor or visible matter.
 - 3. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal.
 - 4. Signs which bear the words “stop”, “slow”, “caution”, “danger”, “warning”, or similar words.
 - 5. Lights that resemble an emergency or road equipment vehicle.
 - 6. Signs in a right of way.
 - 7. Signs that hide or partially hide from view any traffic or roadway sign, signal or device.
 - 8. Signs within the vision clearance triangle or that block visibility at driveways or entrances into parking areas.
 - 9. Pole signs with less than ten (10) feet of clearance from the bottom of the sign to the ground.
 - 10. Signs that extend above the roof line or parapet of a building.
 - 11. Signs mounted on the roof of a structure.
 - 12. Signs that have blinking, flashing, or fluttering lights.
 - 13. Signs that have changing light intensity, brightness or color, or give such illusion Signs using lights, light emitting diodes or other light emitting device for presenting messages may scroll, but shall not blink, flicker, flash, scintillate or be otherwise animated.
 - 14. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure.
 - 15. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during nonbusiness hours or for incidental purposes.
 - 16. Any sign that is not expressly permitted in this Zoning Ordinance.
 - 17. Signs which contain statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.

Sign Standards (SI)

18. Signs which change their message by mechanical means or by changing light intensity, brightness, color or give such illusion, shall not change their message at intervals less than eight (8) second intervals.

- E. Exempt Signs: The following items are allowed and are exempt from the sign provisions of this Zoning Ordinance, except as listed in subsection Section 5.49(D): Prohibited Signs.
1. Flags of any country, state, unit of local government, institution of higher learning, or similar institutional flags.
 2. Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or denoted on a commemorative plaque made of bronze, brass, or other permanent material and made an integral part of the structure. No commercial messages or logos are permitted on such signs.
 3. Signs of a noncommercial nature and in the public interest erected by an officer of the County, including signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities.
 4. Utility signs used to mark cables, pipes and lines for public and private utilities except if determined to be a hazard by the Planning Director.
 5. Freedom of speech signs (e.g. political campaign or anti-policy signs) are permitted ~~but~~ and shall not exceed eighteen (18) square feet in size in agricultural or residential zoning districts; or thirty-two (32) square feet in commercial or industrial districts.
 6. Under no circumstances may an exempt sign exceed the maximum height standard for its district, or be placed in the vision clearance triangle, or otherwise constitute a public hazard.
- F. Noncommercial message: Noncommercial messages are permitted on all permitted signs.
- G. Sign Area: The following items are used for determining the area of signs:
1. Single Faced Sign: The area of such sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.
 2. Double Faced Sign: The area of such sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign on each side provided that the facings are back-to-back, exclusive of supporting members that bear no message. A V-type sign may be permitted, if the greatest point of separation between the sign faces does not exceed fifteen (15) feet.
 3. Multi-faced Sign: The area of such sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the largest single surface or largest cross-section of the sign exclusive of supporting members that bear no message.

5.49 SI-02 [Signs; Residential; Temporary]

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. Temporary Signs Permitted:
1. Two (2) temporary signs no larger than eighteen (18) square feet each in size are allowed without a permit for the duration of a temporary event (e.g. garage sale, yard sale, sale of the property, etc.). A grace period of one (1) week is allowed for the removal of said sign. These signs shall not include changeable copy.
 2. One (1) temporary sign no larger than thirty-two (32) square feet in size is allowed without a permit for one (1) week during each calendar year. This sign may include changeable copy.
- B. Location: These temporary signs shall be at least five (5) feet from any property line.
- C. Maximum Height: These temporary signs shall not exceed five (5) feet in height.

Sign Standards (SI)

5.50 SI-03 [Signs; Non-Residential; Temporary]

This Sign Standards section applies to the following districts:



The following sign standards apply:

A. Temporary Signs Permitted:

1. Two temporary signs no larger than thirty-two (32) square feet each in size are allowed without a permit for the duration of a temporary event (e.g. sale of the property, construction project, etc.). A grace period of one (1) week is allowed for the removal of said sign.
2. A third temporary sign no larger than thirty (30) square feet in size and used for the same purpose is allowed if the subject property has over 200 lineal feet of frontage on a public street or has a primary structure over 50,000 square feet. These signs shall not include changeable copy.

B. Location: A temporary sign shall be at least ten (10) feet from the property line.

C. Special Event: Streamers, pennants, and inflatables are allowed without a permit for grand openings or special promotions. Such devices shall be permitted under the following conditions.

1. Such devices shall not pose a risk to pedestrian or vehicular safety.
2. Such devices shall be at least ten (10) feet or the a distance equivalent to the height of the inflatable device from the property line, whichever is greater.

D. Window Signs: Temporary signs in windows are allowed without a permit as follows.

1. No single window shall exceed seventy percent (70%) coverage by a sign.

E. Additional Signs: Additional temporary signs require a temporary sign permit and shall meet the following standards:

1. Any additional temporary sign shall be permitted for up to 180 days during one or more display periods designated on the temporary sign permit.
2. Any additional temporary sign shall not exceed 120 square feet in size.
3. The maximum number of additional temporary signs permitted per property at any time shall be one (1) per 100 lineal feet of road frontage or tenant space.
4. Each additional temporary sign shall constitute the need for a temporary sign permit.
5. Such signs shall not pose a risk to pedestrian or vehicular safety.
6. Such signs shall be at least ten (10) feet from the property line.

5.51 SI-04 [Signs; Single-Family Residential; Permanent]

This Sign Standards section applies to the following districts:



The following sign standards apply:

A. Wall Sign: A permanent wall sign no larger than three (3) square feet in size is allowed per dwelling unit without a permit.

B. Illumination: Illumination of any wall sign is not permitted.

C. Subdivision Gateway Sign: Subdivision gateway signs and features are regulated in the Howard County Subdivision Control Ordinance design standards (Article 5).

Sign Standards (SI)

5.52 SI-05 [Signs; Multiple-Family Residential; Permanent]

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Wall Sign:** A permanent wall sign no larger than ten (10) square feet in size is allowed per apartment building or manufactured home park without a permit.
- B. **Illumination:** Illumination of any wall sign is not permitted.
- C. **Gateway Sign:** A permanent gateway sign, no larger than forty (40) square feet in size, is allowed when a multifamily development includes twenty (20) or more dwelling units or a manufactured home park contains twenty (20) or more dwelling sites.

5.53 SI-06 [Signs; Parks and Recreation and Agricultural; Permanent]

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Wall Sign:** A permanent wall sign no larger than ten (10) square feet in size is allowed on one (1) primary structure without a permit.
- B. **Ground Sign:** A ground sign per primary entrance to a public space or place not exceeding five (5) feet in height and forty (40) square feet in area is allowed without a permit.

5.54 SI-07 [Signs; Institutional and Limited Commercial; Permanent]

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. **Single-Tenant Structure:** A single-tenant structure on a lot shall be regulated as follows:
 1. Any combination of wall, ground, awning or permanent window signs are allowed.
 2. The cumulative square footage of all permanent signs shall not exceed 150 square feet or two (2) square feet times the length of the primary structure's facade(s) facing a public roadway, whichever is less.
 3. Any single wall sign shall not exceed 120 square feet in area and six (6) feet in height.
 4. Any single ground sign shall not exceed fifty (50) square feet per side in area and six (6) feet in height.
 5. Any single awning sign shall not exceed twenty (20) square feet in area and three (3) feet in height.
 6. Any single window sign shall not exceed twenty (20) square feet in area and three (3) feet in height.
- B. **Multi-tenant Structure:** Multi-tenant structure(s) on a lot shall be regulated as follows:
 1. Any combination of wall, awning or permanent window signs are allowed per tenant space.
 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 150 square feet or two (2) square feet times the length of the tenants facade(s) facing a public roadway, whichever is less.
 3. Any single wall sign shall not exceed 120 square feet in area and 6 feet in height.
 4. Any single awning sign shall not exceed twenty (20) square feet in area and 3 feet in height.
 5. Any single window sign shall not exceed twenty (20) square feet in area and 3 feet in height.
- C. **Gateway Sign:** In addition, a gateway sign is permitted at the primary entrance into a multi-tenant development with three (3) or more tenants. This gateway sign shall not exceed 150 square feet in area or one (1) square foot times the length of all the facades facing a public roadway, whichever is less. [For example: If a multi-tenant development has eighty (80) feet of facade facing a public roadway then it would be allowed to have a gateway sign up to eighty (80) square feet in size for the development.]
 1. Any single gateway sign shall not exceed 150 square feet per side in area and fifteen (15) feet in height.
 2. Any single tenant sign on a gateway sign shall not exceed thirty-five (35) square feet per side.

Sign Standards (SI)

- D. Directional Sign: Directional signs are permitted on a lot as follows.
 1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 2. Any single directional sign shall not exceed four (4) square feet in area and four (4) feet in height.
 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- E. Special Exception: All permanent signs shall be located on the lot for which they relate unless approved as a special exception.
- F. Noncommercial Ground Sign: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.55 SI-08 [Signs; General Commercial; Permanent]

This Permanent Sign Standards section applies to the following districts:



The following sign regulations apply:

- A. Single-tenant Structure: A single-tenant structure on a lot shall be regulated as follows:
 1. Any combination of wall, ground, pole, awning or permanent window signs are allowed.
 2. The cumulative square footage of all permanent signs shall not exceed 300 square feet or two (2) square feet times the length of the primary structure's facade(s) facing a public roadway, whichever is less.
 3. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 4. Any single ground sign shall not exceed 100 square feet per side in area and eight (8) feet in height.
 5. Any single pole sign shall not exceed sixty (60) square feet per side in area and 20 feet in height.
 6. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 7. Any single window sign shall not exceed forty (40) square feet in area and four (4) feet in height.
- B. Multi-tenant Structure: Multi-tenant structure(s) on a lot shall be regulated as follows:
 1. Any combination of wall, awning or permanent window signs are allowed per tenant space.
 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 120 square feet or two (2) square feet times the length of the tenants facade(s) facing a public roadway, whichever is less.
 3. A gateway sign is permitted at the primary entrance into a multi-tenant development not to exceed 200 square feet in area or one (1) square foot times the length of the facade facing a public roadway, whichever is less. [For example: If a multi-tenant development has 150 feet of facade facing a public roadway then it would be allowed to have a gateway sign up to 150 square feet in size for the development.]
 4. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 5. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 6. Any single window sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 7. Any single gateway sign shall not exceed 100 square feet in area per side and twenty (20) feet in height.
- C. Directional Sign: Directional signs are permitted on a lot as follows.
 1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 2. Any single directional sign shall not exceed four (4) square feet in area and five (5) feet in height.
 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- D. Off-premise Sign: Off-premise signs are permitted as follows:
 1. The maximum area of display surface per off-premise sign shall not exceed 300 square feet per side.
 2. Only one (1) sign board per side is permitted.
 3. The minimum separation between any two (2) off-premise signs on both sides of all streets or highways shall be 1,000 feet.
 4. Off-premise signs shall not be located closer than twenty-five (25) feet to any existing or proposed right of way of any street or highway.
 5. All off-premise signs shall be at least 150 feet from any residential zone and from the nearest property line of any school, church, or institution for human care. Existing signs erected before enactment of this Zoning Ordinance shall be exempt from this requirement.

Sign Standards (SI)

6. Off-premise signs shall have a maximum height of fifty (50) feet from the grade to the top edge of the sign. Grade shall be defined as the level of the street or highway from which the sign is intended to be viewed.
 7. Off-premise signs shall have a ten (10) foot clearance from grade to the bottom edge of sign, including any embellishments.
 8. Back-to-back off-premise signs may be separated in the shape of the letter "V" if the greatest point of separation between the two (2) sign faces does not exceed fifteen (15) feet.
 9. Embellishments allowed shall not exceed 200 square feet in area. Maximum embellishment of cutouts shall be: above the sign board, six (6) feet; below the sign board, one (1) foot; and any sides of the sign board, three (3) feet.
- E. Separation: No two (2) ground or pole signs may be within seventy-five (75) feet of one another.
- F. Special Exception: All permanent signs must be located on the lot for which they relate unless approved as a special exception.
- G. Location: All permanent ground signs must be located at least ten (10) feet from the property line.
- H. Noncommercial Ground Sign: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

5.56 SI-09 [Signs; Industrial and Intense Use; Permanent]

This Permanent Sign Standards section applies to the following districts:



The following sign regulations apply:

- A. Single-tenant Structure: A single-tenant structure on a lot shall be regulated as follows:
1. Any combination of wall, ground, pole or awning signs are allowed.
 2. The cumulative square footage of all permanent signs shall not exceed 300 square feet or two (2) square feet times the length of the primary structure's facade(s) facing a public roadway, whichever is less.
 3. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 4. Any single ground sign shall not exceed 100 square feet per side in area and eight (8) feet in height.
 5. Any single pole sign shall not exceed sixty (60) square feet per side in area and twenty (20) feet in height.
 6. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
- B. Multi-tenant Structure: Multi-tenant structure(s) on a lot shall be regulated as follows:
1. Any combination of wall, or awning signs is allowed per tenant space.
 2. The cumulative square footage of all permanent signs per tenant space shall not exceed 120 square feet or two (2) square feet times the length of the tenants facade(s) facing a public roadway, whichever is less.
 3. A gateway sign is permitted at the primary entrance into a multi-tenant development not to exceed 200 square feet in area or one (1) square foot times the length of the facade facing a public roadway, whichever is less. [For example: If a multi-tenant development has 150 feet of facade facing a public roadway then it would be allowed to have a gateway sign up to 150 square feet in size for the development.]
 4. Any single wall sign shall not exceed 200 square feet in area and eight (8) feet in height.
 5. Any single awning sign shall not exceed forty (40) square feet in area and four (4) feet in height.
 6. Any single gateway sign shall not exceed 100 square feet in area per side and fifteen (15) feet in height.
- C. Directional Sign: Directional signs are permitted on a lot as follows.
1. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 2. Any single directional sign shall not exceed four (4) square feet in area and five (5) feet in height.
 3. No more than two (2) directional signs shall be used per curb cut onto a public street.
- D. Off-premise Sign: Off-premises signs are permitted as follows:
1. The maximum area of display surface per off-premise sign shall not exceed 300 square feet per side.
 2. Only one (1) sign board per side is permitted.

Sign Standards (SI)

3. The minimum separation between any two (2) off-premises signs on both sides of all streets or highways shall be 1,000 feet.
 4. Off-premises signs shall not be located closer than twenty-five (25) feet to any existing or proposed right of way of any street or highway.
 5. All off-premise signs shall be at least 150 feet from any residential zone and from the nearest property line of any school, church, or institution for human care. Existing signs erected before enactment of this Zoning Ordinance shall be exempt from this requirement.
 6. Off-premise signs shall have a maximum height of fifty (50) feet from the grade to the top edge of the sign. Grade shall be defined as the level of the street or highway from which the sign is intended to be viewed.
 7. Off-premise signs shall have a ten (10) foot clearance from grade to the bottom edge of sign, including any embellishments.
 8. Back-to-back off-premise signs may be separated in the shape of the letter "V" if the greatest point of separation between the two (2) sign faces does not exceed fifteen (15) feet.
 9. Embellishments allowed shall not exceed 200 square feet in area. Maximum embellishment of cutouts shall be: above the sign board, six (6) feet; below the sign board, one (1) foot; and any sides of the sign board, three (3) feet.
- E. Separation: No two (2) ground or pole signs may be within seventy-five (75) feet of one another.
- F. Special Exception: All permanent signs must be located on the lot for which they relate unless approved as a special exception.
- G. Noncommercial Ground Sign: On lots without a structure a permanent noncommercial ground sign up to twenty-four (24) square feet in area is permitted.

Special Exception Use Standards (SE)

5.57 SE-01 [Special Exception Use; General]

This Special Exception Standards section applies to the following districts:



The following special exception standards apply:

A. Development Standards:

1. The development standards assigned to each zoning district are considered appropriate for the permitted uses within that district. However, the development standards are not considered appropriate for all special exception uses within a zoning district. For instance, some commercial uses are allowed in residential districts as special exceptions. In this case, residential development standards would not necessarily be applicable.
2. The Board of Zoning Appeals shall determine which development standard sections within Article 05 shall apply to all special exception uses. The development standards determined to apply shall be documented in the application and approval.
3. If the special exception use is a permitted use within another district, the development standards for that district shall be used as a guideline.
4. In situations where the special exception use is not a permitted use in any district, the most stringent development standards may be assigned by the Board of Zoning Appeals as appropriate.

B. Approval Process: The approval process and criteria for special exceptions uses is in Article 07 of this Zoning Ordinance.

C. Requirements: All special exceptions shall meet the following requirements:

Special Exception Uses	Development Standards Requirements
All Single-Family Residential Uses	Development Standards from R1
All Multiple-Family Residential Uses	Development Standards from MR
All Other Residential Uses	Development Standards from R1
Agricultural Uses	Development Standards from IA
Institutional Uses	Development Standards from IS
Commercial Uses: General	Development Standards from C1
Commercial Uses: Office	Development Standards from C1
Commercial Uses: Retail	Development Standards from C1
Industrial Uses	Development Standards from I2
Utility Uses	Development Standards from I2

Telecommunication Facility Standards (TC)

5.58 TC-01 [Telecommunication Facility; General]

This Telecommunication Facility Standards section applies to the following districts:



The following telecommunication facility standards apply:

- A. **Prerequisites:** No new telecommunication tower shall be permitted unless the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
1. No existing telecommunication towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 2. Existing telecommunication towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing telecommunication towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed system would cause electromagnetic interference with the system on the existing telecommunication tower or structure, or the system on the existing telecommunication tower or structure would cause interference with the applicant's proposed system.
 5. The fees, cost, or contractual provisions required by the owner to share an existing telecommunication tower or structure or to adapt an existing telecommunication tower or structure for sharing are unreasonable. Costs are considered reasonable if they conform to contractual terms standard in the industry or do not exceed the cost of new telecommunication tower development.
 6. The applicant demonstrates there are other limiting factors that render existing telecommunication towers or structures unsuitable.
 7. The applicant shall obtain an advisory opinion from the Kokomo Board of Aviation Commissioners.
- B. **Maximum Height:**
1. New telecommunication towers shall not exceed a maximum height of 199 feet or the FAA allowed maximum for the site if less than the maximum.
 2. Telecommunication towers shall also be designed to allow for future rearrangement of antennas on the telecommunication tower and accept antennas mounted at different heights.
- C. **Co-Location Requirements:** New telecommunication towers shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users. The holder of a permit for a telecommunication tower shall allow collocation for at least two (2) additional users and shall not make access to the telecommunication tower and telecommunication tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means, with the cost to be shared by the holder of the permit and the proposed additional user) that the holder of a telecommunication tower permit has made access to such telecommunication tower and telecommunication tower site economically unfeasible, then the permit shall become null and void.
- D. **Separation Requirements:** Telecommunication towers shall not be located within a distance equal to the height of the telecommunication tower of any dwelling or residential district.
- E. **Setback Requirements:** The setback requirements for the zoning district the telecommunication facility is placed apply to all telecommunication towers, guy wire anchors and telecommunication tower accessory structures.

Telecommunication Facility Standards (TC)

- F. **Buffering Requirements:** The telecommunication tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped and maintained with a buffer of plant materials that effectively screens the view of all telecommunication tower accessory structures, equipment and improvements at ground level from adjacent properties.
1. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where telecommunication tower accessory structures and equipment are located at ground level.
 2. In locations where the visual impact of the telecommunication tower would be minimal, the landscaping requirement may be reduced or waived by the Board of Zoning Appeals.
 3. Existing mature vegetation and natural land forms on the site shall be preserved to the maximum extent possible or replaced with vegetative screening meeting the intent of this section.
- G. **Access Requirements:** All telecommunication towers shall be reasonably protected against unauthorized access.
1. The bottom of the telecommunication tower from ground level to twelve (12) feet above ground shall be designed to preclude unauthorized climbing and shall be enclosed with a minimum of a six (6) foot high chain link fence with locked gate.
 2. Other options may be required by the Board of Zoning Appeals such as an eight (8) foot tall wooden privacy fence and security fence, with vehicular gate.
 3. Sheet metal or plastic slats are not permitted.
 4. No part of any telecommunication tower or antenna, except for guy wires and anchors, shall extend beyond the fenced enclosure.
- H. **Sign Requirements:**
1. At least two (2) signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and/or unauthorized climbing of the telecommunication tower, and identifying the owner of the telecommunication tower and telephone number for contact in case of emergency.
 2. Each sign shall be three (3) square feet in size.
 3. Additionally one (1) no trespassing sign is permitted on each fence side.
 4. No commercial message or sign shall be affixed to any telecommunication tower or antenna.
- I. **Material Requirements:**
1. All telecommunication towers, antennas and accessory structures shall use building materials, colors, textures, screening and landscaping that blend the facilities with the surrounding natural features and built environment to the greatest extent possible.
 2. The telecommunication tower shall be a color that minimizes visibility unless otherwise required by FAA or FCC regulations.
 3. All metal telecommunication towers shall be constructed or treated with corrosion resistant material.
- J. **Parking Requirements:** Adequate parking spaces shall be provided on each site so that parking on public road right-of-way will not be necessary. Additional parking may be required by the Planning Director if the minimum parking proves to be inadequate.
- K. **Access Driveway:** An access driveway shall be installed and shall be twelve (12) feet wide unless an existing driveway of equal width is already in place. Any access driveway shall be paved in public rights-of-way, but may be stone or slag in other areas.
- L. **Other Regulations:**
1. All telecommunication towers and antennas shall comply with all FCC and FAA rules and regulations.
 2. Design and installation of all telecommunication towers and antennas shall comply with the manufacturer's specifications and with ANS/TIA/EIA standards. Plans shall be approved and stamped by a professional engineer registered in the State of Indiana.
 3. Installation of all telecommunication towers and antennas shall comply with all applicable state and local building and electrical codes.

