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**Noble County  
Unified  
Development  
Ordinance**

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Article

01

Ordinance Foundation

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**Noble County  
Unified  
Development  
Ordinance**

# Basic Provisions

## 1.01 Title

This ordinance shall be formally known as the “Noble County Unified Development Ordinance” and may be cited and referred to as the “Zoning Ordinance,” “Subdivision Control Ordinance,” or “Unified Development Ordinance.”

## 1.02 Unified Development Ordinance

Noble County's Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. *Articles 1, 7, 8, 9, 10, and 11* are shared by both the Zoning Ordinance and Subdivision Control Ordinance. *Articles 2, 3, 4, and 5* are exclusively Zoning Ordinance components. *Article 6* is exclusively a Subdivision Control Ordinance component.

## 1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

## 1.04 Authority

This Unified Development Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4 et seq.*

## 1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of the County in accordance with the Noble 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 Noble County land use policy within the Noble County Comprehensive Plan.
- 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. Site Development: To regulate 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 this Unified Development Ordinance.
- J. Compliance: To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of this Unified Development Ordinance.

## 1.06 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued. For regulations regarding nonconforming structures, see *Article 08: Nonconformances*.

## 1.07 Severability

If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development 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 this Unified Development Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large.
- B. **Conflict or Inconsistency:**
1. **Internal:** Unless otherwise specifically stated within this Unified Development Ordinance, if two (2) or more provisions of this ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply.
  2. **Federal, State, and Local:**
    - a. Whenever a provision of the Unified Development 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 Unified Development 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 Unified Development 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 Unified Development Ordinance, the County is not obligated to enforce the provisions of such private covenant, contract, commitment, agreement, or other similar regulation.
- C. **Text:** If differences are found between the meaning or implication of any drawing, table, figure, title, or section heading, the text of this Unified Development Ordinance shall apply.
- D. **Time Frames:** Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the County offices are closed, the time frame will be extended to the end of the next business day.
- E. **Delegation of Authority:** If a provision in this Unified Development Ordinance requires the Zoning Administrator or other County Official to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator or other County Official unless specified otherwise.
- F. **Mandatory and Permissive Terms:** The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive.
- G. **Words Used:** If words used in this Unified Development Ordinance are not defined in *Article 11: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as 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 the context 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 the context clearly indicates the contrary.
- J. **Gender:** If a feminine term is used, the masculine shall also apply and vice versa.
- K. **Conjunctions:** The word “and” shall be construed to include all connected items in a series, conditions, and provisions. The word “or” shall be construed to include one (1) or more of the items in a series, conditions, and provisions, unless the context clearly suggests the contrary.
- L. **Rounding:** If a formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature, the non-whole number shall be rounded to the next highest whole number.
- M. **Appendix:** Any appendix to this Unified Development Ordinance shall be considered non-regulatory. Appendix items are for additional information or devices used to add user-friendly features. If any inconsistencies exist between an appendix and the body of the Unified Development Ordinance (i.e. Articles 1 through 11), the body of the Unified Development Ordinance shall prevail.

# Basic Provisions

## 1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within Noble County, Indiana, excluding the legally established planning jurisdictions of the cities and towns within Noble County.

## 1.10 Repealer

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

- A. Zoning Ordinance: The Noble County Zoning Ordinance of June 1, 1987, General Ordinance 1987-2, as amended, and its associated Zoning Map.
- B. Subdivision Control: The Noble County Subdivision Control Ordinance of June 1, 1987, General Ordinance 1987-2, as amended.

## 1.11 Transition Rules

- A. Plan Commission: Any application (i.e. Development Plan Review, Primary Plat, etc. ) filed with the Plan Commission or its designees that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that were in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- B. Rezone: Any application for a Zoning Map Amendment (Rezone) filed with the Plan Commission or its designees, that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, Administrative Appeal, etc.) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing, provided that:
  1. *Required*: The application is still required by the terms of this Unified Development Ordinance; or
  2. *Additional Approvals*: If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, 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.
- D. Planned Development:
  1. *Detailed Development Plan*: A Detailed Development Plan for a Planned Development zoning district filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the PD District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the PD District Ordinance and/or Concept Plan in place prior to the amendment.
  2. *Final Development Plan*: A Final Development Plan for a Planned Development zoning district filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the PD District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the PD District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the PD District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.

# Basic Provisions

- E. **Building Sites:** All new building sites shall meet the requirements of the Unified Development Ordinance unless:
1. *Building Permit:* A complete Building Permit application was filed and is still valid; or
  2. *Improvement Location Permit:* A complete Improvement Location Permit application was filed and is still valid; or
  3. *Buildable Lot:* A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Secondary Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
  4. *Primary Plat:* A complete and valid Primary Plat application has been filed with the Plan Commission prior to the effective date of this Unified Development Ordinance.

## 1.12 Administrative Officer

The Zoning Administrator shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of the Unified Development Ordinance within the County's zoning jurisdiction.

## 1.13 Saving Provision

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

## 1.14 Statutory Changes

Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

## 1.15 References

Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.

## 1.16 Establishment of Standard Zoning Districts

The standard zoning districts in this Unified Development Ordinance stands alone and are not part of a hierarchy or pyramidal system of zoning. For example, what is permitted in the R2 zoning district is not necessarily permitted in the R3 zoning district. Only those uses and development standards which are expressly permitted and noted for each zoning district apply to that zoning district.

For the purpose of this Unified Development Ordinance, Noble County has established the following zoning districts:

District Code	District Name	District Purpose
OS	Open Space and Conservation	This district is established for open spaces, conservation areas, and recreational areas.
A1	Production Agricultural	This district is established for general agricultural areas and buildings associated with agricultural production.
A2	Agricultural Commercial	This district is established for commercial and industrial uses directly related to agriculture and uses that are compatible with rural/agricultural areas.
A3	Intense Agricultural	This district is established for high intensity agricultural operations or operations likely to have significant impact on surrounding non-agricultural uses.
RE	Rural Estate	This district is established for single-family detached dwellings in a rural or country setting.
R1	Low Density Single-family Residential	This district is established for single-family detached dwellings in the form of medium to large-sized homes on medium to large-sized lots.
R2	Medium Density Single-family Residential	This district is established for single-family detached dwellings in the form of small to medium-sized homes on medium-sized lots.
R3	Village Residential	This district is established for existing residential uses in unincorporated towns and villages.
R4	Multiple-family Residential	This district is established for single-family attached dwellings in the form of duplexes and triplexes.
R5	High Density Multiple-family Residential	This district is established for multiple-family dwellings in the form of apartment buildings with four or more units or condominium complexes.
LR	Lake Residential	This district is established for single-family detached dwellings on a lake.
MH	Manufactured Home Residential	This district is established for lease lot developments (mobile or manufactured home parks) which typically lease dwelling sites for single-wide and/or double-wide manufactured homes.
IS	Institutional	This district is established for various institutional uses including governmental, hospital, educational, and religious institutions.
VM	Village Mixed Use	This district is established for existing mixed use development within unincorporated towns and villages to allow such areas to expand into rural town centers offering a variety of multiple-family residential opportunities and commercial and institutional establishments.
C1	Neighborhood Commercial	This district is established for the provision of small scale commercial uses required for regular or daily convenience of nearby neighborhoods and agricultural areas.
C2	General Commercial	This district is established for a wide variety of retail, commercial, service, entertainment, and eating establishments.
C3	Highway Commercial	This district is established for retail, commercial, service, entertainment, and eating establishments located along an interstate or other main highway.
I1	Low Intensity Industrial	This district is established for low intensity industrial uses, light manufacturing facilities, and business parks.
I2	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for specific uses that can have a particularly high impact on adjacent areas.

# Zoning Districts

## 1.17 Establishment of Overlay Districts

The overlay districts as noted below have been established to add additional and unique development standards which will help the County accomplish its goals.

District Code	District Name	District Purpose
ACO	Airport Compatibility Overlay	This district is established to protect the airport from developments that may conflict with or adversely impact the airport's existing or future operations.
WDO	Wellhead Overlay	This overlay district is established to protect the integrity and drinkability of the community's public water supply and enhance water quality of streams.

## 1.18 Establishment of Planned Development Districts

As provided in the Unified Development Ordinance, only the following standard zoning districts may be rezoned to a planned development:



## 1.19 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 02: Zoning Districts* identifies land uses allowed in that district. Such land uses are of two (2) kinds: permitted uses and special exception uses. Noble County's permitted and special exception uses for each district are noted in the "Permitted Use" and "Special Exception Use" columns on each two-page layout.

## 1.20 Unlisted Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, shall not be permitted in that particular zoning district.

## 1.21 Questionable Land Uses

Any land use not listed in either the permitted use or special exception use column of a particular zoning district, but that is similar or related to a use that is a permitted use or a special exception use in that zoning district may be deemed permitted through a Questionable Land Use Interpretation by the Zoning Administrator.

## 1.22 Official Zoning Map

- A. **Description:** The map labeled “Official Zoning Map” maintained by the Plan Commission is hereby incorporated as part of the Unified Development Ordinance and is to function as the means to apply a zoning district to each parcel within the County's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Noble 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.
- C. **Zoning District Boundaries:**
1. **Standard Zoning Districts:** The standard zoning district boundaries shall be shown on the Official Zoning Map. The two digit abbreviations for the standard zoning districts appearing in the Unified Development Ordinance or a specific color noted on the map legend 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 (i.e. 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 municipal 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 street, 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. **Disputes:** Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. The Zoning Administrator may refuse to make a determination when she cannot definitely determine the location of a zoning district boundary. The Board of Zoning Appeals 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 Unified Development 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). 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 errors, clerical errors or omissions in the map.

- E. Copies: Print copies of the Official Zoning Map may be distributed. Each copy of the Official Zoning Map shall be accurate only to the date on which it was last modified. The date of the latest revision shall also be printed on copies of the Official Zoning Map.
- F. Damage, Destruction, or Loss: In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret, the Plan Commission may prepare a new map which shall depict the Official Zoning Map as accurately as possible, and shall supersede the prior map upon approval by the County Commissioners. The new map shall not have the effect of amending the Official Zoning Map.

# Powers and Duties

## 1.23 County Commissioners Summary of Powers and Duties

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 and may be initiated.

### A. County Commissioner Duties:

1. *Documents:* Adopt, reject, or amend the Noble County Comprehensive Plan, strategic plans, or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
2. *Amendments:* Adopt, reject, or amend proposals to amend or partially repeal the text of the Noble County Comprehensive Plan, strategic plans, or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
3. *Zoning Map:* Adopt, reject, or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
4. *Fee Schedule:* Adopt, reject, or amend a fee schedule.
5. *Enforcement:* Enforce regulations and procedures of the Noble County Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances, and State of Indiana Law.
6. *Other:* Other duties as may be permitted by Indiana Code.

### B. County Commissioners Powers:

1. *Document Amendment Initiation:* Initiate amendments to the Noble County Comprehensive Plan, strategic plans, or Unified Development Ordinance by making proposals to the Plan Commission.
2. *Zoning Map Amendment Initiation:* Initiate amendments to the Official Zoning Map by making the proposal to the Plan Commission.
3. *Other:* Other powers as may be permitted by Indiana Code.

## 1.24 Plan Commission Summary of Powers and Duties

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 and may be initiated.

### A. Plan Commission Duties:

1. *Documents:* Adopt and maintain the County Commissioners approved Noble County Comprehensive Plan and Unified Development Ordinance as authorized under Indiana State Law.
2. *Rules of Procedure:* Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Noble County Comprehensive Plan and Unified Development Ordinance.
3. *Records:* Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. *Materials:* Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
5. *Process and Seal:* Adopt and maintain a permitting process and seal used to certify official or approved documents.
6. *Recommendations for Documents:* Certify and submit recommendations to the County Commissioners including new versions of and revisions to the Noble County Comprehensive Plan, Unified Development Ordinance, and Official Zoning Map.
7. *Recommendations for PDs:* Certify and submit recommendations to the County Commissioners for adopting a Planned Development District.
8. *Fiscal Records:* Maintain monetary and fiscal records of the Plan Commission.
9. *Budget:* Prepare and submit an annual budget to the County Commissioners.
10. *Plats:* Approve or deny plats or replats of subdivisions.
11. *Waivers:* Approve or deny request for waivers to the subdivision requirements of the Unified Development Ordinance.
12. *Development Plans:* Approve or deny development plans and amendments to development plans.
13. *Names:* Approve or deny proposed subdivision names, street names and addresses in new developments.
14. *Enforcement:* Enforce regulations and procedures of the Noble County Comprehensive Plan and Unified Development Ordinance to the extent of the local resolutions, ordinances and State of Indiana Law.
15. *Other:* Other duties as may be permitted by Indiana Code.



# Powers and Duties

## B. Plan Commission Powers:

1. *Staff:* Hire, remove, and determine job descriptions for support staff with the Plan Commission Office.
2. *Committees:* Establish advisory committees as necessary.
3. *Funding:* Seek funding assistance through grant programs as necessary.
4. *Distribution:* Distribute copies or summaries of the Noble County Comprehensive Plan or Unified Development Ordinance to the general public and development community.
5. *Compensation:* Determine the compensation for support staff and members as provided within the budget submission to County Commissioners.
6. *Other:* Other powers as may be permitted by Indiana Code.

## 1.25 Board of Zoning Appeals Summary of Duties

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

### A. Board of Zoning Appeals Duties:

1. *Appeals:* Hear and determine appeals from, and review any order, requirement, decision, or determination made by an administrative official or commission (except the Plan Commission) charged with the enforcement of the Unified Development Ordinance.
2. *Exceptions:* Authorize exceptions to the zoning district and overlay district regulations only in the classes of uses or in particular situations as specified in this Unified Development Ordinance.
3. *Variances:* Authorize, on appeal in specific cases, variances from the terms of the Unified Development Ordinance.
4. *Interpretations:* Interpret the Official Zoning Map.
5. *Other:* Other duties as may be permitted by Indiana Code.

## 1.26 Zoning Administrator Summary of Duties

The duties delegated by the Plan Commission to the Zoning Administrator are described below. Duties should be interpreted as activities that are obligations.

### A. Zoning Administrator Duties:

1. *Plan Commission Files:* Maintain complete records of all meetings, hearings, correspondences, budgets, rules of procedure, memberships, term expirations and general affairs of the Plan Commission.
2. *Plan Commission Meetings:* Serve as staff for the Plan Commission and any of its committees by setting agendas, conducting research, distributing meeting information, and serving as Plan Commission Secretary.
3. *Publish:* Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
4. *Public Interaction:* Be available as a first point of contact for planning and zoning questions from the public.
5. *Administrative Decisions:* Make administrative decisions based on the standards and procedures in the Unified Development Ordinance.
6. *Interpretations:* Interpret the standards in the Unified Development Ordinance.
7. *Applications:* Process applications submitted to the Plan Commission Office.
8. *Review:* Review permit applications and issue or deny permits submitted to the Plan Commission Office.
9. *Inspections and Enforcement:* Complete field inspections of improvements, structures, and uses to verify compliance with the Unified Development Ordinance.
10. *Recommendations:* Prepare and present Plan Commission recommendations to other commissions and boards.
11. *Other:* Other duties that may be delegated by the Plan Commission from time to time.

## 1.27 Plan Commission Certification

This Unified Development Ordinance was certified with a favorable recommendation for adoption on February 27, 2012 by the Noble County Advisory Plan Commission after holding a legally announced public hearing. The certification was made by the following Plan Commission vote:

(See original adoption.)

## **1.28 Unified Development Ordinance Adoption and Effective Date**

This Unified Development Ordinance was adopted by majority vote from the Board of County Commissioners on July 7, 2012 at a regularly scheduled and noticed meeting, and will become effective on January 1, 2013.

(See original adoption.)



Article

02

Zoning Districts

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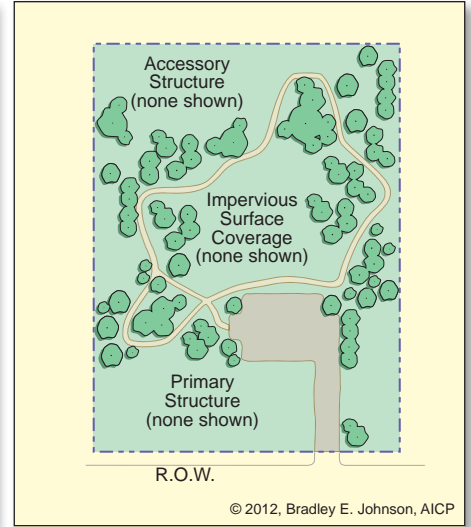
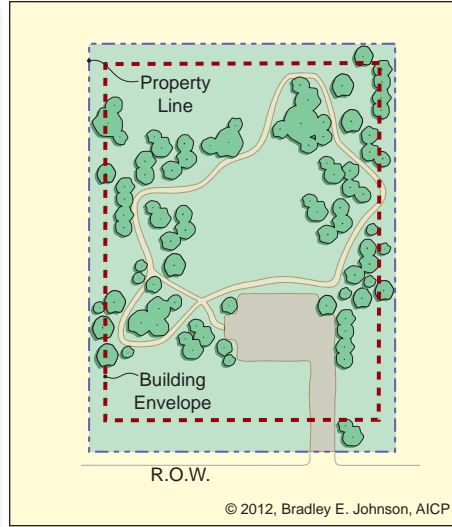
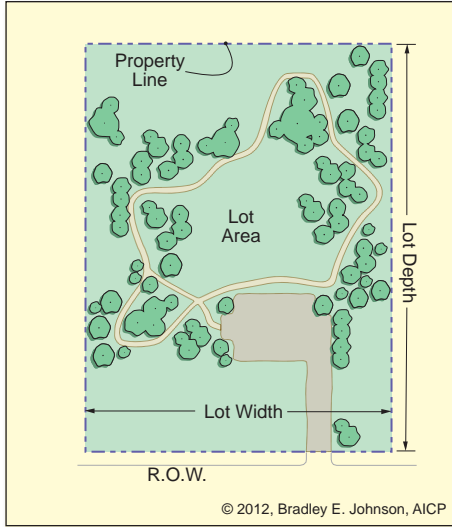
**Noble County  
Unified  
Development  
Ordinance**

## 2.01 OS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The OS (Open Space and Conservation) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Used to protect land for open space and conservation areas</li> <li>• All intensities of passive and active recreation including parks, picnic areas, trails, playgrounds, and sports fields</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new facilities</li> <li>• OS districts are typically spot zoned and distributed around the community</li> <li>• Buffer and transitional district</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Promote high quality natural areas for protection and public use and enjoyment</li> <li>• Promote recreational areas for public use and enjoyment</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, A2, A3, RE, R1, R2, R3, R4, R5, LR, MH, IS, VM, C1, C2, C3, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing and new parks and recreation facilities</li> <li>• Protect the land and uses within the OS District from the encroachment of development through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and uses within the OS District</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• farmers' market</li> <li>• wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wildlife habitat crop</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• country club</li> <li>• driving range</li> <li>• golf course</li> <li>• recreation center/play center</li> <li>• sports complex</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• nature center</li> <li>• nature preserve</li> <li>• park</li> <li>• pool, public</li> <li>• skate park</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• caretaker's residence</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• camp ground</li> <li>• marina</li> <li>• paintball facility</li> <li>• stadium</li> <li>• watercraft rental</li> </ul>

# Open Space and Conservation (OS) District

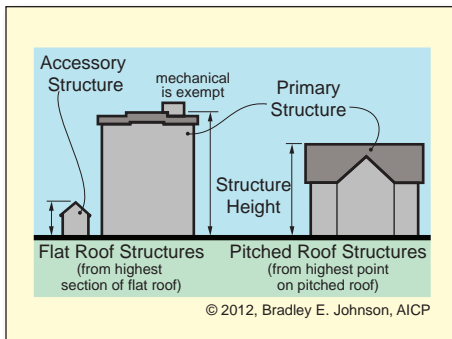
## 2.02 OS District Development Standards



- Minimum Lot Area**
  - no minimum
- Minimum Lot Width**
  - 50 feet
- Sanitary Sewer Utility**
  - not required, unless available
- Water Utility**
  - not required, unless available

- Minimum Front Yard Setback**
  - 30 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 15 feet for primary and accessory structures
- Minimum Rear Yard Setback**
  - 25 feet for primary and accessory structures

- Maximum Lot Coverage**
  - 25%
- Minimum Main Floor Area**
  - n/a
- Minimum Dwelling Unit Size**
  - 960 square feet
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 35 feet for primary structures
  - 20 feet for accessory structures

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Parking (PK)</b>
• AS-01 ..... Page 5-6	• PK-01 ..... Page 5-32
• AS-02 ..... Page 5-7	<b>Pond (PN)</b>
<b>Density and Intensity (DI)</b>	• PN-01 ..... Page 5-42
• DI-01 ..... Page 5-12	<b>Public Improvement (PI)</b>
<b>Driveway (DW)</b>	• PI-01 ..... Page 5-43
• DW-01 ..... Page 5-13	<b>Setback (SB)</b>
<b>Environmental (EN)</b>	• SB-01 ..... Page 5-45
• EN-01 ..... Page 5-14	<b>Sewer and Water (SW)</b>
<b>Fence and Wall (FW)</b>	• SW-01 ..... Page 5-47
• FW-01 ..... Page 5-16	<b>Sign (SI)</b>
• FW-03 ..... Page 5-17	• SI-01 ..... Page 5-49
<b>Floodplain (FP)</b>	• SI-05 ..... Page 5-56
• FP-01 ..... Page 5-19	<b>Special Exception (SE)</b>
<b>Floor Area (FA)</b>	• SE-01 ..... Page 5-68
• FA-01 ..... Page 5-20	<b>Structure (ST)</b>
<b>Height (HT)</b>	• ST-01 ..... Page 5-69
• HT-01 ..... Page 5-21	<b>Temporary Use (TU)</b>
<b>Lot (LO)</b>	• TU-01 ..... Page 5-72
• LO-01 ..... Page 5-29	• TU-04 ..... Page 5-73
<b>Outdoor Storage (OS)</b>	<b>Vision Clearance (VC)</b>
• OS-01 ..... Page 5-31	• VC-01 ..... Page 5-75
	<b>Wind Turbine System (WT)</b>
	• WT-01 ..... Page 5-76

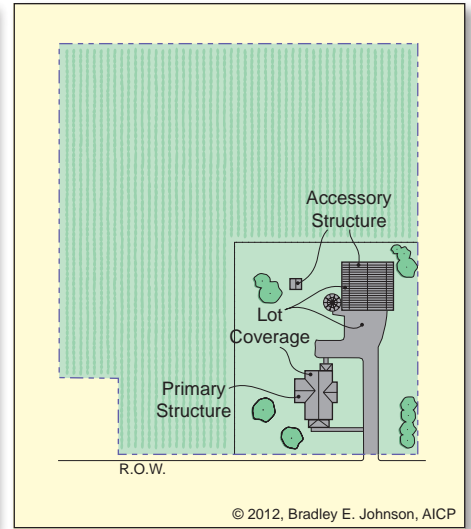
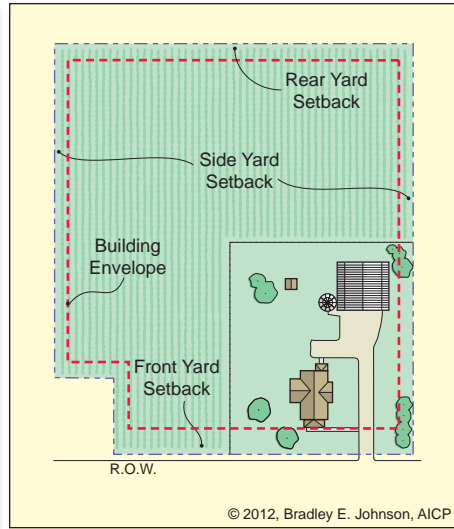
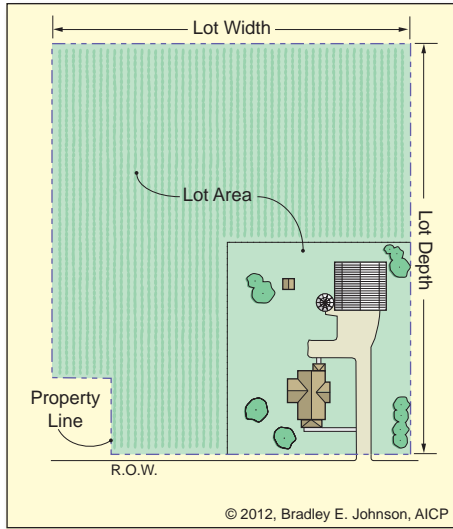
## 2.03 A1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A1 (Production Agricultural) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• General agricultural operations</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing agricultural land</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, A2, A3, RE, R1 and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing agricultural land</li> <li>• Protect the land and operations within the A1 District from the encroachment of residential and commercial development through the use of appropriate buffers and setbacks</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Protect the integrity of land and operations within the A1 District</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural tourism*</li> <li>• barn (storage or agricultural)</li> <li>• bed and breakfast*</li> <li>• farmers' market*</li> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• home business (type 3)*</li> <li>• roadside sales</li> <li>• temporary accessory dwelling</li> <li>• wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• hobby farming</li> <li>• orchard</li> <li>• plant nursery, wholesale</li> <li>• raising of farm animals*</li> <li>• stable (private)*</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul> <p>* Permitted only on developable lots that are two acres or more in size</p>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• permanent accessory dwelling</li> </ul> <p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• processing of agricultural products</li> <li>• raising of exotic animals</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• hunting club*</li> <li>• kennel*</li> <li>• stable, commercial*</li> <li>• winery*</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• telecommunication facility</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• cemetery/mausoleum</li> <li>• police, fire, or rescue station</li> </ul> <p>* Permitted only on developable lots that are two acres or more in size</p>



# Production Agricultural (A1) District

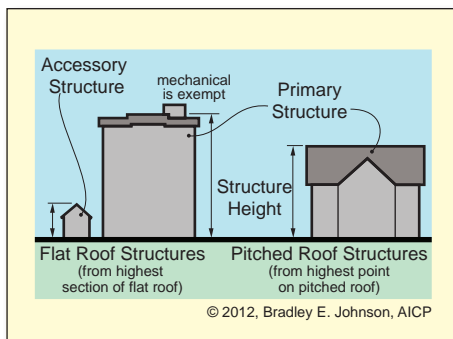
## 2.04 A1 District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 150 feet
- Sanitary Sewer Utility**
  - not required, unless available
- Water Utility**
  - not required, unless available

- Minimum Front Yard Setback**
  - 85 feet from centerline for primary and accessory structures
- Minimum Side Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures
- Minimum Rear Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures

- Maximum Lot Coverage**
  - 25%
- Minimum Main Floor Area**
  - no minimum
- Minimum Dwelling Size**
  - 1,200 square feet
- Maximum Primary Structures**
  - 1



- Maximum Structure Height**
  - 35 feet for primary structures
  - 30 feet for accessory structures

### Additional Development Standards that Apply

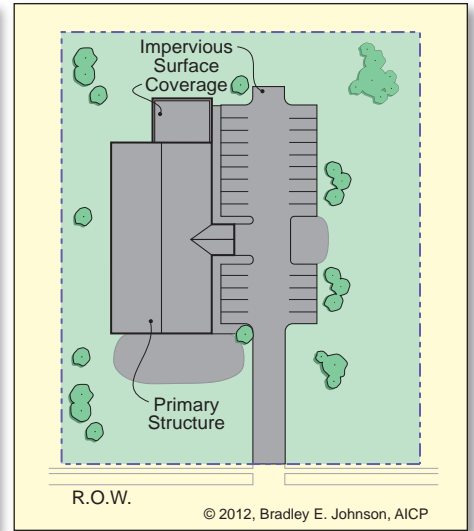
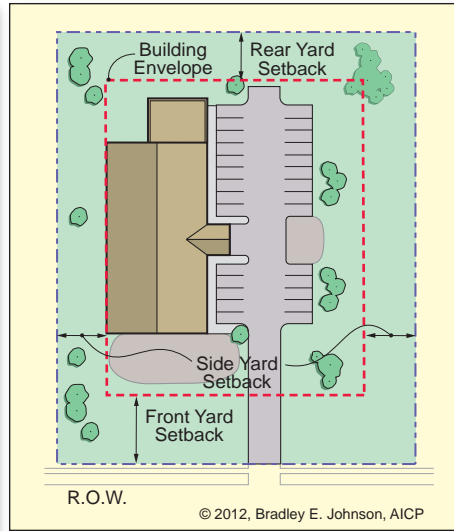
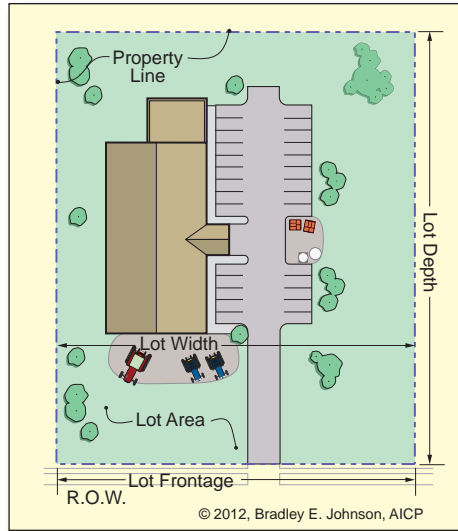
<ul style="list-style-type: none"> <li>Accessory Dwelling (AD)                             <ul style="list-style-type: none"> <li>• AD-01 ..... Page 5-4</li> </ul> </li> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-02 ..... Page 5-7</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-02 ..... Page 5-16</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> <li>• HB-02 ..... Page 5-23</li> <li>• HB-03 ..... Page 5-24</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-03 ..... Page 5-25</li> </ul> </li> <li>Kennel (KL)                             <ul style="list-style-type: none"> <li>• KL-01 ..... Page 5-26</li> </ul> </li> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-02 ..... Page 5-52</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Telecommunication Facility (TC)                             <ul style="list-style-type: none"> <li>• TC-01 ..... Page 5-70</li> </ul> </li> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-02 ..... Page 5-72</li> <li>• TU-04 ..... Page 5-73</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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## 2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A2 (Agricultural Commercial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Commercial and industrial uses directly related to agricultural operations and compatible with the character of agricultural areas</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing or new development</li> <li>Spot zoning adjacent to existing agricultural areas</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact development standards to minimize the impacts on adjacent properties while encouraging economic vitality within the A2 District</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OS, A1, A2, A3, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>This district should accommodate commercial and industrial operations that are substantially supported by the agricultural industry</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farmers' market</li> <li>wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural crop production</li> <li>grain elevator</li> <li>orchard</li> <li>plant nursery, wholesale</li> <li>processing of agricultural products</li> <li>raising of farm animals</li> <li>sale of agricultural products</li> <li>stable, private</li> <li>storage of agricultural products</li> <li>tree farm</li> <li>vineyard</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farm implement sales</li> <li>landscape contractor</li> <li>plant nursery, retail</li> <li>stable, commercial</li> <li>tools/equipment sales/rental</li> <li>winery</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>food production/processing</li> <li>heavy equipment repair</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>storage tanks (nonhazardous)</li> <li>welding</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>farmstead</li> </ul>	<p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>raising of exotic animals</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>kennel</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>telecommunication facility</li> </ul>

# Agricultural Commercial (A2) District

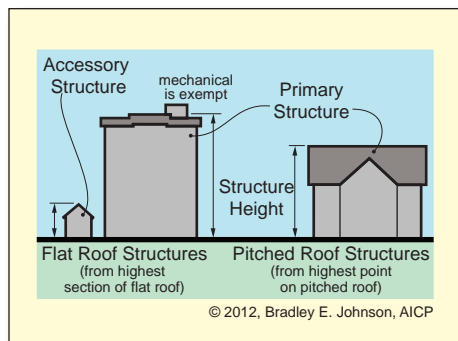
## 2.06 A2 District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 150 feet
- Sanitary Sewer Utility**
  - not required, unless available
- Water Utility**
  - not required, unless available

- Minimum Front Yard Setback**
  - 85 feet from centerline for primary and accessory structures
- Minimum Side Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures
- Minimum Rear Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures

- Maximum Lot Coverage**
  - 25%
- Minimum Main Floor Area**
  - 1,200 square feet
- Minimum Dwelling Unit Size**
  - n/a
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 35 feet for primary structures
  - 30 feet for accessory structures

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-02 ..... Page 5-7</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-02 ..... Page 5-16</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-03 ..... Page 5-25</li> </ul> </li> <li>Kennel (KL)                             <ul style="list-style-type: none"> <li>• KL-01 ..... Page 5-26</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-05 ..... Page 5-56</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-04 ..... Page 5-73</li> <li>• TU-05 ..... Page 5-73</li> </ul> </li> <li>Trash Receptacle (TR)                             <ul style="list-style-type: none"> <li>• TR-01 ..... Page 5-74</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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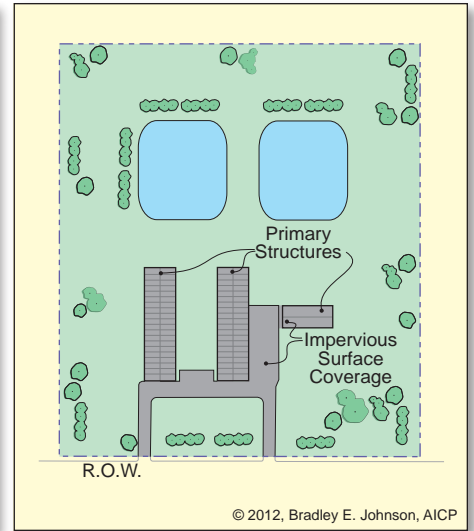
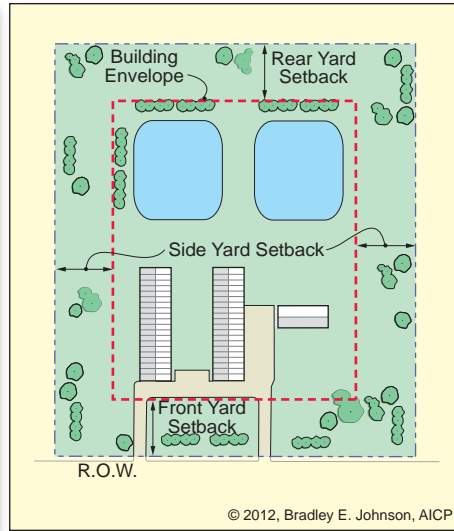
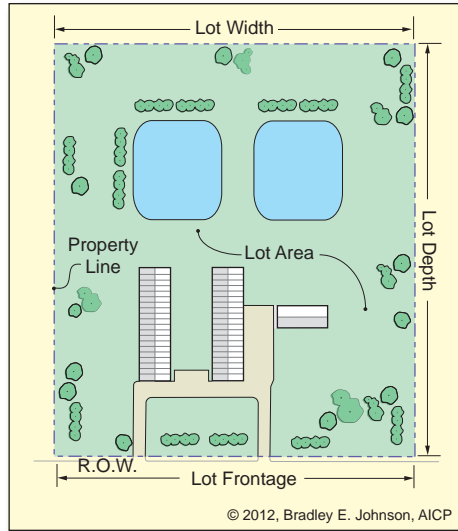
# Intense Agricultural (A3) District

## 2.07 A3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The A3 (Intense Agricultural) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high intensity agricultural operations that may have a significant impact on adjacent properties</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing or new development</li> <li>• Spot zoning adjacent to existing agricultural areas</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact strict development standards to maximize protection of common agricultural practices</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, A2, A3, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Protect the land and operations within the A3 District from residential, commercial, and industrial encroachment through the use of appropriate buffers and setbacks</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• confined feeding operation</li> <li>• hobby farming</li> <li>• orchard</li> <li>• processing of agricultural products</li> <li>• raising of farm animals</li> <li>• sale of agricultural products</li> <li>• stable, private</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• stable, commercial</li> <li>• winery</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• food production/processing</li> <li>• liquid fertilizer storage/distribution</li> <li>• outdoor storage</li> <li>• storage tanks (non-hazardous)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• farmstead</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, large</li> </ul> <p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bio diesel</li> <li>• raising of exotic animals</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• telecommunication facility</li> </ul>

# Intense Agricultural (A3) District

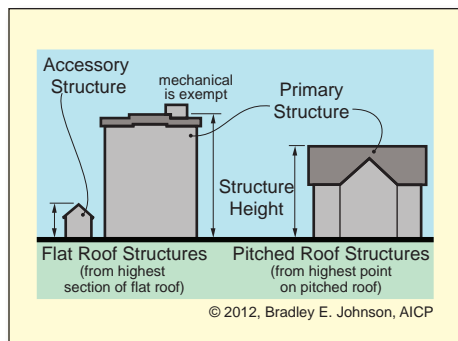
## 2.08 A3 District Development Standards



- Minimum Lot Area**
  - 4 acres
- Minimum Lot Width**
  - 200 feet
- Sanitary Sewer Utility**
  - not required, unless available
- Water Utility**
  - not required, unless available

- Minimum Front Yard Setback**
  - 85 feet from centerline for primary and accessory structures
- Minimum Side Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures
- Minimum Rear Yard Setback**
  - 25 feet for primary structures
  - 15 feet for accessory structures
- Minimum Confined Feeding Setback**
  - 250 feet for primary structures from all property lines

- Maximum Lot Coverage**
  - 40%
- Minimum Main Floor Area**
  - 1,200 square feet
- Minimum Dwelling Unit Size**
  - n/a
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 45 feet for primary structures
  - 35 feet for accessory structures

### Additional Development Standards that Apply

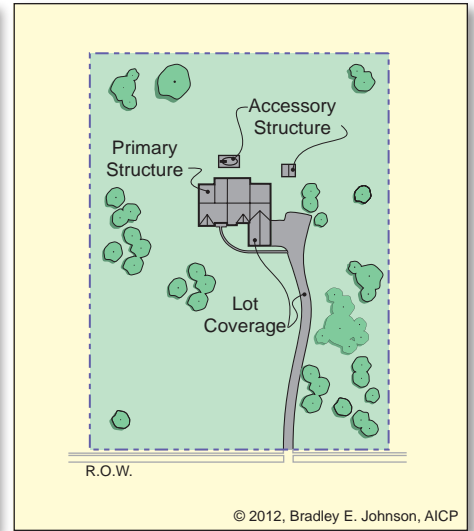
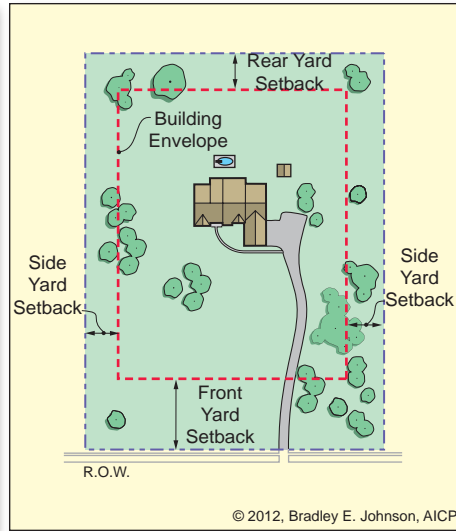
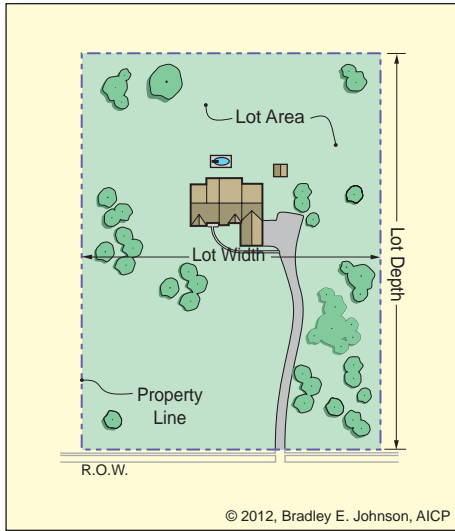
<b>Accessory Structure (AS)</b>	<b>Parking (PK)</b>
• AS-01 ..... Page 5-6	• PK-01 ..... Page 5-32
• AS-02 ..... Page 5-7	<b>Pond (PN)</b>
<b>Confined Feeding (CF)</b>	• PN-01 ..... Page 5-42
• CF-01 ..... Page 5-11	<b>Public Improvement (PI)</b>
<b>Density and Intensity (DI)</b>	• PI-01 ..... Page 5-43
• DI-01 ..... Page 5-12	<b>Right to Farm (RF)</b>
<b>Driveway (DW)</b>	• RF-01 ..... Page 5-44
• DW-01 ..... Page 5-13	<b>Setback (SB)</b>
<b>Environmental (EN)</b>	• SB-01 ..... Page 5-45
• EN-01 ..... Page 5-14	<b>Sewer and Water (SW)</b>
<b>Fence and Wall (FW)</b>	• SW-01 ..... Page 5-47
• FW-01 ..... Page 5-16	<b>Sign (SI)</b>
• FW-02 ..... Page 5-16	• SI-01 ..... Page 5-49
<b>Floodplain (FP)</b>	• SI-05 ..... Page 5-56
• FP-01 ..... Page 5-19	<b>Special Exception (SE)</b>
<b>Floor Area (FA)</b>	• SE-01 ..... Page 5-68
• FA-01 ..... Page 5-20	<b>Structure (ST)</b>
<b>Height (HT)</b>	• ST-01 ..... Page 5-69
• HT-01 ..... Page 5-21	<b>Temporary Use (TU)</b>
<b>Keeping of Animals (KA)</b>	• TU-01 ..... Page 5-72
• KA-03 ..... Page 5-25	<b>Vision Clearance (VC)</b>
<b>Lighting (LT)</b>	• VC-01 ..... Page 5-75
• LT-01 ..... Page 5-27	<b>Wind Turbine System (WT)</b>
<b>Lot (LO)</b>	• WT-01 ..... Page 5-76
• LO-01 ..... Page 5-29	• WT-02 ..... Page 5-78

## 2.09 RE District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The RE (Rural Estate) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Rural residential estates and hobby farming</li> <li>• Low density single-family detached homes on large lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Promote low-impact development in harmony with a natural setting</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, RE, R1, R2, R3, LR, and IS</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new residential development</li> <li>• Large subdivisions on well and septic systems are not favored</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• roadside sales</li> <li>• temporary accessory dwelling</li> <li>• wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• hobby farming</li> <li>• stable, private</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• permanent accessory dwelling</li> </ul>

# Rural Estate (RE) District

## 2.10 RE District Development Standards



### Minimum Lot Area

- 2 acres

### Minimum Lot Width

- 150 feet

### Sanitary Sewer Utility

- required where feasible

### Water Utility

- required where feasible

### Minimum Front Yard Setback

- 85 feet from centerline for primary and accessory structures

### Minimum Side Yard Setback

- 25 feet for primary structures
- 15 feet for accessory structures

### Minimum Rear Yard Setback

- 25 feet for primary structures
- 15 feet for accessory structures

### Maximum Lot Coverage

- 25%

### Minimum Main Floor Area

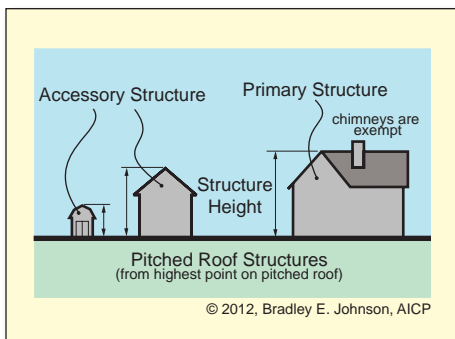
- 800 square feet

### Minimum Dwelling Unit Size

- 1,200 square feet

### Maximum Primary Structures

- 1



### Maximum Structure Height

- 35 feet for primary structures
- 25 feet for accessory structures

## Additional Development Standards that Apply

Accessory Dwelling (AD)	Lighting (LT)	Structure (ST)
• AD-01 ..... Page 5-4	• LT-01 ..... Page 5-27	• ST-01 ..... Page 5-69
Accessory Structure (AS)	Lot (LO)	Temporary Use (TU)
• AS-01 ..... Page 5-6	• LO-01 ..... Page 5-29	• TU-01 ..... Page 5-72
• AS-02 ..... Page 5-7	Outdoor Storage (OS)	• TU-02 ..... Page 5-72
Density and Intensity (DI)	• OS-01 ..... Page 5-31	Vision Clearance (VC)
• DI-01 ..... Page 5-12	Parking (PK)	• VC-01 ..... Page 5-75
Driveway (DW)	• PK-01 ..... Page 5-32	Wind Turbine System (WT)
• DW-01 ..... Page 5-13	• PK-02 ..... Page 5-32	• WT-01 ..... Page 5-76
Environmental (EN)	Performance (PF)	
• EN-01 ..... Page 5-14	• PF-01 ..... Page 5-41	
Fence and Wall (FW)	Pond (PN)	
• FW-01 ..... Page 5-16	• PN-01 ..... Page 5-42	
• FW-03 ..... Page 5-17	Public Improvement (PI)	
Floodplain (FP)	• PI-01 ..... Page 5-43	
• FP-01 ..... Page 5-19	Right to Farm (RF)	
Floor Area (FA)	• RF-01 ..... Page 5-44	
• FA-01 ..... Page 5-20	Setback (SB)	
Height (HT)	• SB-01 ..... Page 5-45	
• HT-01 ..... Page 5-21	Sewer and Water (SW)	
Home Business (HB)	• SW-01 ..... Page 5-47	
• HB-01 ..... Page 5-22	Sign (SI)	
• HB-02 ..... Page 5-23	• SI-01 ..... Page 5-49	
Keeping of Animals (KA)	• SI-03 ..... Page 5-53	
• KA-03 ..... Page 5-25	Special Exception (SE)	
	• SE-01 ..... Page 5-68	