Telecommunication Facility Standards (TC)

- M. Design Requirements: The monopole design is the preferred telecommunication tower structure, but self-supporting is also allowed. Use of guy or lattice telecommunication towers must be justified on the basis of collocation opportunities or specific structural requirements. Monopoles may be hidden in silos, church steeples, smokestacks etc.
- N. Illumination Requirements: Telecommunication towers and antennas shall not be illuminated in any way unless required by FCC or FAA regulations. FCC or FAA regulations must be demonstrated to the Planning Director prior to installation.
- O. Temporary Mobile Communications Site: No temporary mobile communication sites are permitted except in the case of equipment failure, equipment testing, equipment replacement, or in the case of an emergency situation authorized by the Planning Director. Use of temporary mobile communication sites for testing purposes shall be limited to seven (7) working days, and the use of temporary mobile communication sites for equipment failure, equipment replacement, or in case of emergency situations, shall be limited to thirty (30) days, unless extended in writing by the Planning Director.
- P. Removal of Telecommunication Tower:
1. A letter of credit or bond in the amount of \$10,000 shall be filed with the Plan Commission to provide for removal of a telecommunication facility and site restoration in the event that removal should be required. The improvement location permit for a telecommunication facility shall not be issued until the Plan Commission has notified the Planning Director of their acceptance of the letter of credit or bond.
 2. All unused telecommunication towers and antennas must be removed at the expense of the service provider and/or owner, within six (6) months of cessation of operation or use, unless a written exemption is provided by the Planning Director.
 3. After the facilities are removed, the site shall be restored to its original condition or as close as feasibly possible. Specifically, all structures and anchoring elements shall be removed above grade and four (4) feet below ground level, so that the site is suitable for redevelopment.
 4. If removal and/or restoration is not completed within ninety (90) days of the expiration of the six (6) month period specified herein, the Planning Director is authorized to request the Plan Commission to complete the removal and site restoration. The cost shall be assessed against the letter of credit or bond described above.

Temporary Use and Structure Standards (TU)

5.59 TU-01 [Temporary Use and Structure; General]

This Temporary Use and Structure Standards section applies to the following districts:



The following temporary use and structure standards apply:

- A. **Minimum Requirements:** Temporary uses or structures shall meet all development standards for a permanent use or structure.
- B. **Transition:** If the intent is for a temporary use or structure to transition to a permanent use or structure and it is not disclosed at the time of application the transition to a permanent use or structure will not be permitted for one (1) year from the application date.
- C. **Extension:** The Planning Director may extend the duration of a temporary use or structure up to two (2) times with findings of need and findings that the operation has been operating in compliance with the County's ordinances. The duration of the extension cannot exceed the lengths of the originally permitted time (e.g. if the originally permitted time was fourteen (14) days, the extension cannot exceed another fourteen (14) days). Extensions shall be applied for prior to the expiration of the allotted time frame, but no earlier than twenty-one (21) days prior to the time frame's expiration.
- D. **Original Condition:** All temporary uses or structures shall be removed and the original site reverted to its original condition. Such reversion to the original state must be completed prior to the expiration of the temporary use or structure permit.

5.60 TU-02 [Temporary Use and Structure; Temporary Accessory Dwelling Unit]

This Accessory Structure Standards section applies to the following zoning district:



The following temporary accessory dwelling standards apply:

- A. **Prerequisites:**
 1. The lot on which the temporary accessory dwelling unit is to be placed shall be large enough to meet all applicable setbacks and placement standards; and
 2. Occupancy of the temporary accessory dwelling unit is restricted to relatives (parents, grandparents and children) of the occupants of an existing residence located on the same lot; and
 3. Occupancy of the temporary accessory dwelling unit is restricted to employees employed on the premises of the property owner.
- B. **Duration:** The maximum duration of any temporary accessory dwelling unit is two (2) years or less if required by the Board of Zoning Appeals. Renewals of the temporary accessory dwelling unit may be granted for five (5) years upon findings that the property is well maintained and continues to meet all the applicable development standards.
- C. **Type of Dwelling Unit:** All temporary accessory dwelling units shall be:
 1. A mobile home dwelling, allowing easy installation and removal after the term of use; or
 2. A recreational vehicle parked for long-term occupancy on the property and removed for at least one (1) continuous period of at least ninety (90) days per year.
- D. **Maximum Size:** The cumulative square footage of any temporary accessory dwelling unit shall not exceed 900 square feet.
- E. **Safety:** The temporary accessory dwelling unit shall meet the following safety regulations:
 1. Meet all building and electrical codes.
 2. Be "tied-down" to abate risks from high wind, as per the manufactured home association standards.
 3. Skirting shall be installed to prevent children and animals from accessing the space underneath the dwelling.

Temporary Use and Structure Standards (TU)

- F. Setbacks: The temporary accessory dwelling unit shall meet the following setback standards:
 1. The temporary accessory dwelling unit shall not be placed forward of the primary dwelling unit's footprint (i.e. not in any front or side yard) the existing dwelling unit (i.e. not in any front yard).
 2. Applicable side setbacks and rear yard setbacks shall still apply.
 3. The temporary accessory dwelling unit shall be at least ten (10) feet from the primary dwelling unit.

5.61 TU-03 [Temporary Use and Structure; Parks and Recreation, Agricultural, and Rural Residential]

This Temporary Use/Structure Standards section applies to the following districts:

PR AG IA AC

The following temporary use and structure standards apply:

- A. Garage and Yard Sale: Garage sales and yard sales are permitted for a total of fourteen (14) days per calendar year. No permit is required.
- B. Roadside Stand/Seasonal Sales: Roadside stands and seasonal sales are permitted for a total of 120 days per calendar year. A Temporary Use/Structure Permit is required and may be extended as per the provision in section 5.60 (C).
- C. Tent: Tents for a private party or event are permitted for a total of fourteen (14) days per calendar year. No permit is required.
- D. Construction Trailer: Construction trailers for a residential construction project are permitted for up to twelve (12) months. A Temporary Use/Structure Permit is required and may be extended as per the provision in section 5.60 (C).

5.62 TU-04 [Temporary Use and Structure; Residential]

This Temporary Use/Structure Standards section applies to the following districts:

RR R1 R2 R3 VR MR MP

The following temporary use and structure standards apply:

- A. Garage and Yard Sale: Garage sales and yard sales are permitted for a total of fourteen (14) days per calendar year. No permit is required.
- B. Roadside Stand/Seasonal Sales: Roadside stands and seasonal sales are permitted for a total of fourteen (14) days per calendar year. No permit is required.
- C. Tent: Tents for a private party or event are permitted for a total of fourteen (14) days per calendar year. No permit is required.
- D. Construction Trailer: Construction trailers for a residential construction project are permitted for up to twelve (12) months. A Temporary Use/Structure Permit is required and may be extended as per the provision in section 5.60 (C).

5.63 TU-05 [Temporary Use and Structure; Non-Residential]

This Temporary Use/Structure Standards section applies to the following districts:

IS VM C1 C2 I1 I2 AP IU

The following temporary use and structure standards apply:

- A. Roadside Stand/Seasonal Sales: Roadside stands and seasonal sales are permitted for a total of sixty (60) days per calendar year. A Temporary Use/Structure Permit is required and may be extended as per the provision in section 5.60 (C).
- B. Construction Trailer: Construction trailers for a commercial or industrial construction project are permitted for up to twelve (12) months. A Temporary Use/Structure Permit is required and may be extended as per the provision in section 5.60 (C).
- C. Tent: Tents for a private party or event are permitted for a total of fourteen (14) days per calendar year. No permit is required.

Vision Clearance Standards (VC)

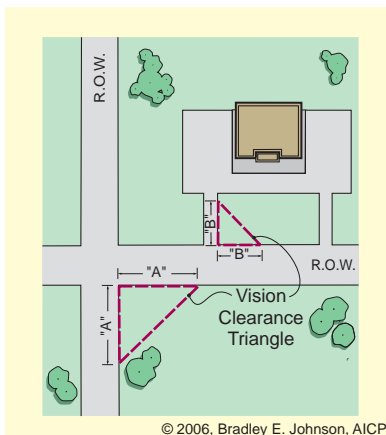
5.64 VC-01 [Vision Clearance; General]

This Vision Clearance Standards section applies to the following zoning districts:



The following vision clearance standards apply:

- A. **Requirement:** A clear area must be maintained at every intersection. A vision clearance triangle is used to determine the area on a property to be maintained free of visual obstruction.
- B. **Placement Limitations:** No primary or accessory structures, landscaping, fences or signs are allowed to be placed or to project into the vision clearance triangle except as noted below.
 - 1. Ground cover, annuals, perennials, and similar vegetation may be planted within the vision clearance triangle when the plants do not exceed thirty (30) inches in height.
 - 2. Trees may be planted in the vision clearance triangle when their lowest limbs and canopy are at least eight (8) feet above street elevation, allowing drivers to see through the triangle.
- C. **Maintenance:** The property owner shall be responsible for maintenance of the vision clearance triangle. Any violation of these standards may warrant emergency remedy by the County with notice and at the cost of the property owner.
- D. **Measurement:** The triangle leg lengths are listed below and are measured from the edge of the right-of-way. (See "A" below in the illustration).
 - 1. Along arterial and collector roads each triangle leg shall be forty-five (45) feet along the right of way.
 - 2. Along local roads each triangle leg shall be twenty (20) feet along the right of way.



Wind to Energy Facility Standards (WE)

5.65 WE-01 [Wind to Energy Facility, Small]

This Wind Energy Facility Standards section applies to the following zoning districts:



The following standards apply to Small Wind to Energy Facilities:

- A. Supporting Structure:
 1. Any small wind to energy facility tower or supporting structure placed on the roof of a primary or accessory structure shall not exceed the height of the structure's roof by more than fifteen (15) feet.
 2. Any small wind to energy facility supported primarily by a tower or pole shall comply with the standards for medium wind to energy systems.
- B. Rotor Diameter: The maximum rotor diameter shall be ten (10) feet.
- C. Safety: The rotors (blades) shall not extend horizontally beyond the roof of the primary or accessory structure.
- D. Notification of Utilities: Prior to obtaining a permit, anyone building a small wind to energy facility on a structure shall notify all utilities with above-ground facilities, wires or cables entering or crossing the structure's roof of their intent to build the system near the utility's facilities, wires or cables.
- E. Abandoned Systems: A small wind to energy facility shall be considered abandoned if use as a wind to energy system is discontinued for one (1) year or more. The Plan Commission or the Planning Director may require removal of the system after a ninety (90) day notice period.
- F. Illumination: Small wind to energy facilities shall not be illuminated in any way unless required by FCC or FAA regulations. FCC or FAA regulations shall be demonstrated to the Planning Director prior to installation.

5.66 WE-01 [Wind to Energy Facility, Medium]

This Wind Energy Facility Standards section applies to the following zoning districts:



The following standards apply to Small Wind to Energy Facilities:

- A. Tower Types: Permitted medium wind to energy system tower types include tilt-up monopole, guyed monopole, guyed lattice, and lattice.
- B. Height:
 1. The maximum medium wind to energy facility tower height shall not exceed 189 feet or the product of 0.455 times the lot width at the proposed tower location, whichever is less.
 2. The maximum medium wind to energy facility height shall not exceed 199 feet or sum of the maximum system tower height plus ten (10) feet.
- C. Rotor Diameter: The maximum rotor diameter shall be 100 feet.
- D. Setbacks:
 1. Medium wind to energy facility towers shall be located a minimum of 1.1 times the tower height from all existing or proposed rights-of-way.
 2. Medium wind to energy facility towers shall be located a minimum of 1.1 times the tower height from all property lines. A medium wind to energy system tower may permit placing the system tower up to the property line if a non-encroachment easement is secured from the adjacent property owner(s) prohibiting building inhabitable structures within 1.1 times the tower height and the grantor shall hold the grantee harmless to the extent agreed to or allowed by law.
 3. Medium wind to energy facility towers shall not be located in the front yard (i.e. forward of any part of the building's foundation) on any lot which is smaller than one (1) acre excluding road rights-of-way.
- E. Safety:
 1. The rotors (blades) shall have twenty (20) feet of ground clearance.
 2. If guy wires are used, the wires must be sleeved in a bright colored material extending seven (7) feet above the ground, or surrounded by a minimum four (4) foot tall fence at a distance from the guy wires that effectively gives seven (7) feet of clearance.
- F. Signs: No signs shall be attached to medium wind to energy facility towers except safety notices and information by the manufacturer.

Wind to Energy Facility Standards (WE)

- G. Notification of Utilities: Prior to obtaining a permit, anyone building a medium wind to energy facility shall notify all utilities with mediumwind to energy system shall be considered abandoned if use as a wind to energy system is discontinued for one (1) year or more. The Plan Commission or the Planning Director may require removal of the system after a ninety (90) day notice period.
- H. Illumination: Medium wind to energy facilities shall not be illuminated in any way unless required by FCC or FAA regulations. FCC or FAA regulations shall be demonstrated to the Planning Director prior to installation.

5.67 WE-02 [Wind to Energy Facility, Large]

This Wind Energy Facility Standards section applies to the following zoning districts:



The following standards apply to Large Wind to Energy Facilities:

- A. Improvement Location Permits are required for each wind turbine, building and structure. Applications shall include the following supportive general information for the wind energy facility and site specific information for the individual wind turbine, building or structure which are components of the facility.
 1. General Information: Wind energy facilities typically consist of multiple components including wind turbines, supporting buildings and other structures. General information items are applicable to all components of the facility. Applicants may submit a general information package encompassing the entire wind energy facility. Applicants may reference their submitted general information package instead of submitting additional copies of the general information with individual permits. Applicants may submit updated and additional information for their general information package as needed. Applicants shall submit the following general information:
 - a. A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - b. Large Wind Energy Facility Map: A Howard County map showing all existing facilities, the proposed facility(s) and the boundaries of the Large Wind Energy Facility Project area.
 - c. Copies of any licenses, permits or approvals or applications for the same required by federal, state or local agencies.
 - d. Copy of the Notice sent to the Kokomo Board of Aviation Commissioners of the applicant's intent to build a Large Wind Energy Facility in Howard County.
 - e. Copies of Notices sent to utilities with facilities, wires or cables within 1.1 times the turbine height of the tower(s) or within the Wind Energy Facility Project boundary of the applicant's intent to build the large wind energy facility near the utility's facilities, wires or cables.
 - f. A photographic presentation depicting current conditions with a superimposed image of the proposed wind turbine to demonstrate the anticipated views of the proposed site and wind turbine upon completion of all improvements. Four views shall be illustrated, at a minimum, from points directly to the north, south, east, and west of the proposed wind turbine at distances no less than one-half (1/2) mile and no greater than one mile. Large Wind Energy Facility Applicants with multiple wind turbines may provide one photographic presentation for a typical wind turbine.
 - g. A copy of the Drainage Plan approved by the Howard County Drainage Board. (See Sec. 7. M. Pre-Construction Requirements)
 - h. A copy of the Road Use and Maintenance Agreement approved by the Howard County Board of Commissioners. (See Sec. 7. M. Pre-Construction Requirements)
 - i. Documents related to decommissioning, including a schedule for the decommissioning and financing security
 - j. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Plan Commission to ensure compliance with this Ordinance.

Wind to Energy Facility Standards (WE)

2. Site Specific Information applies to the individual Large Energy Facility component which the applicant is seeking an improvement location permit.
 - a. An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
 - b. Complete legal description of the facility component parcel or lease area.
 - c. Location Map identifying the properties on which the proposed Wind Energy Facility component will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 - d. A site plan showing the planned location of the wind energy facility component, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the facility component to other components including substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all existing structures within the geographical boundaries of any applicable setback.

B. Design And Installation

1. Uniform Building Code: To the extent applicable, the Wind Energy Facility shall comply with the Indiana Uniform Building Code, as amended, and the regulations adopted by the State of Indiana.
2. Design Safety Certification: The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, or other similar certifying organizations.
3. Controls and Brakes: All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
4. Electrical Components: All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.

C. Visual Appearance:

1. Wind Energy Facility shall be a non-obtrusive color such as white, off-white, gray, earth tones or similar non-reflective colors.
2. Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
3. Wind Energy Facility shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator.

D. Power Lines: Collection lines between Wind Turbines shall be placed underground to the maximum extent practicable.

E. Warnings:

1. A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
2. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet from the ground.

F. Climb Prevention/Locks:

1. Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface, with the exception to the stairs leading to the access doors.
2. All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.

G. Setbacks:

1. Occupied Buildings or Recorded, Platted Subdivision Lot: Wind Energy Facilities shall be set back from the nearest Occupied Building a distance not less than 500 feet plus 1.1 times the Turbine Height,. The setback distance shall be measured from the center of the Wind Turbine base to the nearest point on the

Wind to Energy Facility Standards (WE)

foundation of the Occupied Building or recorded, platted subdivision lot property line other than a residence on the same lot as the Wind Turbines. A Wind Energy Facility may be placed up to 1.1 times the Turbine Height from the occupied building, if a non-encroachment easement or recorded written agreement is secured from the occupied building or lot owner(s) providing the grantor shall hold the grantee harmless to the extent agreed to or allowed by law.

2. **Electric Transmission Lines:** All Wind Energy Facilities shall be set back from electric transmission line a distance of not less than 1.1 times the Turbine Height. The setback distance shall be measured to the center of the Wind Turbine base. A Wind Energy facility may be placed up to the easement line, if a non-encroachment easement or recorded written agreement is secured from the easement holder providing the grantor shall hold the grantee harmless to the extent agreed to or allowed by law.
 3. **Property Lines:** All Wind Energy Facilities shall be set back from any property line a distance of not less than 1.1 times the Turbine Height. The setback distance shall be measured to the center of the Wind Turbine base.
 - a. **Aggregate Wind Energy Facility Projects:** In determining setback requirements for an Aggregate Wind Energy Facility Project, internal property lines shall be excluded for an Aggregate Wind Energy Facility Project, internal property lines shall be excluded when contiguous properties are planned and developed as a part of an Aggregate Wind Energy Facility Project. Any properties not located within the approved mapped boundary of an Aggregate Wind Energy Facility Project or not a part of an Aggregate Wind Energy Facility Project shall be subject to the setbacks as herein provided.
 - b. **Non-Participating Landowners:** A wind energy facility may be placed up to the property line, if a non-encroachment easement or recorded written agreement is secured from the adjacent Non-Participating Landowners prohibiting building inhabitable structures within 1.1 times the turbine height and the grantor shall hold the grantee harmless to the extent agreed to or allowed by law.
 4. **Public Roads:** All Wind Energy Facilities shall be set back from the nearest public road a distance of not less than 1.1 times the Turbine Height, as measured from the larger of the existing or proposed right-of-way line of the nearest public road to the center of the Wind Energy Facility base.
 5. **Wetlands, Conservation, Riparian Areas:** All Wind Energy Facilities shall be set back a minimum of 100 ft. plus the length of a rotor on the Wind Turbine or the setback required under applicable State or Federal law, whichever is greater from any:
 - a. Wetlands as set forth on the National Wetland Inventory Map of the U.S. Fish and Wildlife Service;
 - b. Existing conservation easements, and
 - c. Riparian corridors:
 - i. Any perennial stream depicted on the U.S. Geological Survey 7.5 minute series topographical maps, or
 - ii. Any regulated county drains;

Riparian corridor setbacks shall be from the greater of the top of the bank, or from the edge of the Special Flood Hazard Area identified by the Federal Emergency Management Agency Flood Insurance Rate Maps for the area, whichever is determined applicable by the Plan Commission.
 6. **Municipalities:** Large wind turbines shall be at least 1 mile from the boundary of any municipality;
- H. **Tower Types:** Large wind energy facilities must utilize tubular type towers with rotors. Lattice type towers are not permitted except for temporary meteorological towers.
- I. **Safety:** The rotors (blades) shall have a minimum of 30 feet ground clearance.
- J. **Installation:**
1. The towers shall be installed as per the manufacturer's engineered specifications.
 2. The feeder lines between the large wind energy facilities and substations shall be buried where possible.
- K. **Maximum Number of Structures:** The maximum number of large wind energy facilities is only restricted by minimum setbacks.
- L. **Illumination:** Large wind energy facilities shall not be illuminated in any way unless required by FCC or FAA regulations. FCC or FAA regulations shall be demonstrated to the Planning Director prior to installation.