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

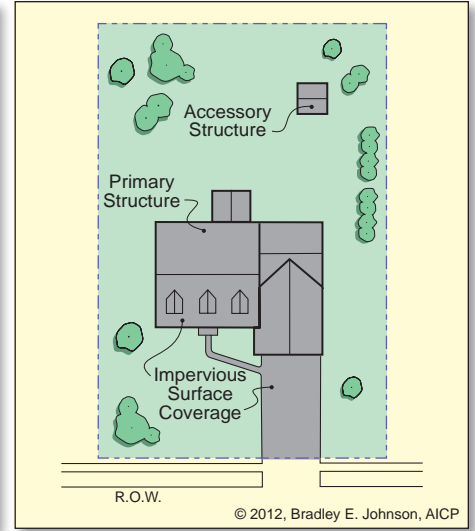
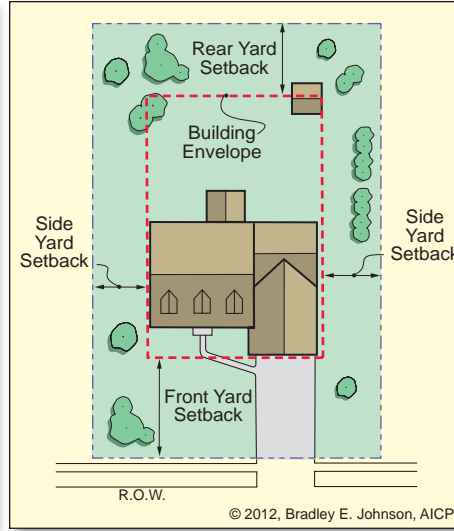
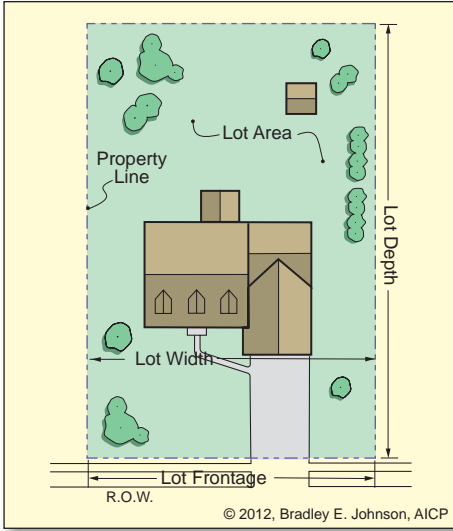
District Intent	Permitted Uses	Special Exception Uses
<p><b>The R1 (Low Density Single-family Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low density single-family detached homes on large sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small to medium sized pockets of development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Promote low-impact development in harmony with a natural setting</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, RE, R1, R2, R3, R4, LR, MH, IS, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new residential development</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	





# Low Density Single-family Residential (R1) District

## 2.12 R1 District Development Standards



**Minimum Lot Area**

- 30,000 square feet

**Minimum Lot Width**

- 100 feet

**Sanitary Sewer Utility**

- required

**Water Utility**

- required

**Minimum Front Yard Setback**

- 30 feet for primary and accessory structures

**Minimum Side Yard Setback**

- 10% of lot width for primary structures
- 5 feet for accessory structures

**Minimum Rear Yard Setback**

- 20 feet for primary structures
- 5 feet for accessory structures

**Maximum Lot Coverage**

- 30%

**Minimum Main Floor Area**

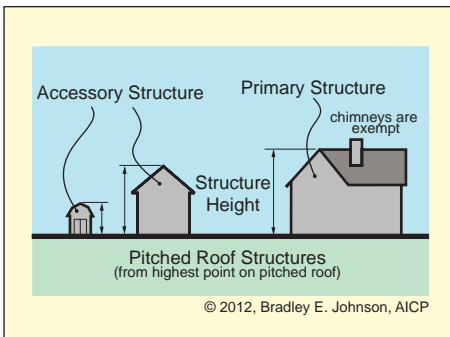
- n/a

**Minimum Dwelling Unit Size**

- 1,200 square feet

**Maximum Primary Structures**

- 1



**Maximum Structure Height**

- 35 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-03 ..... Page 5-7</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> <li>• HB-02 ..... Page 5-23</li> </ul> </li> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-01 ..... Page 5-25</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-02 ..... Page 5-32</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-03 ..... Page 5-53</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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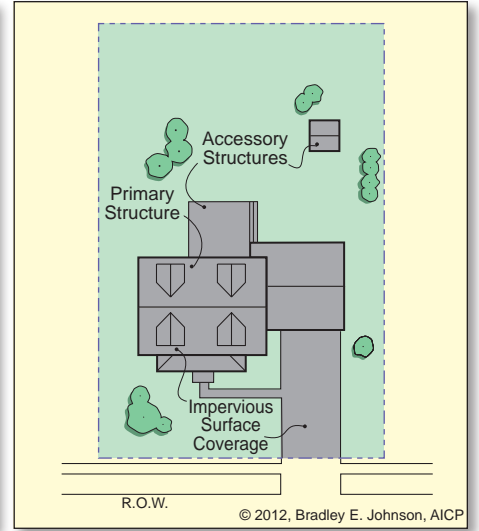
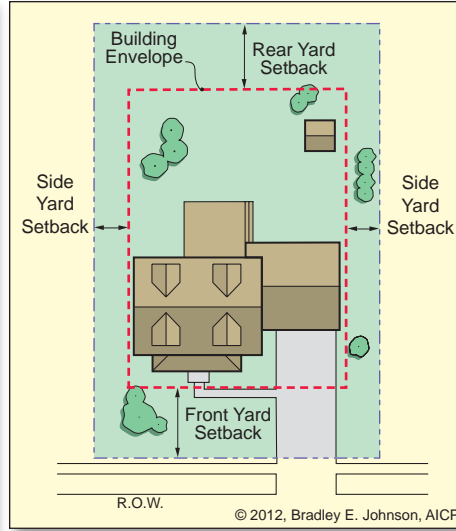
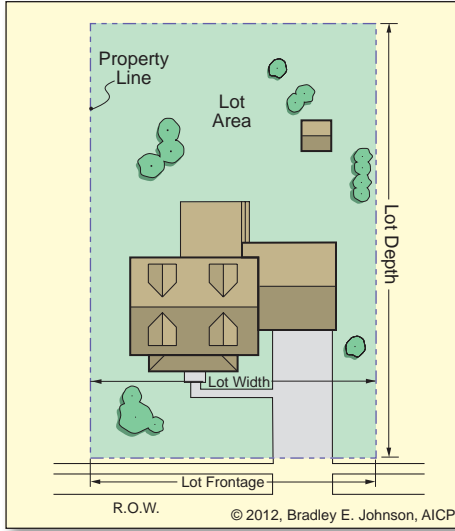
## 2.13 R2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The R2 (Medium Density Single-family Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium density single-family detached homes on medium sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small to large sized areas of development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Promote low impact development</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, RE, R1, R2, R3, R4, LR, MH, IS, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new residential development</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	



# Medium Density Single-family Residential (R2) District

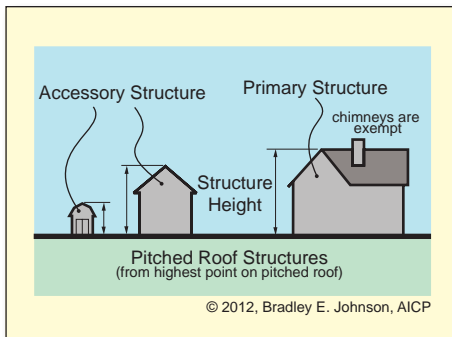
## 2.14 R2 District Development Standards



- Minimum Lot Area**
  - 12,000 square feet
- Minimum Lot Width**
  - 80 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - required

- Minimum Front Yard Setback**
  - 30 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 10% of lot width for primary structures
  - 5 feet for accessory structures
- Minimum Rear Yard Setback**
  - 20 feet for primary structures
  - 5 feet for accessory structures

- Maximum Lot Coverage**
  - 35%
- Minimum Main Floor Area**
  - n/a
- Minimum Dwelling Unit Size**
  - 1,200 square feet
- Maximum Primary Structures**
  - 1 per lot



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

### Additional Development Standards that Apply

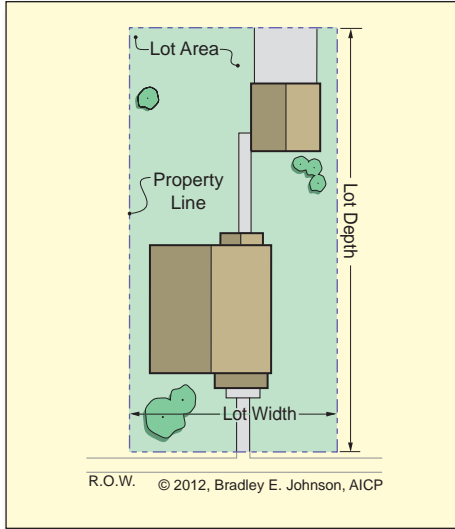
<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-03 ..... Page 5-7</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> <li>• HB-02 ..... Page 5-23</li> </ul> </li> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-01 ..... Page 5-25</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-02 ..... Page 5-32</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-03 ..... Page 5-53</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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## 2.15 R3 District Intent, Permitted Uses, and Special Exception Uses

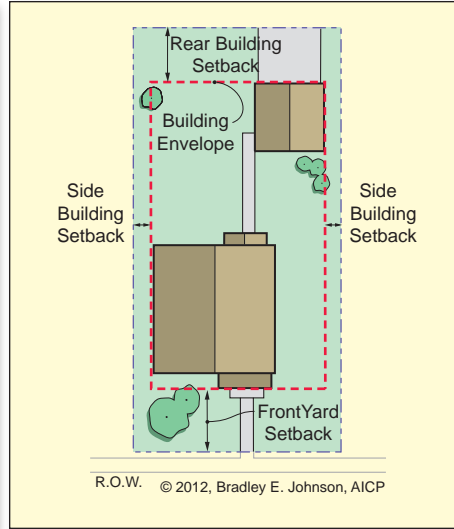
District Intent	Permitted Uses	Special Exception Uses
<p><b>The R3 (Village Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density single-family detached homes on small to medium sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing development within unincorporated towns</li> <li>• Limited use for new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Flexible development standards to accommodate existing development</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, RE, R1, R2, R3, R4, R5, LR, MH, IS, VM, and C1</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, three-family (triplex)</li> <li>• dwelling, two-family (duplex)</li> </ul>

# Village Residential (R3) District

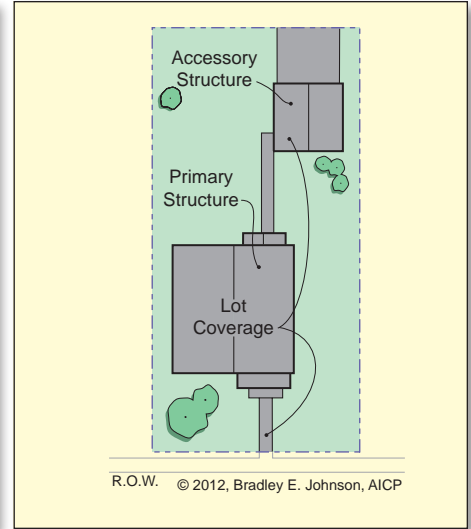
## 2.16 R3 District Development Standards



R.O.W. © 2012, Bradley E. Johnson, AICP



R.O.W. © 2012, Bradley E. Johnson, AICP

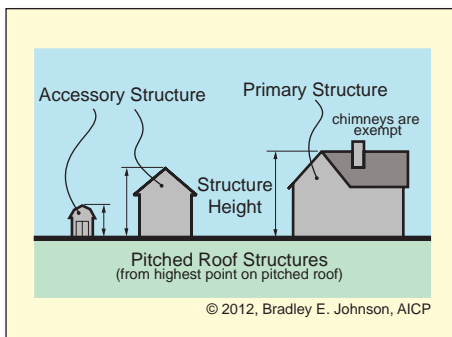


R.O.W. © 2012, Bradley E. Johnson, AICP

- Minimum Lot Area**
- 8,000 square feet
- Minimum Lot Width**
- 60 feet
- Sanitary Sewer Utility**
- required
- Water Utility**
- na

- Minimum Front Yard Setback**
- 25 feet for primary and accessory structures
- Minimum Side Yard Setback**
- 5 feet for primary and accessory structures
- Minimum Rear Yard Setback**
- 20 feet for primary structures
- 5 feet for accessory structures

- Maximum Lot Coverage**
- 50%
- Minimum Main Floor Area**
- n/a
- Minimum Dwelling Unit Size**
- 960 square feet
- Maximum Primary Structures**
- 1



- Maximum Structure Height**
- 35 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li>Accessory Structure (AS)</li> <li>• AS-01 ..... Page 5-6</li> <li>• AS-03 ..... Page 5-7</li> <li>Density and Intensity (DI)</li> <li>• DI-01 ..... Page 5-12</li> <li>Driveway (DW)</li> <li>• DW-01 ..... Page 5-13</li> <li>Environmental (EN)</li> <li>• EN-01 ..... Page 5-14</li> <li>Fence and Wall (FW)</li> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> <li>Floodplain (FP)</li> <li>• FP-01 ..... Page 5-19</li> <li>Floor Area (FA)</li> <li>• FA-01 ..... Page 5-20</li> <li>Height (HT)</li> <li>• HT-01 ..... Page 5-21</li> <li>Home Business (HB)</li> <li>• HB-01 ..... Page 5-22</li> <li>• HB-02 ..... Page 5-23</li> <li>Keeping of Animals (KA)</li> <li>• KA-01 ..... Page 5-25</li> <li>Lighting (LT)</li> <li>• LT-01 ..... Page 5-27</li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)</li> <li>• LO-01 ..... Page 5-29</li> <li>Outdoor Storage (OS)</li> <li>• OS-01 ..... Page 5-31</li> <li>Parking (PK)</li> <li>• PK-01 ..... Page 5-32</li> <li>• PK-02 ..... Page 5-32</li> <li>Performance (PF)</li> <li>• PF-01 ..... Page 5-41</li> <li>Pond (PN)</li> <li>• PN-01 ..... Page 5-42</li> <li>Public Improvement (PI)</li> <li>• PI-01 ..... Page 5-43</li> <li>Right to Farm (RF)</li> <li>• RF-01 ..... Page 5-44</li> <li>Setback (SB)</li> <li>• SB-01 ..... Page 5-45</li> <li>Sewer and Water (SW)</li> <li>• SW-01 ..... Page 5-47</li> <li>Sign (SI)</li> <li>• SI-01 ..... Page 5-49</li> <li>• SI-03 ..... Page 5-53</li> <li>Special Exception (SE)</li> <li>• SE-01 ..... Page 5-68</li> <li>Structure (ST)</li> <li>• ST-01 ..... Page 5-69</li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)</li> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> <li>Vision Clearance (VC)</li> <li>• VC-01 ..... Page 5-75</li> <li>Wind Turbine System (WT)</li> <li>• WT-01 ..... Page 5-76</li> </ul>
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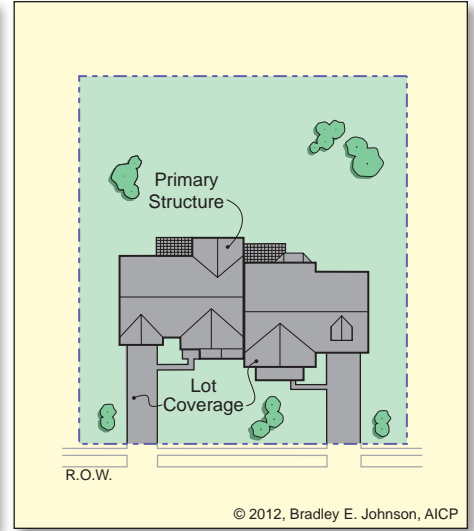
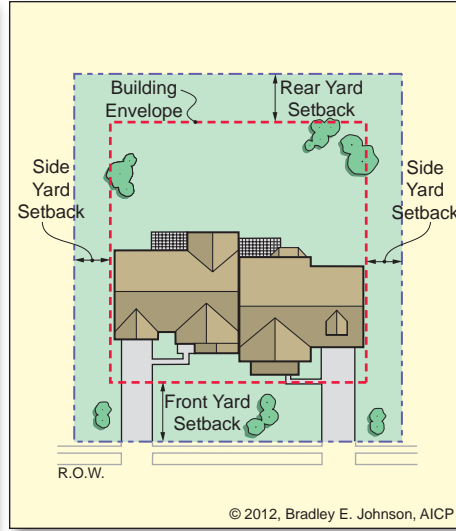
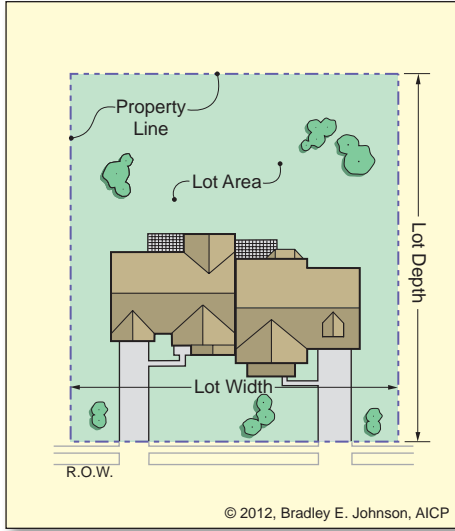
# Multiple-family Residential (R4) District

## 2.17 R4 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The R4 (Multiple-family Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium density single-family attached homes, in the form of duplexes and triplexes, on small to medium sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact stringent development standards to protect the quality of life for tenants and to ensure quality development that integrates well with surrounding areas</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, R1, R2, R3, R4, R5, LR, MH, IS, VM, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new multiple-family residential development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, three-family (triplex)</li> <li>• dwelling, two-family (duplex)</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• dwelling, multiple-family (4 to 8 units/ building)</li> <li>• dwelling, single-family detached</li> <li>• fair housing facility (large)</li> </ul>

# Multiple-family Residential (R4) District

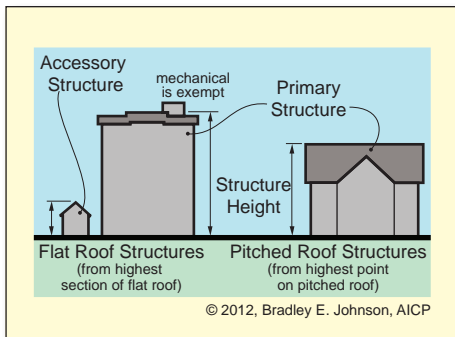
## 2.18 R4 District Development Standards



- Minimum Lot Area**
  - 12,500 square feet
- Minimum Lot Width**
  - 60 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - required

- Minimum Front Yard Setback**
  - 30 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 15 feet for primary and accessory structures
- Minimum Rear Yard Setback**
  - 20 feet for primary structure
  - 15 feet for accessory structure

- Maximum Lot Coverage**
  - 50%
- Minimum Main Floor Area**
  - n/a
- Minimum Dwelling Unit Size**
  - 960 square feet
- Maximum Density**
  - 6 units per acre
- Maximum Primary Structures**
  - 1



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

Additional Development Standards that Apply		
<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-03 ..... Page 5-7</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> </ul> </li> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-02 ..... Page 5-25</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-02 ..... Page 5-32</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-04 ..... Page 5-54</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> </ul> </li> <li>Trash Receptacle (TR)                             <ul style="list-style-type: none"> <li>• TR-01 ..... Page 5-74</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>

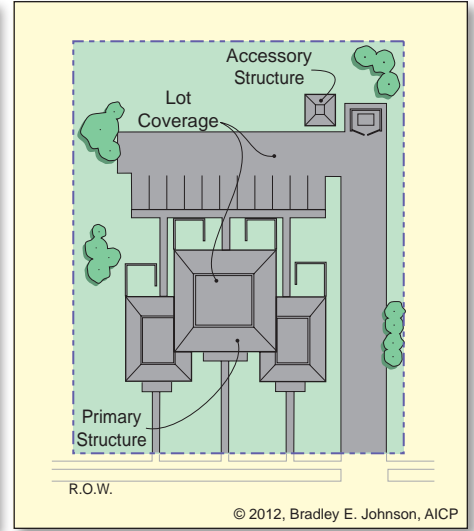
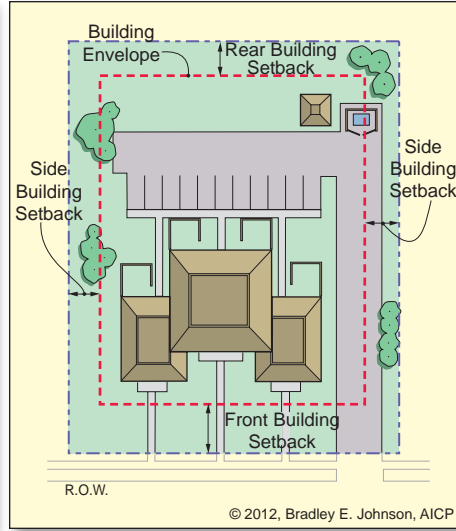
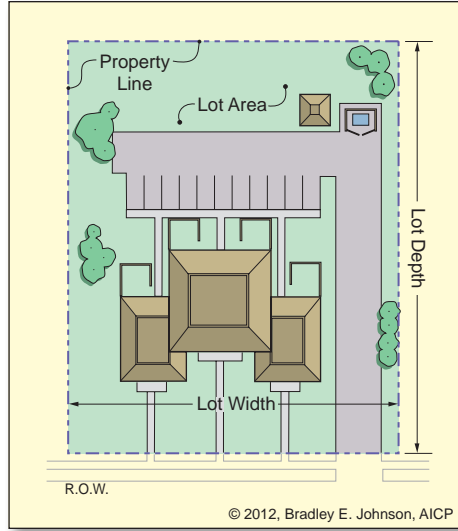
## 2.19 R5 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The R5 (High Density Multiple-family Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density multiple-family homes on varying sized lots</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact stringent development standards to protect the quality of life for tenants and to ensure quality development that integrates well with surrounding areas</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, R3, R4, R5, MH, IS, VM, C1, C2, C3, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new multiple-family residential development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• dwelling, multiple-family (4 to 8 units/ building)</li> <li>• fair housing facility (large)</li> <li>• retirement community</li> </ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, multiple-family (9+ units/ building)</li> <li>• dwelling, three-family (triplex)</li> <li>• dwelling, two-family (duplex)</li> <li>• fair housing facility (small)</li> <li>• nursing home</li> </ul>



# High Density Multiple-family Residential (R5) District

## 2.20 R5 District Development Standards



**Minimum Lot Area**

- 1 acre

**Minimum Lot Width**

- 100 feet

**Sanitary Sewer Utility**

- required

**Water Utility**

- required

**Minimum Front Yard Setback**

- 30 feet for primary and accessory structures

**Minimum Side Yard Setback**

- 25 feet for primary and accessory structures

**Minimum Rear Yard Setback**

- 20 feet for primary structure
- 15 feet for accessory structure

**Minimum Building Separation**

- 30 feet for primary structures

**Maximum Lot Coverage**

- 50%

**Minimum Main Floor Area**

- n/a

**Minimum Dwelling Unit Size**

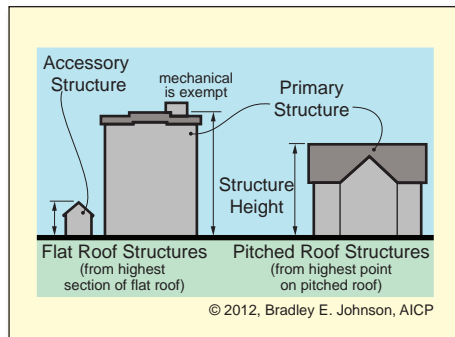
- 700 square feet per unit

**Maximum Density**

- 12 units per acre

**Maximum Primary Structures**

- no limit



**Maximum Structure Height**

- 40 feet for primary structure
- 20 feet for accessory structure

### Additional Development Standards that Apply

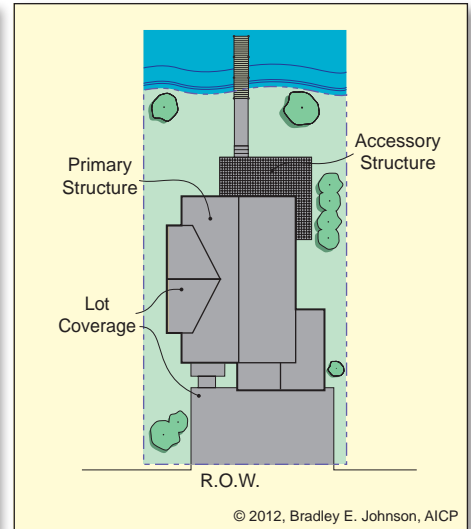
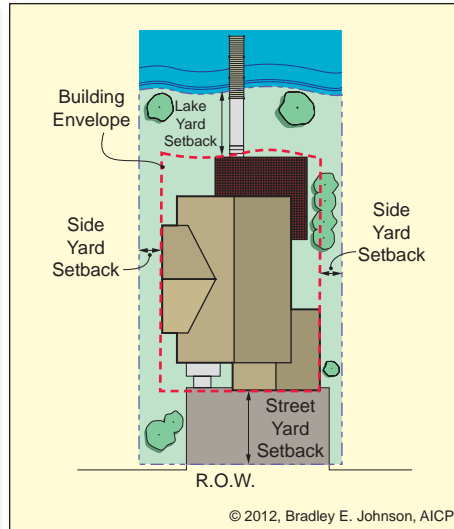
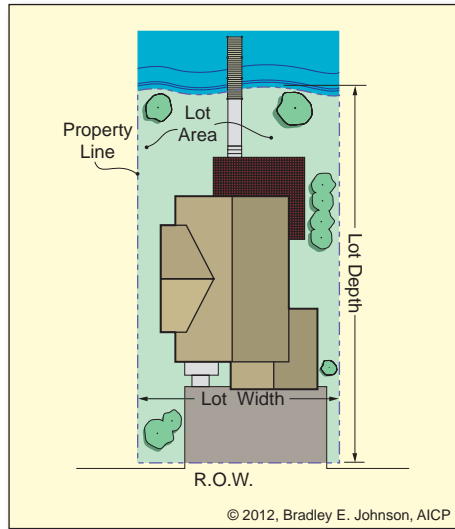
Accessory Structure (AS)	Lot (LO)	Temporary Use (TU)
• AS-01 ..... Page 5-6	• LO-01 ..... Page 5-29	• TU-01 ..... Page 5-72
• AS-06 ..... Page 5-10	Outdoor Storage (OS)	• TU-03 ..... Page 5-72
Density and Intensity (DI)	• OS-01 ..... Page 5-31	Trash Receptacle (TR)
• DI-01 ..... Page 5-12	Parking (PK)	• TR-01 ..... Page 5-74
Driveway (DW)	• PK-01 ..... Page 5-32	Vision Clearance (VC)
• DW-01 ..... Page 5-13	• PK-04 ..... Page 5-35	• VC-01 ..... Page 5-75
Environmental (EN)	Performance (PF)	Wind Turbine System (WT)
• EN-01 ..... Page 5-14	• PF-01 ..... Page 5-41	• WT-01 ..... Page 5-76
Fence and Wall (FW)	Pond (PN)	
• FW-01 ..... Page 5-16	• PN-01 ..... Page 5-42	
• FW-03 ..... Page 5-17	Public Improvement (PI)	
Floodplain (FP)	• PI-01 ..... Page 5-43	
• FP-01 ..... Page 5-19	Right to Farm (RF)	
Floor Area (FA)	• RF-01 ..... Page 5-44	
• FA-01 ..... Page 5-20	Setback (SB)	
Height (HT)	• SB-01 ..... Page 5-45	
• HT-01 ..... Page 5-21	Sewer and Water (SW)	
Home Business (HB)	• SW-01 ..... Page 5-47	
• HB-01 ..... Page 5-22	Sign (SI)	
Keeping of Animals (KA)	• SI-01 ..... Page 5-49	
• KA-02 ..... Page 5-25	• SI-04 ..... Page 5-54	
Lighting (LT)	Special Exception (SE)	
• LT-01 ..... Page 5-27	• SE-01 ..... Page 5-68	
	Structure (ST)	
	• ST-01 ..... Page 5-69	

## 2.21 LR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The LR (Lake Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Single-family detached homes</li> <li>• Lake lots of various size</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Located along lake shores</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Recognize that more stringent development standards are necessary to protect the environmental and unique features of the lake</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, RE, R1, R2, R3, R4, LR, IS, VM, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Recognize that the smaller the lots and the closer two structures are to one another, the higher the quality of design must be</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• home business (type 2)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• fair housing facility (small)</li> </ul>	

# Lake Residential (LR) District

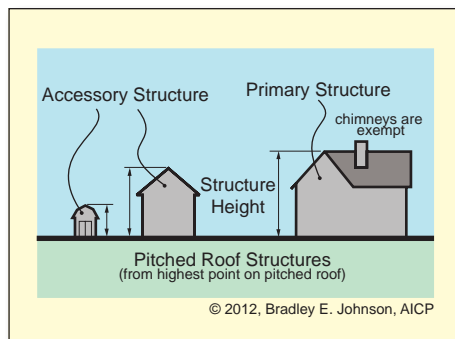
## 2.22 LR District Development Standards



- Minimum Lot Area**
  - 8,000 square feet
- Minimum Lot Width**
  - 50 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - not required, unless available

- Minimum Front Yard (Street) Setback**
  - 30 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 10% of lot width for primary structures
  - 5 feet for accessory structures
- Minimum Rear Yard Setback**
  - 20 feet for primary structures
  - 5 feet for accessory structures
- Minimum Waterside Setback**
  - 75 feet for primary and accessory structures or average setback for adjacent structures, whichever is less

- Maximum Lot Coverage**
  - 50%
- Minimum Main Floor Area**
  - n/a
- Minimum Dwelling Unit Size**
  - 960 square feet
- Maximum Primary Structures**
  - 1



- Maximum Structure Height**
  - 35 feet for primary structure
  - 20 feet for accessory structure

### Additional Development Standards that Apply

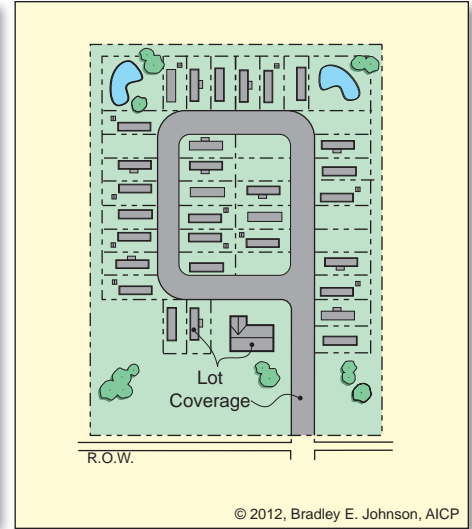
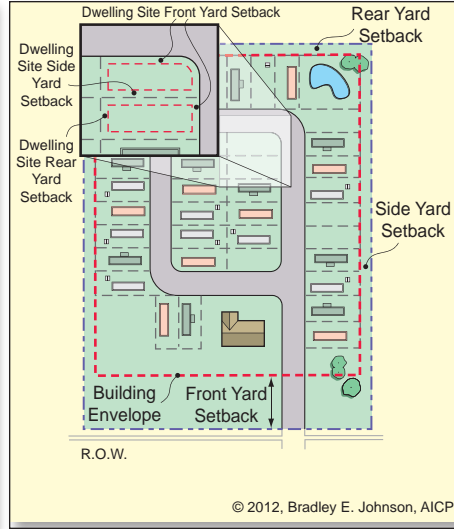
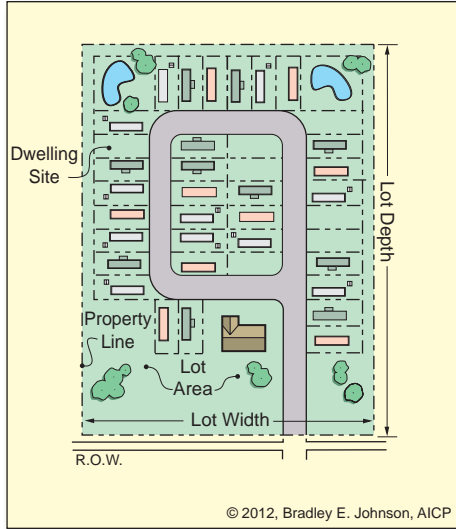
<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-04 ..... Page 5-8</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> <li>• HB-02 ..... Page 5-23</li> </ul> </li> <li>Keeping of Animals (KA)                             <ul style="list-style-type: none"> <li>• KA-01 ..... Page 5-25</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-03 ..... Page 5-33</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-03 ..... Page 5-53</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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## 2.23 MH District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The MH (Manufactured Home Residential) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high intensity lease-lot housing developments</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact stringent development standards to protect the quality of life for tenants and to ensure quality development that integrates well with surrounding areas</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, R1, R2, R3, R4, R5, MH, IS, VM, and C1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and with sensitivity for new residential development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• home business (type 1)</li> <li>• wind turbine, small</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, mobile home</li> <li>• dwelling, single-family detached</li> <li>• manufactured home park</li> <li>• mobile home park</li> <li>• retirement community</li> </ul>	

# Manufactured Home Residential (MH) District

## 2.24 MH District Development Standards



### Minimum Lot Area

- 3 acres (per development)
- 5,000 square feet (per dwelling site)

### Minimum Lot Width

- 250 feet (per development)
- 50 feet (per dwelling site)

### Sanitary Sewer Utility

- required

### Water Utility

- required

### Minimum Front Yard Setback

- 40 feet for primary and accessory structures (per development)
- 20 feet from edge of pavement of interior streets (per dwelling sites)

### Minimum Side Yard Setback

- 25 feet for primary and accessory structures (per development)
- 5 feet for primary and accessory structures (per dwelling sites)

### Minimum Rear Yard Setback

- 25 feet for primary and accessory structures (per development)
- 10 feet for primary and accessory structures (per dwelling sites)

### Maximum Lot Coverage

- 50%

### Minimum Main Floor Area

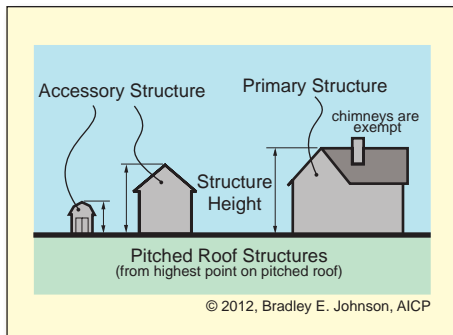
- n/a

### Minimum Dwelling Unit Size

- 960 square feet

### Maximum Primary Structures

- no limit (per development)
- 1 (per dwelling site)



### Maximum Structure Height

- 25 feet for primary structure
- 18 feet for accessory structure

## Additional Development Standards that Apply

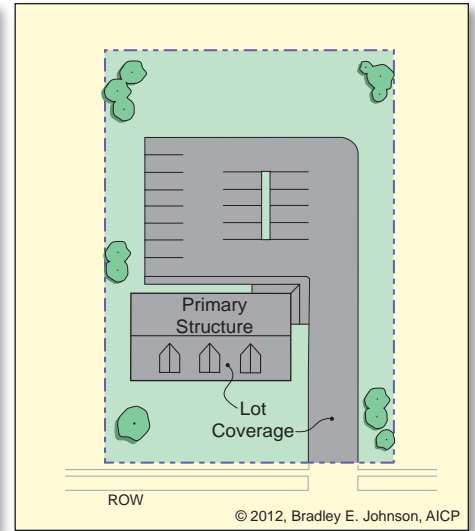
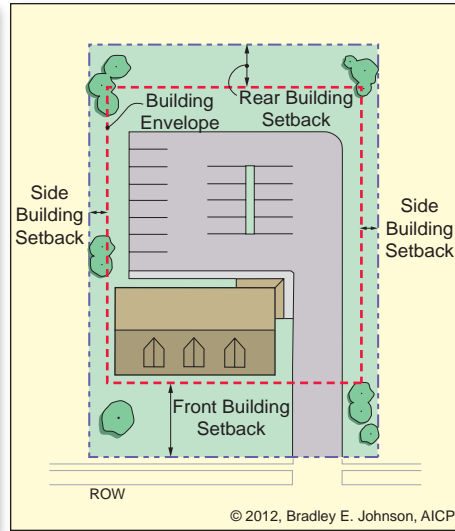
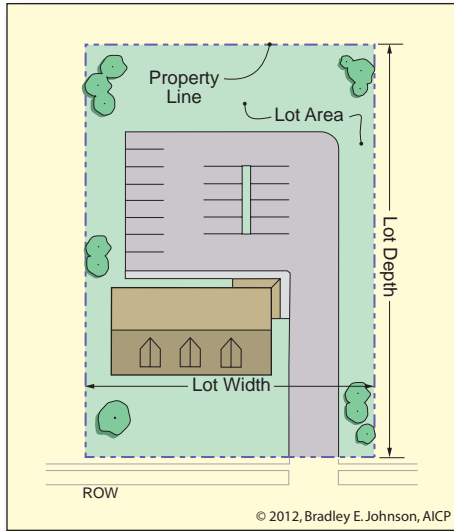
<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-05 ..... Page 5-9</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-03 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Home Business (HB)                             <ul style="list-style-type: none"> <li>• HB-01 ..... Page 5-22</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Manufactured Housing (MA)                             <ul style="list-style-type: none"> <li>• MA-01 ..... Page 5-30</li> </ul> </li> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-05 ..... Page 5-34</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Right to Farm (RF)                             <ul style="list-style-type: none"> <li>• RF-01 ..... Page 5-44</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-04 ..... Page 5-54</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-03 ..... Page 5-72</li> </ul> </li> <li>Trash Receptacle (TR)                             <ul style="list-style-type: none"> <li>• TR-01 ..... Page 5-74</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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## 2.25 IS District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The IS (Institutional) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Varying intensity institutionally owned lands, including State and County facilities</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Buffer district or transitional district</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while serving the needs of the overall community</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• A1, OS, RE, R1, R2, R3, R4, R5, LR, MH, IS, VM, C1, C2, C3, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new institutional development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• commercial training facility or school</li> <li>• swimming pool, private</li> <li>• technology park</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• cemetery /mausoleum</li> <li>• child care institution</li> <li>• church, temple, or mosque</li> <li>• community center</li> <li>• fitness center/health club</li> <li>• government office</li> <li>• government operations (non-office)</li> <li>• hospital</li> <li>• library</li> <li>• museum</li> <li>• nature center</li> <li>• office, design services</li> <li>• office, medical</li> <li>• parking lot, public</li> <li>• police, fire, or rescue station</li> <li>• pool, public</li> <li>• post office</li> <li>• school (P-12)</li> <li>• trade or business school</li> <li>• university or college</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assisted living facility</li> <li>• fair housing facility (large)</li> <li>• nursing home</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, large</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• crematory</li> <li>• jail</li> <li>• municipal airport</li> <li>• municipal heliport</li> <li>• recycling collection point</li> </ul>

# Institutional (IS) District

## 2.26 IS District Development Standards



### Minimum Lot Area

- 6,000 square feet with sanitary sewer
- 2 acres without sanitary sewer

### Minimum Lot Width

- 60 feet with sanitary sewer
- 150 feet without sanitary sewer

### Sanitary Sewer Utility

- required where feasible

### Water Utility

- required where feasible

### Minimum Front Yard Setback

- 30 feet for primary and accessory structures

### Minimum Side Yard Setback

- 15 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 30 feet for primary structures
- 15 feet for accessory structures

### Maximum Lot Coverage

- 50%

### Minimum Main Floor Area

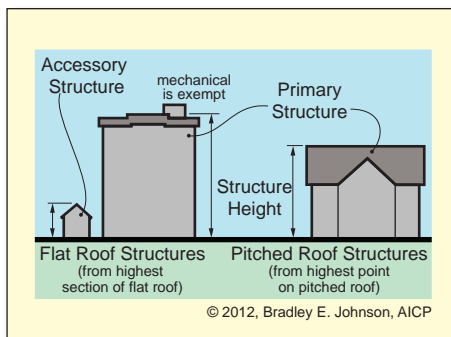
- 960 square feet

### Minimum Dwelling Unit Size

- n/a

### Maximum Primary Structures

- no limit



### Maximum Structure Height

- 50 feet for primary structures
- 20 feet for accessory structures

## Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Outdoor Storage (OS)</b>	<b>Trash Receptacle (TR)</b>
• AS-01 ..... Page 5-6	• OS-01 ..... Page 5-31	• TR-01 ..... Page 5-74
• AS-06 ..... Page 5-10	<b>Parking (PK)</b>	<b>Vision Clearance (VC)</b>
<b>Density and Intensity (DI)</b>	• PK-01 ..... Page 5-32	• VC-01 ..... Page 5-75
• DI-01 ..... Page 5-12	• PK-06 ..... Page 5-34	<b>Wind Turbine System (WT)</b>
<b>Driveway (DW)</b>	<b>Performance (PF)</b>	• WT-01 ..... Page 5-76
• DW-01 ..... Page 5-13	• PF-01 ..... Page 5-41	• WT-02 ..... Page 5-78
<b>Environmental (EN)</b>	<b>Pond (PN)</b>	
• EN-01 ..... Page 5-14	• PN-01 ..... Page 5-42	
<b>Fence and Wall (FW)</b>	<b>Public Improvement (PI)</b>	
• FW-01 ..... Page 5-16	• PI-01 ..... Page 5-43	
• FW-04 ..... Page 5-17	<b>Setback (SB)</b>	
<b>Floodplain (FP)</b>	• SB-01 ..... Page 5-45	
• FP-01 ..... Page 5-19	<b>Sewer and Water (SW)</b>	
<b>Floor Area (FA)</b>	• SW-01 ..... Page 5-47	
• FA-01 ..... Page 5-20	<b>Sign (SI)</b>	
<b>Height (HT)</b>	• SI-01 ..... Page 5-49	
• HT-01 ..... Page 5-21	• SI-05 ..... Page 5-56	
<b>Lighting (LT)</b>	<b>Special Exception (SE)</b>	
• LT-01 ..... Page 5-27	• SE-01 ..... Page 5-68	
<b>Loading (LD)</b>	<b>Structure (ST)</b>	
• LD-01 ..... Page 5-28	• ST-01 ..... Page 5-69	
<b>Lot (LO)</b>	<b>Temporary Use (TU)</b>	
• LO-01 ..... Page 5-29	• TU-01 ..... Page 5-72	