Wind to Energy Facility Standards (WE)

M. Pre-Construction Requirements: The Applicant shall submit the following:

1. A Drainage Plan prescribing or referencing provisions for addressing crop and field tile damages approved by the Howard County Drainage Board.
2. A Road Use and Maintenance Agreement approved by the County Commissioners:
 - a. Identification of roads and services: The Applicant shall identify all State and local public roads to be used within Howard County to transport equipment and parts for construction, operation, or maintenance of the Wind Energy Facility. All routes shall be reviewed by committee consisting of representatives from the Howard County Sheriff's Department, other emergency services serving the affected area, the public school corporations serving the affected area, the United States Postal Service, and any highway departments having jurisdiction over any roads used. Any route using a public road shall be approved by the highway department having jurisdiction.
 - b. The County Engineer or a qualified third party engineer hired by the Board of Commissioners of Howard County, Indiana and paid for by the Applicant, shall document road conditions prior to construction. The engineer shall document road conditions again 30 days after construction is complete or as weather permits.
 - c. The Board of Commissioners may require an Applicant to post a reasonable bond for damages which may be caused to county roads and right-of-ways during the construction phase of a Wind Turbine or Wind Energy Facility.
 - d. Any road damage caused by the Applicant or its contractors shall be promptly repaired at the expense of Applicant.
 - e. The Applicant shall demonstrate that it has appropriate financial assurance to ensure the prompt repair of damaged roads.

N. Waiver Of Setbacks

1. The Board of Zoning Appeals may grant variances to setback requirements hereunder where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
2. The Board of Zoning Appeals may take into consideration the support or opposition of adjacent property owners in granting variances to setback requirements hereunder.

O. Local Emergency Services

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid and volunteer Fire Department(s).
2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.

P. Noise And Shadow Flicker

1. Audible sound from a Wind Energy Facility shall not exceed 55 dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 titled Procedures for the Measurement and Reporting for Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier. The Board of Zoning Appeals may grant a variance to such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.
2. The Facility Owner and Operator shall take shadow flicker into consideration during the location and construction of the wind system and shall work to minimize any potential shadow flicker on a non-participating owner's dwelling

Q. Signal Interference - The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

Wind to Energy Facility Standards (WE)

- R. Liability Insurance - There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to the Plan Commission upon request.
- S. Decommissioning
1. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within twelve (12) months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months.
 2. Decommissioning shall include removal of Wind Turbines, buildings, overhead cabling, electrical components other than below ground feeder lines, roads, foundations to a depth of 36 inches, and any other associated facilities.
 3. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
 4. An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning (“Decommissioning Costs”) without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment (“Net Decommissioning Costs”). Said estimates shall be submitted to the Board of Commissioners after the first year of operation and every fifth year thereafter.
 5. The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided that at no point shall Decommissioning Funds be less than 25% of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal chartered lending institution chosen by the Facility Owner or Operator posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the State of Indiana and is approved by the Board of Commissioners.
 6. Decommissioning Funds may be in the form of a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance as may be acceptable to the Board of Commissioners.
 7. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by paragraph 16(A), then the landowner shall have (6) six months to complete decommissioning.
 8. If neither the Facility Owner or Operator, nor the landowner, complete decommissioning within the periods prescribed in Paragraphs 16(A), then the Board of Commissioners of Howard County, Indiana may take such measures as necessary to complete decommissioning.
 9. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the Board of Commissioners of Howard County, Indiana concurs that decommissioning has been satisfactorily completed, or upon the written approval of said Commissioners in order to implement the decommissioning plan.
- T. Public Inquiries And Complaints
1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
 2. The Facility Owner and Operator shall make reasonable efforts to respond to the public’s inquiries and complaints.
- U. Remedies
1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of the ordinance, or any permit issued under the ordinance, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of the ordinance or any permit issued under the ordinance.

Wind to Energy Facility Standards (WE)

2. If the Plan Commission determines that a violation of the Ordinance or the permit has occurred, the Plan Commission shall provide written notice to any person, firm, or corporation alleged to be in violation of this Ordinance or permit. If the alleged violation does not pose an immediate threat to public health or safety, the Plan Commission and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within 30 days of the notice of violation.
3. If, after 30 days from the date of the notice of violation, the Plan Commission determines, in its discretion, that the parties have not resolved the alleged violation, the Plan Commission may institute civil enforcement proceedings or any other remedy at law or in equity to ensure compliance.

Article
06

**Nonconforming Lots,
Structures and Uses**

*Howard County
Zoning Ordinance*

General

6.01 Intent

As new zoning provisions are adopted or map changes are made, lots, structures, and uses that were compliant with the zoning law are sometimes made noncompliant. For example, upon adoption of the Zoning Ordinance and Official Zoning Map, some lots, structures, and uses may no longer conform to the requirements of the zoning district in which they are located. When zoning changes, special provisions apply to the previously legal lots, structures, and uses that have been rendered noncompliant. *Article 06: Nonconforming Lots, Structures, and Uses* specifies the provisions that apply to these legal nonconforming (informally referred to as "grandfathered") lots, structures, and uses.

6.02 Distinction Between Illegal Nonconforming and Legal Nonconforming Structures and Uses

A structure that was constructed in violation of the zoning law (e.g., in violation of setback requirements or without all required permits or approvals from the Board of Zoning Appeals or Plan Commission) is an illegal nonconforming structure. A use that was initiated in violation of the zoning law is an illegal nonconforming use. In addition, a use that was legally initiated, became nonconforming after a later Zoning Ordinance change, and is abandoned or discontinued for a period of at least one (1) year, becomes an illegal nonconforming use. An illegal nonconforming structure or use is subject to actions and penalties allowed by the Zoning Ordinance and all other applicable county laws. Such structure or use shall be altered to conform to all applicable standards and regulations of the Zoning Ordinance.

Legal nonconforming structure or use results from a change in the zoning ordinance that renders noncompliant a structure or use that previously conformed to the zoning law. The noncompliance is not a result of the fault or inappropriate action of the owner, tenant or property manager.

Nonconforming Lots

6.03 Nonconforming Lots of Record

- A. Lots Less than Five Acres: Any lot less than five (5) acres in area, legally established prior to September 9, 1963 that no longer meets Zoning Ordinance lot standards shall be deemed a legal nonconforming lot of record.
- B. Lots Five Acre or Greater: Any lot five (5) acres or greater in area, legally established prior to January 1, 1978 that no longer meets Zoning Ordinance lot standards shall be deemed a legal nonconforming lot of record.
- C. Legacy Platted Lots: Any lot legally approved and platted prior to the effective date of this ordinance that no longer meets or can meet the requirement for sewer and water connection shall be deemed exempt from that requirement. These lots, however, shall still be required to meet all requirements of the Howard County Board of Health for the installation of a well and onsite waste treatment system.
- D. Requirements: A legal nonconforming lot of record may be built upon only if the proposed land use and setback requirements from the current applicable zoning district are met. However, setback standards from a historically platted subdivision shall be honored if specifically recorded on the plat.

Nonconforming Structures

6.04 Nonconforming Structures

- A. Development Standards: Any legally established structure that has been continuously used since it was built that no longer meets the development standards of the Zoning Ordinance shall be deemed a legal nonconforming structure. Examples of such development standards are:
1. Front, side and rear yard setbacks,
 2. Maximum lot coverage,
 3. Minimum main floor area,
 4. Minimum finished floor area,
 5. Height,
 6. Parking,
 7. Accessory structures, or
 8. Any other provision of the Zoning Ordinance that is applicable to the structure.

A legal nonconforming structure may continue provided that it remains otherwise lawful, subject to the following conditions set out in this section.

- B. Enlarged or Altered: A legal nonconforming structure may continue provided that it shall not be enlarged or altered in a manner that increases its nonconformity. A legal nonconforming structure or portion thereof may be altered to decrease its nonconformity.
- C. Destroyed or Removed: A legal nonconforming structure or portion of such a structure which has been partly or completely destroyed or removed by accidental cause, including acts of nature, may be replaced, provided:
1. The owner or agent makes application for a building permit within six months of the date of destruction or removal.
 2. The replacement structure must be placed on the footprint of the old structure, may not be higher than the old structure, and shall be substantially the same architectural design and constructed of similar materials, to the extent possible and to the extent permitted by building code or other applicable regulations.
 3. The elevation of the lowest floor, including the basement floor, must be at least two feet above the regulatory flood and all necessary permits must be obtained from the Department of Natural Resources;
- D. Moved: If a legal nonconforming structure is moved for any reason, for any distance, it loses its legal nonconforming structure status and shall conform to the provisions of the Zoning Ordinance.
- E. Application: This section does not apply to signs or to telecommunication facilities.

Nonconforming Uses

6.05 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any use of structures or land (or a structure and land in combination) that was legally established and has been continuous since the time it was started that is no longer permitted in the district where it is located by the Zoning Ordinance shall be deemed a legal nonconforming use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. Enlarged or Altered: No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered unless it changes the use of the structure to a use permitted in the district in which it is located and meets the development standards of the Zoning Ordinance.
- B. Accessory Structure: No building or structure shall be constructed in connection with an existing legal nonconforming use of land except for accessory structures for single-family residential uses.
- C. Interior: Any legal nonconforming use of a structure may be extended throughout any parts of a building that were plainly arranged or designed for such use at a point in time when the nonconforming use was legal, but no such use shall be extended to occupy any land outside the building.
- D. Abandonment of Use: If a legal nonconforming use is abandoned or is discontinued for one (1) year, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of the Zoning Ordinance.
- E. Change of Use: When a legal nonconforming use is changed to a permitted use, the new use shall conform to regulations of the zoning district. The legal nonconforming use may not be established again.
- F. Application: This section does not apply to signs or to telecommunication facilities.

Nonconforming Signs

6.06 Nonconforming Signs

Any sign that was legally established and has been in continuous use since the time of its placement that no longer conforms to all the standards of the Zoning Ordinance shall be deemed a legal nonconforming sign. A legal nonconforming sign may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. Major Changes: A sign retains its protected status as a legal nonconforming sign until a major change is made to the sign. The protected status is lost if a major change is made. Major changes include:
 1. Changing the size of the sign,
 3. Changing the height of the sign,
 4. Altering lighting of the sign, and/or
 5. Relocation of the sign.
- B. Minor Changes: Every legal nonconforming sign shall be kept in good repair and operating condition. Minor changes that include ordinary maintenance are permitted, and shall include replacement of supports with different materials or design than the previous supports. The dimensions of replaced supports shall not be enlarged. A legal nonconforming sign that is not kept in good repair loses its protected status as a legal nonconforming sign and shall comply immediately with all provisions of the Zoning Ordinance.
- C. Removal: A legal nonconforming sign loses its protected status if the business it advertises is no longer conducted. The sign and its supporting structure shall be removed within thirty (30) days when the business it advertises is no longer conducted on the premises.
- D. Compliance: A legal nonconforming sign that is structurally altered by a major change, relocated, or replaced loses its protected status as a legal nonconforming sign and shall comply immediately with all provisions of the Zoning Ordinance.

Repairs and Maintenance

6.07 Repairs and Maintenance

The following provisions apply to legal nonconforming structures, legal nonconforming uses of structures, and legal nonconforming structures and land in combination.

- A. Interior Repairs: Ordinary repair of walls, heating, fixtures, wiring, or plumbing may be accomplished. Replacement of interior walls is also permitted. In no case shall any exterior wall be moved or replaced.
- B. Unsafe Structure: If a structure or portion of a structure is declared by an authorized official to be unsafe or condemned due to physical condition, unless the structure is restored, repaired or rebuilt within six months of the declaration (or a reasonable extension of time allowed by the Planning Director after such work is initiated). All future improvements shall conform to all standards and regulations within the Zoning Ordinance.
- C. Reconstruction: If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the zoning district in which it is located.
- D. Exterior Repairs: Nothing in this section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure declared to be unsafe by any official charged with protecting public safety upon order of such official.

Article
07

Processes, Permits and Fees

Howard County
Zoning Ordinance

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Process, Permit and Fee Introduction

7.01 Types of Petitions

The following section recognizes and outlines each of the permit, formal approval and appeals.

- A. The Plan Commission hereby requires that a complete application and filing fee be submitted for the following formal petitions (permits, formal approvals, and appeals):
 - Improvement Location Permit
 - Certificate of Occupancy
 - Sign Permit
 - Development Plan Approval
 - Development Standard Variance
 - Special Exception
 - Zoning Amendments (rezoning)
 - Planned Development
 - Administrative Appeal
 - Questionable Land Use Appeal
- B. All application forms may be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time of assignment of a docket number.
- C. A project shall not proceed without first successfully being granted the applicable permits, formal approvals, and/or appeals. Any project that proceeds otherwise is subject to fines, penalties and court action (see Article 08).
- D. The Planning Director shall have up to thirty (30) days after filing of an application for determining if the application is complete and ready to be accepted. Incomplete applications may not be acted upon. The Planning Director may require additional information before determining if an application is complete. Such additional information may include applications, approvals, permits, comments or recommendations from other agencies, bodies or departments as have jurisdiction for reviewing all or a part of a project. The agencies or departments may include: the Howard County Health Department, Howard County Surveyor, MS4 Operator, Kokomo City Engineer, Kokomo Municipal Airport; Indiana Department of Health, Indiana Department of Environmental Management, Indiana Department of Natural Resources, Indiana Department of Transportation, Federal Aviation Administration, Federal Communication Commission, and other agencies as appropriate.

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Improvement Location Permit

7.02 Improvement Location Permit

The following procedure applies to an improvement location permit petition.

- A. Howard County hereby requires that an improvement location permit be obtained for the:
 1. Erection of a structure or building.
 2. Relocation of a structure or building.
 3. Addition to a structure or building.
 4. Structural alteration of a structure or building.
 5. Use of a lot.
 6. Changes of use.
 7. Expansion of use.
 8. Filling of land altering the existing natural drainage.
- B. No Improvement Location Permit shall be issued by the Planning Director unless the project is in conformity with the provisions of the Zoning Ordinance.
- C. The following information must be presented with the application for an improvement location permit:
 1. The common address for the subject lot and parcel number,
 2. A site location map showing the context around the subject lot,
 3. Plans drawn to scale showing the actual dimensions and shape of the lot to be built upon or used,
 4. The exact sizes and locations of all structures, buildings, wells, and septic systems already existing,
 5. The location and dimensions of the proposed building(s) or alteration, or use, including changes to all paved areas,
 6. Setback distances from all property lines, and from existing and proposed road right of ways,
 7. Width and length of all entrances and exits to and from the lot, and
 8. Location of floodplain boundaries or wetlands.
- D. The Plan Commission or Planning Director may require additional information to be submitted with the application to determine conformance with and provide for the enforcement of this Zoning Ordinance including but not limited to:
 1. Elevations of the existing or proposed building or alteration,
 2. Detailed description of the existing or proposed uses of the building and land,
 3. The number dwelling units or rental units the building is designed to accommodate,
 4. Utility locations and sizes,
 5. Landscape plan,
 6. Lighting Plan, and
 7. Copy of drainage approval (if applicable).
- E. The approved plans and application materials are retained by the Plan Commission. The Plan Commission or Planning Director may require site plans to be prepared by a land surveyor, architect or engineer licensed in the State of Indiana.
- F. Expiration of Permits:
 1. If the work described in any improvement location permit has not begun within twelve (12) months from the date of issuance, said permit shall expire. No written notice shall be given to the persons affected.
 2. Completion of Work: If the work described in any Improvement Location Permit has not been completed within two (2) years of the date of issuance, said permit shall expire. No written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained.
 3. The Planning Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration.
 4. Completion of Landscaping: If work described in any Improvement Location Permit is completed and occupied within two (2) years of the date of issuance, then any landscaping required by this Zoning Ordinance or proposed on the Improvement Location Permit shall be completed within six (6) months of occupying or starting use of the permitted improvements.

Improvement Location Permit

- G. Improvement location permits issued on the basis of plans and applications submitted only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to a stop work order, an order of removal, mitigation, or fines and penalties.
- H. Exempt: The following activities are permitted without an improvement location permit, provided all other applicable standards are met.
1. Normal plowing and preparing the land for farming, gardens, and yards.
 2. Trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
 3. Earth movement related to farming and other agricultural activity.
 4. Drain tile laying and ditch maintenance.
 5. Installation of fences.
 6. Sign installations and alterations shall obtain a Sign Permit (See Section 7.04).
 7. Small wind to energy systems.

Certificate of Occupancy

7.03 Certificate of occupancy

The following regulations and procedures apply to receive a certificate of occupancy.

- A. Howard County hereby requires that a certificate of occupancy be obtained prior to a building being occupied or utilized for each of the following situations:
 1. Erection of a new single family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily.
 2. Build-out of a flex commercial, flex office, flex industrial space, or the like.
 3. Relocation of a single family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily.
 4. Addition to a single family residence, multifamily building, business building, industrial facility, or similar building that people will occupy permanently or temporarily. Parts of an existing building that are not a part of the addition may continue to be occupied.
 5. Change in the use of an existing building.
 6. Or similar situations in which the Planning Director requires a certificate of occupancy.
- B. Howard County also requires that a certificate of occupancy be obtained prior to a temporary building being occupied or utilized for each of the following types of building:
 1. Temporary classrooms,
 2. Sales trailers,
 3. Model homes,
 4. Or similar type of building in which the Planning Director requires a certificate of occupancy.
- C. If a certificate of occupancy is required under section 7.03 (A) or 7.03 (B), it is unlawful and a violation of this Zoning Ordinance for anyone to occupy or utilize a building until the certificate of occupancy is issued by the Planning Director. Anyone who is required to obtain a certificate of occupancy and fails to do so is subject to a stop work order, mitigation, or fines and penalties.
- D. For an certificate of occupancy to be issued each of the following must be successfully completed.
 1. Legally obtain an improvement location permit and building permit.
 2. Pass a final inspection by the Building Inspector.
 3. Submit and application for the certificate of occupancy to be issued.
 4. Receive approval from the Planning Director.
- E. A certificate of occupancy shall be issued after all requirements of the improvement location permit have been completed. However, due to weather or other circumstances, a temporary certificate of occupancy may be issued without the required (a) landscaping, (b) building finishes, (c) parking lot finishes, or the like provided some sort of surety has been posted to satisfy the Planning Director.

Sign Permit

7.04 Sign Permit

The following procedure applies to sign permit petitions for permanent signs.

- A. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the Zoning Ordinance, including, but not limited to:
 1. Name and address of the owner of the lot on which the sign is located or is to be located.
 2. Name and address of the owner of the sign (if different).
 3. Drawings of the sign with the dimensions drawn to scale.
 4. Drawing of the lot showing the proposed location of the sign with lot and sign dimensions drawn to scale.
 5. Description of the sign, including the materials, lighting and structure to be used.
 6. The size and location of all signs on the same lot or owned or leased by the petitioner.
- B. An application for a permit shall be reviewed and approved by the Planning Director.
- C. If any sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, and/or fines and penalties.
- D. A sign permit issued under the provisions of this Zoning Ordinance shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
- E. A sign permit shall become null and void if work has not been started within six (6) months of the date of the permit or completed within twelve (12) months of the date of the permit.
- F. The following shall not be required to have a sign permit unless otherwise specified.
 1. Changeable Copy: The changing of copy (text) on a sign or portion of a sign, unless said change alters the size, height, or bulk of the sign.
 2. Maintenance: Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure, provided the sign area is not altered, the lighting is not made brighter, or the sign's structure is not altered.
 3. Exempt Signs: exempt signs as described in 5.49 (D); SI-01.

Temporary Sign Permit

7.05 Temporary Sign Permit

The following procedure applies to sign permit petitions for temporary signs.

- A. An application for a permit shall be filed with the Planning Director and shall be accompanied by information as may be required by the Planning Director to assure compliance with the laws and regulations of the Zoning Ordinance, including, but not limited to:
 1. Name and address of the owner of the lot on which the sign is to be located.
 2. Name and address of the owner of the sign.
 3. Clear and legible drawings or photographs of the temporary sign with the dimensions.
 4. Clear and legible drawing of the lot showing the proposed location of the sign and drawn to scale.
 5. Description of the device to be used (structure, lighting, attachments, etc.).
 6. Period of time the device is intended to be used.
- B. An application for a permit shall be reviewed and approved by the Planning Director.
- C. If any sign is erected, placed, installed or otherwise established on any property before obtaining a permit as required herein, the sign shall be in violation of the Zoning Ordinance and subject to a stop work order, an order of removal, mitigation, and/or fines and penalties.