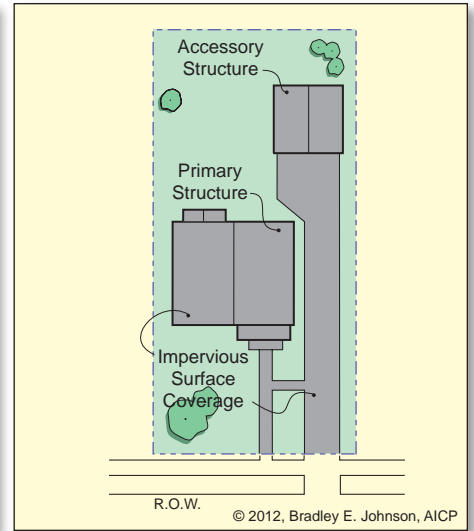
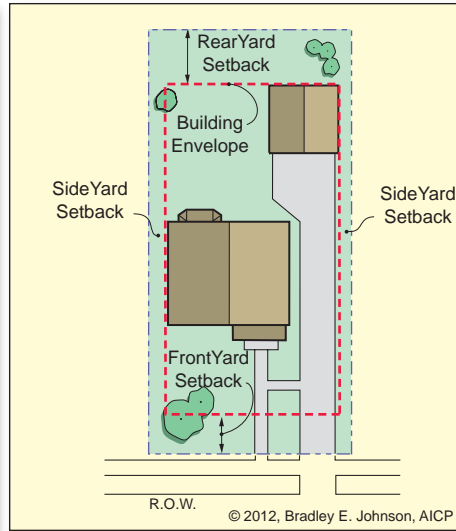
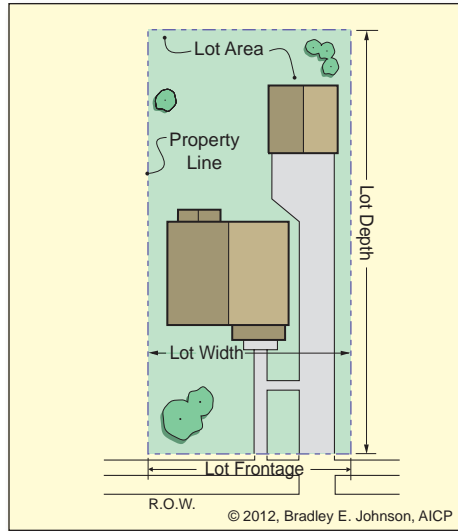
## 2.27 VM District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The VM (Village Mixed Use) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Medium to high density housing on small to medium sized lots</li> <li>• Medium to high intensity commercial, institutional, and office uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing development near within unincorporated towns</li> <li>• Expansion of rural town centers</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Pedestrian friendly development standards to help create rural town centers</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, R2, R3, R4, R5, LR, MH, IS, VM, C1, C2, C3, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district to create and expand rural town centers</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding residential areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast</li> <li>• farmers' market</li> <li>• home business, type 1</li> <li>• wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bank machine/atm, walk-up</li> <li>• bar/tavern</li> <li>• barber/beauty shop</li> <li>• coffee shop</li> <li>• day care</li> <li>• delicatessen</li> <li>• farmers' market</li> <li>• ice cream shop</li> <li>• office, design services</li> <li>• office, general services</li> <li>• office, medical</li> <li>• photography studio</li> <li>• recreation center/play center</li> <li>• restaurant</li> <li>• studio arts</li> <li>• tailor/pressing shop</li> <li>• type 1 retail, very low intensity</li> <li>• type 2 retail, low intensity</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• church, temple, or mosque</li> <li>• community center</li> <li>• parking lot, public</li> <li>• police, fire, or rescue station</li> <li>• post office</li> <li>• school (P-12)</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• boarding house</li> <li>• dwelling, multiple-family (4 to 8 units/ building)</li> <li>• dwelling unit (upper floors)</li> <li>• fair housing facility (large)</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• automobile oriented business</li> <li>• bank machine/atm, drive-up</li> <li>• gas station</li> <li>• restaurant with drive-up window</li> <li>• type 3 retail, medium intensity</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, mobile home (temporary placement of &lt; 1 year)</li> <li>• dwelling, single-family detached</li> <li>• dwelling, three-family (triplex)</li> <li>• dwelling, two-family (duplex)</li> <li>• fair housing facility (small)</li> </ul>



# Village Mixed Use (VM) District

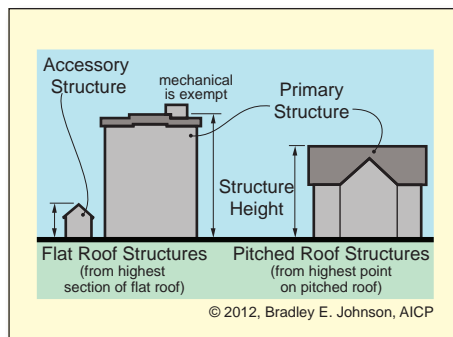
## 2.28 VM District Development Standards



- Minimum Lot Area**
- 6,000 square feet
- Minimum Lot Width**
- 60 feet
- Sanitary Sewer Utility**
- required
- Water Utility**
- required

- Minimum Front Yard Setback**
- 25 feet for primary and accessory structures
- Minimum Side Yard Setback**
- 15 feet for primary structures
- 10 feet for accessory structures
- Minimum Rear Yard Setback**
- 20 feet for primary structures
- 10 feet for accessory structures

- Maximum Lot Coverage**
- 50%
- Minimum Main Floor Area**
- 1,000 square feet
- Minimum Dwelling Unit Size (dwelling unit, upper floors)**
- 960 square feet
- Maximum Primary Structures**
- 1



- Maximum Structure Height**
- 35 feet for primary structures
- 20 feet for accessory structures

### Additional Development Standards that Apply

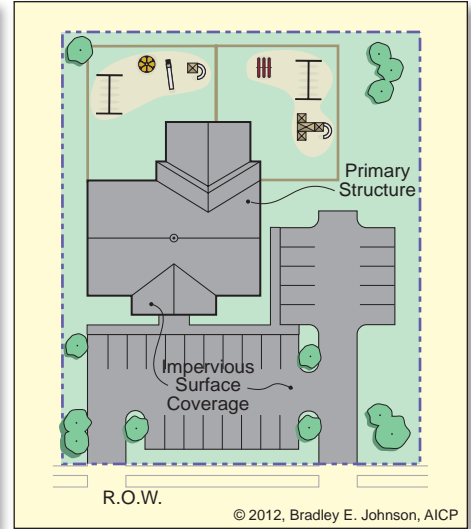
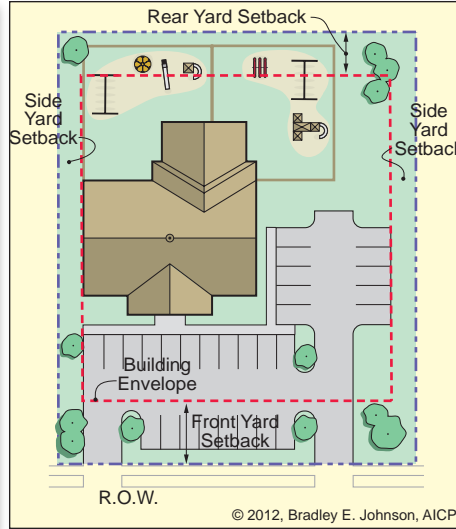
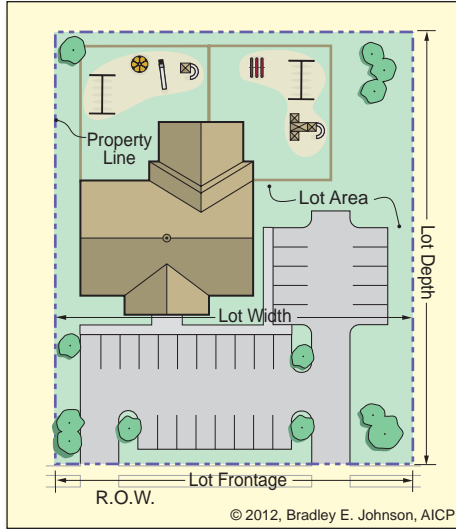
<b>Accessory Structure (AS)</b>	<b>Loading (LD)</b>	<b>Structure (ST)</b>
• AS-01 ..... Page 5-6	• LD-01 ..... Page 5-28	• ST-01 ..... Page 5-69
• AS-06 ..... Page 5-10	<b>Lot (LO)</b>	<b>Temporary Use (TU)</b>
<b>Density and Intensity (DI)</b>	• LO-01 ..... Page 5-29	• TU-01 ..... Page 5-72
• DI-01 ..... Page 5-12	<b>Outdoor Storage (OS)</b>	• TU-03 ..... Page 5-72
<b>Driveway (DW)</b>	• OS-01 ..... Page 5-31	• TU-04 ..... Page 5-73
• DW-01 ..... Page 5-13	<b>Parking (PK)</b>	<b>Trash Receptacle (TR)</b>
<b>Environmental (EN)</b>	• PK-01 ..... Page 5-32	• TR-01 ..... Page 5-74
• EN-01 ..... Page 5-14	• PK-04 ..... Page 5-33	<b>Vision Clearance (VC)</b>
<b>Fence and Wall (FW)</b>	• PK-06 ..... Page 5-34	• VC-01 ..... Page 5-75
• FW-01 ..... Page 5-16	<b>Performance (PF)</b>	<b>Wind Turbine System (WT)</b>
• FW-03 ..... Page 5-17	• PF-01 ..... Page 5-41	• WT-01 ..... Page 5-76
<b>Floodplain (FP)</b>	<b>Pond (PN)</b>	
• FP-01 ..... Page 5-19	• PN-01 ..... Page 5-42	
<b>Floor Area (FA)</b>	<b>Public Improvement (PI)</b>	
• FA-01 ..... Page 5-20	• PI-01 ..... Page 5-43	
<b>Height (HT)</b>	<b>Setback (SB)</b>	
• HT-01 ..... Page 5-21	• SB-01 ..... Page 5-45	
<b>Home Business (HB)</b>	<b>Sewer and Water (SW)</b>	
• HB-01 ..... Page 5-22	• SW-01 ..... Page 5-47	
<b>Keeping of Animals (KA)</b>	<b>Sign (SI)</b>	
• KA-02 ..... Page 5-25	• SI-01 ..... Page 5-49	
<b>Lighting (LT)</b>	• SI-05 ..... Page 5-56	
• LT-01 ..... Page 5-27	<b>Special Exception (SE)</b>	
	• SE-01 ..... Page 5-68	

## 2.29 C1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C1 (Neighborhood Commercial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low intensity commercial uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Buffer district or transitional district</li> <li>• Small area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Require quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, R1, R2, R3, R4, R5, LR, MH, IS, VM, C1, and C2</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new commercial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• bank machine/atm, walk-up</li> <li>• barber/beauty shop</li> <li>• club or lodge</li> <li>• coffee shop</li> <li>• convenience store</li> <li>• day care</li> <li>• delicatessen</li> <li>• ice cream shop</li> <li>• office, design services</li> <li>• studio arts</li> <li>• tailor/pressing shop</li> <li>• type 1 retail, very low intensity</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• church, temple, or mosque</li> <li>• police, fire, or rescue station</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bank machine/atm, drive-up</li> <li>• gas station</li> <li>• marina</li> <li>• office, general services</li> <li>• office, medical</li> <li>• restaurant</li> <li>• type 2 retail, low intensity</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling unit (upper floors)</li> </ul>

# Neighborhood Commercial (C1) District

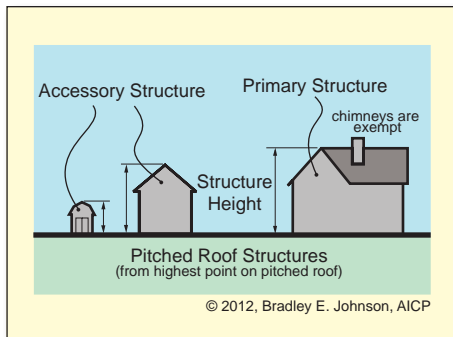
## 2.30 C1 District Development Standards



- Minimum Lot Area**
  - 5,000 square feet
- Maximum Lot Area**
  - 1 acre
- Minimum Lot Width**
  - 50 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - required

- Minimum Front Yard Setback**
  - 15 feet for primary structures
  - 30 feet for accessory structures
- Minimum Side Yard Setback**
  - 30 feet for primary and accessory structures
- Minimum Rear Yard Setback**
  - 30 feet for primary and accessory structures

- Maximum Lot Coverage**
  - 65%
- Minimum Main Floor Area**
  - 800 square feet
- Maximum Main Floor Area**
  - 5,000 square feet per establishment
- Minimum Dwelling Unit Size**
  - 800 square feet
- Maximum Primary Structures**
  - 2



- Maximum Structure Height**
  - 35 feet for primary structures
  - 20 feet for accessory structures

### Additional Development Standards that Apply

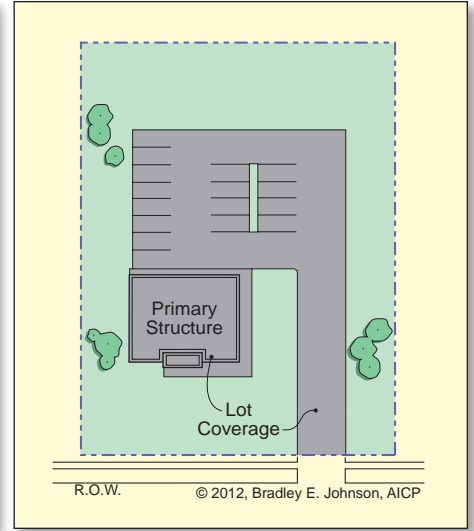
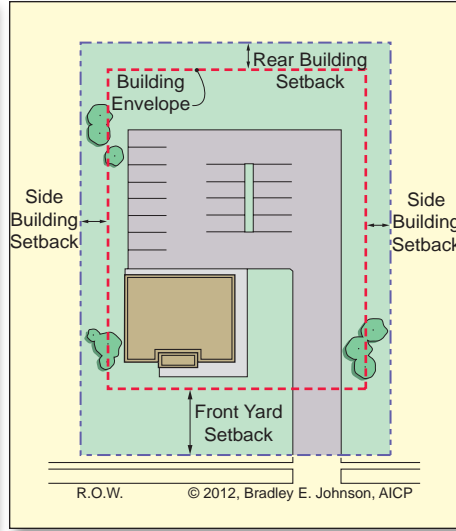
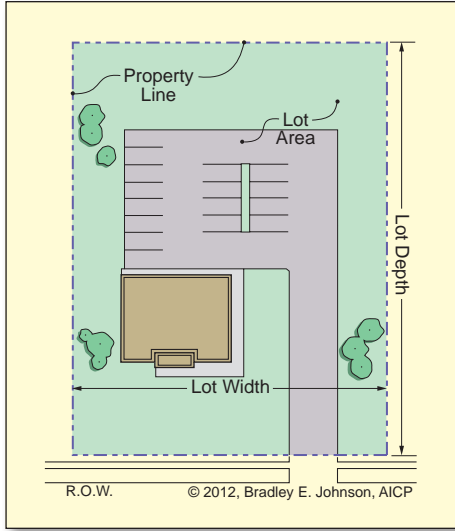
<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-06 ..... Page 5-10</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-04 ..... Page 5-17</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> <li>Loading (LD)                             <ul style="list-style-type: none"> <li>• LD-01 ..... Page 5-28</li> </ul> </li> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-04 ..... Page 5-33</li> <li>• PK-06 ..... Page 5-34</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-05 ..... Page 5-56</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-58</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> <li>• TU-04 ..... Page 5-73</li> </ul> </li> <li>Trash Receptacle (TR)                             <ul style="list-style-type: none"> <li>• TR-01 ..... Page 5-74</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> </ul> </li> </ul>
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## 2.31 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C2 (General Commercial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate intensity commercial and office uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> <li>Small to medium area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OS, R5, IS, VM, C1, C2, C3, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new commercial development</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>automobile oriented business</li> <li>automobile sales</li> <li>bank machine/atm, drive-up</li> <li>banquet hall</li> <li>bar/tavern</li> <li>barber/beauty shop</li> <li>billiard/arcade room</li> <li>bowling alley</li> <li>broadcast studio</li> <li>club or lodge</li> <li>coffee shop</li> <li>coin laundry</li> <li>commercial training facility or school</li> <li>country club</li> <li>dance/night club</li> <li>day care</li> <li>delicatessen</li> <li>fitness center/health club</li> <li>funeral home or mortuary</li> <li>gas station</li> <li>health spa/day spa</li> <li>hotel/motel</li> <li>ice cream shop</li> <li>marina</li> <li>miniature golf</li> <li>movie theater</li> <li>office, construction trade</li> <li>office, design services</li> <li>office, general services</li> <li>office, medical</li> <li>paintball facility</li> <li>photography studio</li> <li>recreation center/play center</li> <li>restaurant</li> <li>restaurant with drive-up window</li> <li>sexually oriented business</li> <li>skating rink</li> <li>sports complex</li> <li>studio arts</li> <li>swimming pool, private</li> <li>tailor/pressing shop</li> <li>tanning salon</li> <li>tattoo/piercing parlor</li> <li>type 1 retail, very low intensity</li> <li>type 2 retail, low intensity</li> <li>type 3 retail, medium intensity</li> <li>type 4 retail, high intensity</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>warehouse "self storage" facility</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>community center</li> <li>government office</li> <li>government operations (non-office)</li> <li>police, fire, or rescue station</li> <li>trade or business school</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine, large</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>kennel</li> <li>type 5 retail, very high intensity</li> <li>type 6 retail, special handling</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>construction trade office with yard</li> </ul>

# General Commercial (C2) District

## 2.32 C2 District Development Standards



**Minimum Lot Area**

- 10,000 square feet

**Minimum Lot Width**

- 100 feet

**Sanitary Sewer Utility**

- required

**Water Utility**

- required

**Minimum Front Yard Setback**

- 30 feet for primary and accessory structures

**Minimum Side Yard Setback**

- 20 feet for primary and accessory structures

**Minimum Rear Yard Setback**

- 20 feet for primary and accessory structures

**Maximum Lot Coverage**

- 65%

**Minimum Main Floor Area**

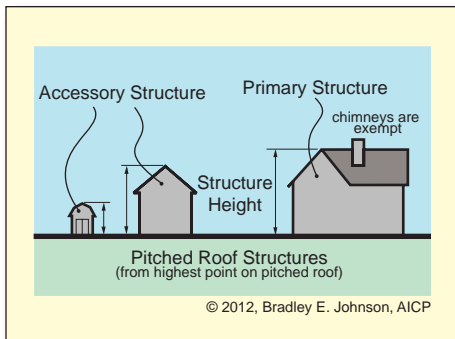
- 1,000 square feet

**Minimum Dwelling Unit Size**

- n/a

**Maximum Primary Structures**

- no limit



**Maximum Structure Height**

- 45 feet for primary structures
- 20 feet for accessory structures

### Additional Development Standards that Apply

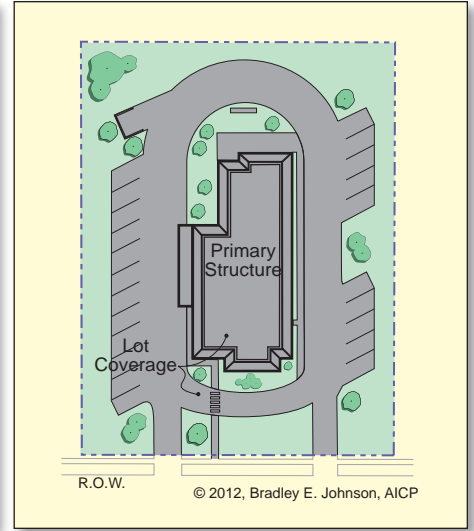
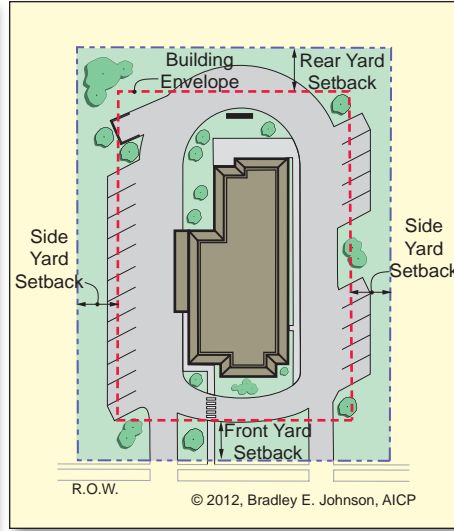
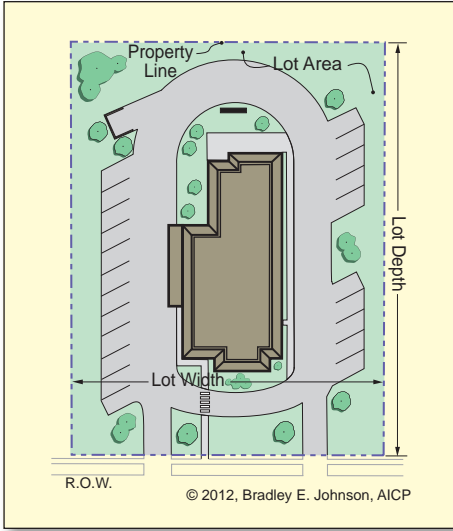
Accessory Structure (AS)	Lot (LO)	Special Exception (SE)
• AS-01 ..... Page 5-6	• LO-01 ..... Page 5-29	• SE-01 ..... Page 5-68
• AS-07 ..... Page 5-10	Outdoor Storage (OS)	Structure (ST)
Density and Intensity (DI)	• OS-01 ..... Page 5-31	• ST-01 ..... Page 5-69
• DI-01 ..... Page 5-12	• OS-02 ..... Page 5-31	Temporary Use (TU)
Driveway (DW)	Parking (PK)	• TU-01 ..... Page 5-72
• DW-01 ..... Page 5-13	• PK-01 ..... Page 5-32	• TU-04 ..... Page 5-73
Environmental (EN)	• PK-06 ..... Page 5-34	• TU-05 ..... Page 5-73
• EN-01 ..... Page 5-14	Performance (PF)	Trash Receptacle (TR)
Fence and Wall (FW)	• PF-01 ..... Page 5-41	• TR-01 ..... Page 5-74
• FW-01 ..... Page 5-16	Pond (PN)	Vision Clearance (VC)
• FW-04 ..... Page 5-17	• PN-01 ..... Page 5-42	• VC-01 ..... Page 5-75
Floodplain (FP)	Public Improvement (PI)	Wind Turbine System (WT)
• FP-01 ..... Page 5-19	• PI-01 ..... Page 5-43	• WT-01 ..... Page 5-76
Floor Area (FA)	Setback (SB)	• WT-02 ..... Page 5-78
• FA-01 ..... Page 5-20	• SB-01 ..... Page 5-45	
Height (HT)	Sewer and Water (SW)	
• HT-01 ..... Page 5-21	• SW-01 ..... Page 5-47	
Kennel (KL)	Sexually Oriented Business (SX)	
• KL-01 ..... Page 5-26	• SX-01 ..... Page 5-48	
Lighting (LT)	Sign (SI)	
• LT-01 ..... Page 5-27	• SI-01 ..... Page 5-49	
Loading (LD)	• SI-06 ..... Page 5-60	
• LD-01 ..... Page 5-28		

## 2.33 C3 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C3 (Highway Commercial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity commercial uses along an interstate or main highway</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> <li>Small to medium area zoning</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Require quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> <li>Minimize light, noise, water, and air pollution</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OS, R5, IS, VM, C2, C3, I1, and I2</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new commercial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to aesthetics and the potential for light pollution, noise pollution, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>automobile oriented business</li> <li>bank machine/atm, drive-up</li> <li>bar/tavern</li> <li>coffee shop</li> <li>delicatessen</li> <li>gas station</li> <li>hotel/motel</li> <li>ice cream shop</li> <li>miniature golf</li> <li>restaurant</li> <li>restaurant with drive-up window</li> <li>type 2 retail, low intensity</li> <li>type 3 retail, medium intensity</li> <li>type 4 retail, high intensity</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>parking lot, public</li> <li>police, fire, or rescue station</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine, large</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>amusement park</li> <li>automobile sales</li> <li>truck stop</li> <li>type 5 retail, very high intensity</li> </ul>

# Highway Commercial (C3) District

## 2.34 C3 District Development Standards



**Minimum Lot Area**

- 20,000 square feet

**Minimum Lot Width**

- 100 feet

**Sanitary Sewer Utility**

- required where feasible

**Water Utility**

- required where feasible

**Minimum Front Yard Setback**

- 30 feet for primary and accessory structures

**Minimum Side Yard Setback**

- 25 feet for primary structures
- 10 feet for accessory structures

**Minimum Rear Yard Setback**

- 30 feet for primary structures
- 10 feet for accessory structures

**Maximum Lot Coverage**

- 70%

**Minimum Main Floor Area**

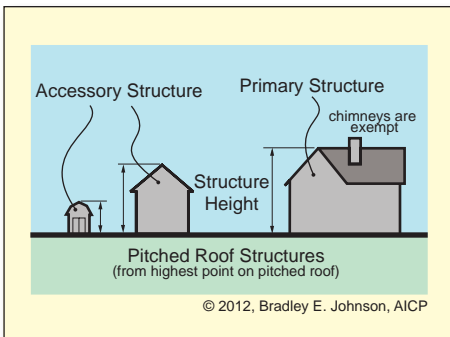
- 1,000 square feet

**Minimum Dwelling Unit Size**

- n/a

**Maximum Primary Structures**

- 4



**Maximum Structure Height**

- 40 feet for primary structures
- 20 feet for accessory structures

### Additional Development Standards that Apply

Accessory Structure (AS)	Outdoor Storage (OS)	Temporary Use (TU)
• AS-01 ..... Page 5-6	• OS-01 ..... Page 5-31	• TU-01 ..... Page 5-72
• AS-07 ..... Page 5-10	• OS-02 ..... Page 5-31	• TU-04 ..... Page 5-73
Density and Intensity (DI)	Parking (PK)	• TU-05 ..... Page 5-73
• DI-01 ..... Page 5-12	• PK-01 ..... Page 5-32	Trash Receptacle (TR)
Driveway (DW)	• PK-06 ..... Page 5-34	• TR-01 ..... Page 5-74
• DW-01 ..... Page 5-13	Performance (PF)	Vision Clearance (VC)
Environmental (EN)	• PF-01 ..... Page 5-41	• VC-01 ..... Page 5-75
• EN-01 ..... Page 5-14	Pond (PN)	Wind Turbine System (WT)
Fence and Wall (FW)	• PN-01 ..... Page 5-42	• WT-01 ..... Page 5-76
• FW-01 ..... Page 5-16	Public Improvement (PI)	• WT-02 ..... Page 5-78
• FW-04 ..... Page 5-17	• PI-01 ..... Page 5-43	
Floodplain (FP)	Setback (SB)	
• FP-01 ..... Page 5-19	• SB-01 ..... Page 5-45	
Floor Area (FA)	Sewer and Water (SW)	
• FA-01 ..... Page 5-20	• SW-01 ..... Page 5-47	
Height (HT)	Sign (SI)	
• HT-01 ..... Page 5-21	• SI-01 ..... Page 5-49	
Lighting (LT)	• SI-06 ..... Page 5-60	
• LT-01 ..... Page 5-27	Special Exception (SE)	
Loading (LD)	• SE-01 ..... Page 5-68	
• LD-01 ..... Page 5-28	Structure (ST)	
Lot (LO)	• ST-01 ..... Page 5-69	
• LO-01 ..... Page 5-29		

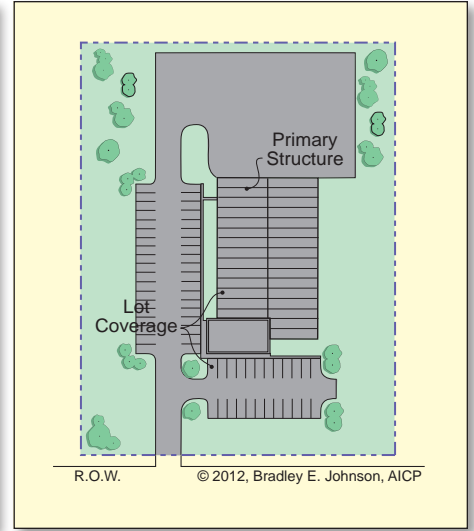
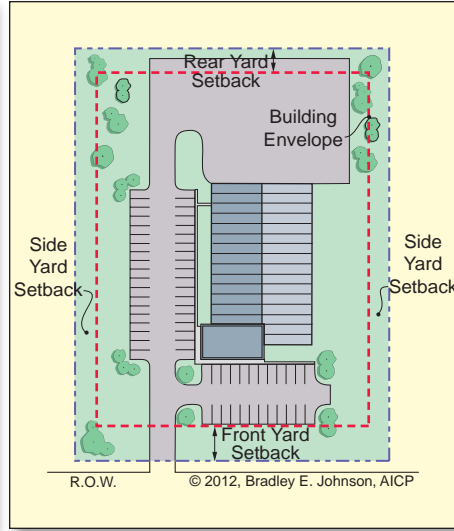
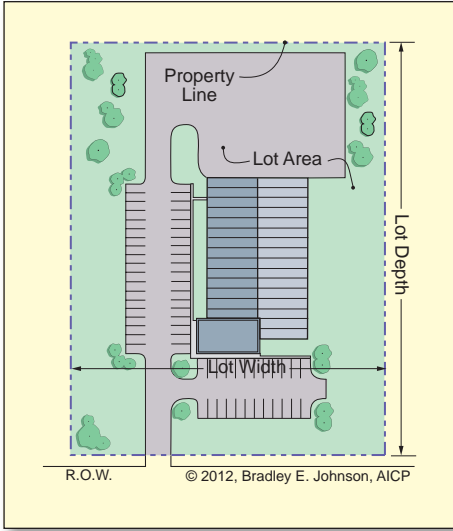
## 2.35 I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The I1 (Low Intensity Industrial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Low to moderate intensity industrial uses</li> <li>• Business parks, distribution operations, and industrial parks</li> <li>• Stand alone buildings or multiple primary structures</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A1, A2, R5, IS, C2, C3, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing developments and carefully for new industrial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, small</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• broadcast studio</li> <li>• paintball facility</li> <li>• sports complex (indoor)</li> <li>• technology park</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assembly</li> <li>• construction trade office with yard</li> <li>• distribution facility</li> <li>• flex-space</li> <li>• light manufacturing</li> <li>• research center</li> <li>• testing lab</li> <li>• tool and die shop</li> <li>• transfer station</li> <li>• warehouse</li> <li>• warehouse "self storage" facility</li> <li>• welding</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operations (non-office)</li> <li>• recycling collection point</li> </ul>	<p><b>Accessory Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, large</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• type 6 retail, special handling</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• outdoor storage</li> <li>• telecommunication facility</li> </ul>



# Low Intensity Industrial (I1) District

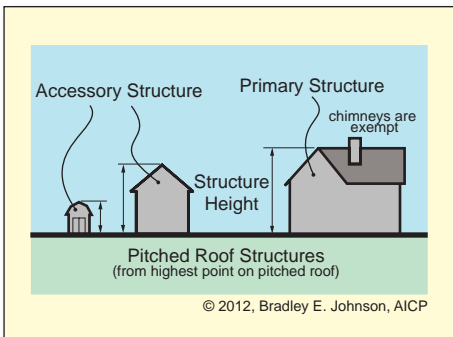
## 2.36 I1 District Development Standards



- Minimum Lot Area**
  - 1 acre
- Minimum Lot Width**
  - 100 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - not required unless available

- Minimum Front Yard Setback**
  - 30 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 15 feet for primary and accessory structures
- Minimum Rear Yard Setback**
  - 15 feet for primary and accessory structures

- Maximum Lot Coverage**
  - 65%
- Minimum Main Floor Area**
  - no minimum
- Minimum Dwelling Unit Size**
  - n/a
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 45 feet for primary structures
  - 35 feet for accessory structures

### Additional Development Standards that Apply

<b>Accessory Structure (AS)</b>	<b>Outdoor Storage (OS)</b>	<b>Temporary Use (TU)</b>
• AS-01 ..... Page 5-6	• OS-01 ..... Page 5-31	• TU-01 ..... Page 5-72
• AS-07 ..... Page 5-10	<b>Parking (PK)</b>	• TU-04 ..... Page 5-73
<b>Density and Intensity (DI)</b>	• PK-01 ..... Page 5-32	• TU-05 ..... Page 5-73
• DI-01 ..... Page 5-12	• PK-06 ..... Page 5-34	<b>Trash Receptacle (TR)</b>
<b>Driveway (DW)</b>	<b>Performance (PF)</b>	• TR-01 ..... Page 5-74
• DW-01 ..... Page 5-13	• PF-01 ..... Page 5-41	<b>Vision Clearance (VC)</b>
<b>Environmental (EN)</b>	<b>Pond (PN)</b>	• VC-01 ..... Page 5-75
• EN-01 ..... Page 5-14	• PN-01 ..... Page 5-42	<b>Wind Turbine System (WT)</b>
<b>Fence and Wall (FW)</b>	<b>Public Improvement (PI)</b>	• WT-01 ..... Page 5-76
• FW-01 ..... Page 5-16	• PI-01 ..... Page 5-43	• WT-02 ..... Page 5-78
• FW-05 ..... Page 5-18	<b>Setback (SB)</b>	
<b>Floodplain (FP)</b>	• SB-01 ..... Page 5-45	
• FP-01 ..... Page 5-19	<b>Sewer and Water (SW)</b>	
<b>Floor Area (FA)</b>	• SW-01 ..... Page 5-47	
• FA-01 ..... Page 5-20	<b>Sign (SI)</b>	
<b>Height (HT)</b>	• SI-01 ..... Page 5-49	
• HT-01 ..... Page 5-21	• SI-07 ..... Page 5-64	
<b>Lighting (LT)</b>	<b>Special Exception (SE)</b>	
• LT-01 ..... Page 5-27	• SE-01 ..... Page 5-68	
<b>Loading (LD)</b>	<b>Structure (ST)</b>	
• LD-01 ..... Page 5-28	• ST-01 ..... Page 5-69	
<b>Lot (LO)</b>	<b>Telecommunication Facility (TC)</b>	
• LO-01 ..... Page 5-29	• TC-01 ..... Page 5-70	

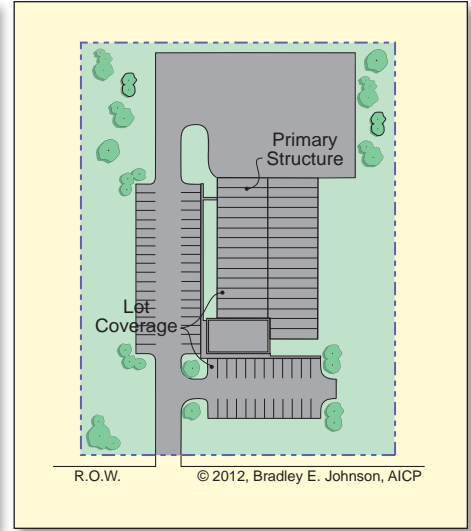
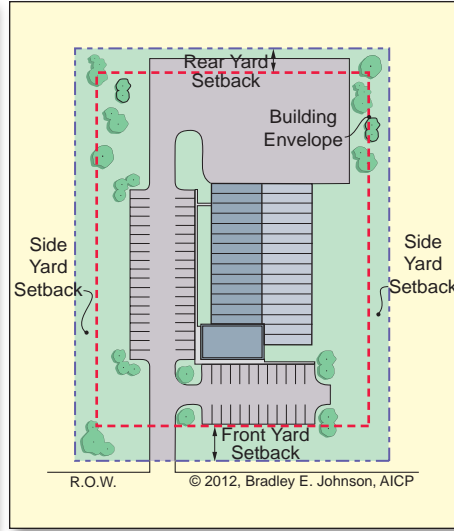
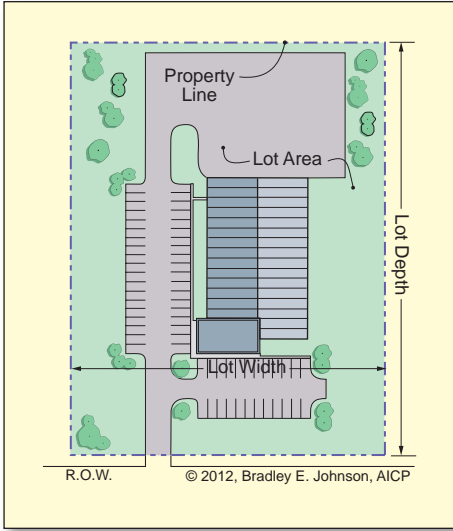
# High Intensity Industrial (I2) District

## 2.37 I2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The I2 (High Intensity Industrial) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>Moderate to high intensity industrial uses</li> <li>Industrial parks, manufacturing facilities, and utility usage</li> <li>Stand alone buildings or multiple primary structures</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>OS, A3, C3, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>Use this zoning district for existing developments and carefully for new industrial development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>Allow a special exception use only when it is compatible with the surrounding areas</li> <li>Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>wind turbine, large</li> <li>wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>processing of agricultural products</li> <li>storage of agricultural products</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>assembly</li> <li>distribution facility</li> <li>flex-space</li> <li>food production/processing</li> <li>heavy manufacturing</li> <li>light manufacturing</li> <li>liquid fertilizer storage/distribution</li> <li>outdoor storage</li> <li>recycling processing</li> <li>research center</li> <li>sewage treatment plant</li> <li>sign painting/fabrication</li> <li>storage tanks (non-hazardous)</li> <li>testing lab</li> <li>tool and die shop</li> <li>transfer station</li> <li>warehouse</li> <li>warehouse "self storage" facility</li> <li>water treatment plant</li> <li>welding</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>government operations (non-office)</li> <li>police, fire, or rescue station</li> <li>recycling collection point</li> </ul>	<p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>bio diesel</li> <li>incinerator</li> <li>telecommunication facility</li> </ul>

# High Intensity Industrial (I2) District

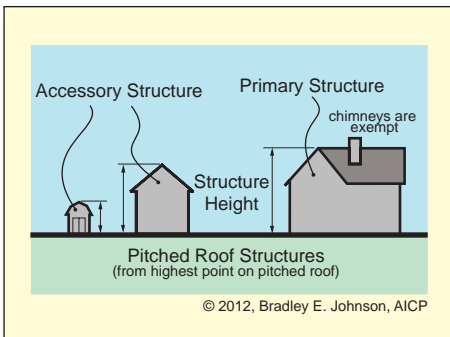
## 2.38 I2 District Development Standards



- Minimum Lot Area**
  - 2 acres
- Minimum Lot Width**
  - 200 feet
- Sanitary Sewer Utility**
  - required
- Water Utility**
  - not required unless available

- Minimum Front Yard Setback**
  - 40 feet for primary and accessory structures
- Minimum Side Yard Setback**
  - 20 feet for primary and accessory structures
- Minimum Rear Yard Setback**
  - 20 feet for primary and accessory structures

- Maximum Lot Coverage**
  - 75%
- Minimum Main Floor Area**
  - no minimum
- Minimum Dwelling Unit Size**
  - n/a
- Maximum Primary Structures**
  - no limit



- Maximum Structure Height**
  - 65 feet for primary structures
  - 60 feet for accessory structures

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li>Accessory Structure (AS)                             <ul style="list-style-type: none"> <li>• AS-01 ..... Page 5-6</li> <li>• AS-07 ..... Page 5-10</li> </ul> </li> <li>Density and Intensity (DI)                             <ul style="list-style-type: none"> <li>• DI-01 ..... Page 5-12</li> </ul> </li> <li>Driveway (DW)                             <ul style="list-style-type: none"> <li>• DW-01 ..... Page 5-13</li> </ul> </li> <li>Environmental (EN)                             <ul style="list-style-type: none"> <li>• EN-01 ..... Page 5-14</li> </ul> </li> <li>Fence and Wall (FW)                             <ul style="list-style-type: none"> <li>• FW-01 ..... Page 5-16</li> <li>• FW-05 ..... Page 5-18</li> </ul> </li> <li>Floodplain (FP)                             <ul style="list-style-type: none"> <li>• FP-01 ..... Page 5-19</li> </ul> </li> <li>Floor Area (FA)                             <ul style="list-style-type: none"> <li>• FA-01 ..... Page 5-20</li> </ul> </li> <li>Height (HT)                             <ul style="list-style-type: none"> <li>• HT-01 ..... Page 5-21</li> </ul> </li> <li>Lighting (LT)                             <ul style="list-style-type: none"> <li>• LT-01 ..... Page 5-27</li> </ul> </li> <li>Loading (LD)                             <ul style="list-style-type: none"> <li>• LD-01 ..... Page 5-28</li> </ul> </li> <li>Lot (LO)                             <ul style="list-style-type: none"> <li>• LO-01 ..... Page 5-29</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Outdoor Storage (OS)                             <ul style="list-style-type: none"> <li>• OS-01 ..... Page 5-31</li> <li>• OS-03 ..... Page 5-31</li> </ul> </li> <li>Parking (PK)                             <ul style="list-style-type: none"> <li>• PK-01 ..... Page 5-32</li> <li>• PK-06 ..... Page 5-34</li> </ul> </li> <li>Performance (PF)                             <ul style="list-style-type: none"> <li>• PF-01 ..... Page 5-41</li> </ul> </li> <li>Pond (PN)                             <ul style="list-style-type: none"> <li>• PN-01 ..... Page 5-42</li> </ul> </li> <li>Public Improvement (PI)                             <ul style="list-style-type: none"> <li>• PI-01 ..... Page 5-43</li> </ul> </li> <li>Setback (SB)                             <ul style="list-style-type: none"> <li>• SB-01 ..... Page 5-45</li> </ul> </li> <li>Sewer and Water (SW)                             <ul style="list-style-type: none"> <li>• SW-01 ..... Page 5-47</li> </ul> </li> <li>Sign (SI)                             <ul style="list-style-type: none"> <li>• SI-01 ..... Page 5-49</li> <li>• SI-07 ..... Page 5-64</li> </ul> </li> <li>Special Exception (SE)                             <ul style="list-style-type: none"> <li>• SE-01 ..... Page 5-68</li> </ul> </li> <li>Structure (ST)                             <ul style="list-style-type: none"> <li>• ST-01 ..... Page 5-69</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Telecommunication Facility (TC)                             <ul style="list-style-type: none"> <li>• TC-01 ..... Page 5-70</li> </ul> </li> <li>Temporary Use (TU)                             <ul style="list-style-type: none"> <li>• TU-01 ..... Page 5-72</li> </ul> </li> <li>Trash Receptacle (TR)                             <ul style="list-style-type: none"> <li>• TR-01 ..... Page 5-74</li> </ul> </li> <li>Vision Clearance (VC)                             <ul style="list-style-type: none"> <li>• VC-01 ..... Page 5-75</li> </ul> </li> <li>Wind Turbine System (WT)                             <ul style="list-style-type: none"> <li>• WT-01 ..... Page 5-76</li> <li>• WT-02 ..... Page 5-78</li> </ul> </li> </ul>
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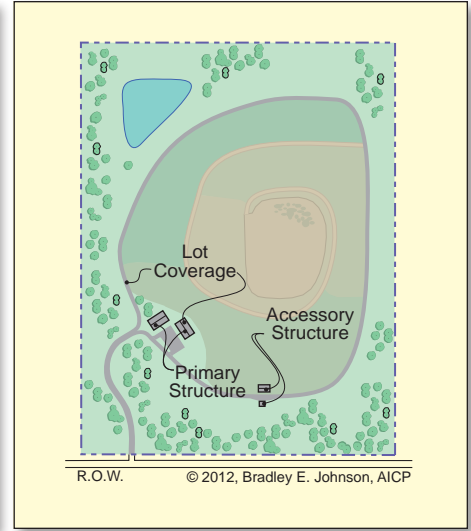
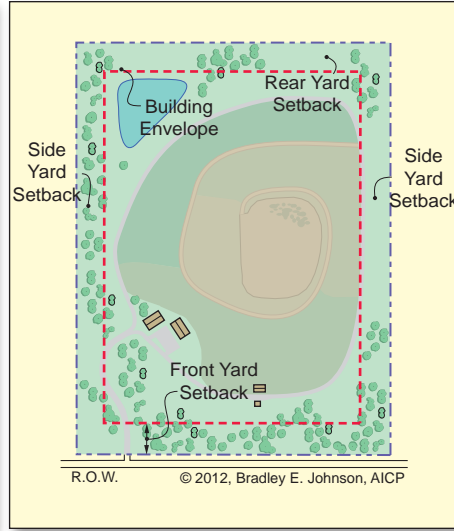
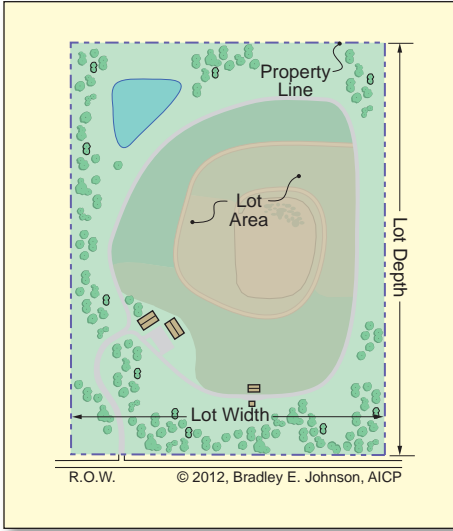
# High Impact (HI) District

## 2.39 HI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The HI (High Impact) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• All intensities of high impact uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• OS, A3, I1, I2, and HI</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Use this zoning district for existing high impact developments and carefully for new high impact development</li> <li>• Be sensitive to environmental protection</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow a special exception use only when it is compatible with the surrounding areas</li> <li>• Be sensitive to the potential for light pollution, noise pollution, loading berth placement, pedestrian safety, and vehicular safety</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• wind turbine, large</li> <li>• wind turbine, small</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• orchard</li> <li>• plant nursery, wholesale</li> <li>• raising of farm animals</li> <li>• storage of agricultural products</li> <li>• tree farm</li> <li>• vineyard</li> </ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>• race track</li> <li>• shooting range</li> <li>• stadium</li> <li>• truck stop</li> <li>• type 6 retail, special handling</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• construction materials landfill</li> <li>• electrical generation plant</li> <li>• ethanol plant</li> <li>• gravel/sand mining</li> <li>• incinerator</li> <li>• junk yard</li> <li>• rendering plant</li> <li>• sanitary landfill/refuse dump</li> <li>• scrap metal yard</li> <li>• sewage treatment plant</li> <li>• storage tanks (non-hazardous)</li> <li>• transfer station</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operations (non-office)</li> <li>• jail</li> <li>• juvenile detention facility</li> </ul>	<p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• telecommunication facility</li> <li>• wind farm</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• prison</li> </ul>

# High Impact (HI) District

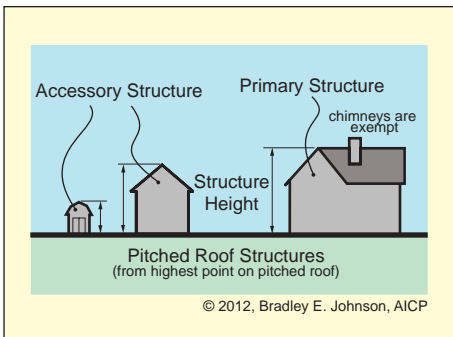
## 2.40 HI District Development Standards



- Minimum Lot Area**
- 20 acres
- Minimum Lot Width**
- 300 feet
- Sanitary Sewer Utility**
- not required, unless available
- Water Utility**
- not required, unless available

- Minimum Front Yard Setback**
- 150 feet for primary and accessory structures
- Minimum Side Yard Setback**
- 100 feet for primary and accessory structures
- Minimum Rear Yard Setback**
- 100 feet for primary and accessory structures

- Maximum Lot Coverage**
- 65%
- Minimum Main Floor Area**
- no minimum
- Minimum Dwelling Unit Size**
- n/a
- Maximum Primary Structures**
- no limit



- Maximum Structure Height**
- 65 feet for primary structures
- 60 feet for accessory structures

### Additional Development Standards that Apply

<ul style="list-style-type: none"> <li>• Accessory Structure (AS)</li> <li>• AS-01 ..... Page 5-6</li> <li>• AS-07 ..... Page 5-10</li> <li>• Density and Intensity (DI)</li> <li>• DI-01 ..... Page 5-12</li> <li>• Driveway (DW)</li> <li>• DW-01 ..... Page 5-13</li> <li>• Environmental (EN)</li> <li>• EN-01 ..... Page 5-14</li> <li>• Fence and Wall (FW)</li> <li>• FW-01 ..... Page 5-16</li> <li>• FW-05 ..... Page 5-18</li> <li>• Floodplain (FP)</li> <li>• FP-01 ..... Page 5-19</li> <li>• Floor Area (FA)</li> <li>• FA-01 ..... Page 5-20</li> <li>• Height (HT)</li> <li>• HT-01 ..... Page 5-21</li> <li>• Lighting (LT)</li> <li>• LT-01 ..... Page 5-27</li> <li>• Loading (LD)</li> <li>• LD-01 ..... Page 5-28</li> <li>• Lot (LO)</li> <li>• LO-01 ..... Page 5-29</li> </ul>	<ul style="list-style-type: none"> <li>• Outdoor Storage (OS)</li> <li>• OS-01 ..... Page 5-31</li> <li>• OS-03 ..... Page 5-31</li> <li>• Parking (PK)</li> <li>• PK-01 ..... Page 5-32</li> <li>• PK-06 ..... Page 5-34</li> <li>• Performance (PF)</li> <li>• PF-01 ..... Page 5-41</li> <li>• Pond (PN)</li> <li>• PN-01 ..... Page 5-42</li> <li>• Public Improvement (PI)</li> <li>• PI-01 ..... Page 5-43</li> <li>• Setback (SB)</li> <li>• SB-01 ..... Page 5-45</li> <li>• Sewer and Water (SW)</li> <li>• SW-01 ..... Page 5-47</li> <li>• Sign (SI)</li> <li>• SI-01 ..... Page 5-49</li> <li>• SI-07 ..... Page 5-64</li> <li>• Special Exception (SE)</li> <li>• SE-01 ..... Page 5-68</li> <li>• Structure (ST)</li> <li>• ST-01 ..... Page 5-69</li> </ul>	<ul style="list-style-type: none"> <li>• Telecommunication Facility (TC)</li> <li>• TC-01 ..... Page 5-70</li> <li>• Temporary Use (TU)</li> <li>• TU-01 ..... Page 5-72</li> <li>• Trash Receptacle (TR)</li> <li>• TR-01 ..... Page 5-74</li> <li>• Vision Clearance (VC)</li> <li>• VC-01 ..... Page 5-75</li> <li>• Wind Turbine System (WT)</li> <li>• WT-01 ..... Page 5-76</li> <li>• WT-02 ..... Page 5-78</li> </ul>
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Article

03

Overlay Districts

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**Noble County  
Unified  
Development  
Ordinance**

## 3.01 WFO District Intent, Effect on Uses, and Effect on Standards

District Intent	Effect on Uses	Effect on Standards
<p>The Wind Farm Overlay (WFO) District provides the opportunity for a wind farm to be proposed in Noble County through a rezoning process facilitated by the Plan Commission and County Commissioners. If successful, utility-grade wind turbines would be permitted in areas rezoned to this overlay and as regulated by the overlay district's development standards.</p>	<p>All permitted uses in the base zoning district are permitted as such in the WFO District. All special exception uses permitted in the base zoning district are permitted as such in the WFO. Additional permitted uses are listed below.</p> <p>The following land uses shall be permitted in the WFO District:</p> <ul style="list-style-type: none"><li>• wind farm</li></ul>	<p>The development standards from the base zoning district shall apply to all non-wind farm improvements. Section 3.05: WFO District Development Standards shall apply to all improvements associated with a wind farm and utility-grade wind turbines.</p>





# Wind Farm Overlay (WFO) District

## 3.02 WFO Prerequisites

- A. **Base Zoning:** To qualify for the wind farm overlay district, the base zoning shall be the AG district.
- B. **Minimum Parcel Size:** The minimum parcel size for this overlay district to be applied to a parcel shall be five (5) acres.
- C. **Advisory Opinion:** The applicant shall obtain an advisory opinion from the Kendallville Board of Aviation Commissioners prior to filing for rezoning to apply the WFO District to any parcel.

## 3.03 WFO District Applicability

The following requirements apply to all land within the WFO District as defined in *Section 3.04: WFO District Boundary*. Under no circumstances shall a planned development or rezoning of property (i.e. change to the base zoning) change the applicability of the WFO District's land use restrictions and additional development standards.

## 3.04 WFO District Boundary

The boundaries for the WFO District shall be any parcel rezoned to apply this overlay and as shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as WFO District.

## 3.05 WFO District Development Standards

The base zoning district's development standards shall apply to all improvements except all structures and improvements associated with a wind farm development. The development standards for any structure or improvement associated with a wind farm development shall comply with the development standards in this Wind Farm Overlay District.

### A. Permitted Systems:

1. **Wind Turbines:** A wind farm may utilize horizontal axis and/or vertical axis utility-grade wind turbine systems as regulated and limited by *Section 3.05: WFO District Development Standards*.
2. **Meteorological Towers:** A wind farm may utilize one (1) or more meteorological towers prior to or after construction of utility-grade wind turbine systems as regulated and limited by *Section 3.05: WFO District Development Standards*.
3. **Rated Power Limits:** There shall be no limit on rated power for any single wind turbine system in a wind farm, nor for the gross energy production.

### B. Prerequisites:

1. **Energy Production Purpose:** Wind farms shall be installed for the purpose of generating energy for distribution by a utility.
2. **Manufacturer Installation Specifications:** Any permitted utility-grade wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Noble County Unified Development Ordinance. When conflicts exist, the following standards apply:
  - a. **Manufacturer Specifications are More Strict:** When the manufacturer's specification are more strict than this ordinance, the manufacturer's specifications shall be followed.
  - b. **Zoning Standards are More Strict:** When this ordinance is more strict than the manufacturers specifications, this ordinance shall prevail, and that particular utility-grade wind turbine system shall be considered not permitted.

### C. Turbine System Limitations:

1. **Minimum Ratings:** A utility-grade wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices, safety, and regulations for connecting to the electrical grid.
2. **Experimental Turbines:** A wind turbine system that does not meet the applicable minimum ratings shall be considered experimental and shall not be permitted.
3. **Uniform Building Code:** To the extent applicable, a utility-grade wind turbine system shall comply with the Indiana Uniform Building Code, as amended, and the regulations adopted by the State of Indiana.
4. **Electrical Components:** All electrical components for each utility-grade wind turbine system shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
5. **Minimum Certification:** The design of each utility-grade wind turbine system shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI) and the Underwriters Laboratories (UL) or equivalent international standard.

# Wind Farm Overlay (WFO) District

## D. Supporting Structure:

1. *Tower Mounted:* A horizontal axis utility-grade wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Roof Mounted:* A utility-grade wind turbine system shall not be permitted to be mounted on a roof.
3. *Ground Mounted:* All vertical axis utility-grade wind turbine system designed for ground mounting shall be mounted on the ground.

## E. Height Limitations:

1. *Tower Mounted:* The maximum hub height for a utility-grade wind turbine system shall be 400 feet.
2. *Roof Mounted:* A utility-grade wind turbine systems are not permitted to be mounted on a roof.
3. *Ground Mounted:* The maximum height of all components of a ground mounted utility-grade wind turbine system shall be 150 feet.

## F. Maximum Number of Turbine Systems:

1. *Wind Farms:* Any number of utility-grade wind turbine systems may be permitted within a wind farm.
2. *Ownership of Land:* Any number of participating land owner's property may be used for the wind farm.
3. *Ownership of Wind Farm:* All utility-grade wind turbine systems used by the wind farm shall be owned by a single wind farm operator.
4. *Maximum Density:* A maximum of one (1) utility-grade wind turbine system per thirty (30) acres shall be installed.

## G. Wind Load: A utility-grade wind turbine system shall be engineered to survive a 110 mph wind load or greater.

## H. Rotor Diameter: The maximum rotor diameter of each wind turbine system shall be 400 feet.

## I. Location Restrictions:

1. *Setback from Participating Property Line:* Each utility-grade wind turbine system shall be a minimum of 200 feet or 150% of the hub height from any participating property line, whichever is greater.
  - a. *Property Line Setback Flexibility:* Utility-grade wind turbine systems within a wind farm may encroach into property line setbacks between two (2) participating owner's properties. However, any encroachment shall require the adjacent property owner to establish and record a "No Build" easement for an area, measured out from the center of the utility-grade wind turbine system, to a distance equal to 150% of the hub height; thus securing a setback in perpetuity by way of easement on the adjacent property.
2. *Setback from On-site Buildings:* A utility-grade wind turbine system shall be required to be setback 300 feet or 150% whichever is greater of the hub height from any on-site primary building.
3. *Setback from Off-site Non-participating Land Uses:* A utility-grade wind turbine system shall be a minimum of 3,960 feet (3/4 mile) from the property line of a non-participating platted residential subdivision, multiple-family residential, noise sensitive use (e.g. hotel, motel, day care center, assisted living facility, or nursing home), institutional use (e.g. school, church, or hospital), an existing residential dwelling, land zoned for single-family residential, land zoned for multiple-residential, or land zoned for institutional uses.
4. *Setback from Utilities:* A utility-grade wind turbine system shall be a minimum of 300 feet or 200% of the hub height from above ground transmission lines, utility lines, or substations, whichever is greater.
5. *Setback from Railroad Tracks:* A utility-grade wind turbine system shall be a minimum of four (4) times the hub height from active railroads with two (2) or more tracks.
6. *Setback from Environmental Areas:* A utility-grade wind turbine system shall be a minimum of 1,500 feet from a wetland or natural lake over one (1) acre in surface area, or a stream or river. A utility-grade wind turbine system shall be a minimum of 5,280 feet (1 mile) from any state park, state forest, national park, national forest, fish and wildlife area, wildlife refuge, or state dedicated nature preserve.
7. *Setback from Municipalities:* A utility-grade wind turbine system associated with a wind farm shall be at least one (1) mile from the corporate limit or planning jurisdiction of a city or town to protect 100 year growth areas.

## J. Safety:

1. *Ground Clearance:* The rotors (i.e. blades) of a horizontal axis utility-grade wind turbine system mounted on a tower shall not extend vertically to within forty (40) feet of the ground.

# Wind Farm Overlay (WFO) District

2. *Anti-icing Technology:* A utility-grade wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
  3. *Controls and Brakes:* A utility-grade wind turbine system in a wind farm shall be equipped with a redundant braking system that includes both aerodynamic over speed controls (i.e. variable pitch, tip, and other similar systems) and mechanical brakes.
  4. *Local Emergency Services:* The wind farm operator shall provide a copy of the as-installed site plan and specification to local emergency services. Upon request from local emergency services, the wind farm operator shall provide training to local emergency services for potential situations and shall prepare an emergency response plan for the wind farm. Any expenses in association with this training and planning shall be borne by the wind farm operator.
- K. Nuisance Prevention:
1. *Noise:* A utility-grade wind turbine system shall not generate sound more than 5 dBA louder than pre-construction background, or 40 decibels as measured on the A-weighted scale (40dBA), whichever is greater, at any point 1,000 feet or more from the base of any individual wind turbine. For purposes of this ordinance, pre-construction background shall be considered as the average ambient nighttime sound levels measured between midnight and 4:00 AM on at least five separate dates prior to construction.
  2. *Illumination:* A utility-grade wind turbine system shall not be illuminated in any way unless required by Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a utility-grade wind turbine system, then it shall be shielded to prevent light below the horizontal plain plus four degrees (4°).
    - a. *FAA Light:* The strobe effect caused by a Federal Aviation Administration (FAA) required signal light shall be mitigated to the extent possible with the best available technology or practice, which shall include the shielding required in *Section 3.05(K)(2)*.
    - b. *Shadow Flicker:* Shadow flicker produced by the interaction of the turning rotors and direct sunlight shall be mitigated by appropriate siting of the wind turbine designed to minimize the impact on off-site structures; and under no circumstances exceed a combined total of fifteen (15) hours per year measured inside an occupied non-participating structure.
  3. *Color:* A utility-grade wind turbine systems shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
  4. *Signage:* No utility-grade wind turbine system shall be used to display a commercial message. All other sign standards shall be per applicable sign standards.
  5. *Signal Interference:* The owner or developer of a wind farm shall submit studies as part of the application process ascertaining whether the wind farm is likely to disrupt, weaken, or otherwise interfere with civilian radio, telephone, television, radar (weather and aviation), and microwave communications (cellular, emergency/law enforcement). Such studies shall set forth the best available technologies to mitigate anticipated effects. All costs associated with upgrading communication systems to overcome wind-farm-related disruptions shall be borne by the developer or owner of the wind farm.
- L. Appurtenances: A utility-grade wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.
- M. Public Inquiries and Complaints:
1. *Operator Phone Number:* The Zoning Administrator shall maintain a phone number (and website), and identify a responsible person for the public to contract with inquiries and complaints throughout the life of the project. All complaints shall be published in a timely manner and made available to members of the public upon request.
  2. *Response to Inquires and Complaints:* The Zoning Administrator shall evaluate each complaint to determine if a violation of the standards set forth in this ordinance has occurred, and shall notify the wind farm operator of the findings.

# Wind Farm Overlay (WFO) District

3. *Mitigation Measures:* If a complaint results in a finding of a violation of these standards, the wind farm operator shall provide the proposed mitigation measures to the Zoning Administrator within thirty (30) days. Failure to adopt effective mitigation measures within an additional fifteen (15) days, resulting in ongoing noncompliance with these standards, shall be considered grounds for revocation of the operator's permit.
4. *Costs for Complaint Registry:* All costs associated with maintaining the complaint registry and responding to complaints resulting in a violation of these standards shall be borne by the wind farm operator.

## N. Substation, Meteorological Tower, and Buildings:

1. *Quantity:* Any quantity of substations, meteorological towers, or buildings are permitted if they provide a vital component of the wind farm operations.
2. *Setback From Property Line:* Any structures associated with a wind farm, excluding a utility-grade wind turbine system, feeder line, or transmission line shall be a minimum of 100 feet or 110% of the height of the structure from any property line, whichever is greater.
3. *Setback from Environmental Areas:* Any structures associated with a wind farm, excluding a utility-grade wind turbine system, feeder line, or transmission line shall be a minimum of 200 feet or 200% of the height of the structure, whichever is greater, from any wetland over 21,780 square feet (1/2 acre) in area, natural lake over 43,560 square feet (1 acre) in surface area, or any stream or river. Any structures associated with a wind farm, excluding a utility-grade wind turbine system, feeder line, or transmission line shall be a minimum of 2,640 feet (1/2 mile) from any state park, state forest, national park, national forest, fish and wildlife area, wildlife refuge, or state-dedicated nature preserve.
4. *Feeder Lines:* At least eighty percent (80%) of all feeder lines for the entire wind farm (e.g. between wind turbines and substations) shall be placed underground.

## O. Public Improvements and Repairs:

1. *Street Capacity:* During construction, streets shall remain open at all times except for periods of time less than ten (10) minutes. Expected loss of capacity (i.e. temporary closures) greater than ten (10) minutes shall either require notice to neighboring and affected property owners twenty-four (24) hours prior to the temporary closure, shall require a detour to be established, or shall require personnel to redirect traffic to alternate routes during the temporary closure. Any necessary temporary closures and proposed detours shall be made known to the Highway Department at least twenty-four (24) hours prior to the temporary closure or as otherwise agreed.
2. *Route Restrictions:* The Highway Department shall have the right to designate a primary route for heavy vehicles or to restrict heavy vehicle traffic on specific streets not able to support such loads. These restrictions may include seasonal restrictions. The designated routes assigned shall be utilized for all heavy truck traffic to and from each utility-grade wind turbine system.
3. *Pre-construction Survey:* The applicant shall conduct a pre-construction baseline survey acceptable to the Highway Superintendent to determine existing street conditions for assessing potential future damage. The survey shall include photographs, video, or a combination thereof, and a written agreement to document the condition of the public facility.
4. *Responsibility for Repair After Construction:* The affidavit shall also state that the applicant understands that they are responsible for repairing and resurfacing streets back to their pre-construction condition if damaged by construction vehicles and heavy trucks.
5. *Significant Damage During Construction:* Any street damaged during construction that poses a risk to motorists, or that makes a street impassable for passenger vehicles, shall immediately have warning signs placed alongside the street, or barriers placed to block traffic. The damage shall then be repaired as soon as practicable. The determination of risk to motorists and/or impassability shall be made by the County Highway Superintendent.
6. *Maintenance of Streets During Construction:* Any gravel or otherwise unimproved streets allowed to be utilized during construction shall be treated with calcium or other equally effective method to reduce dust, upon request by the Highway Department.
7. *Surety for Damages:* A surety (e.g. bond) shall be posted for the estimated cost to repair and resurface all lineal feet of streets approved for use during construction. Any street damage caused by heavy equipment, heavy trucks, or the construction of the wind farm or the removal of the same, shall be repaired to the condition documented in the pre-construction baseline survey. The cost to repair and resurface all designated streets shall be calculated and certified by a professional engineer.

8. *Commitment to Avoid Disruptions:* In addition to a surety, the wind farm operator shall sign an affidavit indicating they shall strive to avoid:
  - a. Damage to streets,
  - b. Unreasonable disruption of vehicular circulation around the development site, and
  - c. Unreasonable disruption of power or other utility services to surrounding areas.
9. *Public Notice:* The wind farm operator shall identify all state highways and local streets to be used in the vicinity of transport equipment and parts for construction, operation, or maintenance of the wind farm. It shall also prepare a time line and phasing plan for construction, and identify any known street closures. This information shall be released to the local newspapers as notice to person whom may be affected. This information shall also be conveyed to local law enforcement, emergency services, public school corporations, the United States Postal Service, and the regional office of the Department of Transportation.
- P. *Drainage:* Any utility-grade wind turbine system or structures associated with the wind farm shall repair, or redesign and reconstruct any regulated drains damaged or displaced as a result of installation or operation.
- Q. *Decommissioning:* A decommissioning plan shall be provided indicating the method and payment of the anticipated cost of removing the utility-grade wind turbine systems at the end of their serviceable life or upon their becoming a discontinued or abandoned use to ensure that the utility-grade wind turbine systems are properly decommissioned. Said decommissioning plan shall be approved by the Board of Commissioners.
  1. *Content:* The decommissioning plan shall include, at a minimum, the following:
    - a. *Assurance:* Written assurance that the utility-grade wind turbine systems will be properly decommissioned upon the expiration of its serviceable life or in the event of their discontinuance or abandonment.
    - b. *Cost Estimates:* For all utility-grade wind turbine systems an estimate of the costs of decommissioning and removing the utility-grade wind turbine systems upon the expiration of their useful life, or in the event of their discontinuance or abandonment. The cost estimates shall be made by a professional engineer, contractor, or other person with expertise or experience in decommissioning and removal of utility-grade wind turbine systems, and shall be updated every five (5) years for approval by the Board of Commissioners.
    - c. *Financial Assurance:* The cost of removal and site restoration is the full responsibility of the applicant and/or owner/operator. In order to provide the greatest possible financial assurance that there will be sufficient funds to remove the utility-grade wind turbine systems and to restore the site, the following steps shall be followed:
      - i. For each utility-grade wind turbine systems, the applicant, owner, and/or operator shall determine an amount of money equal to the estimated removal and restoration cost.
      - ii. The Planning Commission shall require independent verification of the adequacy of this amount.
      - iii. This money shall be deposited in an escrow account specified by Noble County, which may be an interest-bearing account. There shall be no alternative to such an account. A surety bond, letter of credit, or other financial promise shall not be accepted.
    - d. *Abandonment:* Verification under penalties for perjury, that all easements and/or leases for the utility-grade wind turbine systems contain terms that provide financial assurances to the property owners to ensure that the utility-grade wind turbine systems are properly decommissioned within one (1) year of the expiration of their serviceable life or in the event of their discontinuance or abandonment.
  2. *Discontinuance and Abandonment*
    - a. *Discontinuance:* Any utility-grade wind turbine systems shall be considered abandoned and a discontinued use after six (6) months without energy production, unless a plan is developed by the owner or applicant and approved by the Zoning Administrator outlining the steps and a schedule for returning the utility-grade wind turbine systems to service.
    - b. *Removal:* An applicant's obligations shall include removal of all physical material pertaining to the project improvements to no less than a depth of four (4) feet below ground level. Said work shall be completed within 365 days of the discontinuance or abandonment of the utility-grade wind turbine systems or utility-grade wind turbine system project. The restoration of the project area shall result in as near as practicable the condition of the site immediately before construction of such improvements.

- c. **Written Notices:** Prior to implementing procedures to resolve any alleged failure to comply with the decommissioning plan, the appropriate County body shall first provide written notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period, not to exceed sixty (60) days, to resolve the alleged default(s).
  - d. **Costs Incurred by the County:** If Noble County removes a utility-grade wind turbine system and/or appurtenant facilities, it may sell the salvage to defray the costs of removal. Each permittee, by virtue of the issuance of its construction permit or inspection certificate grants a license to Noble County to enter the property and to remove all utility-grade wind turbine systems and/or appurtenant facilities pursuant to the terms of its approved decommissioning plan.
3. **Declaration of Public Nuisance:** Any utility-grade wind turbine systems, structure or portion thereof declared to be unsafe by the Noble County Building Inspector or Zoning Administrator, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved decommissioning plan.
- R. **Elective Waivers:** A property owner without a utility-grade wind turbine system or any other essential infrastructure may grant a waiver to the County indicating it would like to be considered a "participating" property. Such a waiver is considered an encumbrance on the real property, runs with the land until the utility-grade wind turbine system is decommissioned, and shall be recorded in the office of the Noble County Recorder. Said waiver shall include the legal description of the property with a cross reference to the current deed's document number, and shall include language to bind the grantors, their heirs, assigns, and successors in interest to the terms of the waiver. Further, any setback encroachment shall require the grantor of the waiver to establish and record a "no build" easement for the area of the affected property within the encroachment zone, thereby securing a setback by way of easement of the affected property until the utility-grade wind turbine systems or other infrastructure responsible for the encroachment are fully decommissioned as defined in section 3.05(Q): *Decommissioning* of this ordinance.

Article

04

Planned Development Districts

---

**Noble County  
Unified  
Development  
Ordinance**

# Planned Development (PD) District

## 4.01 PD District Intent, Regulations, and Prerequisites

District Intent	Regulations	Prerequisites
<p><b>The Planned Development (PD) District is intended to provide flexible development standards in order for development to result in a significantly better design than what would have resulted under the existing regulations. The first priority for Noble County is to make sure the development exceeds the quality that would have resulted from traditional application of the Unified Development Ordinance. The second priority is to confirm that a PD District is necessary due to any of the following:</b></p> <ul style="list-style-type: none"> <li>• A development with a complex mix of land uses on a site or within structures</li> <li>• A development on a unique geological feature, on a site with a notable quality natural feature, or on a site with a notable quantity of natural features</li> <li>• A development with a notably unique or innovative design</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Any parcel that meets the prerequisites specified may be considered for a PD District</li> <li>• The necessity for variances shall not by itself justify the pursuit of a PD District</li> <li>• The base zoning district and the comprehensive plan shall be used to determine the appropriateness of the dominant land use in the PD District</li> <li>• The proposed development shall be of clear benefit to the community</li> </ul> <p><b>County Commissioners</b></p> <ul style="list-style-type: none"> <li>• Under no circumstance are the County Commissioners required to rezone a property to a PD District</li> <li>• Rezone a property to a PD District only after the Plan Commission provides a favorable recommendation</li> <li>• Require commitments that will improve the quality of the development</li> <li>• Restrict particular land uses that would not be appropriate for the district</li> <li>• Assure the development is consistent with the Noble County Comprehensive Plan</li> </ul>	<p><b>Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• Predominantly in line with the permitted uses and special exception uses in the base zoning district</li> <li>• Predominantly in line with the Noble County Comprehensive Plan</li> <li>• Compatible with surrounding land uses (if developed) or adjacent zoning districts (if not developed)</li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development Districts</i></li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Generally consistent with the intent of the base zoning district</li> <li>• Predominantly in line with the Noble County Comprehensive Plan</li> <li>• Compatible with surrounding land uses and adjacent zoning districts</li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development Districts</i></li> </ul> <p><b>Design Standards</b></p> <ul style="list-style-type: none"> <li>• Predominantly in compliance with the design standards in <i>Article 07: Design Standards</i></li> <li>• Flexible only to the extent permitted in <i>Article 04: Planned Development Districts</i></li> </ul> <p><b>Construction Standards</b></p> <ul style="list-style-type: none"> <li>• In full compliance with the <i>Noble County Road Acceptance Standards</i></li> </ul>	<p><b>Site Area</b></p> <ul style="list-style-type: none"> <li>• The minimum parcel required for a PD District shall be five (5) acres</li> </ul> <p><b>Standard Zoning Districts</b></p> <ul style="list-style-type: none"> <li>• Only the following standard zoning districts may be rezoned to a planned development: OS, R1, R2, R3, R4, R5, LR, MH, IS, VM, C1, C2, C3, I1, I2, or HI</li> </ul>



# Planned Development (PD) District

## 4.02 General

- A. **Description:** A Planned Development District is a special district that can be pursued by an applicant in which a stand alone ordinance regulating the development is drafted and which binds the development to its unique language.
- B. **Creation:** The procedure for the creation of a Planned Development District shall be consistent with the process set forth in *Section 9.10: General Planned Development* of the Unified Development Ordinance.
- C. **Maps:** Planned Development Districts shall be identified as such on the Official Zoning Map.
- D. **Regulations:**
  - 1. **Development Standards and Design Standards:** The requirements of *Article 05: Development Standards* and *Article 07: Design Standards* of the Unified Development Ordinance shall apply to Planned 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 Unified Development Ordinance shall be directly linked to the intent of the Planned Development to provide a mixed use development, accommodate a creative and unique design not otherwise achievable using standard zoning districts and subdivision regulations, or address unusual site conditions or constraints.
  - 2. **Establishment Plan:** The Establishment Plan shall indicate the proposed land uses, location of all proposed improvements, and a proposed Planned Development District Ordinance that includes development standards, design standards, and other specifications which shall govern the Planned Development. If the Establishment Plan and the Planned Development District Ordinance are silent or do not address a particular land use, development standard, design standard, or other specification, the Zoning Administrator shall determine the most appropriate standards from the Unified Development Ordinance.
  - 3. **Open Space:** Open space shall either be:
    - a. Conveyed to the County if it is willing to accept it; or
    - b. Conveyed to one or more not-for-profit corporations or an owners' association established for the purpose of benefiting the owners and tenants of the Planned Development.

## 4.03 Origination of Proposals

A proposal for a Planned Development District shall be initiated by the property owner(s). The site proposed for a Planned Development shall be under single ownership, or if multiple owners exist, a legal document, legal partnership, or corporation shall be provided indicating that all owners of the property support and desire to develop the land as a planned development. The legal document shall also indicate who the owners appoint as their representative.

## 4.04 Rules of Procedure

All proceedings brought under *Article 04: Planned Development Districts* are subject to the Rules of Procedure of the Plan Commission, unless stated otherwise.

## 4.05 Limitation of Revisions to the Unified Development Ordinance

- A. **Public Health and Safety:** Additions or modifications to the Unified Development Ordinance that directly effect public health and safety shall apply to any Planned Development District whether prior to or during development.
- B. **Failure to Comply:** If a Planned Development is no longer proceeding in accordance with its ordinance, the commitments, or time requirements imposed by its ordinance, the County may deem it a violation and utilize its power to enforce the Planned Development and the Unified Development Ordinance according to *Article 10: Enforcement and Penalties*.
- C. **Rezoning to Standard District:** All Planned Developments, or a subdistrict thereof, that have experienced either ninety percent (90%) build-out or a significant slow down in construction for two (2) years or more, are subject to being rezoned into an appropriate standard zoning district if the County deems it necessary to better administer the development.

## 4.06 Designation of Permanent Open Space

- A. Designation: No Planned Development District 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. Impervious surfaces within rights-of-way or private street easements shall not count towards open space. Wetlands and areas within the floodway and floodway fringe shall only count at fifty percent (50%). Open space shall be provided in at least the following percentage of the total gross area of the Planned Development by type of use:
1. *Residential use*: 20%
  2. *Institutional use*: 15%
  3. *All other uses*: 10%
- B. Mixed Uses: In the case of mixed uses, permanent open space shall be allocated in proportion to the mixture of uses that exist. Each use shall have its proportion of open space located within close proximity. The permanent open space need not be located in proximity to the use in the case of preservation of existing natural features.
- C. Development in Stages: If the Establishment Plan provides for the Planned Development to be constructed in phases, open space shall be provided for each phase of the development relatively proportionate to that phase, and conveyed or guaranteed.

Article

05

Development Standards

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**Noble County  
Unified  
Development  
Ordinance**

# Development Standards Overview

## 5.01 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, demolitions, structural additions, and structural enlargements that are constructed, created, established, or occur after the effective date of this Unified Development Ordinance (except as may otherwise be provided within this Unified Development Ordinance) are subject to all development standards and regulations for the applicable zoning district.

## 5.02 How to Use this Article

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

- A. **Blue Boxes:** Refer to the two-page layouts in *Article 02: 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.
- B. **Example:** On page 2-13, the four digit code “AS-01” can be found under the “Additional Development Standards that Apply” section in the Rural Estate (RE) zoning district. Therefore, the Development Standards in the section labeled “AS-01” (on page 5-6) would apply to the Rural Estate (RE) zoning district.
- C. **District Icons:** Refer to the icons used at the top of each development standard section in this Article. Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (e.g. RE for the Rural Estate zoning district). These zoning district icons note that the development standard written in that section applies to that zoning district.
- D. **Example:** On page 5-6, the RE icon (RE) can be found under the AS-01 development standard section. Therefore the language in the AS-01 section would apply to the Rural Estate (RE) zoning district.

Section Name	Page Number	Section Name	Page Number
Accessory Dwelling Standards (AD)	5-4	Outdoor Storage Standards (OT)	5-35
Accessory Structure Standards (AS)	5-6	Parking Standards (PK)	5-36
Confined Feeding Standards (CF)	5-11	Performance Standards (PF)	5-45
Density and Intensity Standards (DI)	5-12	Pond Standards (PN)	5-46
Driveway Standards (DW)	5-13	Public Improvement Standards (PI)	5-47
Environmental Standards (EN)	5-18	Right to Farm Standards (RF)	5-48
Fence and Wall Standards (FW)	5-20	Setback Standards (SB)	5-49
Floodplain Standards (FP)	5-23	Sewer and Water Standards (SW)	5-51
Floor Area Standards (FA)	5-24	Sexually Oriented Business Standards (SX)	5-52
Height Standards (HT)	5-25	Sign Standards (SI)	5-53
Home Business Standards (HB)	5-26	Special Exception Standards (SE)	5-72
Keeping of Animals Standards (KA)	5-29	Structure Standards (ST)	5-73
Kennel Standards (KL)	5-30	Telecommunication Facility Standards (TC)	5-74
Lighting Standards (LT)	5-31	Temporary Use and Structure Standards (TU)	5-76
Loading Standards (LD)	5-32	Trash Receptacle Standards (TR)	5-78
Lot Standards (LO)	5-33	Vision Clearance Standards (VC)	5-79
Manufactured Housing Standards (MA)	5-34	Wind Turbine System Standards (WT)	5-80



# District Icons

## 5.03 Icon Key

	Open Space and Conservation District
	Production Agricultural District
	Agricultural Commercial District
	Intense Agricultural District
	Rural Estate District
	Low Density Single-family Residential District
	Medium Density Single-family Residential District
	Village Residential District
	Multiple-family Residential District
	High Density Multiple-family Residential District
	Lake Residential District
	Manufactured Home Residential District
	Institutional District
	Village Mixed Use District
	Neighborhood Commercial District
	General Commercial District
	Highway Commercial District
	Low Intensity Industrial District
	High Intensity Industrial District
	High Impact District

# Accessory Dwelling Standards (AD)

## 5.04 AD-01: Accessory Dwelling Standards

This Accessory Dwelling Standards (AD) section applies to the following zoning district:



The intent of the Accessory Dwelling Standards is provide an opportunity for an accessory dwelling while ensuring that specific conditions are met to protect the health, safety, and welfare of the residents within the zoning jurisdiction of the County. The following standards apply:

- A. **Applicability:** An accessory dwelling shall meet the applicable setbacks for accessory structures and structure height for accessory structures as indicated on the two-page layout.
  - 1. *Minimum Front Yard Setback:* The minimum front yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 2. *Minimum Side Yard Setback:* The minimum side yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 3. *Minimum Rear Yard Setback:* The minimum rear yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 4. *Maximum Structure Height:* The maximum structure height shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
- B. **Permits:** An Improvement Location Permit shall be required prior to the construction of an accessory dwelling or the conversion of an accessory structure into an accessory dwelling. See *Section 9.02: Development Plan Approval Processes Applicable to a Buildable Lot* and *Section 9.06: Improvement Location Permit*.
- C. **Types:** An accessory dwelling may be permitted on a lot only if the primary structure (primary dwelling) is owner-occupied.
  - 1. *Permitted:* An accessory dwelling shall include a guest house, mother-in-law suite, or any single dwelling unit.
  - 2. *Prohibited:* A mobile home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer; in part, in whole, or of the like, shall not be permitted as an accessory dwelling.
- D. **Relationship:**
  - 1. *Use:* An accessory dwelling shall be accessory to the primary structure (primary dwelling).
  - 2. *Timing:* An accessory dwelling shall not be built on a lot prior to the construction of the primary structure (primary dwelling).
- E. **Quantity and Size:**
  - 1. *Maximum Number:* No more than one (1) accessory dwelling shall be permitted on a lot, and it shall consist of one (1) unit.
  - 2. *Size:* An accessory dwelling shall be a minimum of 550 square feet, but shall not exceed 1,200 square feet or the square footage of the primary structure (primary dwelling), whichever is less.
- F. **Design:**
  - 1. *Attachment:* The accessory dwelling may be attached to or detached from the primary structure (primary dwelling).
  - 2. *Minimum Components:* The accessory dwelling shall contain bathroom, kitchen, and sleeping facilities.
  - 3. *Driveway:* An accessory dwelling shall utilize the driveway of the primary structure (primary dwelling) where practical.
  - 4. *Parking:* Off-street parking for an accessory dwelling shall comply with requirements for a dwelling unit in *Section 5.39: Residential Parking Standards*.
  - 5. *Utilities:* An accessory dwelling should utilize the utility connections, well, and/or septic system that serve the primary structure (primary dwelling) where practical.
  - 6. *Home Business:* For the purpose of a home business, an accessory dwelling shall be considered a dwelling, not an accessory structure. Therefore, a home business that complies with the applicable Home Business Standards may be conducted within an accessory dwelling.

7. *Accessory Structures:*

- a. For the purpose of accessory structures, an accessory dwelling shall be considered accessory to the primary structure (primary dwelling). The accessory dwelling shall not be permitted to have its own accessory structures; all accessory structures on the lot shall be considered accessory to the primary structure (primary dwelling).
- b. Accessory dwellings shall not count towards the maximum number and maximum size standards for accessory structures as regulated in the applicable Accessory Structure Standards sections.



# Accessory Structure Standards (AS)

## 5.05 AS-01: General Accessory Structure Standards

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



The intent of the Accessory Structure Standards is to permit accessory structures that meet the needs of property owners while ensuring neighborliness and aesthetic quality. These Accessory Structure Standards also protect the health, safety, and welfare of the residents within the zoning jurisdiction of the County. The following standards apply:

- A. **Cross Reference:** Some structures are regulated independent of the Accessory Structure Standards. The following types of structures are regulated in other Sections.
  1. *Accessory Dwelling:* See the *Accessory Dwelling Standards*.
  2. *Fences and Walls:* See the *Fence and Wall Standards*.
  3. *Signs:* See the *Sign Standards*.
  4. *Swimming Pools:* Swimming pools shall meet the regulations within these Accessory Structure Standards sections and the Indiana Administrative Code (675 IAC 20: *Swimming Pool Code*).
  5. *Telecommunication Facilities:* See the *Telecommunication Facility Standards*.
  6. *Trash Receptacles:* See *Trash Receptacle Standards*.
- B. **Applicability:**
  1. *Minimum Front Yard Setback:* The minimum front yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  2. *Minimum Side Yard Setback:* The minimum side yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  3. *Minimum Rear Yard Setback:* The minimum rear yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  4. *Maximum Structure Height:* The maximum structure height shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
- C. **Permits:** An Improvement Location Permit shall be required prior to the installation or construction of an accessory structure greater than 120 square feet in area unless specifically noted otherwise. In circumstances where a permit is not required, the accessory structure shall still meet all applicable Accessory Structure Standards.
- D. **Types:**
  1. *Prohibited Accessory Structures:*
    - a. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, or trailer; in part, in whole, or of the like, shall not be permitted as an accessory structure.
    - b. Portable On Demand Storage (PODS) units shall not be permitted as a permanent accessory structure.
- E. **Maintenance:** All accessory structures shall be properly maintained and kept in good condition.

# Accessory Structure Standards (AS)

## 5.06 AS-02: Open Space and Agricultural Accessory Structure Standards

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



The following standards apply:

### A. Types:

1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, carports, detached garages, greenhouses, mini-barns, pole structures, pool houses, sheds, and other structures used primarily for storage purposes.
2. *Recreational-based*: Recreational-based accessory structures shall be permitted. Recreational-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreational purposes.

### B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot or the zoning district's permitted uses.
2. *Timing*: An accessory structure may be installed or built on a lot prior to the construction of the primary structure or without the existence of a primary structure.

### C. Quantity: There is no limit to the number of accessory structures permitted on a lot.

### D. Miscellaneous: If the subject lot is a lake-front lot, it shall not be required to meet the standards in *Section 5.06: Open Space and Agricultural Accessory Structure Standards*, but shall meet the standards in *Section 5.08: Lake Residential Accessory Structure Standards*.

## 5.07 AS-03: Residential Accessory Structure Standards

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



The following standards apply:

### A. Types:

1. *Storage-based*: Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, carports, detached garages, greenhouses, mini-barns, pole structures, pool houses, sheds, and other structures used primarily for storage purposes.
2. *Recreational-based*: Recreational-based accessory structures shall be permitted. Recreational-based accessory structures shall include decks, gazebos, hot tubs, ground-mounted satellite dishes, sport courts, swimming pools, and other structures used primarily for recreational purposes.

### B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the lot.
2. *Timing*: An accessory structure shall not be installed or built on a lot prior to the construction of the primary structure.

### C. Quantity and Size:

1. *Maximum Number*: There is no limit to the number of accessory structures permitted on a lot.
2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed one hundred percent (100%) of the area of the footprint of the primary structure.

### D. Miscellaneous: If the subject lot is a lake-front lot, it shall not be required to meet the standards in *Section 5.07: Residential Accessory Structure Standards*, but shall meet the standards in *Section 5.08: Lake Residential Accessory Structure Standards*.

# Accessory Structure Standards (AS)

## 5.08 AS-04: Lake Residential Accessory Structure Standards

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

**LR**

The following standards apply:

### A. Types:

1. *Storage-based:* Storage-based accessory structures shall be permitted. Storage-based accessory structures shall include barns, boat houses, carports, detached garages, greenhouses, mini-barns, pole structures, pool houses, sheds, and other structures used primarily for storage purposes.
2. *Recreational-based:* Recreational-based accessory structures shall be permitted. Recreational-based accessory structures shall include decks, docks, gazebos, hot tubs, ground-mounted satellite dishes, piers, sport courts, swimming pools, and other structures used primarily for recreational purposes.

### B. Relationship:

#### 1. *Use:*

- a. *Lake-front Lot:* In cases where an accessory structure is to be located on the same lot as the primary structure, the accessory structure shall relate to the primary use of the lot and the primary structure.
- b. *Accessory Lots:* In cases where a non-lake-front lot is owned by an adjacent or a relatively adjacent lake-front lot, the accessory structure shall relate to the primary use and primary structure of the lake-front lot to which it is legally associated.

#### 2. *Timing:*

- a. *Lake-front Lot:* An accessory structure shall not be installed or built on a lot prior to the construction of a primary structure.
- b. *Accessory Lots:* In cases where a non-lake-front lot is owned by an adjacent or a relatively adjacent lake-front lot, an accessory structure shall not be installed or built on a lot prior to the construction of a primary structure on either the lake-front lot or the non-lake-front lot to which the accessory structure is associated.