Development Plan Review

7.06 Development Plan Review:

The following procedure applies to development plan petitions.

- A. Development Plan Approval Authority: The Planning Director has been delegated the authority to approve certain development plans. All other development plan approvals must be approved by the Planning Commission. The types of development plan approvals delegated to the Planning Director are outlined later in this section.
- B. Development Plan Approval Process for Petitions Delegated to the Planning Director:
 1. Applicants are encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development.
 2. No later than fifteen (15) days after receiving a conceptual site plan and other data, Planning Director will return a copy of said plan to the applicant with recommendations.
 3. All development plan approval petitions shall:
 - a. Make known any requests for waiver of development requirements in connection with a development plan approval on the application form and submit supporting information with the application or the waiver will not be considered.
 - b. Include all relevant plan and documentation as required below.
 4. The Planning Director may refer any proposed development to the Plan Commission if the Planning Director decides the full Commission review is warranted. Upon referral to the Plan Commission, the petition will follow the process set forth in Section 7.06 (C).
 5. Any development plan approval which has been delegated to the Planning Director may occur without public notice and without a public hearing.
 6. The Planning Director will have forty-five (45) days from the date of filing to approve or disapprove a development plan petition in writing.
 7. Any interested party may appeal the decision of the Planning Director to the Plan Commission within 30 days of the written decision.
 8. The Planning Director may impose conditions or require written commitment as a condition of approval, if the conditions are reasonably necessary to satisfy the intent of the Comprehensive Plan or Zoning Ordinance.
 9. The Planning Director may require the applicant to furnishing a surety that guarantees the timely completion of a proposed public improvement in the development plan petition. The surety must be satisfactory to the Planning Director.
 10. The Planning Director shall make and sign written findings concerning each decision to approve or disapprove a development plan. The findings of fact must support the following statements.
 - a. Is consistent with the Comprehensive Plan,
 - b. Is consistent with the intent of the zoning district, as described in Article 2, and
 - c. Satisfies the intent of this Zoning Ordinance.
- C. Development Plan Approval Process for Petitions Going to the Planning Commission:
 1. The applicant is encouraged to submit a conceptual site plan to the Planning Director for an informal conference to discuss the existing conditions of the site and the proposed development.
 2. No later than fifteen (15) days after receiving a conceptual site plan and other data, Planning Director will return a copy of said plan to the applicant with recommendations.
 3. All development plan approval petitions shall:
 - a. Be filed at least eighteen (18) days prior to the initial date at which they are to be considered by the Plan Commission or Technical Advisory Committee.
 - b. Make known any requests for waiver of development requirements in connection with a development plan approval on the application form and submit supporting information with the application or the waiver will not be considered.
 - c. Include all relevant plan and documentation as required below.
 4. Any development plan approval the Plan Commission reviews shall have a public hearing. Notification of public hearing will be as outlined in Section 7.14.
 5. The Plan Commission shall either approve, disapprove or continue consideration of the proposed development plan petition.

Development Plan Review

6. The Plan Commission may impose conditions or require written commitments as a condition of approval if they are reasonably necessary to satisfy the development requirements specified in this Article.
 7. The Plan Commission may require the applicant to furnish a surety that guarantees the timely completion of a proposed public improvement in the development plan petition. The surety must be satisfactory to the Plan Commission.
 8. The Plan Commission will make written findings concerning each decision to approve or disapprove a development plan. The Planning Director is responsible for signing written findings of the Plan Commission. The findings of fact must support the following statements.
 - a. The project is consistent with the Comprehensive Plan,
 - b. The project is consistent with the intent of the subject zoning district, as described in Article 2, and
 - c. The project satisfies the intent of this Zoning Ordinance.
- D. Commitments:
1. **Acceptance:** In conjunction with the approval of a Development Plan, the Planning Director may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
 2. **Form:** The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the Planning Director shall sign the commitment instrument.
 3. **Recording:** The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Plan. The petitioner shall deliver a copy of the recorded commitment instrument to the Planning Director before applying for any permits for the site.
 4. **Modification or Termination:** A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 5. **Enforcement:** The County may enforce any commitment the Planning Director has accepted as if the commitment were a standard of the Zoning Ordinance.
- E. Amendments and Minor Modifications:
1. The applicant may amend the development plan prior to a vote by the Plan Commission. If the Plan Commission feels that the proposed amendment needs additional time for review; the Plan Commission may continue the consideration until the next Plan Commission Meeting.
 2. The applicant may amend the development plan anytime prior to determination by the Planning Director. If the Planning Director feels that the proposed amendment needs additional time for review; the amended development plan may be considered a new filing and reviewed within the time frame set forth above for the review of development plans by the Planning Director.
 3. Minor Modifications to an approved development plan may be approved by the Planning Director if the modification is in the spirit and intent of the overall development and does not involve:
 - a. an increase in height, area, bulk or intensity of land uses,
 - b. the designation of additional land uses,
 - c. the reduction of buffer yards,
 - d. the addition of driveways or access points, or
 - e. the reduction of parking for any use.
 4. The Planning Director shall report in writing to the Plan Commission the authorized minor modifications. Any interested party may appeal a decision of the Planning Director regarding the minor modification of an approved development plan to the Plan Commission within thirty (30) days of the decision.

Development Plan Review

F. Multifamily Residential, Commercial, and Industrial Development Plans:

Intent: To promote innovative and creative design in higher density residential districts in order to further enhance the quality of life for the citizens of Howard County.

1. In proposed developments, the Plan Commission must review the development plan. These development plan approval processes are required to submit:
 - a. Site Plan (see Section 7.06 G for more information)
 - b. Building elevations (see Section 7.06 H for more information)
 - c. Sign Plan (see Section 7.06 I for more information)
 - d. Lighting Plan (see Section 7.06 J for more information)
 - e. Landscape Plan (see Section 7.06 K for more information)
2. In order to receive development plan approval, the applicant must satisfy all of the development standards of the applicable district. In addition, the following development standards apply.
 - a. *Signage:* All signs must be designed to create a unified and consistent sign package for the development.
 - b. *Interior private roads:* Interior private roads must meet construction criteria for public roads. Road widths may vary from the County's standards, so long as emergency access is possible.
 - c. *Traffic Management:* The design and location of proposed street access points must minimize congestion. The entrances, streets and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. Additional driveways may be required to ensure safe emergency access based on fire department and County Engineer review.
 - d. *Traffic circulation pattern:* The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features.
 - e. *Lighting:* All lighting must be designed to create a unified and consistent lighting package for the development.
 - f. *Variation in housing design:* In order to prevent monotony and improve orientation, at least every third structure must vary in design and color.
 - g. *Open Space:* Developments that are five (5) or more acres must have a minimum of ten percent (10%) of the total lot area developed as usable open space and be accessible to all residents within the development and their guests by way of sidewalk or other finished footpath.

G. Site Plan Data: A site plan submitted in pursuit of development plan approval shall be drawn to a scale of not more than one (1) inch equals 100 feet and shall include the following information. The Planning Director may waive or relax any of the site plan requirements below as circumstances dictate and when other plans and information submitted by the applicant demonstrate their compliance with all appropriate ordinance requirements.

1. Description:
 - a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development (if applicable).
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor.
 - g. Legend and notes, including a graphic scale, north point, and date.
2. Existing and Proposed conditions:
 - a. Boundary line of site indicated by a solid heavy line including all dimensions of the site.
 - b. Layout, number and dimensions of lots.
 - c. Building setback lines.
 - d. Location and dimensions of all existing structures including paved areas.
 - e. Location and dimensions of all proposed structures including paved areas indicated by crosshatching.
 - f. Layouts of existing and proposed streets, alleys and access easements; including their names, within 200 feet of the development. The names of streets shall conform so far as practicable to the names of streets on the same approximate alignment existing in the vicinity of the development.

Development Plan Review

- g. Location of any proposed and existing driveway and its width at the lot line.
 - h. All proposed improvements to the street system both on and off-site.
 - i. Measurement of curb radius and/or taper.
 - j. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use in the development such as parks, recreation, conservation areas, wetlands, etc., which shall be designated and labelled as such including dimensions.
 - k. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
 - l. The species and caliper size at breast height of all trees over six (6) inch caliper and all flowering trees and shrubs over six (6) feet in height.
 - m. All trees and/or shrubs to be preserved. These shall be marked "Do Not Remove". Care should be taken to attempt to preserve all trees with a caliper size of twenty-four (24) inches at breast height or greater.
 - n. Location of orange construction fencing that is required to be installed during construction around the dripline of each tree to be preserved that is marked "DNR".
 - o. Location, width and purpose of existing and proposed easements.
 - p. Use of each structure including parking labelled with approximate density or size. For example, number of parking spaces required and provided, gross floor area of office or retail space (labelling whether office or retail).
 - q. Structures designated to be razed shall be indicated as such.
 - r. Distance of all structures including parking from the front, rear and side lot lines. This distance is measured from the point where the structure is closest to the lot lines.
 - s. Any other information requested in writing by the Plan Commission or the Planning Director.
 - t. Utility lines serving buildings.
 - u. Existing and proposed topography.
 - v. The outline of buildings and parking lots on adjoining properties within fifty (50) feet of the mutual property line.
 - w. Outline of any driveways across the streets from the property and within 100 feet of the side property lines.
- H. **Building Elevation Data:** Building elevations submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the building elevation requirements below as circumstances dictate and when other plans and information submitted by the applicant demonstrate their compliance with all appropriate ordinance requirements.
1. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 2. Proposed conditions:
 - a. Elevations for each facade of the building.
 - b. Type of building materials to be used for all wall, window, roof and architectural features shall be specified.

Development Plan Review

- c. Proposed colors for all materials and features shall be specified.
 - d. Any other information requested in writing by the Plan Commission or the Planning Director.
- I. **Sign Plan Data:** Sign Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Sign Plan requirements below as circumstances dictate and when other plans and information submitted by the applicant demonstrate their compliance with all appropriate ordinance requirements.
1. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 2. Existing and Proposed conditions:
 - a. A site plan indicating the location of any existing and proposed freestanding or ground signs.
 - b. Elevations of proposed signs including size, materials, color and illumination details.
 - c. Placement, size, color and illumination details for any existing or proposed wall, projecting or window sign.
 - d. Any other information requested in writing by the Plan Commission or the Planning Director.
- J. **Lighting Plan Data:** Lighting Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Lighting Plan requirements below as circumstances dictate and when other plans and information submitted by the applicant demonstrate their compliance with all appropriate ordinance requirements.
1. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary lines of the site including all dimensions of the site.
 2. Existing and Proposed conditions:
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Type and location of all exterior lighting fixtures, including wattage and type of light.
 - c. Intensity of lighting at base of light structure and at the lot line measured in foot lumens. Measurements shall be given as if the light meter were facing the center of the property at a height of six (6) feet.
 - d. If building lighting is proposed, elevations for each facade of the building indicating the location, type and intensity of lighting at the lot line measured in foot candles. Measurements shall be given as if the light meter were facing the center of the property at a height of six (6) feet.
 - e. Any other information requested in writing by the Plan Commission or the Planning Director.
- K. **Landscape Plan Data:** Landscape Plans submitted in pursuit of development plan approval shall include the following information. The Planning Director may waive or relax any of the Landscape Plan requirements below as circumstances dictate and when other plans and information submitted by the applicant demonstrate their compliance with all appropriate ordinance requirements.
1. Description:
 - a. Proposed name of development (if applicable).
 - b. Address of the site.
 - c. Legend and notes, including a graphic scale, and date.
 - d. Boundary Lines of the site.
 2. Existing and Proposed conditions:
 - a. Location and dimensions of all existing and proposed structures, parking areas, etc.
 - b. Location of all floodway and floodway fringe areas within the site.
 - c. Existing elevations and proposed contour lines at two (2) foot intervals
 - d. Proposed sidewalk or pedestrian ways
 - e. Size, species and spacing (on center) of all proposed landscaping material

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- f. Location of any existing and proposed freestanding or ground signs.
 - g. Any other information requested in writing by the Plan Commission or the Planning Director.
3. Preparation of plans by a landscape architect is encouraged.

Development Standards Variance

7.07 Development Standard Variance:

The following procedure applies to Development Standard Variance Petitions.

- A. The applicant shall submit a variance application, required supportive information, and application fee.
- B. The Board of Zoning Appeals will then review:
 1. The variance application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- C. At the Board of Zoning Appeals hearing the Planning Director may submit a report containing factual information about the petition.
- D. The Board of Zoning Appeals may approve, deny or table the petition (the Board of Zoning Appeals has discretionary powers). The Board of Zoning Appeals may add conditions to an approval. Approvals shall only be granted upon findings of fact in compliance with IC 36-7-4-900 et seq. and the requirements of this Zoning Ordinance.
- E. The Planning Director shall refuse to accept a petition for a variance within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six (6) month period.
- F. The Board of Zoning Appeals may grant a variance from the development standards of this Zoning Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
 1. the approval will not be injurious to the public health, safety, morals, and welfare of the community; and
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 3. The strict application of the terms of this Zoning Ordinance will result in a Practical Difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain.
- G. Commitments:
 1. Acceptance: In conjunction with the approval of a Development Standards Variance, the Board of Zoning Appeals may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
 2. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
 3. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Development Standards Variance. The petitioner shall deliver a copy of the recorded commitment instrument to the Planning Director before applying for any permits for the site.
 4. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 5. Enforcement: The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Zoning Ordinance.
- H. The Board of Zoning Appeals may permit or require the owner of a parcel of property to make written commitments and record it in the County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- I. A developmental standards variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms with this Zoning Ordinance as written.
- J. The Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Zoning Ordinance.

Special Exception

7.08 Special Exception

The following procedure applies to Special Exception Petitions.

- A. The applicant shall submit a special exception application, required supportive information, and application fee thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- B. At their next regularly scheduled public meeting, the Board of Zoning Appeals shall then review:
 1. The special exception application,
 2. Required supportive information,
 3. Testimony of the applicant, and
 4. Testimony of the public.
- C. The Board of Zoning Appeals may approve, deny, or table the petition. The Board of Zoning Appeals may add conditions to an approval.
- D. The Planning Director shall refuse to accept a petition for a special exception within six (6) months of the date of denial when said petition involves the same subject matter. However, the Planning Director shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within a six (6) month period.
- E. To be eligible for the granting of a special exception under this section, a person must first receive a determination from the Planning Director that a special exception is required for the intended use, change of use or for the expansion, extension, or enlargement of a use.
There shall be no cases or applications, nor any particular situation in which these rules authorize special exceptions without the approval of the Board of Zoning. Further, no previous applications shall set a precedence for any other application before the Board of Zoning.
- F. The Board of Zoning Appeals may grant a special exception for a use in a district if, after a hearing, it makes findings of facts in writing, that:
 1. the proposal will not be injurious to the public health, safety, morals, and welfare of the community;
 2. the requirements and development standards for the requested use as prescribed by this Zoning Ordinance will be met;
 3. granting the exception will not subvert the general purposes served by this Zoning Ordinance and will not permanently injure other property or uses in the same district and vicinity; and
 4. the proposed use will be consistent with the character of the district therein, the spirit and intent of this Zoning Ordinance, and the Comprehensive Plan.
- G. When considering a special exception the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 1. topography and other natural site features;
 2. zoning of the site and surrounding properties;
 3. driveway locations, street access and vehicular and pedestrian traffic;
 4. parking amount, location, design;
 5. landscaping, screening, buffering;
 6. open space and other site amenities;
 7. noise production and hours of operation;
 8. design, placement, architecture, and building material of the structure;
 9. placement, design, intensity, height, and shielding of lights;
 10. traffic generation; and,
 11. general site layout as it relates to its surroundings.
- H. Commitments:
 1. Acceptance: In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may permit or require the owner of a parcel of property to make written commitments concerning the use or development of the lot.
 2. Form: The applicant shall prepare the commitment instrument in a form approved by the Board of Zoning Appeals Attorney. The commitment instrument shall be signed by the applicant and the Chair of the Board of Zoning Appeals.

Special Exception

3. **Recording:** The applicant shall record the commitment instrument in the County Recorder's office. The applicant shall deliver a copy of the recorded commitment instrument to the Plan Commission Office prior to applying for an Improvement Location Permit.
 4. **Modification or Termination:** A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals made at a public hearing. Public notice of the public hearing shall be provided per the Board of Zoning Appeals Rules of Procedure.
 5. **Enforcement:** The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Zoning Ordinance.
- I. The Board of Zoning Appeals may impose such reasonable conditions upon its approval as it deems necessary to find that the above criteria will be served.
 - J. The Board of Zoning Appeals may permit or require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the County Recorder's Office.
 - K. The Board of Zoning Appeals may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
 - L. A use authorized by special exception may not be changed, expanded, extended, or enlarged unless reauthorized by the Board of Zoning Appeals under the procedures set forth in these rules for granting a special exception.
 - M. If the Board grants the special exception, it shall direct the applicant to apply for a Building Permit and/or an Improvement Location Permit within four (4) months or the special exception will be void. If such application complies with all Ordinances and rules, a Building Permit and/or an Improvement Location Permit for the use authorized by special exception shall be issued.
 - N. A special exception granted for a specific use ceases to be authorized and is void if that use is not fifty percent (50%) established within a twelve-month period of the date the special exception was granted. A special exception, granted for a specific use ceases to be authorized and is void if that use is discontinued at that site for a consecutive six (6) months.
 - O. A special exception may be terminated by the Board of Zoning Appeals as follows:
 1. Upon the filing of an application by an interested person or a member of the staff, and after which a public hearing is held with notice to the property owner; and,
 2. At the public hearing a finding is made by the Board of Zoning Appeals that one or more of the following has not been complied with:
 - a. The terms of this Zoning Ordinance,
 - b. The conditions placed on approval, and
 - c. The written commitments made in conjunction with the original special exception application.

Zoning Amendment

7.09 Zoning Amendment

The following procedure applies to Zoning Amendment Petitions (Zoning Map/rezoning).

- A. The applicant shall submit an application, required supportive information, and application fee.
- B. The Plan Commission will then review the application and required supportive information. The Plan Commission may recommend approval, recommend denial or table the petition.
- C. At the Planning Commission meeting the Planning Director may submit a report containing factual information about the petition and a statement for support or denial of the petition.
- D. If the petition has not been tabled, it will then be forwarded to County Commissioners for review. The County Commissioners will review the application, required supportive material and Plan Commission recommendation. The County Commissioners may approve, deny or table the petition after one (1) reading.
- E. Upon reviewing a zoning amendment petition the following should be considered:
 1. The Comprehensive Plan.
 2. Current conditions and character of structures and uses in each district.
 3. The most desirable use for which the land in each district is adapted.
 4. The conservation of property values throughout the jurisdiction.
 5. Responsible development and growth.
- F. Commitments: In conjunction with its recommendation to the County Commissioners, the Plan Commission may recommend that the County Commissioners permit the petitioner to make written commitments concerning the use and/or development of the parcel.
- G. Conditions of Approval: In conjunction with its recommendation to the County Commissioners, the Plan Commission may recommend that the County Commissioners impose conditions of approval concerning the use and/or development of the parcel.

Planned Unit Development Review

7.10 Planned Development Approval

- A. The general procedure for establishing a planned development (PUD) is as follows:
1. Prior to filing for a rezone petition, the applicant must submit a conceptual sketch plan to the Planning Director. The Planning Director will make a cursory review of the conceptual plan and give the applicant comments within eighteen (18) days of submission.
 2. The applicant files a rezone petition to the PUD classification and detailed development plan to the Plan Commission. If a subdivision plat is necessary prior to an Improvement Location permit it shall be filed at this time and shall follow those procedures set forth in the Howard County Subdivision Control Ordinance.
 3. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.
 4. The Plan Commission will give a favorable or unfavorable recommendation to the County Commissioners to grant or deny the rezoning request or continue the case to the next or latter regular meeting.
 5. The County Commissioners will, within thirty (30) days, review the rezoning petition, the recommendation from the Plan Commission and vote to approve or disapprove the request.
 6. If the County Commissioners approve the rezoning, the land is officially rezoned and the applicant may move forward with the detailed development plan approval process.
 7. The Official Zoning Map must be amended to reflect the zoning change, date of approval by the County Commissioners, and the docket number.
 8. The Plan Commission must approve the detailed development plan prior to the issuance of an improvement location permit. If a subdivision plat is required, the secondary plat must be approved prior to the issuance of an improvement location permit pursuant to the Howard County Subdivision Control Ordinance.
 9. When approved, the detailed development plan shall be stamped and signed by the Plan Commission president and secretary. The applicant may then begin procedures for obtaining Improvement Location and Building Permits.

[Note: Detailed descriptions of each general step outlined above are discussed in the following sections.]