### C. Quantity and Size:

1. *Maximum Number:* There is no limit to the number of accessory structures permitted on a lot if it meets the standards listed in *Section 5.08(A)* and *Section 5.08(B)* above.

## 5.09 AS-05: Manufactured Home Residential Accessory Structure Standards

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



The following standards apply:

### A. Types:

1. *Support-based:* Support-based accessory structures shall be permitted. Support-based accessory structures shall include a management office, sales office, maintenance facility, indoor fitness room, indoor and outdoor sport courts, indoor and outdoor swimming pool, indoor and outdoor play equipment, enclosed vending, laundry, emergency storm shelter, and other structures customarily incidental to the development. All support-based accessory structures shall be subordinate to the residential component of the development; be located, designed, and intended to serve only the needs of the development and its residents; and present no visible evidence of its non-residential nature to areas outside the development.
2. *Storage-based:* Storage-based accessory structures in the form of detached garages, carports, and sheds shall be permitted for dwelling sites.
3. *Recreational-based:* Recreational-based accessory structures in the form of decks and ground-mounted satellite dishes shall be permitted for dwelling sites.

### B. Relationship:

1. *Use:* An accessory structure shall relate to the primary use of the land and be solely used in connection with the primary use.
2. *Timing:*
  - a. *Support-based:* A support-based accessory structure may be installed or built on a lot prior to the construction or installation of a primary structure.
  - b. *Storage-based and Recreational-based:* Storage-based accessory structures and recreational-based accessory structures shall not be installed or built on a dwelling site prior to the construction or installation of a dwelling unit.

### C. Quantity and Size:

1. *Maximum Number per Development:* No more than four (4) support-based accessory structures shall be permitted for any development.
2. *Maximum Number per Dwelling Site:* Each dwelling site shall be permitted one (1) shed in addition to one (1) carport or garage.
3. *Maximum Size:* The total area of storage-based accessory structures on a dwelling site shall not exceed twenty-five percent (25%) of the dwelling site area or 600 square feet, whichever is less.

- D. Materials: The exterior finish and facade of all accessory structures greater than 200 square feet in area shall match, closely resemble, or significantly complement the materials and colors used on the primary structure with which it is associated.

# Accessory Structure Standards (AS)

## 5.10 AS-06: Mixed Use Accessory Structure Standards

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



The following standards apply:

### A. Types:

#### 1. *Residential Uses*:

- a. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a management office, sales office, maintenance facility, indoor fitness room, indoor or outdoor sport courts, indoor or outdoor swimming pool, indoor or outdoor play equipment, enclosed vending, laundry, and other structures customarily incidental to the development. All support-based accessory structures shall be subordinate to the residential component of the development; be located, designed, and intended to serve only the needs of the development and its residents; and shall present no visible evidence of its non-residential nature to areas outside the development.
- b. *Storage-based*: Except for garages and carports, storage-based accessory structures specific to each dwelling unit shall not be permitted.

#### 2. *Non-residential Uses*:

- a. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a storage building, refrigeration/freezer unit, freestanding canopy, mechanical structure, or other structure used in support of the primary structure.
- b. *Recreational-based*: Recreational-based accessory structures shall be permitted. A recreational-based accessory structure shall include a deck, terrace, play equipment, or other structures that add a recreational element to the primary structure that is consistent with the intent of the district.

### B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be installed or built on a lot prior to the construction of the primary structure.

C. Quantity: There is no limit to the number of accessory structures permitted on a lot.

## 5.11 AS-07: Non-residential Accessory Structure Standards

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



The following standards apply:

### A. Types:

1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a cooling tower, maintenance facility, mechanical structure, freestanding canopy, storage building, refrigeration/freezer unit, water tower, or other structures used in support of the primary structure.
2. *Recreational-based*: Recreational-based accessory structures shall be permitted. Recreational-based accessory structures shall include a deck, fountain, pavilion, picnic shelter, public art display, sport court, terrace, play equipment, or other structures that add a recreational element to the primary use of the land.

### B. Relationship:

1. *Use*: An accessory structure shall relate to the primary use of the land and be solely used in connection with the specific primary use.
2. *Timing*: An accessory structure shall not be permitted prior to the construction of a primary structure.

C. Quantity: There is no limit to the number of accessory structures permitted on a lot.

# Confined Feeding Standards (CF)

## 5.12 CF-01: Confined Feeding Standards

This Confined Feeding Standards (CF) section applies to the following districts:

**A3**

The intent of the Confined Feeding Standards is to protect the health, safety, and welfare of residents in the zoning jurisdiction of the County by regulating the placement and operation of confined feeding beyond standards required by State and Federal agencies. The following standards apply:

- A. Applicability: Any lawfully established confined feeding operation, as defined, shall meet the below Confined Feeding Standards.
- B. Minimum Distance from Existing Uses: A lot associated with the confined feeding operation, including animal barns/sheds, lagoons, animal mortality facilities, parking areas, truck maneuvering areas, feeding units, shall meet the following standards:
  1. *Non-agricultural*: The minimum separation from any confined feeding operation to any lot not zoned for confined feeding shall be 250 feet measured from structure to property line, or 500 feet measured from structure to the residence of any adjacent lot. Any residence located on the same lot as the confined feeding operation, or any residence on an adjacent lot that is owned and occupied by the confined feeding operation owner shall be exempt from this provision.
  2. *Institutional*: The minimum separation from any confined feeding operation to an existing institutional use shall be 1,000 feet measured from structure to property line of the non-agricultural lot. This separation requirement applies to any lot zoned IS. Institutional uses include: place of worship, school, and government operation.
  3. *Platted Subdivision*: The minimum separation from any confined feeding operation to an existing cluster of homes shall be 1,320 feet measured from structure to property line of the non-agricultural lot(s). A cluster of homes should be interpreted as five (5) or more contiguous lots, three (3) acres or less in area each, used for single-family detached homes.
- C. Animal Mortalities: Disposal of animal mortalities shall be conducted in accordance with state environmental laws and shall not create a health hazard to humans or animals.

## 5.12.01 CF-02: Animal Density Standards

This Animal Density Standards (CF-02) section applies to the following districts:

**A1 A2 A3**

The intent of the Animal Density Standards is to protect the health, safety, and welfare of residents in the zoning jurisdiction of the County by regulating the placement and operation of animal operations beyond standards required by State and Federal agencies. The following standards apply:

- A. Applicability: Any lawfully established livestock operation, as defined, shall meet the below Animal Density Standards.
- B. Minimum Distance from Existing Uses: A parcel/lot associated with the livestock operations, including animal barns/sheds and animal mortality facilities shall meet the following standards:
  1. *1. Adjoining Lots*: The minimum separation from any livestock operation structure to any other parcel/lot shall be a minimum of 100 feet, measured from livestock operation structure to property line.
- C. Animal Mortalities: Disposal of animal mortalities shall be conducted in accordance with state environmental laws and shall not create a health hazard to humans or animals.

# Density and Intensity Standards (DI)

## 5.13 DI-01: Density and Intensity Standards

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



The intent of the Density and Intensity Standards is to protect the health, safety, and welfare of residents through the establishment of maximum density and maximum land use intensity requirements. The following standards apply:

- A. **Applicability:** If a density or intensity standard does not appear on the two-page layout in *Article 02: Zoning Districts* for a zoning district, then a density or intensity standard shall not apply to that particular zoning district.
1. *Maximum Density:* The maximum density shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  2. *Maximum Lot Coverage:* The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.

## 5.14 DW-01: General Driveway Standards

This Driveway Standards (DW) section applies to the following zoning districts:



- A. Cross Reference: All properties within the planning jurisdiction of Noble County shall meet or exceed the *Noble County Highway Construction Standards* when constructing a new driveway, modifying an existing driveway, or relocating an existing driveway. See the *Noble County Highway Construction Standards* at the Noble County Plan Commission Office.





# Environmental Standards (EN)

## 5.15 EN-01: Environmental Standards

This Environmental Standards (EN) section applies to the following zoning districts:



The intent of the Environmental Standards is to protect the health, safety, and welfare of residents of the zoning jurisdiction of the County by providing for the protection of air, soil, and water quality on a local level. The following standards apply:

- A. **Prohibitive Geology:** A lot or portions thereof shall be unsuitable for structures when it contains any of the characteristics listed below. Structures may be permitted if an engineered site plan is submitted and approved by the Technical Review Committee. Such engineered site plan shall show and commit to adequate measures for erosion control; minimum site disturbance; soil stability for structural load; storm water management; aesthetic treatment of engineered structures; and final landscaping.
  1. *Slope:* Pre-development or post development slopes greater than twenty percent (20%).
  2. *Rock:* Adverse rock formations.
  3. *Soil:* Adverse soils.
  4. *Stability Limitations:*
    - a. Has a low loading rate.
    - b. Has a low weight-bearing strength.
    - c. Has any other feature which will significantly accelerate the deterioration of a structure or significantly reduce the structure's stability.
- B. **Air Quality:**
  1. *Generally:* A use should comply with applicable State Statutes.
  2. *Outdoor Burners:* Outdoor wood burners and corn burners must be installed and utilized per manufacturer specifications.
- C. **Soil and Water Quality:**
  1. *Erosion Control:*
    - a. Developments shall be in compliance with the *Noble County Storm Drainage and Erosion Control Ordinance*.
    - b. Developments shall be in compliance with the filing requirements for erosion control on construction sites as in *Indiana Administrative Code 327-1 (Rule 5)*, when applicable.
    - c. Sedimentation in adjoining surfaces, drainage systems, and watercourses caused from the development of a lot or use shall not be permitted. If such sedimentation occurs, it shall be the responsibility of the owner of the developed lot or use to remove the sedimentation.
  2. *Geothermal Systems:* Closed loop geothermal systems are permitted and preferred. Open loop geothermal systems shall discharge water into a return well. Discharge of water into a stream, river, lake, pond, ditch, or drainage tile shall be prohibited.
  3. *Fill:* All fill materials shall be free of environmentally hazardous materials, and the Zoning Administrator or the Noble County Surveyor may request representative samples of the fill for testing purposes.
  4. *Production:* No use shall produce pollutants in such a quantity as to pollute soils, water bodies, adjacent properties, or conflict with public water standards.
  5. *Storage:* No use shall accumulate within the lot or discharge beyond the lot lines any waste, debris, refuse, trash, discarded construction materials, discarded appliances, scrap metals, or rotting wood that are in conflict with applicable public health, safety, and welfare standards unless expressly permitted by the Unified Development Ordinance.

6. *Disposal*: 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 it may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any lot unless expressly permitted by the Unified Development Ordinance.
- D. Environmental Feature Protective Setback: Primary structures, accessory dwellings, storage-based accessory structures, and support based-accessory structures shall be at least twenty-five (25) feet from the average water mark of a public water feature such as a regulated drain, lake, pond, creek, stream, or river.

# Fence and Wall Standards (FW)

## 5.16 FW-01: General Fence and Wall Standards

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



The intent of the Fence and Wall Standards is to ensure neighborliness, visibility, and aesthetic quality; and to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County. The following standards apply:

### A. Cross Reference:

1. *Vision Clearance:* Fences and walls shall meet all vision clearance standards in *Section 5.67: Vision Clearance Standards*.
2. *Covenants:* Property owners within subdivisions are advised to investigate applicable Declaration of Covenants which may impose greater restrictions than are found in the Unified Development Ordinance. The stricter standard shall apply to lots with covenants.

### B. Permits: An Improvement Location Permit shall not be required prior to the installation of a fence or wall, but fences and walls shall still meet all the applicable Fence and Wall Standards.

### C. Positioning:

1. *Presentation:* Fences and walls shall present the non-structural face outward.
2. *Property Line:* Fences and walls shall be permitted on the property line.
3. *Easement:* No fence or wall shall be located within an easement unless written permission from the easement holder has been obtained.

### D. Height Exemptions: Fences that surround sport courts shall be exempt from the maximum height regulations.

### E. Maintenance: All fences and walls shall be properly maintained and kept in good condition as to prevent risk to public health and safety, or to mend a containment fence.

## 5.17 FW-02: Agricultural Fence and Wall Standards

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



The following standards apply:

### A. Types:

1. *Permitted Materials:* Wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc, or powder-coated chain link, and galvanized chain link shall be permitted materials for fences and walls. Chicken wire, wire mesh, agricultural wire, and fences that incorporate barbed wire or above ground electrified wires shall only be permitted materials for fences that are used for the containment of farm animals or to surround agricultural crops and the like.

# Fence and Wall Standards (FW)

## 5.18 FW-03: Residential Fence and Wall Standards

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



The following standards apply:

### A. Types:

1. *Permitted Materials*: Wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc, or powder coated chain link, and galvanized chain link shall be permitted materials for fences and walls. Chicken wire, wire mesh, agricultural wire, and fences that incorporate barbed wire or above ground electrified wires shall only be permitted materials for fences that are used for the containment of farm animals or agricultural crops.
2. *Prohibited Materials*: Fences and walls shall not incorporate chicken wire, mesh wire, agricultural wire, metal or plastic slats within chain links, barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous materials.

### B. Location:

1. *Front Yards*: Only fences that are decorative in nature, do not serve as an enclosure, and are three (3) feet or less in height shall be permitted in the front yard.
2. *Side and Rear Yards*: Fences and walls shall be permitted in side and rear yards.

### C. Height:

1. *Front Yards*: Fences and walls shall not exceed three (3) feet in height.
2. *Side and Rear Yards*: Fences and walls shall not exceed six (6) feet in height.

## 5.19 FW-04: Institutional and Commercial Fence and Wall Standards

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



The following standards apply:

### A. Types:

1. *Permitted Materials*: Wood, composite wood, stone, masonry, wrought iron, decorative metal, PVC, vinyl, zinc, or powder coated chain link, and galvanized chain link shall be permitted materials for fences and walls.
2. *Prohibited Materials*: Fences and walls shall not incorporate chicken wire, mesh wire, agricultural wire, metal or plastic slats within chain links, barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous materials.

### B. Location:

1. *Front Yards*: Fences and walls shall not be permitted in front yards, unless granted permission from the Zoning Administrator upon providing acceptable proof that a clear need exists for a security fence to protect private property (e.g. materials or vehicles) that cannot easily or feasibly be accommodated in a side or rear yard.
2. *Side and Rear Yards*: Fences and walls shall be permitted in side and rear yards.

### C. Height: Fences and walls shall not exceed eight (8) feet in height.

# Fence and Wall Standards (FW)

## 5.20 FW-05: Industrial and High Impact Fence and Wall Standards

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



The following standards apply:

A. Types:

1. *Permitted Material*: Any except as listed as Prohibited Material.
2. *Prohibited Materials*: Fences and walls shall not incorporate chicken wire, mesh wire, agricultural wire, metal or plastic slats within chain links, above ground electrified wires, glass, sharpened top spikes, or similarly hazardous materials. While barbed wire and razor wire are generally not permitted materials, the Zoning Administrator may permit the use of barbed wire and razor wire in special circumstances (i.e. prison).

B. Location:

1. *Front Yards*: Fences and walls shall not be permitted in front yards, unless granted permission from the Zoning Administrator upon providing acceptable proof that a clear need exists for a security fence to protect private property (e.g. materials or vehicles) that cannot easily or feasibly be accommodated in a side or rear yard.
2. *Side and Rear Yards*: Fences and walls shall be permitted in side and rear yards.

C. Height: Fences and walls shall not exceed eight (8) feet in height.

## 5.21 FP-01: Floodplain Standards

This Floodplain Standards (FP) section applies to the following zoning districts:



A. Cross Reference: See the *Noble County Flood Ordinance*.



# Floor Area Standards (FA)

## 5.22 FA-01: Floor Area Standards

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



The intent of the Floor Area Standards is to protect the health, safety, and welfare of residents and community character through the establishment of minimum floor area requirements. The following standards apply:

- A. **Applicability:** If a floor area standard does not appear on the two-page layout for a zoning district, then a standard does not apply to that particular zoning district.
  1. *Minimum Main Floor Area:* The minimum main floor area shall be per each two-page layout in *Article 02: Zoning Districts*.
  2. *Maximum Main Floor Area:* The maximum main floor area shall be per each two-page layout in *Article 02: Zoning Districts*.
  3. *Minimum Dwelling Unit Size:* The minimum dwelling unit size shall be per each two-page layout in *Article 02: Zoning Districts*.

# Height Standards (HT)

## 5.23 HT-01: Height Standards

This Height Standards (HT) section applies to the following zoning districts:



The intent of the Height Standards is to ensure adequate fire and life safety protection for taller structures, and to protect the health, safety, and welfare of the residents in the zoning jurisdiction of the County. The following standards apply:

### A. Cross Reference:

1. *Telecommunication Facilities:* See Section 5.60: *Telecommunication Facilities Standards.*
2. *Wind Turbines:* See Section 5.68: *Small Wind Turbine System Standards,* and Section 5.69: *Large Wind Turbine System Standards.*

### B. Applicability: If a height standard does not appear on the two-page layout for a zoning district, then a standard does not apply to that particular zoning district.

1. *Primary Structure:* The maximum height for primary structures shall be per each two-page layout in *Article 02: Zoning Districts.*
2. *Accessory Structure:* The maximum height for accessory structures shall be per each two-page layout in *Article 02: Zoning Districts.*
3. *Exceptions:* The following structures or features shall be exempt or partially exempt from the maximum structure height standards, assuming they are permitted uses or structural features:
  - a. Grain elevators and grain silos used for agricultural purposes may exceed the maximum structure height but shall not exceed 150 feet in height.
  - b. Church steeples, bell towers, and religious symbols may exceed the maximum structure height but shall not exceed two hundred percent (200%) of the height of the primary structure.
  - c. Awnings shall be constructed to allow clear passage beneath the awning. Specifically, no fabric, structural component, decorative element, or the like shall be less than eight (8) feet above the surface beneath the awning.
  - d. Public utility structures and private water towers may exceed the maximum structure height, but shall not exceed 199 feet in height.
  - e. Roof-mounted mechanical equipment, including elevator bulkheads, may exceed the maximum structure height but shall not extend more than fifteen (15) feet above the roof's highest point; provided that it is architecturally integrated into the building's features or is generally screened from view by an architectural enclosure, parapet, or similar feature. Industrial uses shall be exempt from the integration and screening requirement.
  - f. Ham radio towers shall be exempt from the maximum structure height if the ham radio tower is located on a lot owned by a ham radio operator that has a valid and active license from the Federal Communication Commission (FCC).



# Home Business Standards (HB)

## 5.24 HB-01: Type 1 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:



The intent of the Home Business Standards is to ensure the protection of the health, safety, and welfare of the residents in the zoning jurisdiction of the County by allowing and regulating home-based businesses that have minimal impact on the residential character of neighborhoods. The following standards apply:

- A. Permits: An Improvement Location Permit for a Type 1 Home Business shall not be required.
- B. Permissible Home Businesses:
  1. *Permitted*: A type 1 home business shall be limited to a home office, catalog business, telecommuting, professional services, or internet business.
  2. *Discretion*: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business shall be permitted as a Type 1 Home Business.
- C. Personnel:
  1. *Residency*: The primary operator shall reside in the dwelling unit where the home business is located.
  2. *Employees*: Only the residents of the dwelling unit where the home business is located shall be employed in the type 1 home business.
- D. Operations:
  1. *Nuisance*: The type 1 home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  2. *Traffic*: The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the neighborhood in which it is located.
  3. *Customers*: The home business shall not have patrons or customers visit the home business.
  4. *Hours*: The hours of operation of the home business shall not interfere with the use and enjoyment of adjacent properties.
- E. Design:
  1. *Primary Structure*:
    - a. The home business shall be conducted entirely within the primary structure.
    - b. The home business shall not exceed ten percent (10%) of the square footage of the primary structure.
    - c. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the residence which change the character of the residence, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  2. *Accessory Structure*: No accessory structure shall be utilized for any part of the type 1 home business.
  3. *Parking and Loading*: Off-street parking and loading facilities beyond what is common for a residential structure shall not be permitted.
  4. *Mechanical Equipment*: The home business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
  5. *Utility Service*: The home business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical phone, cable, or internet services for residential property shall be permitted.
  6. *Signs*: One (1) wall sign, not to exceed one (1) square foot, shall be permitted. Said wall sign shall be permanently attached to the primary structure (e.g. door or wall).

# Home Business Standards (HB)

## 5.25 HB-02: Type 2 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:



The following standards apply:

- A. **Permits:** An Improvement Location Permit for a Type 2 Home Business shall be required.
- B. **Permissible Home Businesses:**
  1. *Permitted:* The home business shall be limited to domestic crafts, art and music teaching, tutoring, hair cutting/styling, professional service office, clergy office, or similar businesses as determined by the Zoning Administrator.
  2. *Discretion:* Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business shall be permitted as a Type 2 Home Business.
- C. **Personnel:**
  1. *Residency:* The primary operator shall reside in the dwelling unit where the home business is located.
  2. *Employees:* One (1) employee who does not reside in the dwelling unit where the home business is located may be employed at the home business.
- D. **Operations:**
  1. *Nuisance:* The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  2. *Traffic:* The home business shall not generate vehicular traffic in greater volumes than would normally be expected in the neighborhood in which it is located.
  3. *Customers:* The home business shall not generate visitors in the form of patrons or customers in greater volumes than would normally be expected in the neighborhood.
  4. *Hours:* The hours of operation of the home business shall not interfere with the use and enjoyment of adjacent residential properties.
- E. **Design:**
  1. *Primary and Accessory Structures:*
    - a. The home business shall be conducted entirely within either the primary structure or an accessory structure. The home business shall not occupy space in both a primary and accessory structure.
    - b. The home business shall not exceed twenty-five percent (25%) of the square footage of the primary structure or 500 square feet, whichever is less.
    - c. The home business shall not exceed 500 square feet if located within an accessory structure.
    - d. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the dwelling unit which change the character of the dwelling unit, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  2. *Parking and Loading:*
    - a. Off-street parking and loading facilities beyond what is common for a residential structure shall not be permitted.
    - b. The home business shall not receive more than three (3) deliveries per week. Deliveries shall be made primarily between 8:00 AM and 5:00 PM by a vehicle not larger than a box-style truck.
  3. *Mechanical Equipment:* The home business shall not require the installation of mechanical equipment other than that which is common in a residential structure.
  4. *Utility Service:* The home business shall not require the installation of a sewer, water, or electrical utility service that is beyond what is common in a residential structure. Exceeding typical residential phone, cable, or internet services shall be permitted.
  5. *Signs:* One (1) sign, not to exceed four (4) square feet, shall be permitted. The sign shall be permanently attached to the primary structure, or placed in the yard.

# Home Business Standards (HB)

## 5.26 HB-03: Type 3 Home Business Standards

This Home Business Standards (HB) section applies to the following zoning districts:

**A1**

The following standards apply:

- A. Permits: An Improvement Location Permit for a Type 3 Home Business shall be required.
- B. Permissible Home Businesses:
  1. *Permitted*: The home business shall be limited to assembly of products, automobile repair, welding, contracting business, landscaping business, light manufacturing, or a similar use as determined by the Zoning Administrator.
  2. *Discretion*: Businesses not specifically listed above shall be interpreted by the Zoning Administrator as to whether the business shall be permitted as a Type 3 Home Business.
- C. Personnel:
  1. *Residency*: The primary operator of the home business shall reside in the dwelling on the same lot where the home business is located.
  2. *Employees*: Up to five (5) employees who do not reside in the dwelling where the home business is located may be employed by the home business.
- D. Operations:
  1. *Nuisance*: The home business shall not generate offensive noise, vibration, smoke, odors, dust, heat, glare, or electrical disturbances.
  2. *Hours*: The hours of operation of the home business shall be no earlier than 6:00 AM and no later than 9:00 PM for anyone who does not reside on the premises and for any activity that involves the accessory structure where the home business is primarily located. There are no limits on the hours of operation of the office component of the home business.
- E. Design:
  1. *Primary Structure*:
    - a. The office component of the home business may be operated in the primary structure (the home).
    - b. The home business shall not exceed five percent (5%) of the square footage of the primary structure.
    - c. There shall be no evidence of the home business from alterations to the exterior of the residence. However, the character of the property may show minimal evidence of its business use, including exterior storage of materials, vehicles, or equipment used in the home business.
  2. *Accessory Structure*:
    - a. The home business shall be primarily conducted within an accessory structure.
    - b. The home business may consume one hundred percent (100%) of the square footage of the accessory structure.
  3. *Parking and Loading*:
    - a. Off-street parking and loading facilities beyond what is common for a residential structure or agricultural use shall not be permitted.
    - b. There shall be no more than seven (7) operable vehicles parked on the lot at any time.
  4. *Exterior Storage*:
    - a. Vehicles, trailers, and other equipment used in the home business shall be stored and/or parked in an organized manner that is in an inconspicuous location.
    - b. All exterior storage shall be located behind the primary structure and behind or beside the accessory structure that is the primary location of the home business.
    - c. All exterior storage shall be screened so it is nearly invisible from any right-of-way.
  5. *Mechanical Equipment*: The home business shall not require the installation of industrial-grade mechanical equipment. Commercial-grade mechanical equipment shall be permitted.
  6. *Utility Service*: The home business shall not require the installation of a sewer or water utility service beyond what is common in a residential structure. Commercial-grade electrical services and exceeding typical residential phone, cable, or internet services shall be permitted.
  7. *Sign Standards*: One (1) sign, not to exceed thirty-two (32) square feet, shall be permitted. The sign shall be permanently attached to an accessory structure, or placed in the yard.

# Keeping of Animals Standards (KA)

## 5.27 KA-01 Single-family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards (KA) section applies to the following zoning districts:



The following standards apply:

- A. Cross-Reference: See the *Fence and Wall Standards*.
- B. Exotic Animals: Exotic animals shall not be permitted.
- C. Household Pets (Indoor): Any number of household pets are permitted as defined.
- D. Outdoor Pets: Outdoor pets are permitted as defined.
  1. *Minimum Lot Area*: One-quarter (1/4) acre per outdoor pet.
  2. *Maximum Number*: Three (3) outdoor pets.
  3. *Minimum Fenced Area*: One-eighth (1/8) acre which may include "invisible fence" areas.
- E. Farm Animals: Chickens are permitted as follows:
  1. *Minimum Lot Area*: One (1) acre.
  2. *Maximum Animal Units*: One (1) animal unit per one-half (1/2) acre.
  3. *Permitted and Prohibited Types*: Egg laying hens are permitted and roosters are prohibited.
  4. *Confinement*: Chickens shall be properly confined.

## 5.28 KA-02 Multiple-Family Residential Keeping of Household and Outdoor Pets Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. Exotic Animals: Exotic animals shall not be permitted.
- B. Household Pets (Indoor): Any number of household pets are permitted as defined.
- C. Outdoor Pets: Outdoor pets are permitted if properly confined.

## 5.29 KA-03 Agricultural Keeping of Farm Animals Standards

This Keeping of Animals Standards section applies to the following zoning districts:



The following standards apply:

- A. Exotic Animals: Exotic animals shall be permitted as follows:
  1. *Quantity*: One (1) exotic animal is permitted per twenty-five (25) acres.
  2. *Special Approval*: Keeping of exotic animals shall require a special exception approval.
  3. *Other Requirements*: Keeping of exotic animals shall be in compliance with State and Federal Standards.

# Kennel Standards (KL)

## 5.30 KL-01 Kennel Standards

This Kennel Standards (KL) section applies to the following zoning districts:



The intent of the Kennel Standards is to ensure the protection of the health, safety, and welfare of the residents of the zoning jurisdiction of the County through the establishment of standards for kennels. The following standards apply:

- A. Project Applicability: Any dog kennel, as defined.
- B. Design:
  - 1. *Minimum Lot Size*: Kennels shall be located on a lot that is two (2) acres or more in area.
  - 2. *Exercise Yard*: Dog kennels shall maintain an outdoor fenced exercise yard for dogs. The exercise yard shall be a minimum of 250 square feet per dog of the kennel's capacity or at least one-quarter (1/4) of an acre, whichever is greater. The exercise yard may be individual runs or a large area or a combination of both, and shall be completely fenced. (Invisible fences shall not constitute an adequate barrier.)
  - 3. *Pens*: The area of a dog kennel pen shall be at least twice (2x) the minimum required pen size as determined by the United States Department of Agriculture (USDA) in regulations issued under the authority of the Animal Welfare Act. The measurement of such areas shall include the kennel pen inside the building and any outdoor run that is continuously available to the animal. Additionally:
    - a. *Solid Floors*: If the floor of the kennel accessible to a dog is not made of a solid surface with no hole/gaps then at least a single solid surface floor must be provided in the size of at least the length of the dog in inches squared.
- C. Licenses: All kennels shall be fully compliant with state and federal regulations for kennels. A lapse in any required license or permit is considered a zoning violation. Any lapse shall be reported to the Zoning Administrator by the kennel operator within fourteen (14) days.
- D. Animal Welfare: All dog kennels shall maintain membership in the Indiana Council on Animal Welfare (ICAW) and submit to the Zoning Administrator any paperwork completed by the Kennel Management Assistance (KMA) program within two (2) weeks of receipt. The receipt of any evaluation documentation is considered a trade secret and shall be maintained as confidential by the Zoning Administrator.
- E. Setbacks:
  - 1. *Exercise Yard*: Exercise yards shall be setback 200 feet or more from all property lines.
  - 2. *Structures*: structures shall be setback 250 feet or more from all property lines.
- F. Operation:
  - 1. *Hours*: A kennel may be staffed twenty-four (24) hours per day.
  - 2. *Waste Management*: Animal waste shall be managed either by composting, septic system, sanitary sewer or other method approved by the Noble County Health Department. The kennel shall submit a waste management plan to the Noble County Health Department for consideration and determination of waste management options.
  - 3. All dog kennels shall be maintained in a clean state.

# Lighting Standards (LT)

## 5.31 LT-01: Lighting Standards

This Lighting Standards (LT) section applies to the following zoning districts:



The intent of the Lighting Standards is to protect the health, safety, and welfare of the residents within the zoning jurisdiction of the County by permitting site and facade lighting that has minimal impact on adjacent property. The following standards apply:

A. Cross Reference:

1. *Parking Lot Lighting*: See the Parking Standards for parking lot lighting requirements.
2. *Illumination of Signs*: See the Sign Standards for additional standards regarding the illumination of signs.

B. Measurement Rules: Measurements of light readings shall be taken at any point along the property line of the subject property with a light meter facing the center of the property at any height from the ground level to thirty-five (35) feet above the ground.

C. Glare: Light fixtures shall be fully shielded to prevent direct lighting on streets, alleys, and adjacent properties. Any structural part of the light fixture providing this shielding shall be permanently affixed.

D. Types: All lighting fixtures and poles within a single development shall be consistent in style, color, size, height, and design.

1. *Permitted*:

- a. *Site Lighting*: Pole, wall, or ground mounted fixtures shall be classified as a full cutoff, and/or, have a flat lens, and/or, have shielding that entirely shields the luminary source.
- b. *Facade Highlighting*: Modest intensity up-lighting of structure facades and landscaping from ground-mounted fixtures shall be permitted.

2. *Prohibited*: Non-cutoff fixtures shall not be permitted.

## 5.31.01 LT-02: Commercial Lighting Standard

This Lighting Standards section applies to the following zoning districts:



The following standards apply:

A. Permits: An Improvement Location Permit shall be required for the installation of lighting, and lighting shall be in compliance with Indiana Building Code and Indiana Electrical Code.

B. Additional Permitted: Sport field and sport court lights shall be semi-cutoff or cutoff fixtures, shall not exceed 100 feet in height, and shall be shut-off by 10:00 PM Sunday through Thursday and 11:00 PM Friday through Saturday.

C. Light Trespass: The maximum allowable light at a property line shall be ten (10) lux, with the following exceptions:

1. *Commercial Zoning Districts*: When the subject property is located within a commercial zoning district and the adjacent property is also located within a commercial zoning district or an industrial zoning district, then the allowable light at the property line shall be twenty (20) lux, but only along the sides of the property that are adjacent to the specified zoning districts. However, no light shall cross an adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than ten (10) lux.

# Loading Standards (LD)

## 5.31.02 LT-03: Industrial Lighting Standards

This Lighting Standards section applies to the following zoning districts:

**A2** **A3** **I1** **I2** **HI**

The following standards apply:

- A. Light Trespass: The maximum allowable light at a property line shall be ten (10) lux, with the following exceptions:
  1. *Commercial Zoning Districts*: When the subject property is located within an industrial zoning district and the adjacent property is located within a commercial zoning district, then the allowable light at the property line shall be twenty-five (25) lux, but only along the sides of the property that are adjacent to the specified zoning districts. However, no light shall cross an adjacent commercial or industrial property and reach a property line with a non-commercial or non-industrial district with greater than ten (10) lux.
  2. *Industrial Zoning Districts*: When the subject property is located within an industrial zoning district and the adjacent property is also located within an industrial zoning district, then the allowable light at the property line shall be thirty-five (35) lux, but only along the sides of the property that are adjacent to the specified zoning district.

## 5.31.03 LT-04: Residential Lighting Standards

This Lighting Standards section applies to the following zoning districts:

**RE** **R1** **R2** **R3** **R4** **R5** **LR** **MH**

The following standards apply:

- A. Additional Permitted: Lamp posts or wall sconces shall not emit more than 1,500 lumens total for the fixture and may be non-cutoff fixtures.
- B. Light Trespass: The maximum allowable light at a property line shall be eight (8) lux.

## 5.32 D-01: Loading Standards

This Loading Standards (LD) section applies to the following zoning districts:

**IS** **VM** **C1** **C2** **C3** **I1** **I2** **HI**

The intent of Loading Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by requiring loading berths to meet certain standards. The following standards apply:

- A. Project Applicability: The following loading standards only apply when a project electively involves a loading berth.
- B. Design:
  1. *Location*:
    - a. Loading berths shall be located so that they are not visible from public streets. If such a location is not possible, a loading berth visible from a public street shall be screened by solid structure walls and/or landscape buffers.
    - b. Loading berths shall have adequate area for trucks to maneuver in and out of the facility. Trucks shall not block rights-of-way, streets, alleys, aisles, or other internal circulation when maneuvering into or docked at loading berths.
  2. *Surface Materials*: Loading berths shall be paved with asphalt or concrete.
  3. *Drainage*: Loading berths shall be constructed to allow proper drainage away from the structure.

## 5.33 LO-01: Lot Standards

This Lot Standards (LO) section applies to the following zoning districts:



The intent of the Lot Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by establishing area, width, and frontage requirements for lots. The following standards apply:

- A. **Applicability:** If a lot standard listed in below does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
  - 1. *Minimum Lot Area:* The minimum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 2. *Maximum Lot Area:* The maximum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 3. *Minimum Lot Width:* The minimum lot width shall be per each two-page layout in *Article 02: Zoning Districts*.
- B. **Minimum Lot Frontage:** The minimum lot frontage shall be at least sixty percent (60%) of the required Minimum Lot Width included on each two-page layout in *Article 02: Zoning Districts* with the following exception:
  - 1. *Cul-de-sac Lots:* The minimum lot frontage for lots established along a cul-de-sac bulb shall be at least forty percent (40%) of the Minimum Lot Width for the applicable district. However, under no circumstances shall the lot frontage be less than thirty (30) feet in residential districts or forty (40) feet in all other districts.
- C. **Easements:** No form of easements shall be established for access to lake shores or docks.





# Manufactured Housing Standards (MA)

## 5.34 MA-01: Manufactured Housing Standards

This Manufactured Housing Standards (MA) section applies to the following district:



The intent of Manufactured Housing Standards is to promote quality and safe lease-lot manufactured home and mobile home developments. The following standards apply:

- A. Permits: An Improvement Location Permit shall be required for each manufactured home dwelling and each mobile home dwelling prior to installation on a dwelling site, and for all other primary structures.
- B. Design:
  1. *Dwelling Sites*:
    - a. Each dwelling site within a lease-lot development shall have a separate concrete pad for each mobile home and a separate foundation for each manufactured home or other habitable structure.
    - b. Each dwelling site within a lease-lot development shall have separate utility connections.
    - c. Each dwelling site within a lease-lot development with four (4) or more dwelling sites shall have direct access onto a paved private street.
    - d. No more than one (1) dwelling unit shall be placed on a dwelling site.
  2. *Dwelling Units*:
    - a. Each dwelling unit within a lease-lot development shall be tied down and have a permanent perimeter enclosure or have a permanent foundation.
    - b. Each dwelling unit within a lease-lot development with four (4) or more dwelling sites shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage collection, and public utilities.

# Outdoor Storage Standards (OS)

## 5.35 OS-01: General Outdoor Storage Standards

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



The intent of Outdoor Storage Standards is to protect the health, safety, and welfare and ensuring neighborliness and aesthetic quality for the residents of the zoning jurisdiction of the County. The following standards apply:

- A. **Prohibited:** The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted. Farm equipment shall not be interpreted as prohibited.
- B. **Vehicles:** Vehicles shall not encroach into a right-of-way or block or impede an access easement, sidewalk, or driving aisle.
- C. **Recreational Vehicles:**
  1. **Quantity:** No more than one (1) recreational vehicle shall be stored outdoors or parked outdoors on a lot at any one (1) time, except as listed below.
    - a. Watercraft that are registered (plated) and docked in a lake shall be exempt.
    - b. Businesses that sell recreational vehicles shall be exempt, but shall meet the standards in *Section 5.36: Merchandising Outdoor Storage Standards*.
  2. **Parking:**
    - a. A recreational vehicle shall be stored or parked in a rear yard or side yard of a lot such that no part of the recreational vehicle projects into the front yard.
    - b. A recreational vehicle shall not be stored on the street or on the driveway of any lot.
  3. **Use:** At no time shall a recreational vehicle be occupied or used for living, sleeping, or home business purposes for more than three (3) days per calendar month.

## 5.36 OS-02: Merchandising Outdoor Storage Standards

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



The following standards apply:

- A. **Vehicle Dealership:** The outdoor display, storage, and parking of vehicles for sale shall be permitted, provided that all vehicles are parked on asphalt or concrete; on a display approved by the Zoning Administrator; or enclosed within a structure. All parked vehicles and vehicle parking surfaces or displays shall meet the setbacks required for parking lots (see *Section 5.48: Setback Standards*). Vehicles shall not be parked in the right-of-way, on grass, or on gravel.

## 5.37 OS-03: Industrial and High Impact Outdoor Storage Standards

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



The following standards apply:

- A. **Industrial Outdoor Storage:** Outdoor storage of vehicles, equipment, product, supplies, materials, waste or scrap, pallets, and the like shall be permitted if all of the following conditions are met.
  1. **Location:** Outdoor storage areas shall be located in a side yard or rear yard and shall be setback ten (10) feet from the property line.
  2. **Screening:** Outdoor storage areas shall be screened on all sides with either:
    - a. A solid fence or wall that is six (6) feet or more in height and meets the standards established in the applicable *Fence and Wall Standards*; or
    - b. Landscape screening that is comprised of evergreens at least five (5) feet in height and deciduous trees with at least a two (2) inch caliper.

# Parking Standards (PK)

## 5.38 PK-01: General Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:



The intent of Parking Standards is to require minimal parking standards in order to assure public health, safety and welfare; minimize risks to the natural environment; and minimize conflict and promote vehicular and pedestrian safety along streets by minimizing on-street parking. The following standards apply:

- A. **Project Applicability:** Parking consistent with the requirements of the Unified Development Ordinance shall be required when any of the following conditions are met.
  1. *New Primary Structure:* An Improvement Location Permit for a new primary structure is obtained.
  2. *Large Expansion:* An Improvement Location Permit for an existing parking lot to be expanded ten percent (10%) or more of its existing size is obtained.
  3. *Second Expansion:* A legally nonconforming parking area has already been expanded one (1) time, up to ten percent (10%) of its existing size, with a valid Improvement Location Permit, and a second expansion is proposed for the same legal nonconforming parking area.
- B. **Cross Reference:**
  1. *Setback Standards:* Parking lots shall comply with the setbacks in the *Setback Standards*.
  2. *Driveways:* For standards regarding driveways or access to parking lots, see the *Driveway Standards*.
  3. *Temporary Sales in Parking Lots:* For standards regarding temporary structures and temporary uses located in existing parking lots or parking areas, see the *Temporary Use and Structure Standards*.
- C. **Permits:** An Improvement Location Permit shall be required for new parking lots or the expansion of an existing parking lot and shall be in conformance with the *Noble County Storm Drainage and Erosion Control Ordinance*.
- D. **Design:**
  1. *Size of Spaces:* Each off-street parking space shall be a minimum of ten (10) feet wide and eighteen (18) feet in length.
  2. *Right-of-way:* Off-street parking spaces shall not be fully or partially in a right-of-way or access easement of a street.

## 5.39 PK-02: Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:



The following standards apply:

- A. **Quantity:** A minimum of three (3) off-street parking spaces shall be required per dwelling unit.
- B. **Location:**
  1. *Same Lot:* The required parking spaces shall be located on the same lot as the dwelling unit.
  2. *Garages:* The required parking spaces may include spaces within garages and/or carports.
  3. *Prohibited:* Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.
- C. **Materials:** All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel, stone, rock, slag, or crushed limestone shall not be permitted as parking surfaces.

# Parking Standards (PK)

## 5.40 PK-03: Lake Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:



The following standards apply:

- A. Quantity: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.
- B. Location:
  - 1. *Single Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
  - 2. *Multiple Lots*: In cases where a lake front through lot includes an adjacent lot separated only by a right-of-way or access easement, the required parking spaces shall be located on the lake front lot or the adjacent lot to which is legally associated with the lake front lot.
  - 3. *Garages*: The required parking spaces may include spaces within garages and/or carports.
  - 4. *Prohibited*: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.
- C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel stone, rock, dirt, sand or grass shall not be permitted as parking surfaces.

## 5.41 PK-04: Multiple-family Residential and Upper Floor Dwelling Unit Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:



The following standards apply:

- A. Quantity:
  - 1. *Tenants*: A minimum of two (2) parking spaces shall be required per dwelling unit.
  - 2. *Visitors*: One (1) parking space per every four (4) dwelling units shall be required for visitors.
- B. Location:
  - 1. *Tenants*: Tenant parking spaces shall be located on the same site as the dwelling unit. Tenant parking spaces may include spaces within garages and/or carports.
  - 2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as angled parking along internal private streets, but shall be proportionately assigned to an area within 200 feet of each multiple-family structure.
  - 3. *Prohibited*: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.
- C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel stone, rock, dirt, sand or grass shall not be permitted as parking surfaces.

# Parking Standards (PK)

## 5.42 PK-05: Manufactured Home Residential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

**MH**

The following standards apply:

### A. Quantity:

1. *Dwelling Site*: A minimum of two (2) parking spaces shall be required per dwelling site.
2. *Visitors*: One (1) parking space per every three (3) dwelling sites shall be required for visitors.

### B. Location:

1. *Dwelling Site*: The required dwelling site parking spaces shall be located on the dwelling site. The required dwelling site parking spaces may include spaces within garages and/or carports.
2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as on-street parking along internal private streets, but shall be proportionately dispersed throughout the development.
3. *Prohibited*: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.

### C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel stone, rock, dirt, sand or grass shall not be permitted as parking surfaces.

## 5.43 PK-06: Nonresidential Parking Standards

This Parking Standards (PK) section applies to the following zoning districts:

**IS VM C1 C2 C3 I1 I2 HI**

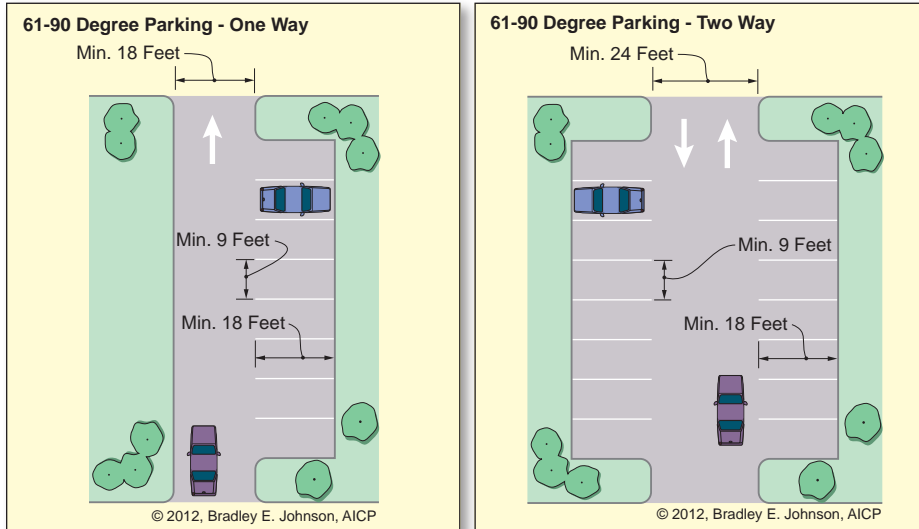
The following standards apply:

### A. Quantity:

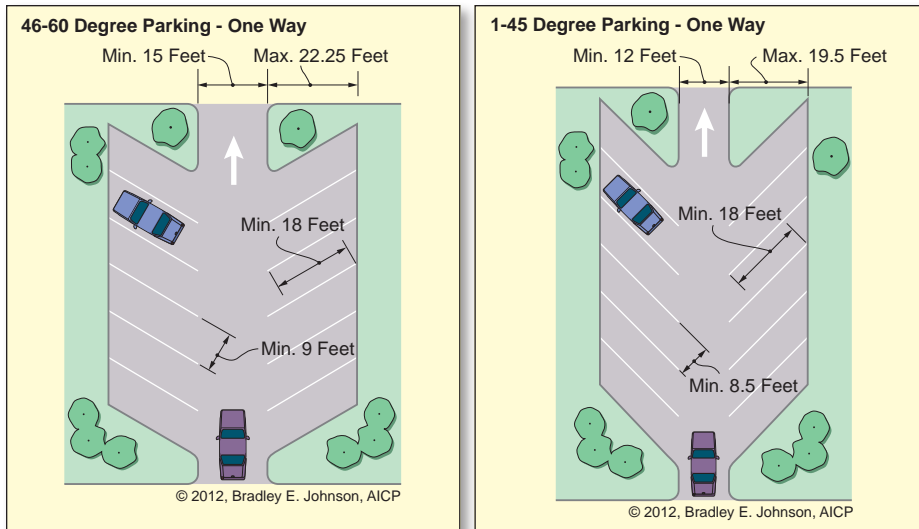
1. *Minimum Number*:
  - a. Off-street parking shall be required for all uses as shown in *Table PK-A: Minimum Number Of Parking Spaces Per Use*. The land use is listed in the left column. The minimum number of parking spaces for employees or tenants is in the middle column, and the minimum number of parking spaces for visitors, clients, and customers is in the right column. The minimum number of parking spaces shall be the sum of both figures. The numbers do not guarantee the quantity needed per use, only minimums are expressed.
  - b. A development that combines two (2) or more uses or group of adjacent developments may provide a shared parking area if the shared lot provides a minimum of seventy-five percent (75%) of the required spaces for each use and the Zoning Administrator approves the shared parking area.
  - c. If a use is not clearly noted in *Table PK-A: Minimum Number Of Parking Spaces Per Use*, the Zoning Administrator shall determine a use with similar employment and customer characteristics, therefore determining the minimum number of parking spaces required.
2. *Maximum Number*: Developments shall not exceed 200% of the minimum required number of spaces as noted in *Table PK-A: Minimum Number Of Parking Spaces Per Use*.
3. *Stacking Lanes*: The following uses shall provide minimum stacking lane space as indicated below to accommodate drop-off and pick-up.
  - a. ATM: 3 per ATM lane.
  - b. Banks: 3 per drive-up window lane.
  - c. Day Care Center: 4.
  - d. Dry cleaner: 3.
  - e. Fast food restaurant: 7.
  - f. Pick-up windows: 5.
  - g. Church, temple, or mosque: 10.
  - h. School: 10.

B. **Design:** Parking lots and parking areas shall meet the following criteria:

1. **Aisle Widths:** Minimum parking aisle widths shall be as follows:
  - a. Sixty-one degree (61°) to ninety degree (90°) angle spaces shall have a minimum eighteen (18) feet wide parking aisle for one-way traffic or minimum twenty-four (24) feet wide parking aisle for one- or two-way traffic.



- b. Forty-six degree (46°) to sixty degree (60°) angle spaces shall have a minimum of fifteen (15) feet wide parking aisle for one-way traffic.
- c. Up to forty-five degree (45°) angle spaces shall have a minimum twelve (12) feet wide parking aisle for one-way traffic.



2. **Aisle Exits:** All parking aisles shall have an outlet or turn around. Dead-end parking aisles shall not be permitted.
3. **Driving Lanes:** Driving lanes in parking lots that provide access to parking aisles shall be defined by striping, curbs, pavement markings, arrows, or parking spaces.
4. **Maneuvering:** Parking areas shall be designed to prevent vehicles from maneuvering in the right-of-way.
5. **Drainage:** Parking areas shall be constructed to prevent ninety-five percent (95%) of a parking lot's area from ponding, unless on parking lot detention is allowed by the County Surveyor.

6. *Lighting:*
  - a. If parking lots are illuminated, the light fixtures and poles shall be consistent in color, size, height, and design.
  - b. Parking lot lights shall not exceed twenty-five (25) feet in height, measured from the bottom of the fixture to the ground.
  - c. Parking lot lights shall meet all standards in *Section 5.31: Lighting Standards*.
7. *Connectivity:*
  - a. Connectivity to adjacent parking lots shall be required in at least one (1) location. This may be accomplished through an aisle connector, frontage street, access street, or stub to an adjacent lot zoned for commercial, institutional, or industrial use.
  - b. Cross-access Easements:
    - i. Where parking lots connect or are laid out to be connected, a cross-access easement shall be established in accordance with the requirements of *Section 7.06: Easement Standards*.
    - ii. Cross-access easements shall not be less than ten (10) feet in width per lane nor exceed twelve (12) feet in width per lane.
8. *Cart Corrals:* Cart corrals shall be required for all retail businesses with more than 20,000 square feet of retail space that provide shopping carts or the like to customers. Cart corrals shall be made of permanent materials and be anchored to the parking lot surface to prevent them from moving in wind. Cart corrals shall not exceed ten (10) feet in width and thirty-six (36) feet in length. Cart corrals shall be maintained in good condition and shall not have commercial signs affixed to them.

# Parking Standards (PK)

**Table PK-A: Minimum Number Of Parking Spaces Per Use**

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial and Service Uses</b>		
amusement park	1 space per employee on the largest shift	2 spaces per 5 persons of maximum occupancy
automobile oriented business	See Specific Uses Below	See Specific Uses Below
<i>automobile accessory installation</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile body shop</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile gas station</i>	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area
<i>automobile oil change facility</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile parts sales</i>	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area
<i>automobile rental</i>	2 spaces per employee on the largest shift	-
<i>automobile repair/service station</i>	1 space per employee on the largest shift	2 spaces per bay
<i>automobile wash</i>	1 space per employee on the largest shift	2 spaces per bay
bank machine/atm	-	2 spaces per ATM
banquet hall	-	1 space per 3 persons of maximum occupancy
bar/tavern	-	1 space per 3 persons of maximum occupancy
barber/beauty shop	-	3 spaces per chair
billiard/arcade room	-	1 space per 300 sq. ft. of floor area
bowling alley	-	4 spaces per lane
broadcast studio	1 space per employee on the largest shift	1 visitor space per 5 employees
camp ground	-	1.5 spaces per camp site
club or lodge	-	1 space per 3 persons of maximum occupancy
coffee shop	-	1 space per 3 seats
coin laundry	-	1 space per 300 sq. ft. floor area
commercial training facility or school	-	1 space per student of maximum occupancy
country club	-	1 space per 3 persons of maximum occupancy
dance/night club	-	1 space per 3 persons of maximum occupancy
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 3 seats
driving range	-	2 spaces per 3 tee boxes
dry cleaner	-	3 spaces plus 1 space per 300 sq. ft. of floor area accessible to the public
fitness center/health club	-	1 space per 300 sq. ft. of floor area
funeral home or mortuary	-	1 space per 4 seats
golf course	-	20 spaces per 9 holes
health spa/day spa	-	3 spaces per spa suite
hotel/motel	1 space per employee on the largest shift	1 space per unit
ice cream shop	-	1 space per 3 seats
kennel	-	1 space per 5 pet accommodation spaces
marina	-	1 space per 300 sq. ft. of floor area
miniature golf	-	20 spaces per 18 hole course
movie theater	-	1 space per 4 seats
office, construction trade	1 space per employee on the largest shift	-
office, design services	-	1 space per 300 sq. ft. of floor area
office, general services	-	1 space per 300 sq. ft. of floor area
office, medical	-	4 spaces per treatment room
paintball facility	-	10 spaces per court or field
photography studio	-	3 spaces per studio
race track	-	1 space per 3 seats
recreation center/play center	-	1 space per 300 sq. ft. of floor area
restaurant	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area



# Parking Standards (PK)

**Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)**

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial and Service Uses</b>		
shooting range	-	2 spaces per target
skating rink	-	1 space per 300 sq. ft. of floor area
sports complex	-	20 spaces per field of court
stable, commercial	-	2 spaces per stable
studio arts	-	1 space per 300 sq. ft. of floor area
swimming pool	-	1 space per 75 sq. ft. of water surface
taylor/pressing shop	-	1 space per 300 sq. ft. of floor area
tanning salon	-	1.5 spaces per bed
tattoo/piercing parlor	-	1.5 spaces per chair
type 1 retail, very low intensity	-	1 space per 300 sq. ft. of floor area
type 2 retail, low intensity	-	1 space per 300 sq. ft. of floor area
type 3 retail, medium intensity	-	1 space per 300 sq. ft. of floor area
type 4 retail, high intensity	-	1 space per 300 sq. ft. of floor area
type 5 retail, very high intensity	-	1 space per 300 sq. ft. of floor area
type 6 retail, special handling	See Specific Use Below	See Specific Use Below
<i>fireworks sales</i>	-	1 space per 300 sq. ft. of floor area
<i>gun sales</i>	-	1 space per 300 sq. ft. of floor area
<i>tools/heavy equipment rental</i>	2 spaces per employee on the largest shift	-
<i>hunting store</i>	-	1 space per 300 sq. ft. of floor area
<i>manufactured home sales</i>	1 space per employee on the largest shift	1 space per 500 sq. ft. of showroom space
<i>recreational vehicle/watercraft sales</i>	1 space per employee on the largest shift	1 space per 500 sq. ft. of showroom space
<i>semi tractor-trailer sales</i>	1 space per employee on the largest shift	1 space per 500 sq. ft. of showroom space
<b>watercraft rental</b>	1 space per employee on the largest shift	1.5 spaces per every rentable watercraft
<b>winery</b>	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area accessible to the public
yacht club	-	1 space per 3 persons of maximum occupancy

# Parking Standards (PK)

**Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)**

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Industrial Uses</b>		
assembly	1 space per employee on the largest shift	1 visitor space per 10 employees
construction demolition landfill	1 space per employee on the largest shift	1 visitor space per 10 employees
distribution facility	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
electrical generation plant	1 space per employee on the largest shift	1 visitor space per 10 employees
flex-space	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
food production/processing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
gravel/sand mining	1 space per employee on the largest shift	1 visitor space per 10 employees
heavy equipment repair	1 space per employee on the largest shift	1 visitor space per 5 employees
heavy manufacturing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
incinerator	1 space per employee on the largest shift	1 visitor space per 10 employees
junk yard	1 space per employee on the largest shift	1 visitor space per 10 employees
light manufacturing	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
liquid fertilizer storage/distribution	1 space per employee on the largest shift	1 visitor space per 10 employees
outdoor storage	1 space per employee on the largest shift	1 visitor space per 10 employees
recycling processing	1 space per employee on the largest shift	1 visitor space per 10 employees
rendering plant	1 space per employee on the largest shift	1 visitor space per 10 employees
research center	1 space per employee on the largest shift	1 visitor space per 5 employees
sanitary landfill/refuse dump	1 space per employee on the largest shift	1 visitor space per 10 employees
scrap metal yard	1 space per employee on the largest shift	1 visitor space per 10 employees
sewage treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees
sign painting/fabrication	1 space per employee on the largest shift	1 visitor space per 5 employees
storage tank facility	1 space per employee on the largest shift	1 visitor space per 10 employees
telecommunication facility	2 spaces per facility	
testing lab	1 space per employee on the largest shift	1 visitor space per 5 employees
tool and dye shop	1 space per employee on the largest shift	1 visitor space per 10 employees
transfer station	1 space per employee on the largest shift	1 visitor space per 10 employees
warehouse	1.5 spaces per employee on the largest shift	1 visitor space per 10 employees
warehouse "self storage" facility	1 space per employee on the largest shift	1 visitor space per 10 employees
water treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees
welding	1 space per employee on the largest shift	1 visitor space per 5 employees

# Parking Standards (PK)

**Table PK-A: Minimum Number Of Parking Spaces Per Use (continued)**

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Institutional Uses</b>		
cemetery	-	1 space per 50 grave sites
child care institution	1 space per employee on the largest shift	1 space per 5 enrolled persons
church, temple, or mosque	-	3 space per 7 seats
community center	-	1 space per 3 persons at maximum occupancy
crematory	1 space per employee on the largest shift	5 visitor spaces
government office	-	1 space per 500 sq. ft. of floor area
government operation (non-office)	1 space per employee on the largest shift	-
hospital	1.5 spaces per employee on the largest shift	1 space per bed
jail	1 space per employee on the largest shift	1 space per 8 cells
juvenile detention facility	1 space per employee on the largest shift	1 space per 8 cells
library	-	1 space per 3 persons at maximum occupancy
municipal airport or heliport	-	1 space per 2 emplaning passengers
museum	-	1 space per 3 persons at maximum occupancy
nature center	-	1 space per 3 persons at maximum occupancy
park	-	1 space per acre; 20 spaces per sport court or field;
police, fire, or rescue station	1 space per employee	-
pool	-	1 space per 75 sq. ft. of water surface
post office	1 space per employee on the largest shift	1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift	1 visitor space per 15 cells
recycling collection point	1 space per employee on the largest shift	1 space per collection bin
school (P-12)	1 space per teacher, staff, administrator	3 spaces per elementary or junior high classroom; 1 space per 10 high school student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on maximum occupancy)
skate park	-	1 space per 500 sq. ft. of skating surface
trade or business school	1 space per teacher, staff, administrator	1 space per 2 enrolled persons
university or college	-	1 space per 3 students

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Residential Uses</b>		
assisted living facility	1 space per employee on the largest shift	1 space per 3 rooms
boarding house	1 space per room	1 space per 10 rooms
dwelling, upper floors in VM or C1	1 space per unit	-
nursing home	1 space per employee on the largest shift	1 space per 3 rooms

## 5.44 PF-01: Performance Standards

This Performance Standards (PF) section applies to the following zoning districts:



The intent of the Performance Standards is to protect the health, safety, and welfare of residents of the zoning jurisdiction of the County by establishing requirements for noise, vibration, odor, and other performance characteristics. The following standards apply:

- A. Cross Reference: See the *Environmental Standards* for standards relating to air quality, water quality, and soil quality.
- B. Nuisance Characteristics: No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance. No use in existence on the effective date of the Unified Development Ordinance shall be so altered or modified to conflict with these standards.
  - 1. *Electrical Disturbance*: No use shall cause electrical disturbance adversely affecting radio, television, or other equipment in the vicinity.
  - 2. *Noise*:
    - a. No use shall produce noise that, when measured at any of the lot lines, exceeds seventy (70) decibels from 6:00 AM to 11:00 PM or forty (40) decibels from 11:00 PM to 6:00 AM.
    - b. Airports, public safety sirens, and related apparatus used solely for public purposes shall be exempt from this standard.
  - 3. *Vibration*: No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.
  - 4. *Heat and Glare*: No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard noticeable from any point beyond the lot lines.
- C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the Fire Department and any federal, State, County, and/or local authorities that may also have jurisdiction shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive materials is conducted.

# Pond Standards (PN)

## 5.45 PN-01: Pond Standards

This Pond Standards (PN) section applies to the following zoning districts:



The intent of the Pond Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County. Refer to the *Noble County Pond Ordinance* for pond standards.

## 5.46 PI-01: Public Improvement Standards

This Public Improvement Standards (PI) applies to the following zoning districts:



The intent of the Public Improvement Standards Section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by ensuring public facilities are adequate to serve development. The following standards apply:

- A. **Project Applicability:** Public improvements consistent with the requirements of the Unified Development Ordinance shall be required when one (1) of the following conditions is met:
1. *New Primary Structure:* An Improvement Location Permit for a new primary structure is obtained.
  2. *Addition to Primary Structure:* An Improvement Location Permit for an addition to the primary structure that adds fifty percent (50%) or more square footage is obtained.
- B. **Adequate Public Facilities:** Development is permitted only if public streets, public sidewalks, drainage facilities, and public utilities are adequate to serve the proposed development.
1. *Public Streets:*
    - a. The Technical Review Committee or the Plan Commission may require a traffic and street impact study to determine a proposed development's impact on public streets. If required, Noble County shall conduct or procure services for a traffic and street impact study at the expense of the developer.
    - b. Based on the results of the study, the Technical Review Committee or the Plan Commission shall make a determination as to whether the public street(s) will sufficiently accommodate the increased traffic generated by the development.
      - i. If the public street(s) is (are) determined to be insufficient, the Plan Commission may deny the development; or
      - ii. The Plan Commission may approve the development with mitigating conditions. The Technical Review Committee or the Plan Commission may recommend off-site improvements such as acceleration lanes, deceleration lanes, passing blisters, wider shoulders or approaches, frontage streets, shared driveways or other improvements that will provide sufficient facilities for the increased traffic from the proposed development.
  2. *Public Sidewalks:* Public sidewalks shall be required along the edge of the right-of-way. New public sidewalks shall closely align with existing sidewalks, be installed approximately one (1) foot inside the right-of-way, and meet or exceed any applicable Noble County construction standards.
  3. *Drainage Facilities:*
    - a. *Cross Reference:* Storm drainage collection, detention, and retention facilities shall comply with the *Noble County Storm Drainage and Erosion Control Ordinance*.
    - b. Storm drainage collection, detention, and retention facilities shall have sufficient capacity to serve the development.
    - c. If existing storm drainage facilities are not sufficient to serve the development, the Plan Commission may deny the development or approve the development with mitigating conditions. The Plan Commission, Technical Review Committee, Zoning Administrator, or County Surveyor may recommend off-site improvements that will provide sufficient facilities for the increased runoff from the proposed development.
  4. *Public Utilities:* Requirements for when connection to public sanitary sewer and water systems are in the *Sewer and Water Standards*.
- C. **Guarantees:** When mitigating conditions are required, the developer may be required to post performance and maintenance guarantees for such improvements.

# Right to Farm Standards (RF)

## 5.47 RF-01: Right to Farm Standards

This Right To Farm Standards (RF) section applies to the following zoning districts:



The intent of the Right To Farm Standards is to protect the existing agricultural uses from the impacts of development, thereby maintaining Noble County's agricultural character and preserving its heritage. The following standards apply:

- A. **Applicability:** The following standards apply to any property with a residential use that is adjacent to an A1, A2, or A3 zoning district.
- B. **Placement of Mailbox:** A mailbox shall not be placed in any location which constricts the width of the adjacent street to less than twenty-two (22) feet between it (the mailbox) and any other fixed object (e.g. tree, boulder, fence, or the like). Under no circumstances shall any part of a mailbox or its mounting be located within two (2) feet from the edge of the pavement of any local street, collector street, or arterial street. Also, a shoulder of stone, concrete or asphalt shall be installed allowing postal vehicles to gain close access to the mailbox.
- C. **Wellhead Setback:** A new wellhead shall not be located any closer than 100 feet from any property line that is adjacent to land zoned as a A1, A2, or A3 zoning district.
- D. **Waiver of Right to Remonstrate:** Any proposed primary structure intended to be used for a residence, when the property is adjacent to either an A1, A2, or A3 zoning district shall be required to sign an affidavit that indicates that they are aware that the adjacent land is zoned for agricultural purposes and that agricultural uses are permitted on the adjacent land, including: spraying manure from animal operations, operating large equipment late at night, application of approved pesticides, herbicides, fungicides, and the like, application of chemical fertilizers, potential for dust to drift onto and across the subject property, potential for debris to be cast onto the subject property, and similar agricultural practices. The owner of the proposed primary structure shall also declare in the affidavit that they shall not remonstrate against any agricultural practices consistent with normal and common practice and that is operating within the law. Said affidavit shall be recorded with the County Recorder prior to issuance of any Zoning Compliance Permit and shall be binding on all future owners.

## 5.48 SB-01: Setback Standards

This Setback Standards (SB) section applies to the following zoning districts:



The intent of the Setback Standards is to protect the health, safety, and welfare of residents of the zoning jurisdiction of the County by requiring structures to meet certain setbacks. The following standards apply:

- A. **Cross Reference:** Setback from environmental features can be found in *Section 5.15(D): Environmental Feature Protective Setback*.
- B. **Applicability:** If a setback standard does not appear on the two-page layout for a zoning district, then the standard does not apply to that particular zoning district.
1. **Minimum Front Setback:**
    - a. The minimum front setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
    - b. Where a subdivision has been platted and substantially built-out utilizing a front setback less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*. Similarly, redeveloped or combined residential lots may utilize established setbacks, as defined, for the subject lot's front yard setbacks, if surrounding lots are predominantly residential.
  2. **Minimum Side Setback:**
    - a. The minimum side setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
    - b. Where a subdivision has been platted and substantially built-out utilizing a side setback less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
  3. **Minimum Rear Setback:**
    - a. The minimum rear setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
    - b. Where a subdivision has been platted and substantially built-out utilizing a rear setback less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
  4. **Minimum Waterside Setback:**
    - a. The minimum waterside setback shall be per each two-page layout in *Article 02: Zoning Districts*.
    - b. Where lake lots have been substantially built out utilizing a waterside setback less than that required by *Article 02: Zoning Districts*, an infill lot may utilize the established setback as defined in *Article 11: Definitions*.
  5. **Use of Tracts in Combination:**
    - a. Adjoining contiguous tracts may be used in combination for the purposes of building across a property line or within a required setback if the properties involved are owned wholly in common ownership. Prior to issuance of an Improvement Location Permit or any other permit granted by the Plan Commission, the property owner(s) shall sign a commitment prepared by the Plan Commission to not convey the tracts involved separately from the other tracts included on the commitment without the cancellation of the commitment by the Plan Commission or the Zoning Administrator. All commitments and revocations or alterations of said commitments under this section shall be recorded in the office of the Noble County Recorder.
- C. **Exceptions:** The following types of structures or features are exempt or partially exempt from the setback standards as stated:
1. **Signs:** Signs are exempt from the setbacks in this section, but shall abide by the sign standards in the *Sign Standards*.
  2. **Telecommunication Facilities:** Telecommunication facilities are exempt from the setbacks in this section, but shall abide by the *Telecommunication Facility Standards*.
  3. **Architectural Features:** Cornices, eaves, sills, canopies, awnings, or similar features shall be permitted to encroach into a required front, side, and/or rear setback not more than three (3) feet. However, these items shall never be closer than three (3) feet to the property line.



# Setback Standards (SB)

4. *Chimneys*: Chimneys shall be permitted to extend into a required setback not more than two (2) feet. However, chimneys shall never be closer than three (3) feet to the property line.
5. *Fences and Walls*: Fences and walls shall be exempt from the setbacks in this section, but shall abide by the *Fence and Wall Standards*.
6. *Driveways*: Driveways are exempt from setbacks in this section, but shall abide by the side yard setbacks established in the *Driveway Standards*.
7. *Parking Lots*: In commercial, institutional, and industrial zoning districts, parking lots may encroach into the front, side, and rear yard setbacks for a primary structure by the following amounts:
  - a. *Front Yards*: Parking lots may project into a front yard by twenty-five percent (25%) of the minimum front yard setback.
  - b. *Side Yards*: Parking lots may project into a side yard by fifty percent (50%) of the minimum side yard setback.
  - c. *Rear Yards*: Parking lots may project into a rear yard by fifty percent (50%) of the minimum rear yard setback.
8. *Utility Poles, Lines, and Junction Boxes*: Utility poles, lines, and junction boxes shall be exempt from the setbacks in this section.
9. *Trash Receptacles*: Trash receptacles shall meet the setback standards in the *Trash Receptacle Standards*.
10. *Stairs or Open Platform*: Stairs or an open platform or landing which does not extend above the level of the floor elevation of the first floor of the structure shall be permitted to extend into a required front, side, and/or rear setback not more than four (4) feet. However, these items shall never be closer than three (3) feet to the side property line or ten (10) feet to the front or rear property line.
11. *Storage Tanks*: Storage tanks shall be exempt from the setbacks in this section, but shall not be located in the front yard of a lot, may encroach into the side yard setback by no more than ten (10) feet, and be no closer than twenty (20) feet to any property line.
12. *Kennels*: Kennels shall meet the setback standards in the *Kennel Standards*.
13. *Ponds*: The average water mark for new ponds shall be located fifty (50) feet or more from all property lines, rights-of-way, and edge of pavement of streets or meet the setback standards in the *Noble County Pond Ordinance*, whichever is greater.
14. *Agricultural Crop Irrigation Systems*: Irrigation systems associated with agricultural crop production shall be exempt from the required setbacks in this section; however, shall be in full conformance with *Noble County Highway Construction Standards*.

# Sewer and Water Standards (SW)

## 5.49 SW-01: Sewer and Water Standards

This Sewer and Water Standards (SW) section applies to the following zoning districts:



The intent of the Sewer and Water Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by specifying the type of utility connections required. The following 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 it does not apply to that particular zoning district.
  1. **Sewer:** Connection to a sanitary sewer utility shall be per each two-page layout in *Article 02: Zoning Districts*. Details about the terminology on the two-page layouts are as follows.
    - a. Required: Connection to a municipal or privately-owned sanitary sewer system shall be required.
    - b. Required Where Feasible: Connection to a municipal or privately-owned sanitary sewer system shall be required when feasible. Connecting is feasible when the cost of connecting to a municipal or privately-owned system does not exceed three times (3X) the cost of installing a septic system appropriately designed for the site (e.g. if the cost of a septic system is \$5,000 and the cost of connecting to a municipal or privately-owned system is \$12,000, connecting to the municipal or privately-owned system is feasible). Septic systems shall only be considered when connection to a municipal or privately-owned system is cost prohibitive.
    - c. Not required, unless available: Connection to a municipal or privately-owned sanitary sewer system shall not be required unless access to an existing municipal or privately-owned sanitary sewer system is available within 300 feet or less of the property line. Use of a septic system shall be permitted provided it meets all of the criteria established by the Noble County Health Department.
  2. **Water:** Connection to a water utility shall be per each two-page layout in *Article 02: Zoning Districts*. Details about the terminology on the two-page layouts is as follows.
    - a. Required: Connection to a municipal or privately-owned water system shall be required.
    - b. Required Where Feasible: Connection to a municipal or privately-owned water system shall be required when feasible. Connecting is feasible when the cost of connecting to a municipal or privately-owned system does not exceed two times (2X) the cost of installing a private well on the subject site (e.g. if the cost of a private well is \$2,500 and the cost of connecting to a municipal or privately-owned system is \$4,000, connecting to the municipal or privately-owned system is feasible). Private wells shall only be considered when connection to a municipal or privately-owned system is cost prohibitive.
    - c. Not required, unless available: Connection to a municipal or privately-owned water system shall not be required unless access to an existing municipal or privately-owned water system is available within 300 feet or less of the property line. Use of a private well shall be permitted provided it meets all of the criteria established by the Noble County Health Department.

# Sexually Oriented Business Standards (SX)

## 5.50 SX-01: Sexually Oriented Business Standards

This Sexually Oriented Business Standards (SB) section applies to the following zoning districts:

**C2**

The intent of the Sexually Oriented Business Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by regulating the proximity of sexually oriented businesses to certain other current and future land uses. The following standards apply:

- A. Permits: Sexually oriented businesses shall obtain an Improvement Location Permit prior to establishing the business.
- B. Measurement Rules: Separation distances shall be measured in a straight line from the closest points between property lines, without regard to intervening structures or objects.
- C. Separation: Sexually oriented businesses shall have the following separation requirements:
  1. *Similar Businesses*: Sexually oriented businesses shall be separated from other sexually oriented businesses by at least 1,000 feet.
  2. *Residential Districts*: Sexually oriented businesses shall be separated from residential zoning districts by at least 1,000 feet.
  3. *Public Gathering Places*: Sexually oriented businesses shall be separated from public gathering places such as schools, parks, playgrounds, libraries, religious institutions, day-care centers, and public structures by at least 1,000 feet.
- D. Design:
  1. *Parking*:
    - a. Parking lots shall not accommodate semi tractor trailers.
    - b. Overnight parking shall not be permitted.

## 5.51 SI-01: General Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The intent of the Sign Standards is to accomplish the goals of the Noble County Comprehensive Plan; to regulate time, place, and manner characteristics of signs; to avoid the unnecessary proliferation of signs; to provide businesses with appropriate identification; to create a consistent streetscape; to maintain and enhance the aesthetic environment of the County; to eliminate potential hazards to motorists and pedestrians resulting from sign location and clutter; and to promote the health, safety, and welfare of the residents of zoning jurisdiction of the County. The following standards apply:

- A. **Freedom of Speech:** Any permanent sign or standard temporary sign permitted by the Sign Standards may be used for freedom of speech purposes for any length of time.
- B. **Permits:**
  - 1. *Improvement Location Permit:* An Improvement Location Permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless otherwise specified in this section.
  - 2. *State Permit:* All signs proposed to be located along a State-owned interstate or highway shall obtain the proper State sign permit or written authorization from the Indiana Department of Transportation prior to seeking an Improvement Location Permit.
  - 3. *Easement Holder Approval:* All signs proposed to be located within an easement shall obtain written approval from the easement holder for the proposed sign prior to seeking an Improvement Location Permit. For example, a sign proposed within a county legal drain easement shall obtain written approval from the County Drainage Board before applying for an Improvement Location Permit.
- C. **Cross Reference:**
  - 1. *Home Business Standards:* Signs associated with a home business shall be exempt from the Sign Standards section, but shall comply with the standards in the applicable section of the *Home Business Standards*.
  - 2. *Lighting Standards:* When illumination of signs is permitted by the Sign Standards sections, all illumination and lighting associated with signs shall meet the glare, light trespass, and other standards in the *Lighting Standards*.
- D. **Exempt:** The following items shall be exempt from the Sign Standards and therefore, exempt from obtaining an Improvement Location Permit.
  - 1. *Flags:* A flag, pennant, or insignia of any nation, state, county, city, or other political unit. However, when a flag, pennant, or insignia of any nation, state, or other political unit is used as an integral component of a commercial message, it shall comply with the sign standards for the applicable zoning district. (For example, an American Flag integrated into a corporate or logo.)
  - 2. *Outdoor Scoreboard:* An outdoor scoreboard used in conjunction with a legally-established sport field including commercial messages that are oriented towards the spectator stands and sized for that audience shall be exempt. However, when the scoreboard is visible from a public street and contains a commercial message that is not intended only for the spectator stands, it shall not be exempt.
  - 3. *Addresses:* Posting of a street address on a mailbox, building, or other prominent location to provide adequate property identification. However, when a street address is used as a commercial message or is disproportionately large, it shall comply with the sign standards for the applicable zoning district. (For example, the address numbers being illustrated with ladders and slides for a store selling children's playsets.)
  - 4. *Public Safety Message:* Posting of a public safety or private property message provided that no individual posting exceeds the maximum area permitted for a standard temporary sign in the applicable zoning district. (Examples include "Beware of Dog," "Private Property," "No Trespassing," "Gas Line," "Weight Limit," "Video Surveillance," and "No Turnaround.")
  - 5. *Operational Limitations or Information:* Posting of operational limitations and information provided the posting is no larger than necessary for the intended reader. (Examples include hours of operation, admittance requirements, "Employees Only," "Men," "Women," "Visitor Parking," "Open/Closed," and "No deliveries.")
  - 6. *Required Postings:* Messages required by a State agency, State law, federal agency, or federal law provided the area of the message and height of posting be the minimum required by the agency or law.

# Sign Standards (SI)

7. *Indoor Commercial Messages:* Commercial messages displayed inside a building that cannot be viewed legibly by pedestrians or drivers outside the building. (Examples include a commercial message on a score-board inside a gymnasium, a wall clock inside a restaurant with a branded logo, and a large framed image of a product mounted on the wall of a retail store.)
  8. *Miniscule Commercial Messages:* Miniscule commercial messages displayed on or near a primary entrance provided that the area of each miniscule commercial message does not exceed thirty (30) square inches and the cumulative area of all miniscule commercial messages does not exceed 240 square inches per primary entrance. (Examples include "Visa," "Master Card," "Diner's Club," "ATM," and corporate logos.)
  9. *Religious Symbols:* Religious symbols incorporated into the architecture on places of worship or other structures occupied by religious organizations.
  10. *Holiday Decorations:* Holiday decorations provided they convey no commercial message.
  11. *Murals:* Murals provided they convey no commercial message.
  12. *Postings:* Postings on a permanent display board sign.
  13. *Political Signs:* Political signs are not considered a freedom of speech and are permitted according to the following standards.
    - a. *Timing:* Political signs shall be in place for up to forty-five (45) days prior to an election and shall be removed within ten (10) days after the election.
    - b. *Size:* Signs shall not exceed thirty-two (32) square feet in area and shall not exceed six (6) feet in height.
    - c. *Illumination:* Signs shall not be illuminated.
    - d. *Location:* Political signs are subject to the requirements of *Section 5.51(F): Prohibited Locations*.
- E. Prohibited Signs:
1. *Types:*
    - a. *Animated Signs:* Signs that gain attention through animation shall not be permitted, including any of the following.
      - i. Signs that utilize any motion picture, laser, or visual projection of images or copy.
      - ii. Signs that emit audible sound, odor, or visible matter.
    - b. *Vehicle Signs:* Vehicles with signs greater than eight (8) square feet in area shall not be permitted to be parked for the primary purpose of displaying the sign. Prohibited vehicle signs shall not be construed to include vehicles with signs on them that:
      - i. Are lawfully parked overnight or during non-business hours in a discreet location.
      - ii. Are making deliveries, sales calls, transporting persons or property, or customary practices relating to operating the business.
      - iii. Are used in conjunction with customary construction operations on a construction site.
    - c. *Lights:* Strobe lights, search lights, beacons, or any light or lights that rapidly flash, project light in visible beams skyward, or project light horizontally in a circle shall not be permitted regardless if the light is part of or independent of a sign.
    - d. *Signs with Moving or Movable Parts:* Signs or devices with visibly moving parts, including human beings holding or acting as signs, shall not be permitted.
  2. *Content:*
    - a. Signs that contain obscene content, indecent content, "fighting words," or profane words not allowable on broadcast television or radio during daytime hours according to the rules of the FCC shall not be permitted.
    - b. Signs that emulate emergency service vehicles or common traffic signs or signals shall not be permitted. (Examples include a sign that uses "Stop," "Slow," "Caution," "Danger," "Warning," or similar words with similar materials, scale, color, and location resulting in driver confusion or otherwise unsafe conditions.)

- F. Prohibited Locations: Signs regardless of type, shall not be permitted in any of the following locations:
1. *Right-of-way*: Signs shall not be permitted in any right-of-way unless authorized by the County Commissioners.
  2. *Poles*: Signs shall not be permitted on any traffic control device, street sign, construction sign, or utility pole.
  3. *Fences*: Signs shall not be permitted on any fence unless the sign projects no more than four (4) inches from the fence and meets all other applicable standards of this section.
  4. *Trees*: Signs shall not be permitted to be attached to any tree, shrub, or other natural object.
  5. *Towers*: Signs shall not be permitted to be attached to any telecommunication antennae, telecommunication tower, television antennae, or similar towers.
  6. *Roofs*: Signs shall not be permitted to be attached to or be perceived to be attached to the roof of a structure. This provision shall not include murals created by variation in color of shingles or other roofing materials.
  7. *Fire Safety Obstruction*: Signs shall not be permitted on a fire escape or in a manner that substantially blocks view from the right-of-way to a fire door.
  8. *Obstructs Circulation*: Signs that obstruct or interfere with internal or external safe movement of vehicular or pedestrian traffic shall not be permitted.
  9. *Elevation*: Artificially altering the elevation of the ground to improve the visibility of a sign shall not be permitted. Likewise, increasing the height of a wall or creating a parapet wall to improve the visibility of a sign shall not be permitted.
  10. *Vision Clearance*: Signs shall not be permitted in areas prohibited by the *Vision Clearance Standards*.
- G. Maintenance: All signs and sign components shall be kept in good repair and in safe, clean, and working condition. If landscaping is required around the base of a sign, it shall be maintained in living condition, consistent in character with the approval, and not overgrown.

## 5.52 SI-02: Agricultural Sign Standards

This Sign Standards (SI) section applies to the following zoning district:

**A1**

The following standards apply:

### A. Permanent Signs:

1. *Wall Signs:* Wall signs shall be permitted provided the following conditions are met.
  - a. *Quantity:* One (1) wall sign shall be permitted.
  - b. *Sign Area:* The wall sign area shall not exceed forty (40) square feet.
  - c. *Projection:* The wall sign shall not project more than four (4) inches from the face of the building to which it is attached.
  - d. *Illumination:* The wall sign shall not be illuminated.

### B. Temporary Signs:

1. *Permits:* Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
2. *Illumination:* Temporary signs shall not be illuminated.
3. *Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met.
  - a. *Type:* A standard temporary sign shall be a yard sign. (Examples of standard temporary signs include sale of property, garage sale, and supporting high school teams.)
  - b. *Quantity:* One (1) standard temporary sign shall be permitted for each street the lot fronts.
  - c. *Location:* Standard temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
  - d. *Sign Area:* The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
  - e. *Height Above Ground:* No part of a standard temporary sign shall be more than four (4) feet above the ground.
  - f. *Duration:* A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event, but shall be taken down within five (5) days after the purpose of the sign no longer exists.
4. *Temporary Marker Signs:* Temporary marker signs shall only be permitted on a lot having 300 feet or more of street frontage, provided the following conditions are met.
  - a. *Type:* Temporary marker signs shall be yard signs. (An example of a temporary marker sign is a seed signs.)
  - b. *Quantity:* Up to thirty (30) temporary marker signs shall be permitted per lot.
  - c. *Sign Area:* A single temporary marker sign shall not exceed three (3) square feet in sign area per side.
  - d. *Height Above Ground:* No part of a temporary marker sign shall be more than eight (8) feet above the ground.
  - e. *Duration:* A temporary marker sign may stay in place for the duration of the temporary event (e.g. planting through harvest), but shall be taken down within seven (7) days after the purpose of the sign no longer exists.

## 5.53 SI-03: Residential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards apply:

- A. Permanent Signs: Permanent signs shall not be permitted.
- B. Temporary Signs: Temporary signs shall be permitted as follows:
  1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
  2. *Location*: Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
  3. *Illumination*: Temporary signs shall not be illuminated.
  4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided all of the following conditions are met.
    - a. *Type*: A standard temporary sign shall be a yard sign. (Examples of standard temporary signs include sale of property, garage sale, and supporting high school teams.)
    - b. *Quantity*: One (1) standard temporary sign shall be permitted for lots with frontage on one (1) street. Two (2) standard temporary signs shall be permitted for lots with frontage on two (2) or more streets if they have a minimum of 300 feet of combined street frontage.
    - c. *Sign Area*: The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
    - d. *Height Above Ground*: No part of a standard temporary sign shall be more than four (4) feet above the ground.
    - e. *Duration*: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event, but shall be taken down within five (5) days after the purpose of the sign no longer exists.



## 5.54 SI-04: Multiple-family Residential and Manufactured Housing Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



### A. Permanent Signs: Permanent signs shall be permitted as follows:

1. *Entry Feature Signs*: Entry feature signs shall be permitted provided the following conditions are met.
  - a. An entry feature sign for a development with less than twenty (20) dwelling units or dwelling sites shall meet the following conditions:
    - i. Type: The entry feature sign shall be a ground sign and may be double-sided.
    - ii. Quantity: One (1) entry feature sign shall be permitted per development.
    - iii. Sign Area: The sign area of the entry feature sign shall not exceed eight (8) square feet.
    - iv. Height Above Ground: No part of an entry feature sign shall be more than four (4) feet above the ground.
    - v. Location: The entry feature sign shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
    - vi. Illumination: The entry feature sign shall not be illuminated.
    - vii. Materials: The sign shall be wood, metal, masonry, or other durable materials, and both sides of the entry feature sign shall be finished using the same materials. Landscaping of the entry feature sign is encouraged.
    - viii. Maintenance: The entry feature sign shall be maintained by the property owner, an owners' association, or similar legal entity.
  - b. An entry feature sign for a development with twenty (20) or more dwelling units or dwelling sites shall meet the following conditions.
    - i. Type: The entry feature sign shall be a ground sign and shall be single-sided.
    - ii. Quantity: Two (2) entry feature signs shall be permitted at the main entrance of the development. An additional two (2) entry feature signs shall be permitted if the development has a second vehicular entrance.
    - iii. Sign Area: The sign area for a single entry feature sign shall not exceed thirty (30) square feet.
    - iv. Height Above Ground: No part of an entry feature sign shall be more than six (6) feet above the ground.
    - v. Location: The entry feature sign shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
    - vi. Illumination: The entry feature sign may be illuminated by externally-mounted ground lighting.
    - vii. Materials: Supporting apparatuses of an entry feature sign shall be at least fifty percent (50%) brick, stone, or other masonry material. The back side of an entry feature sign shall also be finished using the same materials to match the front of the sign. Landscaping of an entry feature sign is encouraged.
    - viii. Maintenance: Entry feature signs shall be maintained by the property owner, an owners' association, or similar legal entity.

## B. Temporary Signs:

1. *Permits:* Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with all applicable standards.
2. *Location:* Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
3. *Illumination:* Temporary signs shall not be illuminated.
4. *Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met.
  - a. *Type:* Standard temporary signs shall be yard signs. (Examples of standard temporary signs include sale of property, garage sale, and supporting high school teams.)
  - b. *Quantity:*
    - i. *Per Dwelling Site:* One (1) standard temporary sign shall be permitted for each dwelling site provided the regulations of the lease-lot development allow such a sign.
    - ii. *Per Development:* One (1) standard temporary sign shall be permitted for developments with frontage on one (1) street. Two (2) standard temporary signs shall be permitted for developments with frontage on two (2) or more streets and 300 feet or more of combined street frontage.
  - c. *Sign Area:* The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
  - d. *Height Above Ground:* No part of a standard temporary sign shall be more than four (4) feet above the ground.
  - e. *Duration:* A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event, but shall be taken down within five (5) days after the purpose of the sign no longer exists.

# Sign Standards (SI)

## 5.55 SI-05: Nonresidential Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards shall apply:

**A. Project Applicability:**

**1. Single-tenant Building:**

- a. Permanent Signs: Wall, ground, awning, window, drive-up menu, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed one (1) square foot of sign area per lineal foot of front facade, or 150 square feet, whichever is less.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

**2. Multiple-tenant Building:**

- a. Permanent Signs: Wall, gateway, awning, window, drive-up menu, display board, and directional device signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed one (1) square foot of sign area per lineal foot of front facade.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

**B. Permanent Signs:** Permanent signs shall be permitted as follows:

- 1. *Wall Signs:* Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building, not to exceed 3	1 per tenant space
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum of 65 square feet	1 square foot per lineal foot of front facade; maximum of 40 square feet
Changeable Copy Ratio	50% of the sign area may be changeable copy	50% of the sign area may be changeable copy
Maximum Projection From Building	8 inches	8 inches

- a. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign and shall only include static messages, regardless if the sign includes manually or electronically changeable copy.
- b. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.

- 2. *Ground Signs:* Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See Section 5.55(B)(3): Gateway Signs below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1; or 2 for corner lots with a minimum of 150 feet of combined street frontage.	not permitted
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum of 36 square feet	not permitted
Changeable Copy Ratio	80% of sign area may be changeable copy	not permitted
Height Above Ground	6 feet maximum	not permitted

- a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side’s area counts toward the maximum cumulative square footage.
- b. Location: A ground sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.