B. Conceptual Site Plan Review:

1. Prior to filing for a rezone petition, the applicant shall submit a conceptual site plan to the Planning Director. The Planning Director shall review the conceptual site plan and give the applicant comments within thirty (30) days of submission.
2. In reviewing the conceptual site plan the extent to which the proposal fulfills the intent of Article 04 and the spirit and intent of the Comprehensive Plan will be considered.
3. The applicant may, if desired, also submit the conceptual site plan for the Plan Commission to review.
4. After the applicant has received conceptual review, he/she may file a rezone petition to the PUD classification and detailed development plan to the Plan Commission.

C. Conceptual Site Plan Data: The scale of the plan shall not exceed one (1) inch equals 100 feet. The conceptual site plan may include any additional graphics which will explain the features of the development. The following shall be included in the conceptual site development plan submission:

1. Description.
 - a. Name and address of the applicant.
 - b. Proof of ownership.
 - c. Proposed name of development (if applicable).
 - d. Address of the site.
 - e. Legal description of the real estate.
 - f. Name and address of land surveyor.
 - g. Legend and notes, including a graphic scale, north point, and date.
 - h. A separate location map, to scale, showing the boundary lines of adjacent land and the existing zoning of the area proposed to be developed as well as the adjacent land.

Planned Unit Development Review

2. Existing and Proposed Conditions.
 - a. Existing and proposed layout of streets, open space and other basic elements of the plan.
 - b. Existing and proposed easements and their purpose.
 - c. Location of natural streams, regulated drains, 100-year floodplains, floodway, water courses, marshes, wooded areas, isolated preservable trees, wetlands, historic features, existing structures, dry wells, utility lines, fire hydrants and any other significant feature(s) that may influence the design of the development.
 - d. General description of, location of, and types of structures on the site.
 - e. Proposals and plans for handling traffic, parking, sewage disposal, tree preservation and removal, lighting, signage, landscaping, and other pertinent development features.
 - f. A general statement of the covenants to be made a part of the planned development as well as the order and estimated time of development.
 - g. A statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase.
 - h. The land use categories within the development, including proposed densities of said uses.
- D. Filing Procedure:
 1. The applicant shall submit for review the rezoning request and detailed development plan 30 days prior to a scheduled Plan Commission public hearing.
 2. The petition shall be signed by the owner or owners of all real estate involved in the petition for the planned development, or shall have attached thereto letters of consent to change to a PUD classification by all such owners prior to the filing.
 3. If a subdivision plat is necessary in conjunction with the rezone petition, the primary (preliminary) plat shall also be filed at this time for review by the Plat Review Committee and shall follow those procedures set forth in the Howard County Subdivision Control Ordinance. However, any such approval shall be conditioned upon County Commissioners approving the rezone request to a PUD district.
 4. The Plan Commission will schedule a public hearing for the rezoning of the property and for review of the detailed development plan.
- E. Detailed Development Plan Data: The scale of the plan shall not exceed one (1) inch equals 100 feet. The detailed development plan may include any additional graphics which will explain the features of the development. The following shall be included in the detailed development plan submission:
 1. All documents and information included in the conceptual site plan, as updated and/or amended.
 2. Improvement plans for all infrastructure improvements required or proposed in the PUD.
 3. Proposed covenants, conditions or restrictions.
 4. Compilation of information shall:
 - a. Include an index identifying all documents included in the detailed development plan.
 - b. Include a cover sheet indicating that it is the detailed development plan and indicating the date and case number.
 - c. Be bound together and all documents submitted on paper 8-1/2 x 11 inches in dimension, except for the maps, sketches, plans and conceptual layout(s) which must be folded to 8 1/2 x 11 inches.

Planned Unit Development Review

F. Detailed Development Plan Approval:

1. In their review of the detailed development plan the Plan Commission should consider the extent to which the proposal fulfills the intent of Article 4 and the spirit and intent of the Comprehensive Plan.
2. Upon review, the Plan Commission will give a favorable or unfavorable recommendation to the County Commissioners to grant or deny the rezoning.
3. In conjunction with its recommendation to the Board of County Commissioners regarding a Planned Unit Development, the Plan Commission may recommend that the Board of County Commissioners permit or require the petitioner to make written commitments concerning the use or development of the parcel.
4. In conjunction with its recommendation to the Board of County Commissioners regarding a PUD District Ordinance & Establishment Plan, the Plan Commission may recommend that the Board of County Commissioners impose conditions of approval concerning the use or development of the parcel.
5. If the Plan Commission gives an unfavorable recommendation, the applicant may revise the proposed detailed development plan and resubmit the revised detailed development plan within thirty (30) days to the Plan Commission.
6. The County Commissioners will, within thirty (30) days, review the rezoning petition, the recommendation from the Plan Commission and vote to approve or disapprove the request.
7. Commitments:
 - a. Acceptance: In conjunction with the approval of a PUD, the County Commissioners may permit or require the petitioner to make written commitments concerning the use or development of the parcel.
 - b. Form: The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. The petitioner and the President of the County Commissioners shall sign the commitment instrument.
 - c. Recording: The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the PUD. The petitioner shall deliver a copy of the recorded commitment instrument to the Plan Commission Office before filing a detailed development plan petition.
 - d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the County Commissioners made at a public hearing. Public notice of the public hearing shall be provided per the County Commissioners Rules of Procedure. The petitioner shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - e. Enforcement: The County may enforce any commitment the County Commissioners has accepted as if the commitment were a standard of the Unified Development Ordinance.
8. If the County Commissioners disapprove the rezoning, the applicant must wait one (1) year before resubmitting another petition.
9. If the County Commissioners approve the rezoning, the land is officially rezoned.
10. The Official Zoning Map must be amended to reflect the Zoning Change, date of approval by the County Commissioners, and the docket number.
11. Prior to signing the detailed development plan, surety shall be posted (if applicable) in an amount that is consistent with the cost of improvements outlined in the approved improvement plans.
12. Detailed development plan approval is required prior to the issuance of an improvement location permit. If a subdivision plat is required, the secondary (final) plat must be approved prior to the issuance of an improvement location permit pursuant to the Howard County Subdivision Control Ordinance.
13. The Plan Commission may specify any additional plan documentation or supporting information not already stated that is required prior to the issuance of an improvement location permit.
14. When approved, the detailed development plan shall be stamped and signed by the Plan Commission President and Secretary.
15. Upon 100% completion of the development the public properties shall be dedicated to the County if required or allowed by the detailed development plan. Also, the Plan Commission or representative(s) will review the completed project for compliance to the detailed development plan.

Planned Unit Development Review

G. Minor Modifications:

1. The Planning Director may from time to time in its administration of the PUD, approve minor modifications of the Development Plan or Improvement (construction) Plans without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or any change in access points.
2. An adversely affected party may appeal any decision by the Planning Director to the Plan Commission within thirty (30) days of the determination. The Plan Commission has the authority to establish rules governing the nature of proceedings and notice required to make a modification under Article 4.

H. Covenants and Maintenance:

1. Covenants, when required by the Plan Commission, shall be set forth in detail. Furthermore, covenants shall provide for the release of restrictions upon execution of a document so stating and suitable for recording, bearing signatures of the Plan Commission President and Secretary, upon authorization by the Plan Commission and signatures of all the owners of property in the area involved in the petition for whose benefit the covenant was created. Covenants required by the Plan Commission shall provide that their benefits be specifically enforceable by the Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission office.
2. Adequate provision shall be made for a private organization (i.e., Home Owner Association) with direct responsibility to, and control of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the planned development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating.
3. All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

- I. Recording: All approved detailed plans, covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Howard County Records Office within ten (10) days of approval. The developer shall provide two (2) copies bearing recording information to the Plan Commission for its records.

J. Construction:

1. No construction or installation work may commence on any public improvements until satisfactory improvement plans and specifications have been submitted and approved by the Plan Commission and until the applicant provides, at least forty-eight (48) hours notice to the County Engineer or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.
2. All development shall be in conformity with the approved detailed development plan and improvement plans. Any material deviation from the plans is subject to appropriate enforcement action.

K. Extension, Abandonment, Expiration:

1. An extension, not to exceed twelve (12) months, for accomplishing any matters set forth within Article Seven may be granted by the Plan Commission for good cause shown.
2. Upon the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no (or minimal) improvements have been made pursuant to the approved detailed development and improvement plans for nine (9) consecutive months), or upon the expiration of three (3) years from the approval of the detailed development and improvement plans for a development which has not been completed, the land will revert to the base zoning district. The Plan Commission may grant one twelve (12) month extension. If an extension for expiration is granted such extension shall be recorded.

- L. Rules and Procedures: All proceedings brought under this section are subject to the Rules and Procedures of the Plan Commission, where not described otherwise herein.

Administrative Appeal

7.11 Administrative Appeal

The following procedure applies to Administrative Appeal Petitions:

- A. The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
- B. The administrative official or body from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
- C. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
- D. At their next regularly scheduled public meeting, the Board of Zoning Appeals shall then review:
 1. The written statement and supportive material submitted by the applicant;
 2. The record of action supplied by the administrative official or body from the which appeal is taken;
 3. The testimony of the applicant; and
 4. The testimony of the administrative official or body from which the appeal is taken.
- E. The Board of Zoning Appeals may grant, deny, or table the appeal. The Board of Zoning Appeals may add conditions to any application which was approved at the appeal stage.

Questionable Land Use Appeal

7.12 Questionable Land Use Appeal

The following procedure applies to questionable land use appeal petitions:

- A. The petitioner shall submit a written statement specifying the grounds for the appeal and any applicable supportive material to the Planning Director. This will also include:
 1. The proposed land use,
 2. The existing zoning district,
 3. The lot's address,
 4. The property owner's name, address, and contact information, and
 5. The property petitioner's name, address, and contact information (if different).
- B. The Planning Director will review the petition for a Questionable Land Use and determine if the proposed land use is significantly like a permitted or special exception land use or if the proposed land use is not significantly like a permitted or special exception land use.
- C. If the proposed land use is significantly like a permitted or special exception land use in the subject zoning district, then the Planning Director may approve, deny or forward the decision to the Board of Zoning Appeals. If the Planning Director approves the land use, the petitioner will receive written notice of said approval. If the Planning Director deny's the land use, the petitioner may appeal the Planning Director's decision to the Board of Zoning Appeals. And if the Planning Director forwards it to the Board of Zoning Appeals for a decision, the information shall be forwarded to the Board of Zoning Appeals and will be scheduled for a hearing at the earliest Board of Zoning Appeals meeting with sufficient space on the docket.
- D. If the proposed land use is not significantly like a permitted or special exception land use in the subject zoning district the Planning Director must forward the decision to the Board of Zoning Appeals.
- E. If the decision is forwarded to the Board of Zoning Appeals, the decision will be made by majority vote once all the information is presented to the Board of Zoning Appeals in a regularly scheduled meeting. The Board of Zoning Appeals may approve or deny the petition for a questionable land use.

Schedule of Fees

7.13 Schedule of Fees

The County Commissioners shall maintain an Official Fees Schedule for permits and processes outlined in this Zoning Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Zoning Ordinance are considered a part of this Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Auditor and the Planning Director. The Fees Schedule may be amended by a recommendation submitted to the County Commissioners by the Plan Commission followed by the County Commissioners approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Notification for Public Hearing

7.14 Notification for Public Hearing

The following information pertains to processes that require a public hearing.

- A. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- B. The party pursuing the request shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties adjacent within one (1) property deep of the subject property when within or outside the planning jurisdiction.
- C. In addition, notice shall be posted by the applicant in a conspicuous place on the subject property at least ten (10) days prior to the date of the hearing. Notice signs will be provided by Howard County.

Article
08

Enforcement and Penalties

*Howard County
Zoning Ordinance*

Enforcement and Penalties

8.01 Authority

The Plan Commission, Board of Zoning Appeals, and/or the Planning Director and their delegates are designated to enforce the provisions, regulations, and intent of this Zoning Ordinance.

8.02 Violations

Complaints or reports made by nonofficial persons pertaining to the Zoning Ordinance may be documented anonymously and may be investigated by the Planning Director. Also, any violations suspected by the Plan Commission, County Commissioners or Planning Director may be investigate by the Planning Director. Action may or may not be taken depending on the findings. The degree of action will be at the discretion of the investigating person(s) and should reflect what is warranted by the violation.

8.03 Inspection of Property

- A. Standard Inspections: Inspections of property may be conducted by the Planning Director either from a right-of-way, property suspected of a violation, or adjacent property. The inspector shall attempt to present sufficient evidence of their authorization (identification, badge, or paperwork) and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection. In the event no one is present to demonstrate said authorization, the inspector may conduct the inspection.
- B. Emergency Remedy: When, in the opinion of the Planning Director the condition of the site causes danger to the health, safety, or welfare of the public, the County may enter upon the site to remedy the dangerous condition without notice to the responsible party or landowner.
- C. Denial of Access to Property: In the event that the inspector(s) is (are) denied entry, and providing there is evidence of violation of this Zoning Ordinance, a County official may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the Zoning Ordinance or any applicable ordinances adopted under State Code.

8.04 Responsibility of Violations

The owner, tenant, and/or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals or Planning Director.

8.05 Liability

A structure that is erected or converted, or land used in violation of this Zoning Ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

Enforcement and Penalties

8.06 Violations During the Construction/Building Process

The Plan Commission or Planning Director may place a stop-work-order or violation notice on any lot improvement process. Stop-work-orders shall be issued by written notice which shall state the violation and that work or the illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered by hand or by certified mail to the owner, developer, property manager, tenant, or occupant. The Plan Commission or Planning Director must meet with the person(s) served the stop-work order notice within 7 days of such a request. A memorandum of agreement shall be drafted stating the conditions in which construction or action may be resumed. This memorandum of agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Planning Director or Plan Commission President.

A. Reasons for a Stop-Work-Order include:

1. Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
2. Not obtaining an Improvement Location Permit.
3. Not meeting the conditions or commitments of a special exception, variance, or Improvement Location Permit.
4. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
5. Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
6. Illegal use or expansion of use of building/structures or building/structures and land in combination.

8.07 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, and/or Planning Director. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
- B. The erection of a primary structure, accessory structure, sign, structures or any other element which does not conform with the provisions or explicit intent of the Zoning Ordinance as determined by the Plan Commission or Planning Director.
- C. Failure to obtain an Improvement Location Permit or any other required permit under this Zoning Ordinance when required prior to initiation of improvements, change of land use, or other modifications regulated under this Zoning Ordinance.
- D. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance.
- E. Failure to comply with any regulations of the Zoning Ordinance, including, but not limited to the following: Development Standards, Improvement Location Permit, Development Plan, Planned Development, or Conditions imposed.
- F. Proceeding with work under a stop-work-order or a violation of a Memorandum of agreement.
- G. Any failure to comply with commitments made in connection with a rezoning, approval of a development plan, detailed plan, special exception, variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, Common Council, or Board of Zoning Appeals meetings.
- H. Failure to obtain a Certificate of Occupancy.

Enforcement and Penalties

8.08 Procedure for Violations

There shall be a three step procedure for violations of this Zoning Ordinance. These steps are as follows:

A. Notice of Violation:

1. The Plan Commission or the Planning Director shall issue a notice of violation by certified mail to the person(s) who have committed a violation. The notice of violation will state that a violation has occurred; that it must be corrected within 15 days of the postmark on the notice of violation; and that if the violation is not corrected the fines listed in the notice of violation will be imposed. The notice of violation will include a list of fines and penalties.
2. If the violation is corrected within the 15 day period, no further action will be taken and no fines will be imposed.
3. The Planning Director may grant an extension of the 15 day period if the person(s) in violation has made a significant effort to correct the violation but cannot meet the deadline. The Planning Director may require a memorandum of agreement in order to extend the deadline.

B. Fine Imposition:

1. If the violation stated in the notice of violation is not corrected within 15 days, the fine shall be imposed. The person(s) in violation shall pay the fine and correct the violation within 30 days of the notice of violation or face additional fines.
2. The Planning Director may extend the time period to correct the violation if, in the judgment of the Planning Director, the violator has made substantial progress to correct the violation.

C. Failure to pay fines or comply: If the person(s) in violation refuses to pay the fine and/or correct the violation, the Plan Commission or the Planning Director may impose additional fines and/or take legal action.

D. Additional Notice: Legal action may be taken after the violator has received at least one notice of violation. The Plan Commission or the Planning Director shall determine the action necessary to remedy a violation if a notice of violation is not effective.

8.09 Fines and Penalties

In addition to any other remedies, including injunctive relief provided herein, any person, firm, partnership, corporation or other entity who or which shall violate any provision of this Zoning Ordinance shall, upon conviction thereof, be fined in any sum not less than fifty dollars (\$50.00), nor more than two thousand five hundred dollars (\$2,500), with each day constituting a separate violation of this Zoning Ordinance.

8.10 Appeals or Trials

Any person receiving a notice of violation may appeal the violation to the Board of Zoning Appeals.

- A. A written statement from the person in violation shall be submitted to the Planning Director via Certified Mail at least three (3) days prior to the date the fine is due.
- B. The Planning Director shall set the date for hearing the appeal before the Board of Zoning Appeals and notify the person of the date of the certified mail. Collection of the fines will be postponed until the Board of Zoning Appeals has made a ruling as to the violation. Fines will not accumulate during the appeals process.
- C. The person may appeal the ruling of the Board of Zoning Appeals to the court of jurisdiction as provided by IC 36-7-4-1003. Collection of fines will be postponed until the court has made a ruling as to the appeal. Fines will not accumulate during the court appeals process.

Enforcement and Penalties

8.11 Enforcement, Remedies, and Injunctive Relief

All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. seq. and all other applicable state law.

- A. The Plan Commission or any enforcement official designated by the Zoning Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments. This is not limited to the Zoning Ordinance and Subdivision Control Ordinance.
- B. The plan commission or any enforcement official designated by the Zoning Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
 - a. All agreements between plan commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
 - b. All commitments made in accordance with IC 36-7-4 et seq.
 - c. All conditions imposed in accordance with IC 36-7-4 et seq.
- C. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et seq. or any ordinance adopted under IC 36-7-4 et seq. which includes but is not limited to the Zoning Ordinance and Subdivision Control Ordinance.
- D. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing removal of a structure erected in violation of this Ordinance or applicable state code.
- E. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.
- F. An action to enforce a commitment made in accordance with IC 36-7-4 et seq. may be brought in the Circuit or Superior Court of the County by:
 - a. Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
 - b. Any other specially affected person who was designated in the commitment.

Article
09

Definitions

*Howard County
Zoning Ordinance*

Definitions

9.01 General

The definitions contained in Article Nine shall be observed and applied in the interpretation of all Articles in the Zoning Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

9.02 Defined Words

The following terms shall have the following meanings:

Abandoned Item: Any item which is no longer used for its designed and intended purpose. The factors used in determining whether or not an item has been abandoned, include but are not limited to the following:

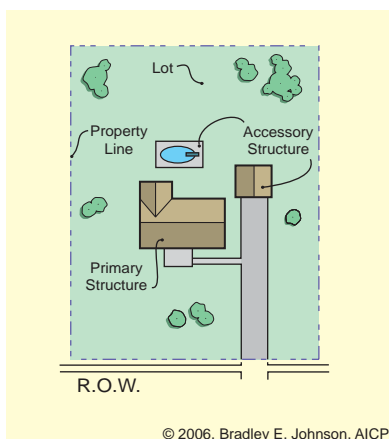
- Present operability and functional utility of the item;
- The date of last effective use of the item;
- The condition of disrepair or damage;
- The last time an effort was made to repair or rehabilitate the item;
- The status of registration or licensing of the item;
- The age and degree of obsolescence;
- The cost of rehabilitation or repair of the item when compared to its market value; or
- The nature of the area and location of the item.

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Above Ground Utility Facility: Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like.

Accessory Building, or Structure: A building or structure which:

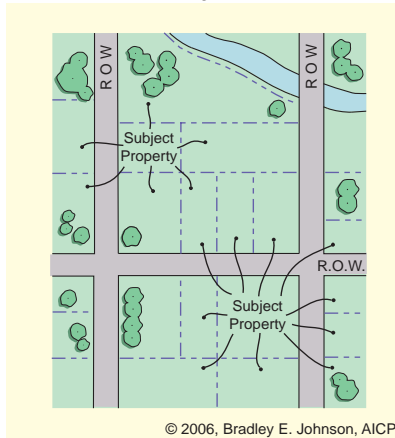
- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same zoning lot as the primary building, structure, or use,
- Conforms to the setback, height, bulk, lot coverage, and other requirements of the Zoning Ordinance unless otherwise provided for,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in the Zoning Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use, and,
- In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the principal telecommunications tower, antenna, or other radio or cellular communications equipment.



Definitions

ADA: The Americans with Disabilities Act.

Adjacent Property: Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW) are also considered adjacent. The illustration below notes the properties that would be considered adjacent to two different subject properties.



Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, 36-7-1-2 (1983) as amended. The Howard County Plan Commission is an Advisory Plan Commission.