- c. Sign Separation: When two (2) ground signs are permitted on the same lot, they shall be seventy (70) feet or more from each other and located along different street frontages.
  - d. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign and shall only include static messages, regardless if the sign includes manually or electronically changeable copy.
  - e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.55(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	½ square foot per lineal foot of each tenant's front facade; maximum of 54 square feet
Maximum Tenant Sign Area	not permitted	18 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	6 feet maximum

- a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
  - b. Location: A gateway sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
  - c. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign and shall only include static messages, regardless if the sign includes manually or electronically changeable copy.
  - d. Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.
4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	20 square feet total	20 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated with externally-mounted lights or with backlighting.
5. *Window Signs*: Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no limit	no limit
Maximum Sign Area	20 square feet per window	20 square feet per window
Height Above Ground	14 feet maximum	14 feet maximum

# Sign Standards (SI)

6. *Drive-up Menu Sign:* Drive-up menu signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the tenant has a permitted, operable, and in-use drive-up window and provided the following conditions are met. Drive-up menu signs shall not count toward the maximum cumulative square footage for permanent signs.

Drive-up Window Menu Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant with a drive-up window
Maximum Sign Area	20 square feet total	20 square feet total
Height Above Ground	7 feet maximum	7 feet maximum

- a. Design: A drive-up menu sign shall be single-sided.
  - b. Location: A drive-up menu sign shall be located in the drive-up window lane, and the sign face shall not be conspicuously visible from any right-of-way.
  - c. Illumination: Drive-up menu signs may be illuminated internally or by externally-mounted lights.
7. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
- a. Directional device signs may only be used to indicate vehicular points of entry or exit.
  - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
  - c. Directional device signs shall not exceed thirty-six (36) inches in height.
  - d. Directional device signs may be internally illuminated, but shall not be illuminated with externally-mounted lights.
  - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
  - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.
8. *Wayfinding System Signs:* Wayfinding systems may be permitted, in place of directional device signs, for large institutions that encompass multiple lots or many buildings, provided the following conditions are met. Wayfinding systems shall not count toward the maximum cumulative square footage for permanent signs.
- a. Wayfinding systems shall be used to direct vehicular and pedestrian traffic to specific destinations.
  - b. Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
  - c. Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exits, and the appearance of signs.

- C. Temporary Signs: Any combination of standard temporary signs and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
  2. *Location*: Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
  3. *Illumination*: Temporary signs shall not be illuminated.
  4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
    - a. *Type*: A standard temporary sign shall be a yard sign or a window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
    - b. *Quantity*:
      - i. *Single-tenant Buildings*: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 150 feet or more of combined street frontage.
      - ii. *Multiple-tenant Buildings*: One (1) standard temporary sign shall be permitted for each tenant.
    - c. *Sign Area*: The sign area for a standard temporary sign shall not exceed six (6) square feet per side.
    - d. *Height Above Ground*: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
    - e. *Duration*: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event, but shall be taken down within five (5) days after the purpose of the sign no longer exists.

# Sign Standards (SI)

## 5.56 SI-06: Commercial Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards shall apply:

**A. Project Applicability:**

**1. Single-tenant Building:**

- a. Permanent Signs: Wall, ground, awning, window, drive-up menu, display board, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

**2. Multiple-tenant Building:**

- a. Permanent Signs: Wall, gateway, awning, window, drive-up menu, display board, and directional device signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met and the cumulative square footage of all permanent signs does not exceed two and one-half (2.5) square foot of sign area per lineal foot of front facade.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

**B. Permanent Signs:** Permanent signs shall be permitted as follows. Wall signs are permitted in all instances, however one (1) ground sign or one (1) gateway sign is permitted, but not both.

- 1. Wall Signs:** Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per facade, not to exceed 4	1 per tenant space
Maximum Sign Area	2 square foot per lineal foot of front facade; maximum of 200 square feet on front facade and 70 square feet on each other facade	2 square foot per lineal foot of tenant front facade; maximum of 150 square feet on front facade and 50 square feet on each other facade
Changeable Copy Ratio	50% of the sign area may be changeable copy	50% of the sign area may be changeable copy
Maximum Projection From Building	12 inches	12 inches

- a. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign. and shall only include static messages displayed for no less than three (3) hours, regardless if the sign includes manually or electronically changeable copy.
  - b. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
- 2. Ground Signs:** Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See Section 5.56(B)(3): Gateway Signs below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1; or 2 for corner lots with a minimum of 200 feet of combined street frontage	not permitted
Maximum Sign Area	1.5 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	80% of sign area may be changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

- a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side’s area counts toward the maximum cumulative square footage.

- b. Location: A ground sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
  - c. Sign Separation: When two (2) ground signs are permitted on the same lot, they shall be seventy (70) feet or more from one (1) another and located along different street frontages.
  - d. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign.
  - e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.56(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	8 feet maximum

- a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side's area counts toward the maximum cumulative square footage.
  - b. Location: A gateway sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
  - c. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign and shall only include static messages displayed for no less than three (3) hours, regardless if the sign includes manually or electronically changeable copy.
  - d. Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.
4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated with externally-mounted lights or with backlighting.
5. *Window Signs*: Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no limit	no limit
Maximum Sign Area	30 square feet per window	30 square feet per window
Height Above Ground	14 feet maximum	14 feet maximum



# Sign Standards (SI)

6. *Drive-up Menu Sign:* Drive-up menu signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the lot has a permitted, operable, and in-use drive-up window and provided the following conditions are met. Drive-up menu signs shall not count toward the maximum cumulative square footage for permanent signs.

Drive-up Window Menu Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant with drive-up
Maximum Sign Area	30 square feet total	30 square feet per drive-up
Height Above Ground	7 feet maximum	7 feet maximum

- a. Design: A drive-up menu sign shall be single-sided.
  - b. Location: A drive-up menu sign shall be located in the drive-up window lane and the sign face shall not be conspicuously visible from the right-of-way.
  - c. Illumination: Drive-up menu signs may be illuminated internally or by externally-mounted lights.
7. *Display Board Signs:* Display board signs shall be permitted on single-tenant and multiple-tenant buildings provided the following conditions are met. (Examples of display board signs include permanently affixed bulletin boards or encased display boards for menus, specials, events, performances, and other temporary postings.) Display board signs shall be counted toward the maximum cumulative square footage for permanent signs.

Display Board Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	50 square feet	20 square feet per tenant
Height Above Ground	6 feet maximum	6 feet maximum

- a. Design: The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the single-tenant or multiple-tenant building; be a designated window on the single-tenant building; or consist of hardware permanently affixed to the single-tenant or multiple-tenant building for display of a consistent size posting.
  - b. Postings: Postings on the display board sign shall not exceed the size of the display board sign. Postings shall not be required to obtain any type of permit.
8. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
- a. Directional device signs may only be used to indicate vehicular points of entry or exit.
  - b. Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
  - c. Directional device signs shall not exceed thirty-six (36) inches in height.
  - d. Directional device signs may be internally illuminated, but shall not be illuminated with externally-mounted lighting.
  - e. Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
  - f. No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.

9. *Wayfinding System Signs*: Wayfinding systems may be permitted, in place of directional device signs, for large developments that encompass multiple lots or many buildings, provided the following conditions are met. Wayfinding systems shall not count toward the maximum cumulative square footage for permanent signs.
  - a. Wayfinding systems shall be used to direct vehicular and pedestrian traffic to specific destinations.
  - b. Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
  - c. Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exits, and the appearance of signs.
- C. *Temporary Signs*: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
  1. *Permits*: Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
  2. *Location*: Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
  3. *Illumination*: Temporary signs shall not be illuminated.
  4. *Standard Temporary Signs*: Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
    - a. *Type*: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
    - b. *Quantity*:
      - i. *Single-tenant Buildings*: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eighty (80) feet from one another.
      - ii. *Multiple-tenant Buildings*: One (1) standard temporary sign shall be permitted for each tenant.
    - c. *Sign Area*: The sign area for a standard temporary sign shall not exceed sixteen (16) square feet per side.
    - d. *Height Above Ground*: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
    - e. *Duration*: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event. All standard temporary signs shall be taken down within five (5) days after the standard temporary sign's purpose no longer exists.

# Sign Standards (SI)

## 5.57 SI-07: Industrial Sign Standards

This Sign Standards (SI) section applies to the following zoning districts:



The following standards shall apply:

### A. Project Applicability:

#### 1. Single-tenant Building:

- a. Permanent Signs: Wall, ground, awning, window, and directional device signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, or 250 square feet, whichever is less.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for single-tenant buildings provided the conditions specified for single-tenant buildings are met.

#### 2. Multiple-tenant Building:

- a. Permanent Signs: Wall, gateway, awning, window, and directional signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met, and the cumulative square footage of all permanent signs does not exceed two (2) square foot of sign area per lineal foot of front facade, but no single tenant shall have more than 250 square feet of sign area.
- b. Temporary Signs: Standard temporary and special temporary signs shall be permitted for multiple-tenant buildings provided the conditions specified for multiple-tenant buildings are met.

### B. Permanent Signs: Permanent signs shall be permitted as follows:

1. Wall Signs: Wall signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All wall signs shall count toward the maximum cumulative square footage for permanent signs.

Wall Signs	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per side of building; not to exceed 3	1 per tenant space
Maximum Sign Area	1.5 square foot per lineal foot of front facade; maximum of 200 square feet on front facade and 70 square feet on each other facade	1.5 square foot per lineal foot of front facade; maximum of 150 square feet on front facade and 50 square feet on each other facade
Changeable Copy Ratio	not permitted	not permitted
Maximum Projection From Building	12 inches	12 inches

- a. Illumination: Wall signs on single-tenant buildings and multiple-tenant buildings may be illuminated internally or by externally-mounted lights.
  - b. Multiple-tenant Building Consistency: The sign envelope that tenants may use and the regulations to maintain consistent sign appearance shall be identified during the permitting process. The sign envelope shall not exceed one hundred fifty percent (150%) of the allowable wall sign area for each tenant space.
2. Ground Signs: Ground signs shall be permitted on single-tenant buildings provided the following conditions are met. (See Section 5.57(B)(3): Gateway Signs below for multiple-tenant buildings). All ground signs shall be counted toward the maximum cumulative square footage for permanent signs.

Ground Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1; or 2 for corner lots with a minimum of 200 feet of combined street frontage	not permitted
Maximum Sign Area	1.5 square foot per lineal foot of front facade; maximum 120 square feet	not permitted
Changeable Copy Ratio	80% of sign area may be changeable copy	not permitted
Height Above Ground	8 feet maximum	not permitted

- a. Double-sided: If a ground sign has two (2) identical sides, back-to-back, only one (1) side’s area counts toward the maximum cumulative square footage.
  - b. Location: A ground sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a ground sign shall be setback ten (10) feet from all property lines.
  - c. Sign Separation: When two (2) ground signs are permitted on the same lot, they shall be seventy (70) feet or more from one (1) another and located along different street frontages.
  - d. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign.
  - e. Illumination: A ground sign may be illuminated internally or by externally-mounted ground lighting.
3. *Gateway Signs*: Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of six (6) tenants, a minimum of 12,000 square feet of main floor area, and provided the following conditions are met. (See *Section 5.57(B)(2): Ground Signs* above for single-tenant buildings). All gateway signs shall be counted toward the maximum cumulative square footage for permanent signs.

Gateway Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	not permitted	1
Maximum Overall Sign Area	not permitted	1 square foot per lineal foot front facade; maximum of 160 square feet
Maximum Tenant Sign Area	not permitted	50 square feet
Changeable Copy Ratio	not permitted	50% of sign area may be changeable copy
Height above Ground	not permitted	8 feet maximum

- a. Double-sided: If a gateway sign has two (2) identical sides, back-to-back, only one (1) side’s area counts toward the maximum cumulative square footage.
  - b. Location: A gateway sign shall be located a minimum of ten (10) feet from any existing or proposed right-of-way, edge of pavement, and curb associated with a street or driveway; and a gateway sign shall be setback ten (10) feet from all property lines.
  - c. Changeable Copy: If changeable copy is used, it shall be an integrated component of the sign.
  - d. Illumination: A gateway sign may be illuminated internally or by externally-mounted ground lighting.
4. *Awning Signs*: Awning signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All awning signs shall be counted toward the maximum cumulative square footage for permanent signs.

Awning Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	40 square feet total	30 square feet per tenant
Maximum Projection From Building	6 feet	6 feet

- a. Illumination: Awning signs on single-tenant buildings and multiple-tenant buildings may be illuminated with externally-mounted lights, but shall not be illuminated with backlighting.

# Sign Standards (SI)

5. *Window Signs:* Window signs shall be permitted on single-tenant buildings and multiple-tenant buildings provided the following conditions are met. All window signs shall be counted toward the maximum cumulative square footage for permanent signs.

Window Sign	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	no limit	no limit
Maximum Sign Area	30 square feet per window	30 square feet per window
Height Above Ground	14 feet maximum	14 feet maximum

6. *Directional Device Signs:* Directional device signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met. Directional device signs shall not count toward the maximum cumulative square footage for permanent signs.
- Directional device signs may only be used to indicate vehicular points of entry or exit.
  - Directional device signs shall not exceed three (3) square feet in area per side per entrance. Up to forty percent (40%) of the sign area may be a corporate logo.
  - Directional device signs shall not exceed thirty-six (36) inches in height.
  - Directional device signs may be internally illuminated.
  - Directional device signs shall not interfere with safe vehicular or pedestrian traffic circulation, obstruct the view of drivers entering or exiting, or be placed within a right-of-way.
  - No more than two (2) directional device signs shall be used per street frontage, and no more than four (4) directional device signs shall be used per lot.
7. *Wayfinding System Signs:* Wayfinding systems may be permitted, in place of directional device signs, for large industrial developments that encompass multiple lots or many buildings, provided the following conditions are met. Wayfinding systems shall not count toward the maximum cumulative square footage for permanent signs.
- Wayfinding systems shall be used to direct vehicular and pedestrian traffic to specific destinations.
  - Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
  - Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exits, and the appearance of signs.
- C. Temporary Signs: Any combination of standard temporary and special temporary signs shall be permitted for single-tenant buildings and multiple-tenant buildings provided the following conditions are met.
- Permits:* Temporary signs shall be exempt from obtaining an Improvement Location Permit, but shall comply with applicable standards.
  - Location:* Temporary signs shall be located a minimum of five (5) feet from any right-of-way, edge of pavement, and curb associated with a street or driveway.
  - Illumination:* Temporary signs shall not be illuminated.
  - Standard Temporary Signs:* Standard temporary signs shall be permitted provided the following conditions are met. The following conditions apply to single-tenant buildings and multiple-tenant buildings unless otherwise specified.
    - Type: A standard temporary sign shall be a sandwich board, self-standing sign, yard sign or a window panel. (Examples of standard temporary signs include sale of property, special sale, and special offer signs.)
    - Quantity:
      - Single-tenant Buildings: One (1) standard temporary sign shall be permitted for each lot, except for corner lots. Two (2) standard temporary signs shall be permitted for corner lots that have 200 feet or more of combined street frontage. However, standard temporary signs shall be located at least eight (80) feet from one another.
      - Multiple-tenant Buildings: One (1) standard temporary sign shall be permitted for each tenant.

- c. Sign Area: The sign area for a standard temporary sign shall not exceed sixteen (16) square feet per side.
- d. Height Above Ground: No part of a standard temporary sign shall be more than five (5) feet above the ground unless the standard temporary sign is in a first floor window.
- e. Duration: A standard temporary sign may stay in place for the duration of the temporary event. The standard temporary sign may be put in place up to seven (7) days prior to the temporary event. All standard temporary signs shall be taken down within five (5) days after the standard temporary sign's purpose no longer exists.

# Special Exception Standards (SE)

## 5.58 SE-01: Special Exception Standards

This Special Exception Standards (SE) section applies to the following zoning districts:



The intent of the Special Exception Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by ensuring the most appropriate development standards are applied to special exception requests. The following standards apply:

- A. Cross Reference: The approval process and criteria for Special Exceptions is in *Article 09: Processes*.
- B. Applicable Development Standards: The development standards assigned to each zoning district are considered appropriate for the permitted uses within that zoning district. However, the development standards may not be appropriate for all Special Exception uses within a zoning district. For instance, some institutional uses are allowed in residential zoning districts as Special Exceptions. In this case, residential development standards would not necessarily be applicable.
  1. Determining Appropriate Development Standards:
    - a. The Zoning Administrator shall determine which development standards sections within *Article 05: Development Standards* shall apply to each Special Exception application. The development standards determined to apply shall be documented in the application and approval.
    - b. If the Special Exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as a guideline. In situations where the Special Exception use is not a permitted use in any zoning district, the most stringent development standards may be assigned by the Zoning Administrator as appropriate.

## 5.59 ST-01: Structure Standards

This Structure Standards (ST) section applies to the following zoning districts:



The intent of the Structure Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County and the character of each zoning district by regulating the quantity of primary structures on a lot. The following standards apply:

- A. Applicability: The maximum number of primary structures shall be one (1) unless indicated otherwise on the applicable two-page layout in *Article 02: Zoning Districts*.





# Telecommunication Facility Standards (TC)

## 5.60 TC-01: Telecommunication Facility Standards

This Telecommunication Facilities Standards (TC) section applies to the following zoning districts:



The intent of the Telecommunication Facility Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by allowing for the provision of adequate and reliable public and private telecommunication service while minimizing the adverse, undesirable visual effects of such. The following standards apply:

- A. **Permits:** An Improvement Location Permit shall be required prior to the construction, erection, placement, modification, or alteration of a telecommunication facility. See *Article 09: Processes*.
- B. **Location:**
  1. **Accessory Utility Structures:** The accessory utility structures of telecommunication facilities shall meet the minimum front yard setback, minimum side yard setback, and minimum rear setback requirements for accessory structures in the appropriate two-page layouts in *Article 02: Zoning Districts*.
  2. **Towers:**
    - a. **Front Yard Setback:** Telecommunication towers shall be set back from any right-of-way a minimum distance equal to the tower height, including all antennas and attachments.
    - b. **Side and Rear Yard Setback:** Telecommunication towers shall be set back from the side and rear property lines a minimum distance equal to the tower height, including all antennas and attachments.
    - c. Telecommunication towers shall not be located between a primary structure and a public street.
    - d. Telecommunication towers shall not be located within the boundaries of any residential zoning district, and shall be set back from the boundaries of any residential zoning district a minimum distance equal to one hundred ten percent (110%) of the tower height.
  3. **Separation:** Telecommunication towers shall be located at least four (4) miles from any other telecommunication tower.
- C. **Design:**
  1. **Project Applicability:** Proposed or modified telecommunication towers and antennas shall meet the following design requirements:
  2. **Height:**
    - a. Telecommunication towers shall not exceed 199 feet in height.
    - b. All other utility structures and antennas shall meet the height standards in the appropriate two-page layouts in *Article 02: Zoning Districts* and in the *Height Standards*.
  3. **Appearance:** Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in an instance where the color is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
  4. **Monopole Design:** Towers shall be of a monopole design, unless the Board of Zoning Appeals determines an alternative design would better blend in with the surrounding environment.
  5. **Collocation:** Any proposed telecommunication tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for the following:
    - a. A minimum of one (1) additional user if the telecommunications tower is between sixty (60) and 100 feet in height.
    - b. A minimum of two (2) additional users if the telecommunications tower is 100 feet or more in height.
  6. **Accessory Utility Structures:** All utility structures needed to support a telecommunications tower shall be architecturally designed to blend in with the surrounding environment.
  7. **Fence Enclosure:** Telecommunication facilities and all accessory utility structures shall be protected by a security fence that shall be at least six (6) feet tall.

8. *Screening*: A live evergreen screen consisting of shrubs, planted three (3) feet on-center maximum or a row of evergreen trees planted a maximum of ten (10) feet on-center shall be planted around the entire telecommunication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five (5) feet.
  9. *Lighting*: Telecommunication facilities shall not be illuminated by artificial means and shall not display strobe lights, except when it is dictated by State or federal authorities such as the Federal Aviation Administration (FAA).
  10. *Signs*: The use of any portion of a telecommunication facility for the posting of any signs or advertisements of any kind, other than warning or equipment information signs, shall not be permitted.
- D. **Construction Standards**: All telecommunication facilities shall be subject to inspection by the Building Inspector and Zoning Administrator during the construction process.
1. *Easements*: If an easement is required for location of a telecommunication facility on the property, the easement shall be staked by a licensed and registered Indiana land surveyor so as to provide proof the facility has been constructed within the easement.
  2. *Footers*: Footing inspections shall be required by the Building Inspector for all telecommunication facilities having footings.
  3. *Electrical Standards*: All telecommunication facilities containing electrical wiring shall be subject to the provisions of the Indiana Electric Code, as amended.
- E. **Inspection of Towers**: The following shall apply to the inspection of telecommunications facilities:
1. *Frequency*: Towers may be inspected at least once every five (5) years, or more often as needed to respond to complaints received, by the Zoning Administrator, Building Inspector, and/or a registered, professional engineer to determine compliance with the original construction standards.
  2. *Investigation*: The Zoning Administrator and the Building Inspector may enter onto the property to investigate the matter and may order the appropriate action to bring the facility into compliance.
  3. *Violations*: Notices of Violation shall be sent in accordance with *Article 10: Enforcement and Penalties* for any known violation on the telecommunication facility.
- F. **Abandoned Towers**: Any tower unused or left abandoned for six (6) months shall be removed by the property owner at its expense. Should the property owner fail to remove the tower after thirty (30) days from the date a Notice of Violation is issued, the County may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

# Temporary Use and Structure Standards (TU)

## 5.61 TU-01: General Temporary Use and Structure Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The intent of Temporary Use and Structure Standards is to protect the public health, safety, and welfare of the residents of the zoning jurisdiction of the County by establishing standards for temporary uses and temporary structures. The following standards apply.

- A. Cross Reference: See *Sign Standards* for temporary sign standards.
- B. Permits: A Temporary Improvement Location Permit shall be obtained prior to establishing the temporary use or structure except as indicated otherwise in this section.
- C. Types:
  1. *Fund-raising Events*: Fund-raising events such as chicken barbecues, fish fries, and car washes shall be permitted and shall be exempt from obtaining a Temporary Improvement Location Permit if the duration of the event is less than twenty-four (24) hours over a two (2) day period.
  2. *Garage and Yard Sales*: Garage and yard sales shall be permitted and shall be exempt from obtaining a Temporary Improvement Location Permit, but no one site shall hold more than three (3) garage sales per calendar year, and each sale shall not exceed five (5) days.
  3. *Portable On Demand Storage*: Portable On Demand Storage (PODS) units shall be permitted and shall be exempt from obtaining a Temporary Improvement Location Permit, but shall not be located outdoors for more than thirty (30) consecutive days, three (3) times per calendar year.
- D. Termination: Temporary uses shall be terminated and structures removed at the end of the permitted event period.

## 5.62 TU-02: Temporary Roadside Sales Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following standards apply:

- A. Roadside Sales of Produce: The roadside sale of farm produce shall be permitted if the following conditions are met:
  1. *Grown On-site*: At least eighty percent (80%) of the produce offered for sale shall be grown on the same lot where the roadside sale is located.
  2. *Duration*: The roadside sale of produce shall not exceed six (6) months per calendar year.
  3. *Sales Stand*: The sales stand shall be portable or seasonal construction, shall be located such that it complies with the provisions of the *Vision Clearance Standards*, and shall be removed so as to observe the setbacks for accessory structures when not in use.
  4. *Parking*: The roadside sale of produce shall be arranged so that parking does not block any right-of-way or street.

## 5.63 TU-03: Model Home Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following standards apply:

- A. Model Homes: Model homes, apartments, and condominiums that contain a sales office shall be permitted with the following requirements:
  1. *Duration*: The duration of a Temporary Improvement Location Permit for a model home, apartment, or condominium shall be three (3) years and may be renewed annually after the initial three-year period.
  2. *Location*: Model homes, apartments, and condominiums shall be on the site of the development for which the sales are taking place.
  3. *Parking*: The model home, apartment, or condominium shall provide the required parking in the *Parking Standards* for the applicable district.

# Temporary Use and Structure Standards (TU)

## 5.64 TU-04: Farmers' Market Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following standards apply:

- A. **Farmers' Market:** Farmers' markets shall be permitted and exempt from obtaining a Temporary Improvement Location Permit provided the following standards are met:
  1. *Duration:* The farmers' market shall occur on a regular basis, no more than twice per week, for a period not to exceed seven (7) months per calendar year.
  2. *Location:* The farmers' market shall consists of vendors transporting produce and products to the site of the farmers' market, setting up tables or booths, and removing all produce, products, tables, and booths at the end of the day.
  3. *Parking:* One (1) parking space shall be required for every vendor space in a farmers' market. The required parking spaces shall be within 600 feet of the farmers' market and may include on-street parking spaces and public parking lots.

## 5.65 TU-05: Nonresidential Seasonal Sales Standards

This Temporary Use and Structure Standards (TU) section applies to the following zoning districts:



The following standards apply:

- A. **Sale of Seasonal Items:** The sale of seasonal items such as Independence Day fireworks, Christmas trees, and Halloween pumpkins shall be permitted if the following standards are met:
  1. *Duration:* The duration of a Temporary Improvement Location Permit for the sale of seasonal items shall be no more than forty-five (45) days. All unsold merchandise shall be removed within five (5) days after the expiration of the Temporary Improvement Location Permit.
  2. *Location:*
    - a. The sale of seasonal items shall be on a lot that fronts a collector or arterial street.
    - b. The sale of seasonal items shall be at least fifty (50) feet from residential zoning districts.
  3. *Additional Requirements:* The sale of seasonal items shall comply with all requirements of applicable State laws.

# Trash Receptacle Standards (TR)

## 5.66 TR-01: Trash Receptacle Standards

This Trash Receptacle Standards (TR) section applies to the following zoning districts:



The intent of the Trash Receptacle Standards is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by requiring outdoor trash receptacles to meet certain standards and to enhance the aesthetic environment of the County. The following standards apply:

- A. **Project Applicability:** Any new outdoor trash receptacle, dumpster, compactor, or similar container placed after the effective date of this Unified Development Ordinance shall be permitted if all of the following standards are met.
  1. **Exemptions:** Outdoor trash receptacles, dumpsters, compactors, or similar containers temporarily placed (e.g. construction projects) for less than five (5) months in a calendar year shall be exempt from the standards in this section.
- B. **Design:**
  1. **Screening:**
    - a. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be screened on all sides by a opaque fence or wall that is constructed with wood, brick, or stone.
    - b. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be accessible by gates.
    - c. The screening of outdoor trash receptacles, dumpsters, compactors, or similar containers shall meet the location and setback requirements in the *Fence and Wall Standards*.
  2. **Surface Materials:** Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be placed on a paved surface.
- C. **Setbacks:**
  1. **Front Yard:** Trash receptacles shall not be located in a front yard.
  2. **Side Yard:** Trash receptacles shall meet the side yard setback for accessory structures as stated in the applicable section of *Article 02: Zoning Districts*.
  3. **Rear Yard:** Trash receptacles shall meet the rear yard setback for accessory structures as stated in the applicable section of *Article 02: Zoning Districts*.
- D. **Maintenance:** All trash receptacles and screening associated with trash receptacles shall be properly maintained and kept in good condition.

## 5.67 VC-01: Vision Clearance Standards

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

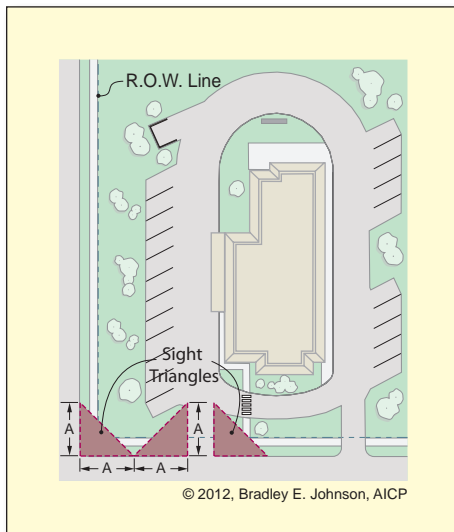


The intent of the Vision Clearance Standards section is to protect the health, safety, and welfare of the residents of the zoning jurisdiction of the County by eliminating visual obstructions at intersections. The following standards apply:

A. **Vision Clearance Triangle:** A vision clearance or sight triangle shall be maintained at every intersection of two (2) or more streets, intersection of a street and alley, and intersection of a street and driveway.

1. *Horizontal Area:*

- a. **Arterial Streets:** The vision clearance triangle leg lengths shall be twenty-five (25) feet as measured from the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is an arterial street
- b. **Other Streets:** The vision clearance triangle leg lengths shall be fifteen (15) feet as measured from the edge of pavement (see "A" in the illustration below) when one (1) or more of the intersecting streets is a collector or local street.



- 2. **Vertical Area:** No primary or accessory structures, landscaping, agricultural plantings, fences, walls, or signs shall be permitted to be placed or to project into the vision clearance triangle between the heights of two (2) feet and nine (9) feet above the crown of the adjacent roadway.
- 3. **Exemptions:** Public street signs and utility poles shall be exempt from the vision clearance standards.



# Wind Turbine System Standards (WT)

## 5.68 WT-01 Small Wind Turbine System Standards

This Wind Turbine System Standards (WT) section applies to the following zoning districts:



The following standards apply to Small Wind Turbine Systems:

### A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis small wind turbine system shall be permitted as per the standards in *Section 5.68*.
2. *Vertical Axis Wind Turbine:* A vertical axis small wind turbine system shall be permitted as per the standards in *Section 5.68*.
3. *Rated Power Limits:* A small wind turbine system is limited to a rated power level as indicated in *Article 2: Zoning Districts* in the permitted use or special exception use column.

### B. Prerequisites:

1. *Energy Production Purpose:* Small wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (i.e. residence, small business, or farmstead). The small wind turbine system shall be sized to not produce more than 150% of the annual on-site electricity needs.
2. *Lot Size:* A minimum three-quarter (3/4) acre lot shall be required for a small wind turbine system to be installed.
3. *Manufacturer Installation Specifications:* Any permitted small wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Noble County Unified Development Ordinance. When conflicts exist, the following standards apply:
  - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
  - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular small wind turbine system shall be considered not permitted.

### C. Turbine System Limitations:

1. *Minimum Ratings:* A small wind turbine system shall be Underwriters Laboratories (UL) listed, have Conformité Européenne marking (CE Mark) for Europe-based manufacturers, be certified by the Canadian Standards Association (CSA) for Canada-based manufacturers, or otherwise approved by an equivalent region-based or county-based standards association recognized as equivalent to the Underwriters Laboratories (UL).
2. *Experimental Turbines:* Any small wind turbine system that does not meet the minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid:* Any small wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

### D. Supporting Structure:

1. *Tower Mounted:* A horizontal axis small wind turbine system designed for tower mounting may be mounted on a monopole, pole with guy wires, lattice tower, or lattice tower with guy wires.
2. *Roof Mounted:* A horizontal or vertical axis small wind turbine system designed for roof mounting may be mounted to the roof of a primary or accessory building.
3. *Ground Mounted:* A vertical axis small wind turbine system designed for ground mounting shall be mounted on the ground.

- E. Height Limitations:
1. *Tower Mounted:* The maximum tower height for a small wind turbine system shall be eighty (80) feet for lots under five (5) acres, and 110 feet for lots five (5) acres or greater.
  2. *Roof Mounted:* The maximum height of all components of a roof mounted small wind turbine system shall be six (6) feet above the highest point of the roof for residential buildings and ten (10) feet above the highest point on the roof for agricultural, commercial, institutional, and industrial uses.
  3. *Ground Mounted:* The maximum height of all components of a ground mounted small wind turbine system shall be forty (40) feet.
- F. Maximum Number of Turbine Systems:
1. *Small Lot:* A lot with two (2) acres or less shall be restricted to one (1) horizontal axis small wind turbine system and one (1) vertical axis roof mounted small wind turbine system.
  2. *Large Lots:* A lot with more than two (2) acres may have:
    - a. Up to two (2) tower mounted horizontal axis or ground mounted vertical axis small wind turbine systems, and
    - b. Up to three (3) roof mounted vertical axis small wind turbine systems.
- G. Wind Load: A small wind turbine system shall be engineered to survive a 100 mph wind load or greater.
- H. Rotor Diameter: The maximum rotor diameter shall be twenty (20) feet for a small wind turbine system with a maximum rated power of less than eleven kilowatts (11kW); and forty (40) feet for a small wind turbine system with a maximum rated power of eleven kilowatt (11kW) or greater.
- I. Location Restrictions:
1. *Setback from Property Line:* A small wind turbine system, not including guy wires, shall be a minimum of twenty-five (25) feet from the property line or 110% of the height of the tower, whichever is greater.
  2. *Setback from Buildings:* A small wind turbine system, not including guy wires, shall not be required to be setback from any on-site building.
  3. *Setback from Utilities:* A small wind turbine system, not including guy wires, shall be a minimum of fifty (50) feet from any above-ground utility line or 120% of the height of the tower, whichever is greater.
  4. *Setback for Guy Wires:* Guy wire anchors shall be at least fifteen (15) feet from all property lines.
- J. Safety:
1. *Roof Mounted Systems:* The rotors (blades) of a horizontal axis turbine mounted on a roof shall not extend horizontally beyond the roof line of the building to which it is attached.
  2. *Ground Clearance:* The rotors (blades) of a horizontal axis wind turbine mounted on a tower shall not extend vertically to within twenty (20) feet of the ground.
  3. *Overspeed Protection:* A small wind turbine system shall have a fail-safe breaking system, auto-furling system, or similar system to prevent structural failure due to excessive revolutions per minute (rpm). Overspeed protection shall be a proven industry standard.
- K. Nuisance Prevention:
1. *Noise:* A small wind turbine system shall not generate more than forty decibels (40dba) as measured on the A-weighted scale at any point 100 feet or more from the base of the small wind turbine system.
  2. *Illumination:* A small wind turbine system shall not be illuminated in any way unless required by FAA regulations.
  3. *Feeder Lines:* Feeder lines for wind turbines (i.e. electrical connection between the wind turbine and the on-site structure in which the power is utilized) shall be placed underground.
  4. *Spin Direction:* Horizontal axis wind turbines shall have a rotor that spins clockwise when viewed from an upwind position. Vertical axis wind turbines shall spin clockwise when viewed from above.
- L. Abandoned Systems: A small wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The small wind turbine system shall be removed within six (6) months after being abandoned.
- M. Appurtenances: A small wind turbine system shall not have any appurtenances (e.g. lighting, flags, signs, or decorations) attached to it except for meteorological measuring equipment.



# Wind Turbine System Standards (WT)

## 5.69 WT-02 Large Wind Turbine System Standards

This Wind Turbine System Standards (WT) section applies to the following zoning districts:



The following standards apply to Large Wind Turbine Systems:

### A. Permitted Systems:

1. *Horizontal Axis Wind Turbine:* A horizontal axis large wind turbine system shall be permitted as per the standards in *Section 5.69*.
2. *Vertical Axis Wind Turbine:* A vertical axis large wind turbine system shall be permitted as per the standards in *Section 5.69*.
3. *Rated Power Limits:* A large wind turbine system shall have a minimum rated power of 50 kW and shall have a maximum rated power level as indicated in *Article 2: Zoning Districts* in the permitted use or special exception use column.

### B. Prerequisites:

1. *Energy Production Purpose:* Large wind turbine systems shall be primarily sized and installed for the purpose of generating energy for an on-site use (e.g. a school, industry, office building). The large wind turbine system shall be sized to not produce more than 200% of the annual on-site electricity needs.
2. *Lot Size:* A minimum five (5) acre lot shall be required for a large wind turbine system to be installed.
3. *Manufacturer Installation Specifications:* Any permitted large wind turbine system shall be installed according to the manufacturer's specifications unless in conflict with applicable standards in the Noble County Unified Development Ordinance. When conflicts exist, the following standards apply:
  - a. *Manufacturer Specifications are More Strict:* When the manufacturer's specifications are more strict than this ordinance, the manufacturer's specifications shall be followed.
  - b. *Zoning Standards are More Strict:* When this ordinance is more strict than the manufacturer's specifications, this ordinance shall prevail, and that particular large wind turbine system shall be considered not permitted.

### C. Turbine System Limitations:

1. *Minimum Ratings:* A large wind turbine system shall be manufactured to meet all applicable industry standards for manufacturing practices and safety.
2. *Experimental Turbines:* A large wind turbine system that does not meet the applicable minimum ratings shall be considered experimental and shall not be permitted.
3. *Connection to the Grid:* A large wind turbine system that is intended to be connected to the power grid shall be IEEE 1547 compliant (Institute of Electrical and Electronics Engineers Standard for Interconnecting Distributed Resources with Electric Power Systems).

### D. Supporting Structure:

1. *Tower Mounted Systems:* A horizontal axis large wind turbine system designed for tower mounting shall be mounted on a monopole. Lattice towers and towers with guy wires shall not be permitted.
2. *Roof Mounted:* A large wind turbine system shall not be permitted to be mounted on a roof.
3. *Ground Mounted Systems:* A vertical axis large wind turbine system designed for ground mounting shall be mounted on the ground.

### E. Height Limitations:

1. *Tower Mounted:* The maximum tower height for a large wind turbine system shall be 140 feet for lots five (5) acres or greater.
2. *Roof Mounted:* Large wind turbine systems are not permitted to be mounted on a roof.
3. *Ground Mounted:* The maximum height of all components of a ground mounted large wind turbine system shall be sixty (60) feet.

# Wind Turbine System Standards (WT)

- F. Maximum Number of Turbine Systems:
1. *Small Lot:* A lot with fifteen (15) acres or less shall be restricted to one (1) horizontal axis or vertical axis large wind turbine system.
  2. *Large Lots:* A lot with more than fifteen (15) acres may have up to two (2) horizontal axis or vertical axis large wind turbine systems.
- G. Wind Load: A large wind turbine system shall be engineered to survive a 110 mph wind load or greater.
- H. Rotor Diameter: The maximum rotor diameter shall be 100 feet for a large wind turbine system.
- I. Location Restrictions:
1. *Setback from Property Line:* A large wind turbine system shall be a minimum of 250 feet or 200% of the hub height from the property line, whichever is greater.
  2. *Setback from On-site Buildings:* A large wind turbine system shall be required to be setback 100 feet from any on-site primary building. There is no required setback from accessory structures.
  3. *Setback from Off-site Land Uses:* A large wind turbine system shall be a minimum of 1,500 feet from a platted residential subdivision, multiple-family residential development, institutional use (e.g. school or church), an existing residential dwelling, land zoned single-family residential, land zoned multiple-residential, or land zoned institutional. These standards only apply to off-site properties and should not be construed as restricting any of the above listed types of development (e.g. school or multiple-family development) from choosing to have an on-site large wind turbine system.
  4. *Setback from Utilities:* A large wind turbine system shall be a minimum of 200 feet or 200% of the hub height from above ground transmission lines, utility lines, or substations, whichever is greater.
- J. Safety:
1. *Ground Clearance:* The rotors (i.e. blades) of a horizontal axis large wind turbine system mounted on a tower shall not extend vertically to within fifty (50) feet above the ground.
  2. *Anti-icing Technology:* A large wind turbine system shall be equipped with technology able to detect icing on rotors that causes the system to shut down when experiencing a significant icing event; or shall utilize another industry accepted standard for protecting against shedding of significant pieces of ice capable of damaging nearby buildings and/or injuring persons or animals on the ground.
  3. *Controls and Brakes:* A large wind turbine system shall be equipped with a redundant braking system that includes both aerodynamic overspeed controls (i.e. variable pitch, tip, and other similar systems) and mechanical brakes.
- K. Nuisance Prevention:
1. *Noise:* A large wind turbine system shall not generate more than forty decibels (40dba) as measured on the A-weighted scale at 1,000 feet or more from the base of the large wind turbine system, or as measured on any off-site property, whichever is less.
  2. *Illumination:* A large wind turbine system shall not be illuminated in any way unless required by or Federal Aviation Administration (FAA) regulations. Federal Aviation Administration (FAA) regulations shall be demonstrated to the Zoning Administrator prior to installation. If signal lighting is required on the top of a large wind turbine system, then it shall be shielded to prevent light below the horizontal plain plus four degrees (4°).
    - a. *FAA Light:* The strobe effect caused by a Federal Aviation Administration (FAA) required signal light shall be mitigated to the extent possible with the best known technology or practice.
    - b. *Shadow Flicker:* Shadow flicker produced by the interaction of the turning rotors and direct sunlight shall be mitigated by appropriate siting of the wind turbine designed to minimize the impact on off-site structures; and under no circumstances exceed a combined total of fifteen (15) hours per year measured inside an occupied non-participating structure.
  3. *Color:* A large wind turbine system shall be a non-obtrusive color such as white, off-white, gray, earth tones, or similar non-reflective colors.
  4. *Signage:* No large wind turbine system shall be used to display a commercial message.
  5. *Signal Interference:* The owner 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 large wind turbine system.

# Wind Turbine System Standards (WT)

6. *Feeder Lines*: Feeder lines for wind turbines (e.g. between wind turbines and the on-site structure in which utilizes the power) shall be placed underground.
7. *Spin Direction*: Horizontal axis wind turbines shall have a rotor that spins clockwise when viewed from an upwind position. Vertical axis wind turbines shall spin clockwise when viewed from above.
- L. Abandoned Systems: A large wind turbine system shall be considered abandoned if its use as a wind turbine system is discontinued for more than six (6) months. The large wind turbine system shall be removed within nine (9) months after being abandoned.
- M. Appurtenances: A large wind turbine system shall not have any appurtenances (e.g. exterior lighting, wireless communication antennae, or ornamentation). Weather monitoring devices and safety equipment shall not be considered appurtenances.

Article

06

Subdivision Types

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**Noble County  
Unified  
Development  
Ordinance**

# Simple Subdivision (SS)

## 6.01 Simple Subdivision Intent

**The Simple Subdivision type is intended to provide a development option with the following features:**

**Land Use**

- As per this Unified Development Ordinance

**Applicability**

- Parcel splits resulting in 3 lots or less.

**Pedestrian Network**

- Sidewalks and sidepaths along perimeter streets when required by the Plan Commission

**Vehicular Network**

- Connectivity to land behind frontage lots

**Site Feature Preservation**

- Strive to save existing quality tree stands

**Applicable Processes**

- Simple Subdivisions shall use the Minor Subdivision process. However, if all resulting lots are greater than twenty (20) acres, then the Administrative Subdivision process may be used.