Aggregate Wind Energy Facility Projects: Projects (1) developed and operated in a coordinated fashion, but which have multiple persons and/or entities owning or leasing one or more of the individual Wind Energy Facilities or the land upon which a wind turbine is located within the larger (aggregate) project and (2) where contiguous property owners have Wind Energy Facility leases with those set forth in (1), above. Associated infrastructure such as power lines and transformers that service such facilities may be owned by a separate entity, but are also included as part of the Aggregated Wind Energy Facility projects. The Aggregated Wind Energy Facility Project area shall be mapped and an external outer boundary line approved by the Plan Commission as a part of the permit process.

Agricultural District: Refers to the AG, IA, and AC districts.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities. "Agriculture" does not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Agricultural Tourism: Admitting the public to visit and integrate with a working farm or any other agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation. This term is inclusive of "you-pick" and retail sales of products predominantly grown or produced on-site.

Airport District: Refers to the AP district.

Alley: A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the special accommodation of abutting property.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic or radio waves.

Applicant: The owner, owners, or legal representative of real estate who makes application to the Howard County Plan Commission and/or Board of Zoning Appeals for action by the Plan Commission, Board of Zoning Appeals, or Planning Director affecting the real estate owned or represented by the applicant.

Arterial Street: See "Street, Primary Arterial."

Definitions

Assisted Living Facility: A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provide for the aged or infirm, or any other reasonably independent person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction. Assisted living facilities have private rooms that are not shared by non-related persons.

ATM: See "Automated Teller Machine."

Attached Structure: A structure that is structurally connected to another structure by a foundation, wall, bridge, or roof line, or appears to be connected. Carports, garages, porch awnings and the like are considered attached structures and must abide by all regulations pertaining to primary structures.

Automobile Oriented Facility: A facility where service is rendered or a sales transaction is made while the patron is typically not required to exit his/her vehicle, or a facility that includes services rendered directly on, to, or for vehicles. Automobile oriented facilities include, but are not limited to, drive-through restaurants, drive-in restaurants, car washes (all types), gas stations, and other similar automobile service facilities. The sale of vehicles (new or used) is not included within this definition.

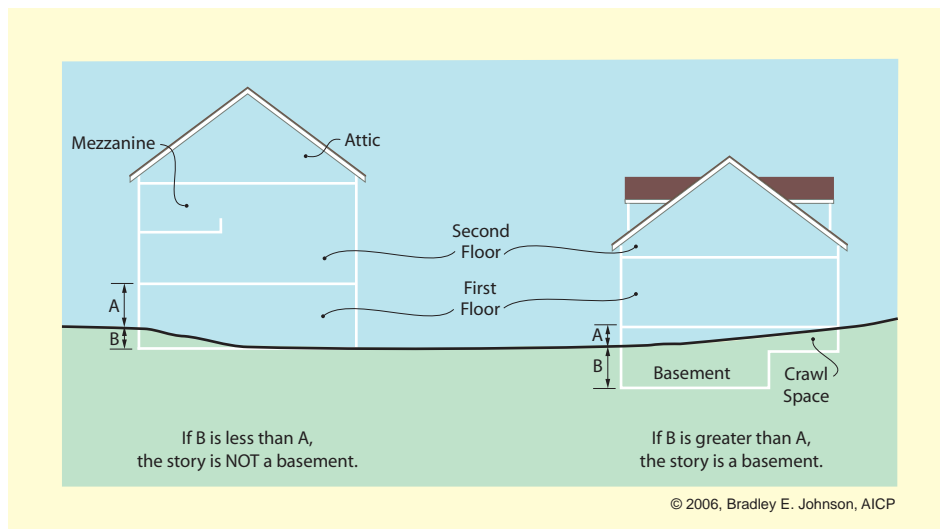
Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

Automobile Service Station: Any building or premises used for the dispensing, sale, or offering for sale to the public, automobile fuels stored only in underground tanks and located wholly within the lot lines; lubricating oil or grease for the operation of automobiles; and the sale and installation of tires, batteries, other minor accessories, and minor auto repair, but not including a bulk plant, conducting of major auto repairs, automobile wrecking, automobile sales, or car washes; provided, however, that the washing of individual automobiles where no chain conveyor is employed may be included.

Average Setback: See "Setback, Average."

Base District Zone: See "Underlying District."

Basement: That portion of a building below the first or ground floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

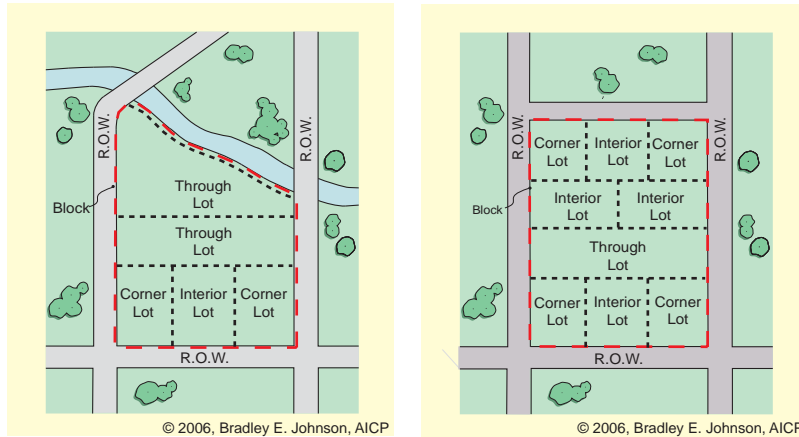


Bed and Breakfast Facility: An owner occupied or employee of the owner occupied residence containing no more than six guest rooms for hire, for lodging by prearrangement for periods not to exceed three consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding house or motel.

Definitions

Berm: A man-made, formed, earth mound of definite height and width used for landscaping and screening purposes, the intent of which is to provide a transition between uses of differing intensity or to screen uses from sight.

Block: Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



Board: See "Board of Zoning Appeals."

Board of Zoning Appeals: The Howard County Board of Zoning Appeals or any division thereof.

Boarding House: A building, not available to transients, in which lodging and meals are regularly provided for compensation for at least three (3) but not more than ten (10) persons.

Bond: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Board of County Commissioners. All bonds shall be approved by the Board of County Commissioners wherever a bond is required by these regulations.

Buffer Landscaping: Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under the Zoning Ordinance for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual shielding or other aspects of privacy and/or aesthetics.

Buffer Yards: An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other and from the right-of-way. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

Buildable Lot: See "Lot, Improved."

Building: A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without openings, each portion of such building shall be deemed as a separate building.

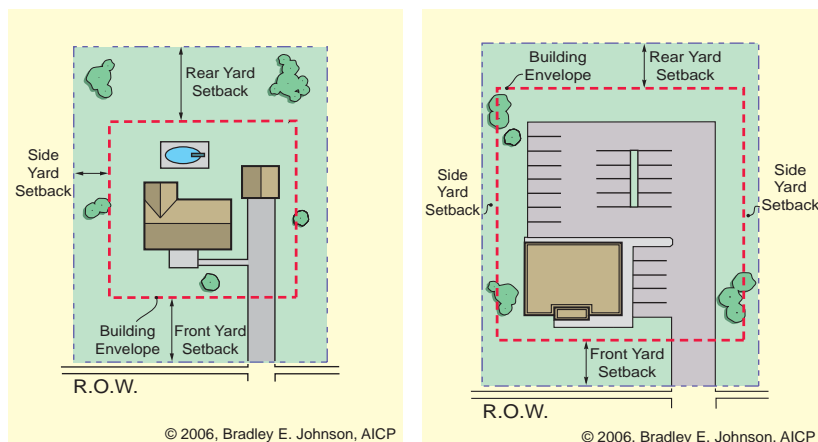
Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

Building Code: The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters. Also referred to herein as the Howard County Building Code.

Building, Detached: See "Detached Building."

Definitions

Building Envelope: The setback lines that establishes an area on a lot in which building can occur.



Building Height: See "Structure Height."

Building Lot Coverage: See "Lot Coverage, Building."

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

Business/Financial Services Office: Accounting office, bank or credit union, and investment firm, and the like.

BZA: See "Board of Zoning Appeals."

Cabaret: See "Sexually Oriented Entertainment Business."

Campground: Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.

Canopy Tree: Deciduous trees that grow to at least forty (40) feet in height and have a canopy that is round or oval in shape. Conical or tubular shaped trees are not canopy trees.

Car Wash: A building, or portion of a building, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial cleaning of such automobiles, whether by operator or by customer.

Cellular Communication Equipment: Antennas and other transmitting and/or receiving device or other associated devices used in the provision of telecommunications service.

Cemetery: Property used for interring of the dead. It includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same property.

Central Water System: A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

Central Sewer System: A community sewer system including collection and treatment facilities.

Certificate of Occupancy: A certificate stating that the occupancy and use of a building or structure complies with all applicable Zoning Ordinance provisions.

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (A) while unattended by a parent, legal guardian or custodian; (B) for regular compensation; and (C) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

Definitions

Child Care Center: Any institution operated for the care of children, licensed pursuant to IC 12-3-2-3.1, *et seq.*, and as defined by IC 12-3-2-3.

Child Care Institution:

1. A residential facility that provides child care on a 24 hour basis for more than 10 children; or
2. A residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; or
3. Operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under IC 4-22-2 by the Division of Family and Children. A child care institution does not include a juvenile detention facility.

Children's Home: See "Child Care Institution."

Church: See "Places of Worship."

Clinic: An establishment in which human patients are admitted for medical or dental study or treatment and in which the services of at least two (2) physicians or dentists are provided.

Club House: A building used in association with a golf course, in which may be locker rooms, golf course administration offices, golf cart storage and maintenance, rest rooms, lounges, meeting space, snack bar, banquet facilities and retail sales of golf related products. Retail sales shall constitute no more than fifteen percent (15%) of the space accessible to public space of the club house.

Collocation: A space on an existing or proposed telecommunication tower that can be used for the installation and/or mounting of antennas or radio or cellular communication equipment that operates on a different frequency from the initial user.

Commercial Districts: Refers to the C1, C2, and VM Districts.

Commercial Wireless Communications Service: A licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar devices that are marketed to the general public.

Commission: See "Advisory Plan Commission."

Community Center: A building available to the public for community activities, meetings, banquets, projects, gatherings, and the like. A community center may be able to be reserved by the public for private parties and events.

Comprehensive Plan: Refers to the Howard County Comprehensive Plan. The plan includes goals, objectives and implementation measures for land use, growth management, transportation, public services, the environment, image and identity, economic development, parks and recreation and inter-jurisdictional cooperation. The plan was developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

Condition of Approval: Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

Condominium: Real estate lawfully subject to IC 32-25, *et seq.* (the Condominium Law), by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

Confined Feeding: The raising of animals for food, fur, or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed, and maintained for at least forty-five (45) days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area

Confined Feeding Operation (large): Any livestock operation engaged in the confined feeding of at least 1,000 cattle, or 2,500 swine, or 10,000 sheep, or 30,000 ducks or hens. All thresholds are defined by IDEM.

Confined Feeding Operation (medium): Any livestock operation engaged in the confined feeding of between 300-999 cattle, or 750-2,499 swine, or 3,000-9,999 sheep, or 9,000-29,999 hens, or 10,000-29,999 ducks. All thresholds are defined by IDEM.

Definitions

Confined Feeding Operation (small): Any livestock operation engaged in the confined feeding of less than 300 cattle, or 750 swine, or 3,000 sheep, or 9,000 hens or 10,000 ducks. All thresholds are defined by IDEM.

Construction Plan(s): The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of the Zoning Ordinance and the Indiana Building Code as a condition of approval.

Continuous Mound: A landscape feature used for screening in which a continuous raised section of earth is used to block or partially block visibility from one side to the other. In particular, continuous mounds are linear with a top elevation (crest) relatively consistent from one end to the other.

Corner Lot: See "Lot, Corner."

County: Howard County, Indiana.

County Official: A County Commissioner, a County Councilor, a Plan Commission member or its staff, a Board of Zoning Appeals member, or an employee of the County.

Covenants: Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Plan Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Unless specifically agreed to, covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

Cul-De-Sac: A street having one end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

DBH: Diameter-at-breast-height is a tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

Dance/Night Club: An establishment for entertainment with table seating, stage (or area) for musical performances, and floor area designated for dancing.

Day Care Center: See "Child Care Center."

Deck: An accessory structure which is on the ground or is elevated from ground level and is open to the sky.

Dedication: The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

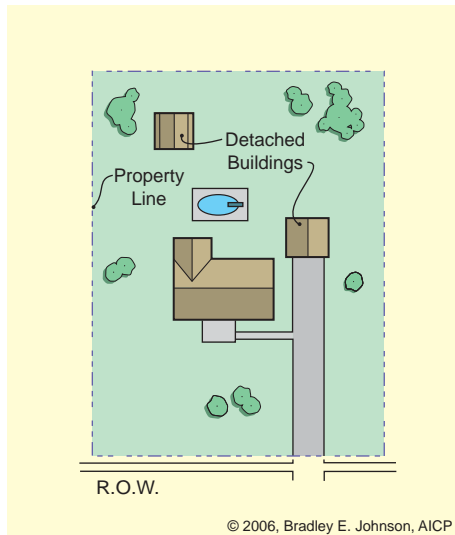
Demolition: The complete removal or destruction of any structure excluding its foundation.

Design/Planning Office: Architecture, engineering, graphic design, and urban planning services and firm offices, and the like.

Designed Fail Area: The area surrounding a tower in which the tower could fall should it fail as structurally designed. The designed fail area is quantified in terms of linear distance from the tower to the perimeter of the designed fail area. The designed fail area shall be certified by a structural engineer.

Definitions

Detached Building: A building that has no structural connection with the primary building or any other building or structure.



Detention Pond: A man made dry pond which is designed to hold storm water from an improvement and release that storm water up to a maximum regulated rate.

Developed Lot: See "Lot, Developed."

Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/industrially utilized.

Development Standards: Height, bulk, density, environmental performance standards, and other standards for development as set forth in this Zoning Ordinance, including landscaping, parking, and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

Development Standards Variance: See "Variance, Development Standards."

Diameter-at-breast-height: See "DBH."

District: Areas within Howard County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance. Districts are drawn on the Official Zoning Map.

DNR: The Indiana Department of Natural Resources.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Drive, Private: See "Street, Private."

Drive-Through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Duplex: See "Dwelling, Two-Family."

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and boarding houses.

Definitions

Dwelling, Manufactured Home: A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 *et seq.*), and which also complies with the following specifications:

- Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per IC 36-7-4(d),
- Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- Has wheels, axles, and towing chassis removed,
- Has a pitched roof with a minimum rise of 2:12, and
- Consists of two or more sections which, when joined, have a minimum dimension of 23 feet in width for at least 60% of its length.

Dwelling, Mobile Home: A transportable dwelling unit which is a minimum of eight feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
- Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction & Safety Standards.

Dwelling, Multiple-family: A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one family. A single family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length.

Dwelling Site: A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long-term placement of a manufactured home and/or mobile home.

Dwelling Size: The overall square footage of a dwelling unit. The dwelling size does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Dwelling, Two-Family: A building consisting of two dwelling units which may be attached side-by-side or one above the other.

Dwelling Unit: A single unit for owner occupancy or for rent/lease, physically separated from any other dwelling units which may be in the same structure, and providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation. Examples of a dwelling unit include a single-family dwelling, multiple-family dwelling, mobile home dwelling, manufactured home dwelling and farmstead.

Easement: A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder"), for the purpose of providing services or access to the property.

Electric Transmission Line: A set of cables and supporting towers designed for carrying electricity long distances at high voltages of at least 30 kV to substations.

EPA: United States Environmental Protection Agency.

Erosion: The wearing away of the land surface by water, wind, ice, gravity or other geological agents.

Expressway: Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic and is generally classified as part of the interstate system.

FAA: Federal Aviation Administration.

Definitions

Fair Housing Facility (large): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in certain districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

1. Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically a facility that houses more than ten children.
2. Residential Facility for the Developmentally Disabled which provides residential services for more than eight developmentally disabled individuals as described in I.C. 12-28-4.

Facility Owner, Wind Energy: The entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.

Fair Housing Facility (small): To prevent the discrimination of mentally or physically disabled persons, these facilities have been identified as types of housing that are permitted in any single-family or multifamily residential zoning districts, but still must meet "nondiscriminatory" health, fire, safety and building regulations. These facilities include:

1. Group homes for children in need of service under IC 31-34-1 or children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5; and specifically a facility that houses not more than ten children.
2. Residential Facility for the Developmentally Disabled which provides residential services for eight developmentally disabled individuals or less as described in I.C. 12-28-4.
3. Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the planning jurisdiction as stated in Indiana Code.

Family: An individual, or two or more persons related by blood, marriage, or adoption, or a group of not more than three persons, not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

Farm, Private: An accessory use including structures and machinery that is designed, arranged, used, or intended to be used for the raising and housing of livestock or crops for the private use of the occupants of the premises and their guests, and not kept for hire or sale.

FBFM: Flood Boundary and Floodway Map.

FCC: United States Federal Communications Commission.

FEMA: United States Federal Emergency Management Agency.

FHBM: Flood Hazard Boundary Map

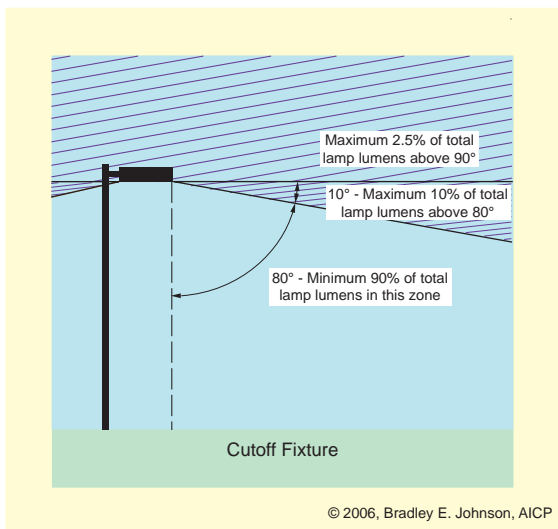
Finished Floor Area: See "Floor Area, Finished."

FIRM: Flood Insurance Rate Map.

Definitions

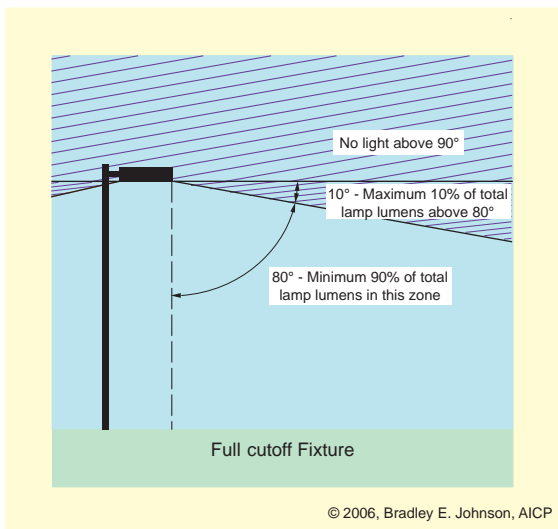
Fixture, Cutoff: A lighting fixture that:

1. Projects at least ninety percent (90%) of the total lamp lumens below 80° from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above 80° from vertical; and
3. Does not allow more than two and one-half percent (2.5%) of the total lamp lumens above 90° from vertical.



Fixture, Full-cutoff: A lighting fixture that:

1. Projects at least ninety percent (90%) of the total lamp lumens below 80° from vertical;
2. Does not allow more than ten percent (10%) of the total lamp lumens above 80° from vertical; and
3. Does not allow any lamp lumens above 90° from vertical.

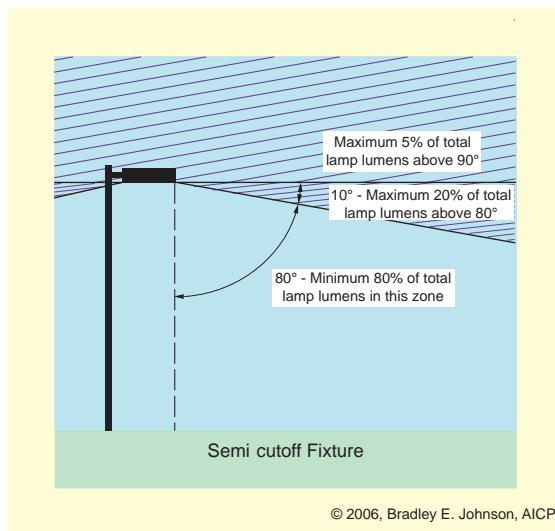


Fixture, Non-cutoff: A luminaire with no control of the horizontal distribution of luminance.

Definitions

Fixture, Semi-cutoff: A lighting fixture that:

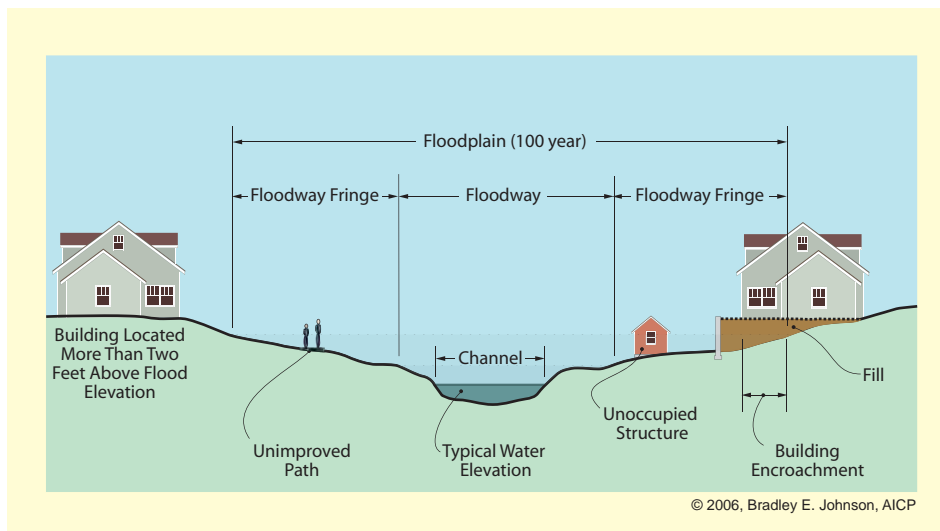
1. Projects at least eighty percent (80%) of the total lamp lumens below 80° from vertical;
2. Does not allow more than twenty percent (20%) of the total lamp lumens above 80° from vertical; and
3. Does not allow more than five percent (5%) of the total lamp lumens above 90° from vertical.



Flood Protection Grade (FPG): The elevation of the regulatory flood plus two (2) feet at any given location in the SFHA.

Flood, Regulatory: A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



Definitions

Floodway, Regulatory: The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

Floor Area: The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

Floor Area, Main: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination of those areas located on the first (or nearest ground level) floor of the structure. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Foundation: The supporting member of a wall or structure.

Freeway: See "Expressway."

Front Line: With respect to a building, the foundation line that is nearest the front lot line.

Front Lot Line: See "Lot Line, Front."

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Garage: An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

General Services Office: Employment services, temporary employment agency, insurance office, law office, membership associations, secretarial service, publishing corporate offices, reading clinic, real estate office, service organization, title company, trade office, and travel agency, and the like.

Geographic Information System (GIS): A computer system that stores and links non-graphic attributes or geographically referenced data with graphic map features to allow a wide range of information processing and display operations, as well as map production, analysis and modeling.

Gift Shop: A retail store offering a variety of small gift items, as opposed to stores offering primarily specific lines of merchandise such as toys, clothing, or sporting goods.

GIS: See "Geographic Information System."

Glare: Light sufficiently intense to cause physical discomfort or to reduce contrast below the level at which detail is discernible. Also, visual difficulty caused by excessive brightness; including direct or indirect (reflected) light.

Golf Course: An area of terrain on which the game of golf is played. A golf course includes greens, fairways, natural areas. A golf course may also include a driving range when integrated with the golf course operations and hours.

Grade, Finished: The average elevation of the finished surface of the ground within ten (10) feet of the building or structure after final grading.

Grantee: A person to whom an interest in property is granted.

Gross Floor Area: The sum of all horizontal floor area of all floors within a building.

Ground Floor Area: See "Floor Area, Main."

Definitions

Group Home: A facility that houses not more than ten (10) children that are either:

1. In need of service under IC 31-34-1; or
2. Children who have committed a delinquent act under IC 31-37-2-2, IC 31-37-2-3, or IC 31-37-2-5.

Group homes are not subject to covenants, deeds or other instruments pertaining to the transfer, sale, lease, or use of property that would permit the residential use of property but prohibit the use of that property as a group home as a matter of State public policy reasons. Group homes cannot be prohibited on the grounds that they are a business, the persons living in a group home are not related, or any other reason. All group homes must abide by IC 12-17.4-5 and must be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Habitable Space: Any space in a structure suitable for living, sleeping, eating or cooking purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

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

Height: See "Structure Height."

Hobby Farming: The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. The hobby farming use(s) shall not exceed 40% of the land area of the lot and shall abide by all setback regulations. Hobby farming cannot be the principal income source for the owner, operator or household on site. Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

Home Occupation (Type 1): A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Occupation (Type 2): A business activity conducted completely within a dwelling unit or accessory structure, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the dwelling for residential purposes.

Home Occupation (Type 3): A business activity conducted completely within an accessory structure, carried on by any lawful resident of the property and their employees, clearly incidental and secondary to the use of the property for residential purposes.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: A building in which temporary lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

Hub Height: The distance measured from the surface of the wind energy facility tower foundation to the height of the Wind Turbine hub, to which the blade is attached.

Hydric Soil: Soil that is characterized by wet conditions, saturated most of the year, and develop anaerobic (oxygen-lacking) conditions. Carlisle muck, Lynwood muck, Genesee silt loam, and Shoals silt loam are hydric soils commonly found in Howard County.

Definitions

IAC: Indiana Administrative Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

Illuminance: The total amount of visible light illuminating (incident upon) a point on a surface from all directions above the surface (*i.e.* how brightly a surface is illuminated). Illuminance is measured in lux.

Impervious Surface: Any material that prevents absorption of stormwater into the ground such as concrete or asphalt. This does not include gravel, rock, or stone.

Impervious Surface Coverage: The area of a lot occupied by the primary structure, any accessory structures and impervious surface.

Improved Lot: See "Lot, Improved."

Improved Surface: An area paved with asphalt, concrete, bricks, pavers, or other approved hard surface material designed for vehicular traffic that creates a sealed surface pavement and is maintained in such a manner that no dust will be produced by continued use.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate, or any alteration to the land.

Improvement Location Permit: A permit issued under the Zoning Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

Improvement, Off-site: Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

Incidental: A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

INDOT: Indiana Department of Transportation.

Industry, Light: See "Manufacturing, Light."

Industry, Heavy: See "Manufacturing, Heavy."

Industrial District: Refers to the I1, I2, and I3 districts.

Initial User: The applicant, person, organization or corporation that originally applies to the County for approval for the installation of an antenna or other radio or cellular communication equipment or for approval for the construction of a telecommunication tower or facility.

Institutional District: Refers to the IS district.

Intense Use District: Refers to the IU district.

Interior Lot: See "Lot, Interior."

Interstate: See "Expressway."

Junk: An automobile, truck, other motor vehicle, watercraft, vehicle parts, large appliances, furniture or like materials which have been damaged to such an extent that they cannot be operated under their own power or used and/or will require major repairs before being made usable. This also includes such a vehicle which does not comply with State, County, or City vehicle licensing or other laws or ordinances.

Junk Yard: A place, usually outdoors, where waste or discarded used property, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale. This does not include industrial scrap metal or accumulation of organic matter.

Jurisdiction: See "Planning Jurisdiction."

Juvenile Detention Facility: A facility that holds children or minors (typically under eighteen (18) years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Definitions

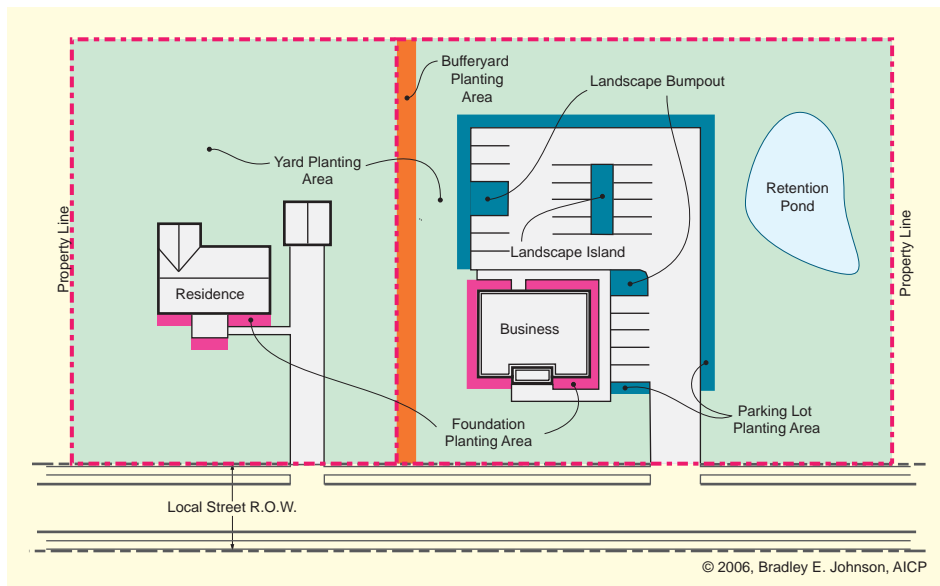
Kennel (Commercial): A place primarily for keeping more than four adult dogs, or other small animals that are ordinarily bred for sale as pets, including temporary care facilities for animals for compensation.

Kennel (Private): A place for keeping up to four adult dogs, or other small animals for personal use and enjoyment which is subordinate to the principal use.

Lamp Shielding: A device added to or integrally designed into a lighting fixture that prevents the lighting element (i.e. the bulb) from being directly visible from a specified location. Lamp shielding is often used to prevent glare.

Landowner, Non-participating: Any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Landscape Areas: Places on a lot or abutting right-of-way that are identified for application of landscaping regulations. Landscape areas include: street tree planting areas, parking lot planting areas, foundation planting areas, bufferyard areas, and perimeter planting areas. The below image conceptually demonstrates the general location of each landscape area.



Landscape Buffer: A continuous landscaped area designed, maintained and used for screening and separation of uses, lots or buildings.

Landscape Material: Trees, shrubs, plants, decorative fences, retaining walls, walls, earthen mounds, irrigation systems, flower beds, decorative rocks, edging, mulch, stakes and the like. Artificial trees, shrubs, ground cover, and flowers are not considered landscape material.

Landscape Structure: Decorative fences, walls, retaining walls, edging and the like.

Landscaping: The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

Legal Nonconforming Building or Structure: Any continuously occupied, lawfully established structure or building prior to the effective date of the Zoning Ordinance, or its subsequent amendments, that no longer meets the development standards.

Definitions

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to an applicable effective date that no longer meets one or more of the following lot standards:

1. Lot area,
2. Lot width,
3. Lot depth,
4. Lot frontage, or
5. Any other provision of the Zoning Ordinance that is specifically applicable to Lots.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this Zoning Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Zoning Ordinance.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Zoning Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

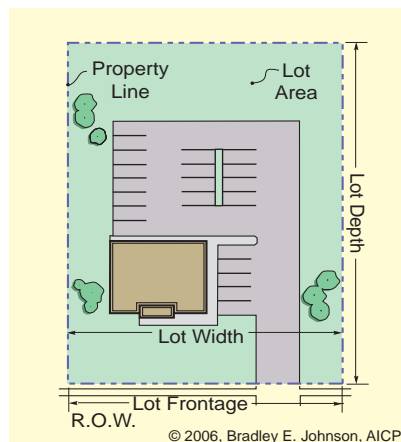
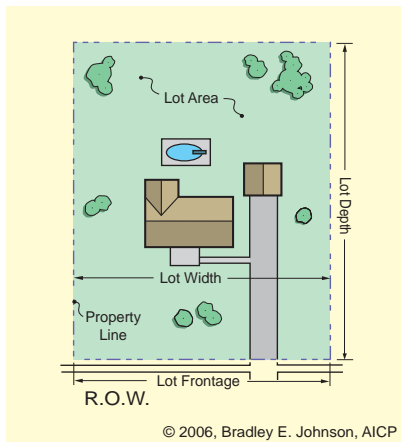
Loading Space: An off-street space for temporary parking of delivery and pickup vehicles.

Local Street: See "Street, Local."

LOMA: FEMA Letter of Map Amendment.

LOMR: FEMA Letter of Map Revision.

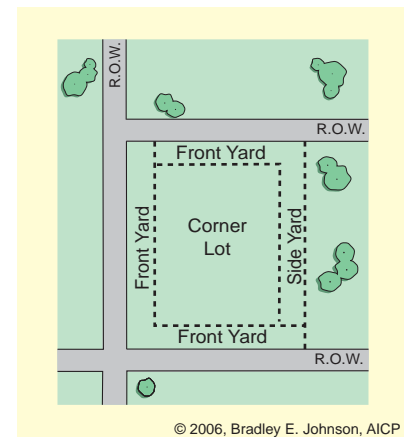
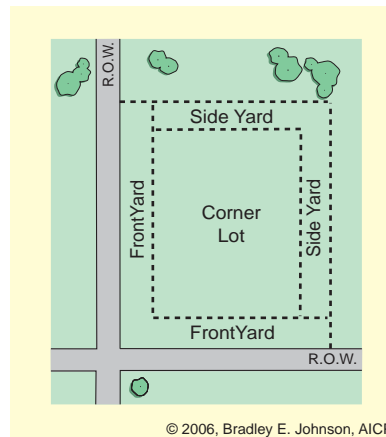
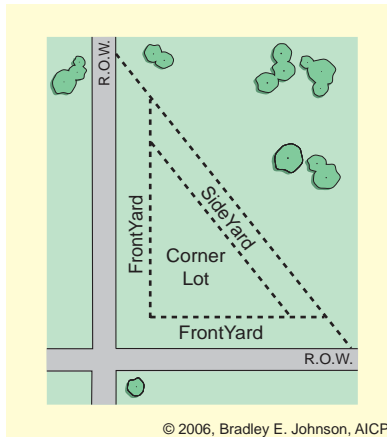
Lot: A piece, parcel or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single or multiple ownership or control. There are generally three types of lots identified in the Zoning Ordinance: interior lots, corner lots, and through lots.



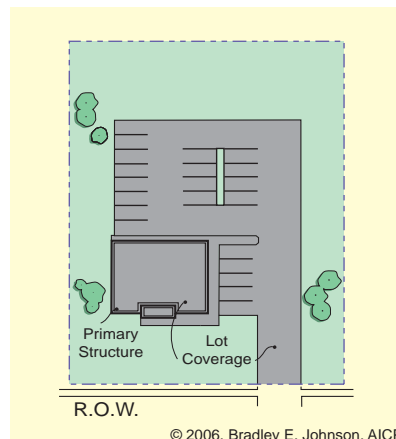
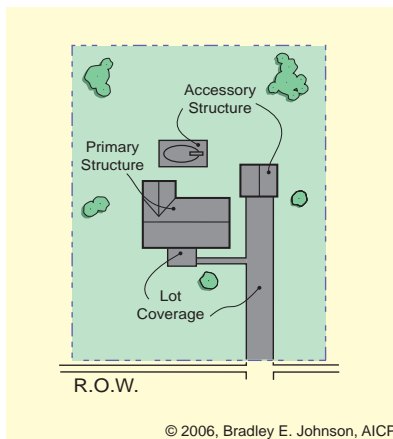
Lot, Buildable: See "Lot, Improved."

Definitions

Lot, Corner: A lot situated at the intersection of two streets or which fronts a street on two or more sides forming an interior angle of less than 135 degrees.



Lot Coverage: The area of a lot occupied by the primary building, any accessory structures and impervious surface.



Lot Coverage, Building: The area of a lot occupied by the primary building and any accessory structures.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.

Lot Depth: The horizontal distance between the front and rear lot lines. (See Graphics for "Lot Area")

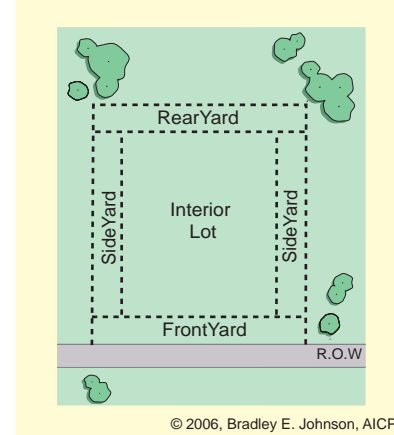
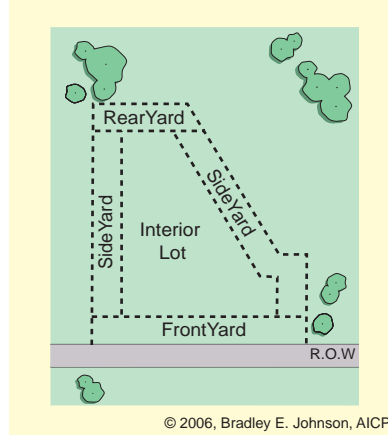
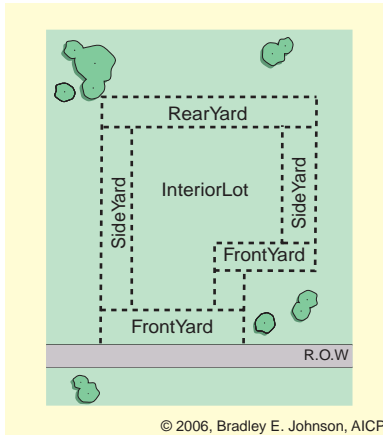
Lot, Developed: A lot with buildings or structures situated thereon.

Lot Frontage: The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half the distance required for standard lots.

Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

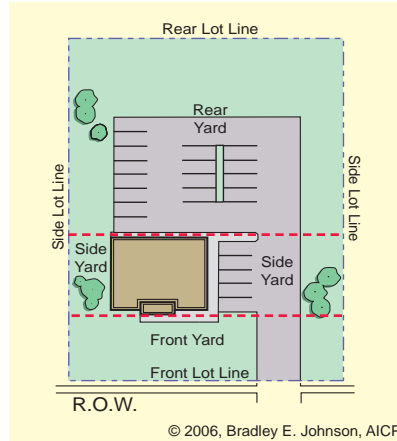
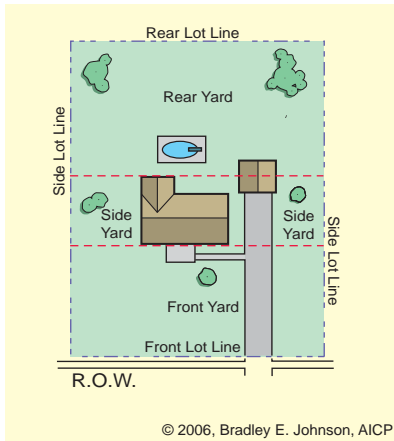
Definitions

Lot, Interior: A lot other than a corner lot or a through lot.



Lot Line, Front:

- A. For an interior or through lot, the line marking the boundary between the lot and the abutting street, right-of-way or a Lake or watercourse; and
- B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.



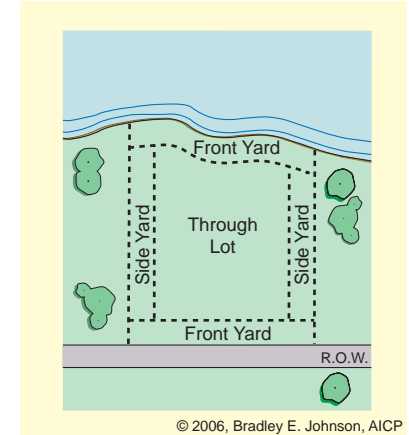
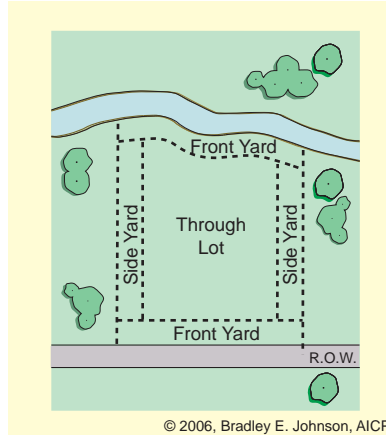
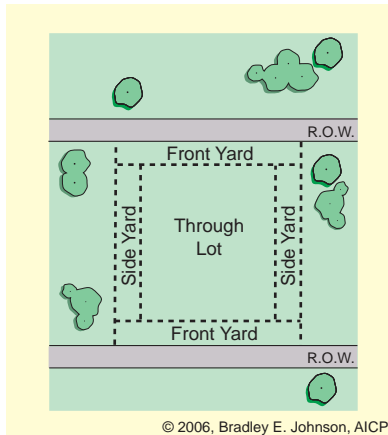
Lot Line, Side: A lot boundary line other than a front or rear lot line. (See Graphic for "Lot Line, Front")

Lot Line, Rear: The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See Graphic for "Lot Line, Front")

Lot of Record: A lot which is a part of a subdivision recorded in the office of the County Recorder, or a parcel or lot described by metes and bounds, a description of which has been so recorded.

Definitions

Lot, Through: A lot fronting on two parallel or approximately parallel streets, or abutting two streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake. Accessory buildings are allowed in front yards facing watercourses or lakes.



Lot Width: The distance between the side lot lines as measured on the front setback line. Cul-de-Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other. (See Graphic for "Lot Area")

Low Intensity Retail: See "Retail, Low Intensity."

Luces: The plural of Lux.

Lumens: Unit of luminous flux in the International System of Units (SI) equal to one candela per steradian. Used to measure the amount of light emitted by lamps.

Lux: Unit of illuminance in the International System of Units (SI) equal to one lumen per square meter.

Main Floor Area: see "Floor Area, Main."

Maneuvering Space: An open space in a parking area which:

- Is immediately adjacent to a parking space,
- Is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- Is not used for the parking of or storage of motor vehicles.

Manufactured Home: See "Dwelling, Manufactured Home."

Manufactured Home Park: A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A Manufactured Home Park does not involve the sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

Manufacturing, Heavy: The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials. Heavy manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Manufacturing, Light: The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fume, odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials. Light manufacturing shall not include any use that is otherwise listed specifically in any zoning district as a permitted use or special exception.

Definitions

Marker (survey): A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Massage Parlor: Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations; electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with sexual conduct, or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

Master Plan: See "Comprehensive Plan."

Medium Intensity Retail: See "Retail, Medium Intensity."

Medical Office: See "Office, Medical."

Mini Warehouse: A structure or group of structures containing individual storage units of 200 square feet or less with access to each unit only for the storage and warehousing of personal property. Mini-warehouses do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.

Mobile Home: See "Dwelling, Mobile Home."

Mobile Home Park: See "Manufactured Home Park."

Monument (survey): A permanent physical structure which marks the location of a corner or other survey point.

Motel: An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile travelers. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

Motor Home: See "Recreational Vehicle."

Motor Vehicle: Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, boat, recreational vehicle, semitrailer, or any other vehicle propelled or drawn by mechanical power.

Mound: A landscape feature used for screening in which earth is piled up in irregular, round or oblong shapes. Particularly, mounds do not have consistent crest elevations, but are irregular in form and overlapping such to emulate a more natural landscape feature. Mounds in combination with other landscape material are used to block or partially block visibility from one side to the other.

Multifamily District: Refers to the MR district.

Mural: See "Sign, Mural."

NFIP: The National Flood Insurance Program.

Noise, Repetitive: Any sound that is sustained for less than ten (10) minutes at a time, and that also occurs in a pattern. If the cumulative time of a repetitive noise is greater than one (1) hour in any given day, then it shall be regulated as a Sustained Noise.

Noise Sensitive Use: The use of a building/structure for a purpose that would be adversely impacted by noise associated with nearby aircraft operations including aircraft overflights. Noise Sensitive Uses include but are not limited to residences, schools, churches, child care facilities, medical facilities, retirement homes and/or nursing homes.

Noise, Short Bursts of: Any sound that is sustained for less than ten (10) minutes at a time, and that does not occur in a pattern. If the cumulative time of a Short Burst of Noise is greater than one (1) hour in any given day, then it shall be regulated as a Sustained Noise.

Noise, Sustained: Any sound that is sustained for ten (10) minutes or more during the course of one (1) day.

Non-Participating Landowner means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

Nonconforming Building: A building, structure, or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Definitions

Nonconforming Lot of Record: A lot which was created such that it does not conform to the regulations of the district in which it is located.

Nonconforming Sign: A sign or portion thereof, which was designed, erected, or structurally altered such that it does not conform to the regulations of the district in which it is located.

Nonconforming Use: A use which does not conform with the use regulations of the district in which it is located.

Nursing Home: A private home for the care of the aged or infirm, or any other person in need of nursing care; and which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

Occupied Building: A residence, school, hospital, church, public library, or other building used for public gathering that is occupied or in use when the permit application is submitted.

Office: A place in which business, professional, and/or clerical activities are conducted. Offices shall include medical offices, government offices and office functions which serve other off-site land uses.

Office, Construction Trade: Electrical contractors, general contractors, heating and cooling contractors, landscaping contractors, and plumbing contractor offices, and the like.

Office, Medical: Dental clinic, medical clinic, optical clinic, and veterinarian clinic, and the like.

Office, Professional: An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, planners, physicians, surgeons, pharmacists, and realtors or insurance agents and brokers.

Official Zoning Map: A map of Howard County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map, and it is kept up to date by the Plan Commission and the Planning Director.

Official Zoning Map Copies: A map of Howard County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. These maps may be out of date.

Off-Site Improvement: See "Improvement, Off-Site."

Opacity: The percentage of solid area in a structure (e.g. a fence) that blocks visibility or light when viewed from a sixty (60) to ninety (90) degree angle.

Open Space: An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, *etc.* Open space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

Operator, Wind Energy Facility: The entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.

Ornamental Tree: A deciduous tree that does not grow to over 30 feet in height at maturity. Ornamental trees typically are flowering trees.

OSHA: Occupational Safety & Health Administration.

Outdoor Storage: See "Storage, Outdoor."

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations, or their legal representative.

Parcel: See "Lot."

Parent Tract: A lot of record as recorded on the effective date of this Zoning Ordinance. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.

Park and Recreation District: Refers to the PR district.

Definitions

Park, Public: A parcel of land available to the public for passive and active recreation and is maintained and governed by a governmental organization.

Parking, Required: The minimum number of off-street parking spaces specified for a particular use or uses by the Zoning Ordinance.

Parking Space, Automobile: Space within a public or private parking area for the storage of one passenger automobile or commercial vehicle under a one and one-half ton capacity.

Paved: A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.

Performance Bond: An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his/her surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations as stated forth in the Zoning Ordinance and/or as deemed by the Planning Director that provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his/her approval, the subdivider, developer, or property owner or his/her surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Permanent Foundation: A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

Permanent Perimeter Enclosure: A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One- and Two-family Dwelling Code.

Permitted Use: See "Use, Permitted."

Person: A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person.

Personal Service: An establishment, other than an office, in which services other than health care are rendered to consumers on an individual basis, such as barber shops and beauty parlors.

Places of Worship: Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural and social activities.

Plan Commission: The Howard County Advisory Plan Commission or any division thereof. See also "Advisory Plan Commission."

Planned Development: A large-scale unified development meeting the requirements for zoning approval under the provisions of *Article 4* of the Zoning Ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of the Zoning Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Director: The officer appointed by and/or delegated the responsibility for the administration of this Zoning Ordinance's regulations by the Plan Commission. The term "Planning Director" includes his/her authorized representatives.

Planning Jurisdiction: Howard County, Indiana and the contiguous unincorporated area over which the County exercises planning and zoning authority.

Planning Staff: The Planning Director and all employees of the Plan Commission of the County under the supervision of the Planning Director and subject to the authority of the Planning Director.

Plat: A map or chart that shows a division of land and/or the layout for subdivisions that is intended to be filed for record.

Definitions

Plat, Primary: The primary plat, pursuant to the IC 36-7-4-700 Series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

Plat, Secondary: The secondary plat, pursuant to IC 36-7-4-700 Series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

Pool, Swimming: See "Swimming Pool."

Porch: A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

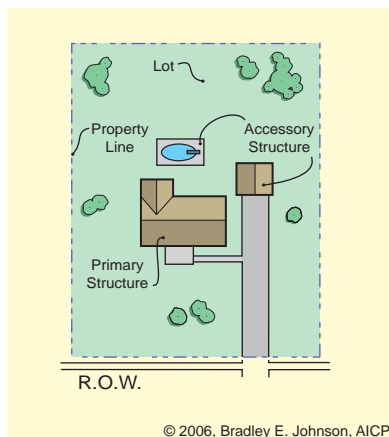
Power Generation Facility: A facility used to generate electrical power such as a wind power facility or solar power facility.

Practical Difficulty: A difficulty with regard to one’s ability to improve land stemming from regulations of this Zoning Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

Primary Arterial: See "Street, Primary Arterial."

Primary Plat: See "Plat, Primary."

Primary Structure/Building: The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one primary structure shall be allowed on any one lot at any time, with the exception of any recorded secondary plats involving multiple-family residential development with more than one residential structure.



Primary Use: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Principal Use: See "Use, Principal."

Private Street: See "Street, Private."

Professional Office: See "Office, Professional."

Prohibited Use: Uses not permitted under any circumstances

Public Improvements: Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Definitions

Public Place: Any area on public or private property that is easily accessible and clearly visible to the general public. If located on private property, the area must be open to the general public and clearly visible from adjacent public property such as a street or other public thoroughfare or sidewalk.

Public/Private Parking Area: A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

Public Street: See "Street, Public."

Public Utility: See "Utility, Public."

Public Way: Highways, streets, avenues, boulevards, roads, lanes, or alleys.

Radio/TV Station: The broadcast building for the production of radio and television programming, not including the telecommunication towers.

Raising of Farm Animals (Limited): Any livestock operation that falls below the thresholds of a Confined Feeding Operation (small) as defined in this Article.

Rear Lot Line: See "Lot Line, Rear."

Rear Yard: See "Yard, Rear."

Recreation Center/Play Center: A building or enclosed structure containing recreational facilities, such as a tennis court, swimming pool, basketball courts, and/or gymnasium. This shall not include outdoor amphitheatres, tennis courts or swimming pools.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: See "Flood, Regulatory."

Regulatory Floodway: See "Floodway, Regulatory."

Residential District: Refers to the RR, R1, R2, R3, VR, and MP districts.

Residential Facility for the Developmentally Disabled (large): A residential facility which provides residential services for more than eight developmentally disabled individuals as described in I.C. 12-28-4.

Residential Facility for the Developmentally Disabled (small): A residential facility which provides residential services for eight developmentally disabled individuals or less as described in I.C. 12-28-4.

Residential Facility for the Mentally Ill: A residential facility which provides residential services for mentally ill individuals as described in I.C. 12-28-4. No two Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the Howard County planning jurisdiction as stated in Indiana Code.

Responsible Party: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Zoning Ordinance.

Resubdivision: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Definitions

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also "Drive-Through Establishment.")

Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (small), building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales (small).

High intensity retail establishments draw in a high volume of vehicle trips and necessitates more than 50 parking spaces (using minimum parking standards in this ordinance).

Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

Low intensity retail establishments do not necessitate more than forty (40) parking spaces (using minimum parking standards in this ordinance) or outdoor sales of merchandise.

Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include a: antique shop, apparel shop, art and craft supplies, auto part sales (new), auto part sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

Medium intensity retail establishments do not necessitate more than 100 parking spaces (using minimum parking standards in this ordinance).

Retail, Special Handling: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting.

Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (large), construction vehicle sales, farm equipment sales, heavy equipment sales, manufactured home sales, semi tractor-trailer sales, and vehicle sales (large) that have any number of vehicles or pieces of equipment displayed outdoors at any given time.

Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Low intensity retail establishments do not necessitate more than twenty-five (25) parking spaces (using minimum parking standards in this ordinance) or outdoor sales of merchandise.

Retention Pond: A man made pond which holds water year-round and that is designed to hold storm water from an improvement and release that storm water up to a maximum regulated rate.

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have nursing home and assisted living components.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

ROW: See "Right-of-Way."

Road: See "Street."

Definitions

Root Protection Zone: Generally, eighteen (18) to twenty-four (24) inches deep and a distance from the trunk of a tree equal to one-half its height or its drip line, whichever is greater.

Rotor: The length of one blade from the center point to the end of the blade.

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Secondary Plat: See "Plat, Secondary."

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Setback, Average: An average of the front yard setbacks of structures on either side of the subject property. If the average setback encroaches into the right-of-way, permission is not required from the Board of Zoning Appeals. If the subject property is a corner lot, the average of the front yard setback of structures adjacent to the subject property, along with the front yard setback of structures directly across the street of the subject property must be used.

Sexually Oriented Materials: Materials including still or motion pictures, books, magazines, other periodicals, or other depiction recorded on paper, electronic, digital, video, magnetic or other media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, instruments, devices, or paraphernalia either designed as a representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sexually Oriented Retail Business: An establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Retail Business, Accessory: An establishment with at least ten percent (10%) but less than forty percent (40%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials.

Sexually Oriented Entertainment Business: An establishment which regularly offers live entertainment, lingerie or nude modeling, or presentation of motion pictures or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work except when performed by a massage therapist licensed by the State of Indiana, certified by the

Definitions

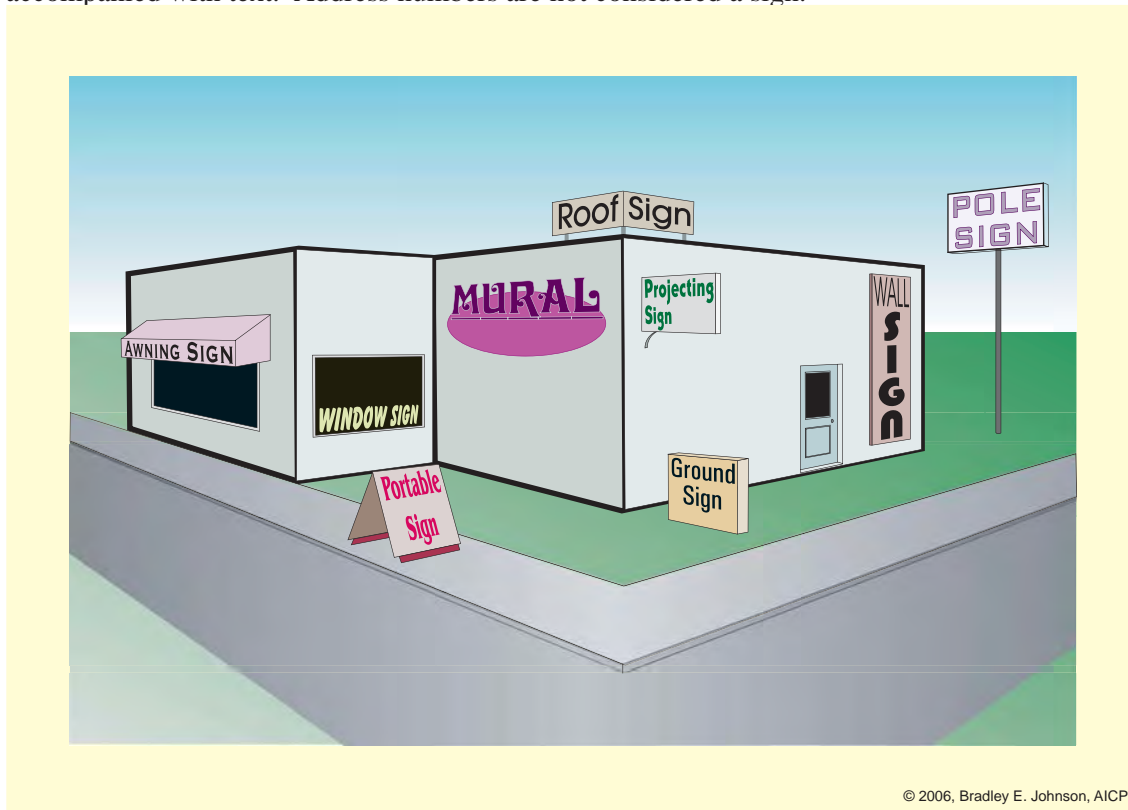
National Certification Board for Therapeutic Massage and Bodywork or the American Massage Therapy Association, or under the direct supervision of a licensed physician; or, advertises or holds itself in any forum as "XXX", "adult", or "sex".

SFHA: Special Flood Hazard Area.

Side Lot Line: See "Lot Line, Side."

Side Yard: See "Yard, Side."

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.



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Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

Sign, Accessory: A sign which is related to the principal use of the premises.

Sign, Commercial: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

Sign, Construction: A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, lot number, or other identifier of the contractor, subcontractor, and/or architect.

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

Sign, Flashing: Any illuminated sign which exhibits changing light or color effects.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.

Definitions

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Monument: A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Zoning Ordinance. Murals without a commercial message are not regulated by the Zoning Ordinance.

Sign, Non-accessory: A sign which is not related to the principal use of the premises.

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Off-Premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Outdoor Advertising: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, Pole: A sign that is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Public Information: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, Real Estate: A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or "open house" information.

Sign, Residential: A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

Sign, Restaurant Menu: Any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.

Sign, Special Event: A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Definitions

Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine inches from the surface.

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan shall serve as the development plan regulated by IC 36-7-4-1400.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Special Handling Retail: See "Retail, Special Handling."

Specimen Tree: Trees with a DBH of twenty-four (24) inches or greater.

State: The State of Indiana.

Storage, Outdoor: The outdoor accumulation of goods, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof.

Street: Any vehicular right-of-way that:

- Is an existing state, county, or municipal roadway,
- is shown upon a plat approved pursuant to law,
- is approved by other official action, or
- is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Thoroughfare Plan.

Street, Primary Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from secondary arterials, as depicted by the Thoroughfare Plan.

Street, Private: Vehicular streets and driveways, paved or unpaved, that are maintained by the owner(s) and that are wholly within private property except where they intersect with other streets within public rights-of-way.

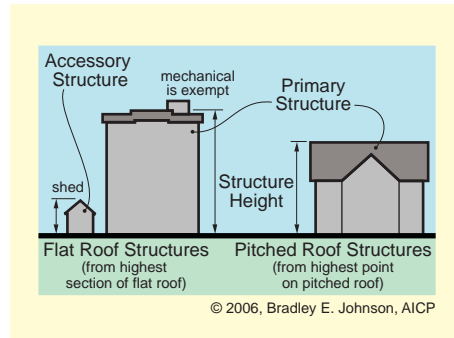
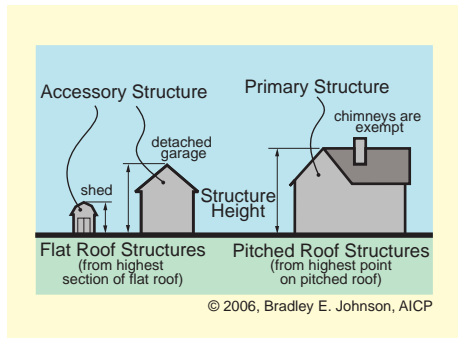
Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

Structural Alteration: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.

Definitions



Studio Arts: Karate studio, dance studio, art studio and the like.

Subdivision: The division of a parent tract or other piece of land into at least two smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can, transfer ownership, construct buildings or establish a use other than vacant, or create new building sites for leasehold, and as further defined in the Subdivision Control Ordinance.

Swimming Pool: A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Telecommunications Facility: A land based facility, consisting of towers, antennae, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Temporary Use/Structure: See "Use, Temporary."

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the Howard County Comprehensive Plan.

Through Lot: See "Lot, Through."

Tower: See "Telecommunications Tower."

Tower Accessory Structure: Any structure located at the base of a tower for housing base receiving or transmitting equipment.

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Turbine Height: The distance measured from the surface of the wind energy tower foundation to the highest point of the turbine rotor plane.

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Zoning Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

Underlying District: A base district zone is the existing zoning district of the subject lot:

- prior to the approval of a planned development, or

Definitions

- prior to the effects of an overlay district.

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Accessory: A use which: (1) is subordinate to and serves the principal building or use; (2) is subordinate in area, extent, and purpose to the principal building or use served; and (3) contributes to the comfort, convenience, or necessity of occupants of the principal building or use served.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

Use, Principal: The main use of land or structures as distinguished from an accessory use. A “principal use” may be a “permitted” or “special exception” use, or a nonconforming use.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than four months with the intent to discontinue such use or structure upon the expiration of the time period.

Utility: Every plant or equipment within the State used for:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this Article.

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems. The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vehicle: See "Motor Vehicle."

Very High Intensity Retail: See "Retail, Very High Intensity."

Very Low Intensity Retail: See "Retail, Very Low Intensity."

Wetland: An area that is seasonally or permanently saturated by surface water or groundwater and is characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions.

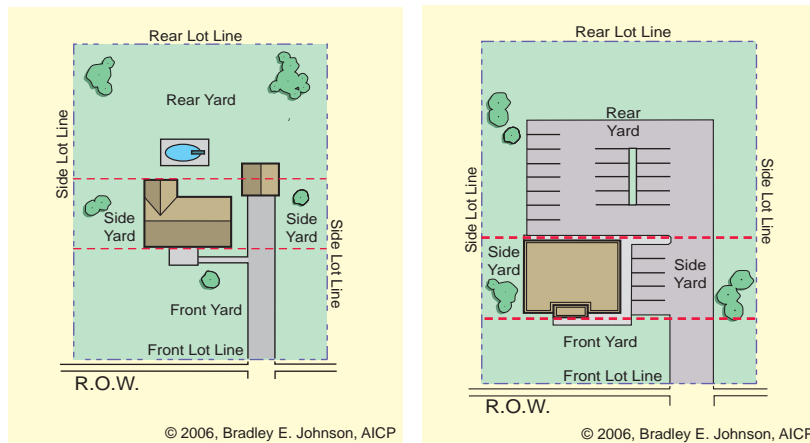
Wind Farm: See “Wind Energy Facility”.

Wind Energy Facility: An electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and facilities.

Definitions

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.

Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this Zoning Ordinance.



Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot Line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot Line. A lot will have a front yard for any Lot Line adjoining a street or road right of way. (See Graphic for "Yard").

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. (See Graphic for "Yard").

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See Graphic for "Yard").

Zoning Administrator: See "Planning Director."

Zoning District: See "District."

Zoning Map: See "Official Zoning Map."

Definitions