## 6.02 Simple Subdivision Prerequisites

**Base Zoning or Commitment for Rezoning**

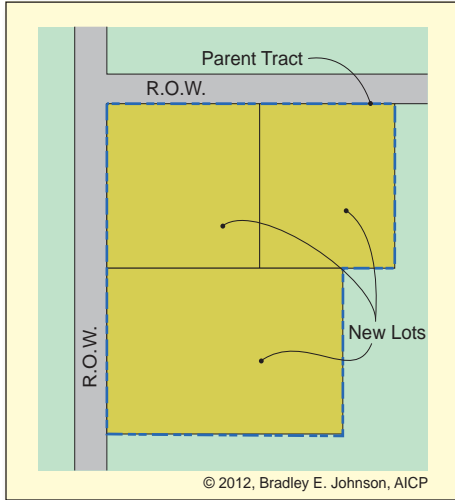
- A1, A2, A3, RE, R1, R2, R3, R4, R5, LR, IS, VM, C1, C2, C3, I1 or I2

**Minimum Parent Tract:**

- 1 acre for lots served by sewers or 4 acres for lots with on-site septic systems

# Simple Subdivision (SS)

## 6.03 Simple Subdivision Standards

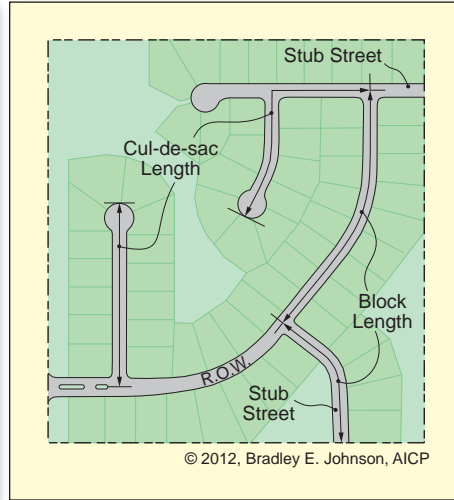


**Required Open Space**

- 0%

**Minimum Perimeter Landscaping**

- n/a



**Minimum Block Length**

- n/a

**Maximum Block Length**

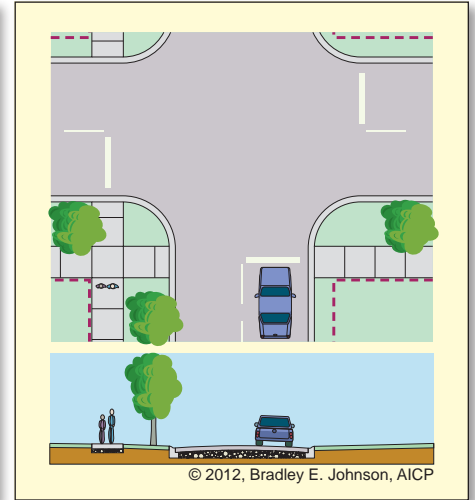
- n/a

**Minimum Cul-de-sac Length**

- n/a

**Maximum Cul-de-sac Length**

- n/a



**Minimum ROW on Local Streets**

- n/a

**Design Speed**

- n/a

**Minimum Street Width**

- n/a

**Curb**

- n/a

**On-street Parking**

- n/a

**Minimum Tree Plot Width**

- See the *Noble County Highway Construction Standards*

**Minimum Sidewalk/Sidepath Width**

- See the *Noble County Highway Construction Standards*

### Additional Design Standards that Apply

- Easement (EA)**
- EA-01 ..... Page 7-6
- Erosion Control (EC)**
- EC-01 ..... Page 7-9
- Floodplain Hazard (FH)**
- FH-01 ..... Page 7-10
- Lot Establishment (LT)**
- LT-01 ..... Page 7-11
- Monument and Marker (MM)**
- MM-01 ..... Page 7-14
- Pedestrian Network (PN)**
- PN-01 ..... Page 7-18
- Prerequisite (PQ)**
- PQ-01 ..... Page 7-20
- Storm Water (SM)**
- SM-01 ..... Page 7-21

- Street and Access (SA)**
- SA-01 ..... Page 7-22
- SA-02 ..... Page 7-25
- SA-03 ..... Page 7-26
- SA-04 ..... Page 7-26
- SA-06 ..... Page 7-27

## 6.04 Standard Subdivision Intent

**The Standard Subdivision type is intended to provide a development option with the following features:**

<p><b>Land Use</b></p> <ul style="list-style-type: none"><li>• 100% residential</li></ul> <p><b>Applicability</b></p> <ul style="list-style-type: none"><li>• Residential subdivisions of all sizes that may or may not require new streets</li></ul>	<p><b>Pedestrian Network</b></p> <ul style="list-style-type: none"><li>• Safe and efficient pedestrian circulation within the subdivision</li><li>• Safe and efficient pedestrian accessibility to perimeter streets</li></ul> <p><b>Vehicular Network</b></p> <ul style="list-style-type: none"><li>• Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network</li><li>• Large radius corners and curves</li></ul>	<p><b>Site Feature Preservation</b></p> <ul style="list-style-type: none"><li>• Strive to save existing quality tree stands</li></ul> <p><b>Applicable Processes</b></p> <ul style="list-style-type: none"><li>• Standard Subdivisions may use the Minor Subdivision if it meets the prerequisites listed in 9.17(C). Otherwise, the Major Subdivision process shall apply.</li></ul>
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## 6.05 Standard Subdivision Prerequisites

**Base Zoning**

- RE, R1, R2, R3, R4, R5, LR, or VM

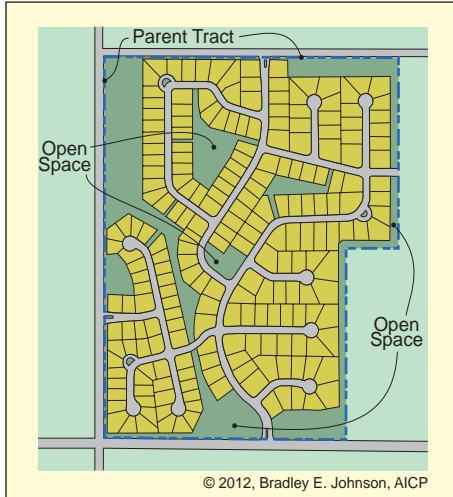
**Minimum Parent Tract:**

- No minimum



# Standard Subdivision (ST)

## 6.06 Standard Subdivision Standards

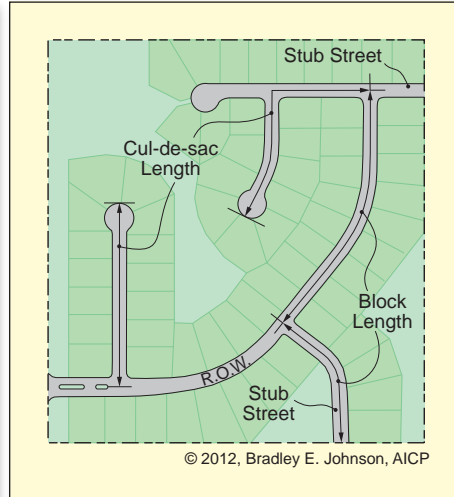


### Required Open Space

- 15%

### Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters
- 0 feet if abutting another residential subdivision



### Minimum Block Length

- See the *Noble County Highway Construction Standards*

### Maximum Block Length

- See the *Noble County Highway Construction Standards*

### Minimum Cul-de-sac Length

- See the *Noble County Highway Construction Standards*

### Maximum Cul-de-sac Length

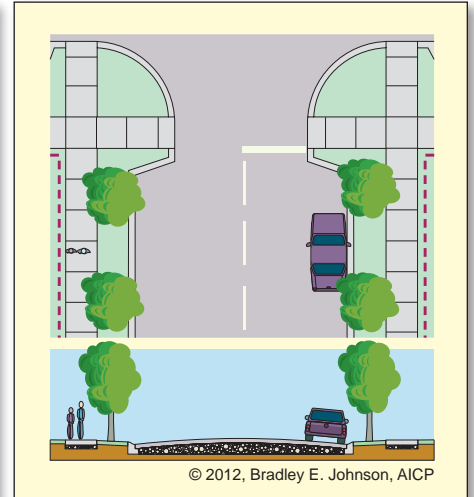
- See the *Noble County Highway Construction Standards*

### Minimum ROW on Local Streets

- See the *Noble County Highway Construction Standards*

### Design Speed

- See the *Noble County Highway Construction Standards*



### Minimum Street Width

- See the *Noble County Highway Construction Standards*

### Curb

- See the *Noble County Highway Construction Standards*

### On-street Parking

- See the *Noble County Highway Construction Standards*

### Minimum Tree Plot Width

- See the *Noble County Highway Construction Standards*

### Minimum Sidewalk/Sidepath Width

- See the *Noble County Highway Construction Standards*

## Additional Design Standards that Apply

Development Name (DN)	Open Space (OP)	Street Lighting (SL)
• DN-01 ..... Page 7-4	• OP-01 ..... Page 7-15	• SL-01 ..... Page 7-28
Dedication of Public Improvement (DD)	Owners' Association (OA)	Surety (SY)
• DD-01 ..... Page 7-5	• OA-01 ..... Page 7-16	• SY-01 ..... Page 7-29
Easement (EA)	Pedestrian Network (PN)	Utility (UT)
• EA-01 ..... Page 7-6	• PN-01 ..... Page 7-18	• UT-01 ..... Page 7-30
Entryway Feature (EF)	Perimeter Landscaping (PL)	
• EF-01 ..... Page 7-8	• PL-01 ..... Page 7-19	
Erosion Control (EC)	Prerequisite (PQ)	
• EC-01 ..... Page 7-9	• PQ-01 ..... Page 7-20	
Floodplain Hazard (FH)	Storm Water (SM)	
• FH-01 ..... Page 7-10	• SM-01 ..... Page 7-21	
Lot Establishment (LT)	Street and Access (SA)	
• LT-01 ..... Page 7-11	• SA-01 ..... Page 7-22	
Monument and Marker (MM)	• SA-02 ..... Page 7-25	
• MM-01 ..... Page 7-14	• SA-03 ..... Page 7-26	
	• SA-04 ..... Page 7-26	
	• SA-06 ..... Page 7-27	



# Conservation Subdivision (CS)

## 6.07 Conservation Subdivision Intent

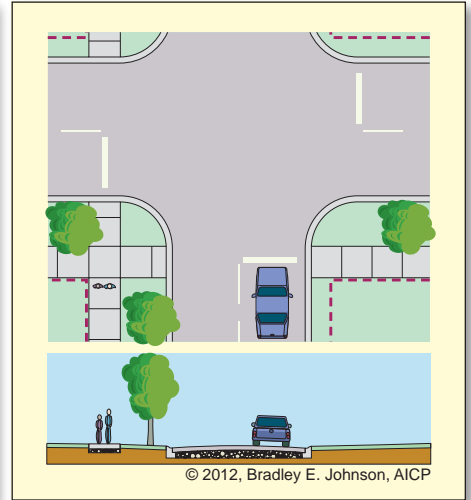
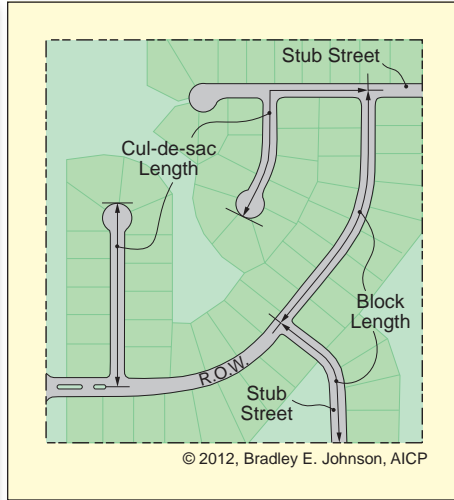
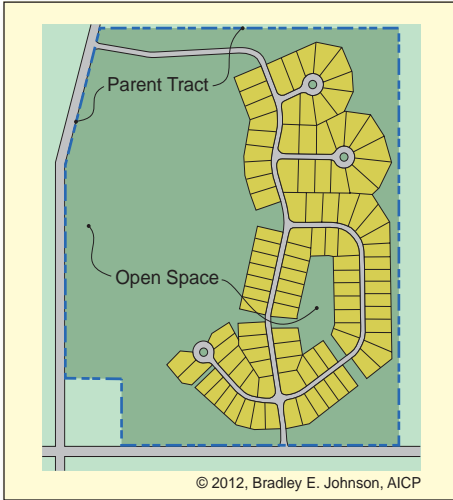
<p><b>The Conservation Subdivision type is intended to provide a development option with the following features:</b></p> <p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>• 100% residential</li> </ul> <p><b>Applicability</b></p> <ul style="list-style-type: none"> <li>• Residential subdivisions containing at least forty (40) lots and requiring new streets</li> </ul>	<p><b>Pedestrian Network</b></p> <ul style="list-style-type: none"> <li>• Pedestrian circulation within the subdivision that is sensitive to the subdivision's natural amenities</li> <li>• Safe pedestrian accessibility to perimeter streets</li> </ul> <p><b>Vehicular Network</b></p> <ul style="list-style-type: none"> <li>• Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network</li> <li>• Moderate use of cul-de-sacs</li> <li>• Narrow streets without curb</li> </ul>	<p><b>Site Feature Preservation</b></p> <ul style="list-style-type: none"> <li>• Preserve existing quality tree stands</li> <li>• Preserve other existing natural amenities</li> </ul> <p><b>Incentives</b></p> <ul style="list-style-type: none"> <li>• Narrow local streets without curb</li> <li>• Street lighting not required</li> <li>• Sidewalks only required on one side of internal streets</li> </ul> <p><b>Applicable Processes</b></p> <ul style="list-style-type: none"> <li>• Standard Subdivisions may use the Minor Subdivision if it meets the prerequisites listed in <i>Section 9.17(C)</i>. Otherwise, the Major Subdivision process shall apply.</li> </ul>
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## 6.08 Conservation Subdivision Prerequisites

<p><b>Base Zoning</b></p> <ul style="list-style-type: none"> <li>• RE, R1, R2, R4</li> </ul> <p><b>Minimum Parent Tract</b></p> <ul style="list-style-type: none"> <li>• 5 acres (217,800 square feet)</li> </ul>	<p><b>Special Qualifications</b></p> <ul style="list-style-type: none"> <li>• The parent tract shall have a quality natural amenity covering at least 20% of the parent tract</li> <li>• Subdivision shall facilitate clustered development that ensures the preservation of on-site natural amenities and significant common open space</li> </ul>
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# Conservation Subdivision (CS)

## 6.09 Conservation Subdivision Standards



### Required Open Space

- 40%

### Minimum Perimeter Landscaping

- 25 feet along perimeter streets that shall be common area
- 10 feet along all other perimeters

### Minimum Block Length

- See the *Noble County Highway Construction Standards*

### Maximum Block Length

- See the *Noble County Highway Construction Standards*

### Minimum Cul-de-sac Length

- See the *Noble County Highway Construction Standards*

### Maximum Cul-de-sac Length

- See the *Noble County Highway Construction Standards*

### Minimum ROW on Local Streets

- See the *Noble County Highway Construction Standards*

### Design Speed

- See the *Noble County Highway Construction Standards*

### Minimum Street Width

- See the *Noble County Highway Construction Standards*

### Curb

- See the *Noble County Highway Construction Standards*

### On-street Parking

- See the *Noble County Highway Construction Standards*

### Minimum Tree Plot Width

- See the *Noble County Highway Construction Standards*

### Minimum Sidewalk/Sidepath Width

- See the *Noble County Highway Construction Standards*

## Additional Design Standards that Apply

Development Name (DN)	Owners' Association (OA)	Surety (SY)
• DN-01 ..... Page 7-4	• OA-01 ..... Page 7-16	• SY-01 ..... Page 7-29
Dedication of Public Improvement (DD)	Pedestrian Network (PN)	Utility (UT)
• DD-01 ..... Page 7-5	• PN-01 ..... Page 7-18	• UT-01 ..... Page 7-30
Easement (EA)	Perimeter Landscaping (PL)	
• EA-01 ..... Page 7-6	• PL-01 ..... Page 7-19	
Entryway Feature (EF)	Prerequisite (PQ)	
• EF-01 ..... Page 7-8	• PQ-01 ..... Page 7-20	
Erosion Control (EC)	Storm Water (SM)	
• EC-01 ..... Page 7-9	• SM-01 ..... Page 7-21	
Floodplain Hazard (FH)	Street and Access (SA)	
• FH-01 ..... Page 7-10	• SA-01 ..... Page 7-22	
Lot Establishment (LT)	• SA-02 ..... Page 7-25	
• LT-01 ..... Page 7-11	• SA-03 ..... Page 7-26	
Monument and Marker (MM)	• SA-04 ..... Page 7-26	
• MM-01 ..... Page 7-14	• SA-06 ..... Page 7-27	
Open Space (OP)	Street Lighting (SL)	
• OP-01 ..... Page 7-15	• SL-01 ..... Page 7-28	

# Commercial Subdivision (CM)

## 6.10 Commercial Subdivision Intent

**The Commercial Subdivision type is intended to provide a development option with the following features:**

<p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>• At least 90% non-residential</li> </ul> <p><b>Applicability</b></p> <ul style="list-style-type: none"> <li>• Commercial subdivisions regardless of the number of lots and regardless if new infrastructure improvements are required</li> </ul>	<p><b>Pedestrian Network</b></p> <ul style="list-style-type: none"> <li>• Safe movement to primary structures from streets</li> <li>• Safe movement between primary structures</li> <li>• Safe accessibility to perimeter streets</li> </ul> <p><b>Vehicular Network</b></p> <ul style="list-style-type: none"> <li>• Connectivity to adjacent development, adjacent undeveloped parcels, and the existing street network</li> <li>• Adequate accessibility for deliveries</li> <li>• Use of frontage roads when necessary</li> <li>• Minimal curb cuts</li> </ul>	<p><b>Site Feature Preservation</b></p> <ul style="list-style-type: none"> <li>• Strive to save quality existing tree stands</li> </ul> <p><b>Applicable Processes</b></p> <ul style="list-style-type: none"> <li>• Standard Subdivisions may use the Minor Subdivision if it meets the prerequisites listed in <i>Section 9.17(C)</i>. Otherwise, the Major Subdivision process shall apply.</li> </ul>
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## 6.11 Commercial Subdivision Prerequisites

**Base Zoning**

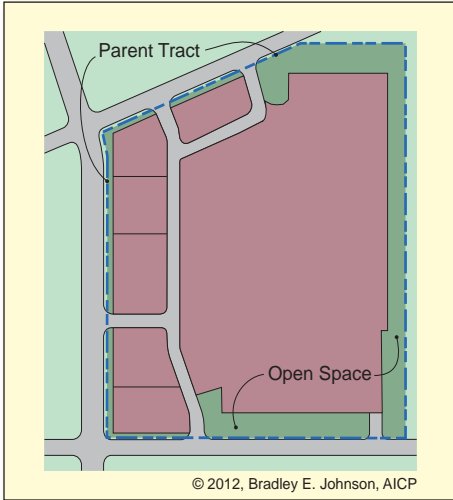
- IS, VM, C1, C2, or C3

**Minimum Parent Tract**

- 2 acres (87,120 square feet)

# Commercial Subdivision (CM)

## 6.12 Commercial Subdivision Standards

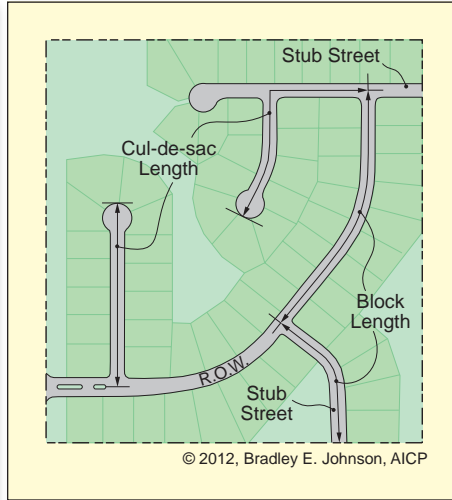


### Required Open Space

- 10%

### Minimum Perimeter Landscaping

- 15 feet along all perimeter streets
- 10 feet along all other perimeters
- 0 feet if abutting a C1, C2, or C3 District



### Minimum Block Length

- See the *Noble County Highway Construction Standards*

### Maximum Block Length

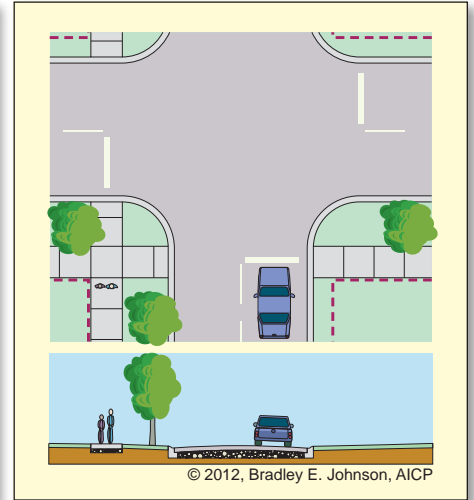
- See the *Noble County Highway Construction Standards*

### Minimum Cul-de-sac Length

- See the *Noble County Highway Construction Standards*

### Maximum Cul-de-sac Length

- See the *Noble County Highway Construction Standards*



### Minimum ROW on Local Streets

- See the *Noble County Highway Construction Standards*

### Design Speed

- See the *Noble County Highway Construction Standards*

### Minimum Street Width

- See the *Noble County Highway Construction Standards*

### Curb

- See the *Noble County Highway Construction Standards*

### On-street Parking

- See the *Noble County Highway Construction Standards*

### Minimum Tree Plot Width

- See the *Noble County Highway Construction Standards*

### Minimum Sidewalk/Sidepath Width

- See the *Noble County Highway Construction Standards*

## Additional Design Standards that Apply

Development Name (DN)	Owners' Association (OA)	Surety (SY)
• DN-01 ..... Page 7-4	• OA-01 ..... Page 7-16	• SY-01 ..... Page 7-29
Dedication of Public Improvement (DD)	Pedestrian Network (PN)	Utility (UT)
• DD-01 ..... Page 7-5	• PN-01 ..... Page 7-18	• UT-01 ..... Page 7-30
Easement (EA)	Perimeter Landscaping (PL)	
• EA-01 ..... Page 7-6	• PL-01 ..... Page 7-19	
Entryway Feature (EF)	Prerequisite (PQ)	
• EF-01 ..... Page 7-8	• PQ-01 ..... Page 7-20	
Erosion Control (EC)	Storm Water (SM)	
• EC-01 ..... Page 7-9	• SM-01 ..... Page 7-21	
Floodplain Hazard (FH)	Street and Access (SA)	
• FH-01 ..... Page 7-10	• SA-01 ..... Page 7-22	
Lot Establishment (LT)	• SA-02 ..... Page 7-25	
• LT-02 ..... Page 7-12	• SA-05 ..... Page 7-26	
Monument and Marker (MM)	• SA-06 ..... Page 7-27	
• MM-01 ..... Page 7-14	Street Lighting (SL)	
Open Space (OP)	• SL-01 ..... Page 7-28	
• OP-01 ..... Page 7-15		

# Industrial Park Subdivision (IP)

## 6.13 Industrial Park Subdivision Intent

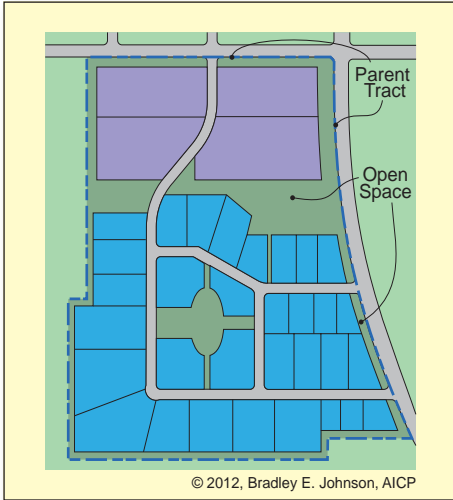
<p><b>The Industrial Park Subdivision type is intended to provide a development option with the following features:</b></p> <p><b>Land Use</b></p> <ul style="list-style-type: none"> <li>• 100% nonresidential</li> <li>• At least 60% industrial uses</li> </ul> <p><b>Applicability</b></p> <ul style="list-style-type: none"> <li>• Industrial subdivisions of all sizes that may or may not require new streets</li> </ul>	<p><b>Pedestrian Network</b></p> <ul style="list-style-type: none"> <li>• Safe movement to primary structures from streets</li> <li>• Safe movement between primary structures</li> <li>• Safe accessibility to perimeter streets</li> </ul> <p><b>Vehicular Network</b></p> <ul style="list-style-type: none"> <li>• Connectivity to adjacent lots</li> <li>• Use of frontage streets when necessary</li> <li>• Safe and efficient integration of vehicular and truck traffic</li> <li>• Minimal curb cuts</li> </ul>	<p><b>Site Feature Preservation</b></p> <ul style="list-style-type: none"> <li>• Strive to save quality existing tree stands</li> </ul> <p><b>Applicable Processes</b></p> <ul style="list-style-type: none"> <li>• Standard Subdivisions may use the Minor Subdivision if it meets the prerequisites listed in <i>Section 9.17(C)</i>. Otherwise, the Major Subdivision process shall apply.</li> </ul>
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## 6.14 Industrial Park Subdivision Prerequisites

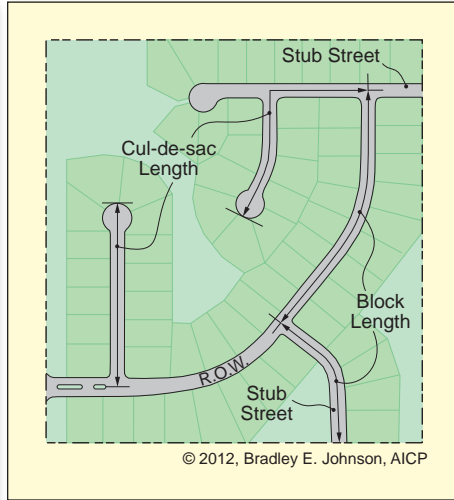
<p><b>Base Zoning</b></p> <ul style="list-style-type: none"> <li>• I1 or I2</li> </ul> <p><b>Minimum Parent Tract</b></p> <ul style="list-style-type: none"> <li>• No minimum</li> </ul>
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# Industrial Park Subdivision (IP)

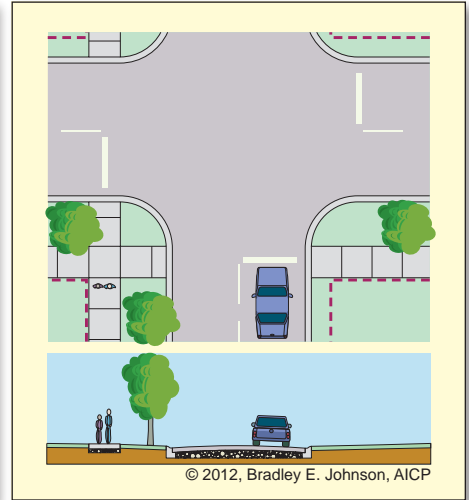
## 6.15 Industrial Park Subdivision Standards



- Minimum Open Space**
- 10%
- Minimum Perimeter Landscaping**
- 40 feet along perimeter streets that shall be common area
  - 20 feet along all other perimeters
  - 0 feet if abutting a C3, I2, or HI District



- Minimum Block Length**
- See the *Noble County Highway Construction Standards*
- Maximum Block Length**
- See the *Noble County Highway Construction Standards*
- Cul-de-sac Length**
- Cul-de-sacs not permitted



- Minimum ROW on Local Streets**
- See the *Noble County Highway Construction Standards*
- Design Speed**
- See the *Noble County Highway Construction Standards*
- Minimum Street Width**
- See the *Noble County Highway Construction Standards*
- Curb**
- See the *Noble County Highway Construction Standards*
- On-street Parking**
- See the *Noble County Highway Construction Standards*
- Minimum Tree Plot Width**
- See the *Noble County Highway Construction Standards*
- Minimum Sidewalk/Sidepath Width**
- See the *Noble County Highway Construction Standards*

### Additional Design Standards that Apply

<p><b>Development Name (DN)</b></p> <ul style="list-style-type: none"> <li>• DN-01 ..... Page 7-4</li> </ul> <p><b>Dedication of Public Improvement (DD)</b></p> <ul style="list-style-type: none"> <li>• DD-01 ..... Page 7-5</li> </ul> <p><b>Easement (EA)</b></p> <ul style="list-style-type: none"> <li>• EA-01 ..... Page 7-6</li> </ul> <p><b>Entryway Feature (EF)</b></p> <ul style="list-style-type: none"> <li>• EF-01 ..... Page 7-8</li> </ul> <p><b>Erosion Control (EC)</b></p> <ul style="list-style-type: none"> <li>• EC-01 ..... Page 7-9</li> </ul> <p><b>Floodplain Hazard (FH)</b></p> <ul style="list-style-type: none"> <li>• FH-01 ..... Page 7-10</li> </ul> <p><b>Lot Establishment (LT)</b></p> <ul style="list-style-type: none"> <li>• LT-02 ..... Page 7-12</li> </ul> <p><b>Monument and Marker (MM)</b></p> <ul style="list-style-type: none"> <li>• MM-01 ..... Page 7-14</li> </ul> <p><b>Open Space (OP)</b></p> <ul style="list-style-type: none"> <li>• OP-01 ..... Page 7-15</li> </ul>	<p><b>Owners' Association (OA)</b></p> <ul style="list-style-type: none"> <li>• OA-01 ..... Page 7-16</li> </ul> <p><b>Pedestrian Network (PN)</b></p> <ul style="list-style-type: none"> <li>• PN-01 ..... Page 7-18</li> </ul> <p><b>Perimeter Landscaping (PL)</b></p> <ul style="list-style-type: none"> <li>• PL-01 ..... Page 7-19</li> </ul> <p><b>Prerequisite (PQ)</b></p> <ul style="list-style-type: none"> <li>• PQ-01 ..... Page 7-20</li> </ul> <p><b>Storm Water (SM)</b></p> <ul style="list-style-type: none"> <li>• SM-01 ..... Page 7-21</li> </ul> <p><b>Street and Access (SA)</b></p> <ul style="list-style-type: none"> <li>• SA-01 ..... Page 7-22</li> <li>• SA-02 ..... Page 7-25</li> <li>• SA-05 ..... Page 7-26</li> <li>• SA-06 ..... Page 7-26</li> </ul> <p><b>Street Lighting (SL)</b></p> <ul style="list-style-type: none"> <li>• SL-01 ..... Page 7-28</li> </ul>	<p><b>Surety (SY)</b></p> <ul style="list-style-type: none"> <li>• SY-01 ..... Page 7-29</li> </ul> <p><b>Utility (UT)</b></p> <ul style="list-style-type: none"> <li>• UT-01 ..... Page 7-30</li> </ul>
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Article

07

Design Standards

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**Noble County  
Unified  
Development  
Ordinance**



## 7.01 Using This Section

The following pages contain the design standards for site and infrastructure improvements associated with subdivisions, Planned Developments, and development plan approval. These requirements shall also apply to planned developments associated with subdivision approval. Each section represents the regulations for a specific category. There are two ways to determine which design standards apply to a specific type of petition:

- A. Using Two-Page Layouts: Refer to the two-page layouts in *Article 06: Subdivision Types* for a specific subdivision type. Applicable design standards for that specific subdivision type are identified by four-digit codes in the "Additional Design Standards that Apply." Only the four-digit codes noted in the "Additional Design Standards that Apply" section apply to that subdivision type.
- B. Using Icons: Refer to the project icons used at the top of each design standards section in *Article 07: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons that stand for subdivision or project type. These project icons note that the design standards written in that section applies to that type of application.

## 7.02 Purpose of Design Standards

- A. Intent: It is the purpose of *Article 07: Design Standards* to establish and define design standards that shall be required by the County for any subdivision of land, development plan approval, and Planned Development.

# Icon Key

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## 7.03 Icon Key

-  - Simple Subdivision
-  - Standard Subdivision
-  - Conservation Subdivision
-  - Commercial Subdivision
-  - Industrial Park Subdivision
-  - Development Plan
-  - Planned Development

## 7.04 DN-01: Development Name Standards

This Development Name Standards (DN) section applies to the following types of development:



- A. Proposed Development Name: The applicant shall propose a unique name for the development.
  - 1. *Root Name*: The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development within the zoning jurisdiction of the County.
  - 2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, or Glen) shall not constitute a unique name (for example, if Preston Place exists, the name Preston Woods shall not be permitted).
  - 3. *Large Developments*: Unique subareas within a large development or separate developments within close proximity may be authorized by the Plan Commission to use the same root name.
- B. Approval Authority: While the development name proposed by the applicant shall be considered, the Plan Commission has authority to approve or deny the proposed name.
- C. Renaming Authority:
  - 1. *Existing Development Names*: Existing development names and development names that have been approved by the Plan Commission shall not be changed without Plan Commission approval.
  - 2. *Proposed Development Names*: The Plan Commission shall have authority to require a new unique name for a development if the name proposed by the applicant is unacceptable. If an acceptable and unique development name is not proposed by the applicant, the Plan Commission shall rename the development prior to final approval.

# Dedication of Public Improvement Standards (DD)

## 7.05 DD-01: Dedication of Public Improvement Standards

This Dedication of Public Improvement Standards (DD) section applies to the following types of development:



- A. Cross Reference: See the *Noble County Highway Construction Standards* for dedication of public improvement standards.

## 7.06 EA-01: Easement Standards

This Easement Standards (EA) section applies to the following types of development:



### A. Cross-Reference:

1. *Private Streets:* For details concerning private street easements, see *Section 7.21: Private Street Standards*.
2. *Utility:* For details concerning utilities, see *Section 7.28: Utility Standards*.
3. *Storm Drainage:* For details concerning storm drainage, see *Section 7.19: Storm Water Standards*.
4. *Lot Standards:* Certain types of easements are restricted on lake-front lots. See *Section 5.33: Lot Standards*.

### B. Cross-access Easements:

1. *Instrument Specifications:* When required by the Unified Development Ordinance, each property owner of record shall execute a cross-access easement instrument in favor of the adjoining property owner. The cross-access easement instrument shall be signed by the owner or an authorized representative of the owner of all associated properties. The cross-access easement instrument shall include the following language:
  - a. Identify the development with which the cross-access easement (CAE) is associated.
  - b. The cross-access easement (CAE) shall grant the general public the right to utilize the easement for purpose of accessing adjoining parking lots.
  - c. The cross-access easement (CAE) shall prohibit any person from parking vehicles within the easement.
  - d. The cross-access easement (CAE) shall prohibit any person, including the property owner, from placing any obstruction within the easement.
  - e. The cross-access easement (CAE) shall be binding on all heirs, successors, and assigns to the property on which the cross-access easement is located.
  - f. The cross-access easement (CAE) shall be enforceable by the owners of each associated property, the County, and any other specially affected persons identified in the cross-access easement.
  - g. The cross-access easement (CAE) shall provide for modification or termination in a manner specified in the Unified Development Ordinance.
  - h. The cross-access easement (CAE) shall be cross-referenced to the most recently recorded deeds of the associated properties.
  - i. The cross-access easement (CAE) shall include a metes and bounds description of the easement.
2. *Cross-access Easement Certificate:*
  - a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate cross-access easement instrument in favor of printing the following "Cross-access Easement Certificate" on the recordable instrument:

*"Areas on these plans designated as a 'Cross-access Easement' or abbreviated as "CAE" are established in favor of the adjoining property owner, and grant the public the right to enter the easement for purposes of accessing adjoining parking lots. These easements prohibit any person from parking vehicles within the easement, and prohibit the property owners or any other person from placing any obstruction within the easement. These easements are binding on all heirs, successors, and assigns to the property on which they are located. The grantee or the County may enforce the provisions of the easement. [fill-in applicable language] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance, or its successor ordinance."*
  - b. The dedication and acceptance of any cross-access easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
  - c. If the Declaration of Covenants is included on the recordable instrument, the cross-access easement certificate clearly shall be separate from the Declaration of Covenants.

## C. General Easements:

1. *Instrument Specifications:* When an easement is required by the Unified Development Ordinance or an easement is required per a commitment or condition of approval, but the standards for the easement type are not specified, the property owner of record shall execute the easement instrument in favor of the appropriate parties (for example, the general public, County, specific abutting property owner, etc.). The easement instrument shall be signed by the property owner of record granting the easement and an authorized representative of the appropriate party accepting the easement. The easement instrument shall include the following language:
  - a. Identify the project or development with which the easement is associated.
  - b. Specify those activities the appropriate parties are authorized to perform in the easement.
  - c. Specify those activities the property owner of record is prohibited from performing in the easement.
  - d. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
  - e. Be enforceable by the property owner of record, any appropriate parties, and the County.
  - f. Provide for modification in the manner stipulated in the Unified Development Ordinance.
  - g. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established.
  - h. Include a metes and bounds description of the easement.
  - i. Be signed by an authorized representative of the property owner of record granting the easement and by an authorized representative of the grantee accepting the easement.
2. *Easement Certificate:*
  - a. When a secondary plat, development plan, or final plan of a planned development is being recorded, the applicant may forego a separate easement instrument in favor of printing an easement certificate, the content of which has been approved by the Plan Commission Attorney, on the recordable instrument.
  - b. The dedication and acceptance of any easements shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the appropriate property owners, or their agents.
  - c. If the Declaration of Covenants is included on the recordable instrument, the easement certificate shall be clearly separate from the Declaration of Covenants.

## 7.07 EF-01: Entryway Feature Standards

This Entryway Feature Standards (EF) section applies to the following types of development:



### A. Applicability:

1. *Residential*: Residential developments with fifty (50) or more lots or units shall be required to establish an entryway feature. Residential developments with less than fifty (50) lots or units may establish an entryway feature.
2. *Non-residential*: Non-residential developments with more than four (4) lots and private streets shall be required to establish an entryway feature. Non-residential developments that have four (4) lots or less or that do not have private streets may establish an entryway feature.

### B. Location: Entryway features shall be located at vehicular entrances to a development, but shall not be located within any right-of-way.

### C. Quantity and Size: The quantity and size of entryway features shall depend on the number of entrances and classification of the street where the entrance is located.

#### 1. *Residential*:

- a. Residential developments with less than fifty (50) lots or units shall be permitted one (1) entryway feature. The identification portion of the entryway feature shall not exceed twenty (20) square feet in area.
- b. Residential developments with fifty (50) or more lots or units, but with less than 100 lots or units, shall be permitted one (1) entryway feature. The identification portion of the entryway feature shall not exceed forty (40) square feet in area.
- c. Residential developments with 100 or more lots or units shall be permitted one (1) entryway feature for the primary entrance, and one (1) entryway feature for each secondary entrance. The identification portion of the primary entrance's entryway feature shall not exceed forty (40) square feet; the identification portion of the secondary entrances' entryway feature shall not exceed twenty (20) square feet.

#### 2. *Nonresidential*:

- a. Nonresidential developments with four (4) or less lots or that do not have private streets shall be permitted one (1) entryway feature. The identification portion of the entryway feature shall not exceed twenty (20) square feet in area.
- b. Non-residential developments with more than four (4) lots and private streets shall be permitted one (1) entryway feature. The identification portion of the entryway feature shall not exceed forty (40) square feet in area.

### D. Landscaping: The identification portion of the entryway feature shall be significantly subordinate to the landscaping of the entryway feature.

# Erosion Control Standards (EC)

## 7.08 EC-01: Erosion Control Standards

This Erosion Control Standards (EC) section applies to the following types of development:



- A. Cross Reference: All proposed subdivisions, planned developments, and development plans shall be in compliance with the *Noble County Storm Drainage and Erosion Control Ordinance*.



## 7.09 FH-01: Floodplain Hazard Standards

This Floodplain Hazard Standards (FH) section applies to the following types of development:



### A. Base Flood Elevation:

1. *Within Special Flood Hazard Areas:* The base flood elevation (BFE) shall be identified on all secondary plats containing lands within a Special Flood Hazard Area (SFHA) and submitting for approval.
2. *Larger Developments:* Base flood elevation data shall be provided for proposed subdivisions, planned developments, and development plans encompassing either five (5) or more acres or fifty (50) or more lots.

### B. Design:

1. *Minimize Flood Damage:* All proposed subdivisions, planned developments, and development plans shall be designed to minimize flood damage, including having public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
2. *Drainage:* All proposed subdivisions, planned developments, and development plans shall have adequate drainage provided to reduce exposure to flood hazards.

- ### C. Evacuation Plan: All owners of manufactured home parks or subdivisions located within a Special Flood Hazard Area (SFHA) identified as an "A Zone" on the Flood Insurance Rate Maps shall develop an evacuation plan for those lots located in the Special Flood Hazard Area (SFHA) and have the evacuation plan filed with and approved by the appropriate community emergency management authorities.

# Lot Establishment Standards (LT)

## 7.10 LT-01: Residential Lot Establishment Standards

This Lot Establishment Standards (LT) section applies to the following types of development:



- A. **Project Applicability:** The shape, location, and orientation of lots within a subdivision, planned development, or other development shall be appropriate for the uses proposed and be consistent with the intent of the subdivision as indicated in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments. Lot area and lot width shall meet or exceed those stated in the appropriate zoning district in *Article 02: Zoning Districts*; lot frontage shall meet or exceed the standards in *Section 5.33: Lot Standards*.
- B. **Lot Design:** Lots shall meet the following conditions.
1. **Interior Street Frontage:** Residential lots shall be laid out to front interior streets, which may include frontage streets. Residential lots shall not front perimeter streets.
  2. **Side Lot Lines:** Residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street the lot fronts.
  3. **Corner Lots:** Residential corner lots smaller than 20,000 square feet shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of a development entrance and a perimeter street. This provision shall not apply to properties zoned LR.
  4. **Through Lots:** Through lots are discouraged, and shall only be permitted if the lot does not establish access to both frontages.
  5. **Special Lots:** Residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the lot that abuts the water feature as a “no-disturb” zone.
  6. **Property Line Corners:** At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.
- C. **Miscellaneous:** Under no circumstances shall a lot be established or utilized in conjunction with a subdivision or development to allow access to a lake for property owners within a subdivision or development that have lots that are not lake-front lots.

## 7.11 LT-02: Non-residential Lot Establishment Standards

This Lot Establishment Standards (LT) section applies to the following types of development:



- A. **Project Applicability:** The shape, location, and orientation of lots within a subdivision, planned development, or other development shall be appropriate for the uses proposed and be consistent with the intent of the subdivision as indicated in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments. Lot area and lot width shall meet or exceed those stated in the appropriate zoning district in *Article 02: Zoning Districts*; lot frontage shall be meet of exceed the standards in *Section 5.33: Lot Standards*.
- B. **Lot Design:** Lots shall meet the following conditions.
1. **Interior Street Frontage:** Non-residential lots shall be laid out to front interior streets, which may include frontage streets. Individual lots shall only be laid out to have access onto perimeter streets if expressly permitted by the Zoning Administrator.
  2. **Side Lot Lines:** Non-residential lots shall have side lot lines that are within fifteen degrees (15°) of a right angle to the street the lot fronts, and side lot lines shall extend in a straight line from the street for at least twenty percent (20%) of the property's depth.
  3. **Corner Lots:** Non-residential corner lots shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by twenty-five percent (25%).
  4. **Special Lots:** Non-residential lots abutting a watercourse, drainage way, channel, or stream shall be twenty-five percent (25%) larger than the minimum lot area indicated for the zoning district. This space shall be allocated on the side of the property that abuts the water feature as a "no-disturb" zone.
  5. **Cohesive Design:** Non-residential developments (i.e. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. Cross-access easements to allow access between parking lots shall be included where appropriate. See *Section 7.06: Easement Standards* for details on Cross-access Easements.
  6. **Sensitivity to Context:** Non-residential developments shall be laid out to be sensitive to neighboring developments (if built) or neighboring zoning districts if undeveloped.
  7. **Property Line Corners:** At intersections of streets, property line corners shall be rounded by arcs of at least fifteen (15) feet in radius or by chords of such arcs.
- C. **Miscellaneous:** Under no circumstances shall a lot be established or utilized in conjunction with a subdivision or development to allow access to a lake for property owners within a subdivision or development that have lots that are not lake-front lots.

## 7.12 MX-01: Mixed Use Development Standards

This Mixed Use Development Standards (MX) section applies to the following types of development:



- A. Project Applicability: Any development that incorporates a mix of uses as a planned development shall meet the standards in this section. A mix of uses may be proposed within the same building, lot, and/or in the same development.
- B. Planned Development:
  - 1. *Minimizing On-site Conflicts*: Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
  - 2. *Buffering Adjacent Properties*: Any land use within the development that borders a differing land use outside the development shall be required to install a mitigating buffer yard.

## 7.13 MM-01: Monument and Marker Standards

This Monument and Marker Standards (MM) section applies to the following types of development:



- A. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18 and any applicable Noble County construction standards.
- B. Post Construction Affidavit: At the time of platting, an affidavit by the surveyor shall be submitted certifying that the monuments and markers are still accurately in place, and were not removed, moved, or buried such that they do not accurately denote surveyed lines or cannot be easily located.

# Open Space Standards (OP)

## 7.14 OP-01: Open Space Standards

This Open Space Standards (OP) section applies to the following types of development:



- A. **Applicability:** The minimum open space required for each type of subdivision shall be as indicated on the two-page layouts *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development* for planned developments.
- B. **Ownership:** Open space areas shall retain private ownership whether that be a single land owner or an owners' association.
- C. **Qualifying Areas:** The following features count toward the minimum open space requirements:
  1. **Conservation Areas:** Any required preservation/conservation area.
  2. **Man-made Water Features:** Any man-made water feature, including a retention facility, if it supports aquatic life and provides native habitat that meets the following conditions:
    - a. A surface area at average water mark of at least 32,670 square feet ( $\frac{3}{4}$  acre); and
    - b. A buffer area around the perimeter of the water feature that is at least fifty (50) feet in width that is open space. The buffer area shall be planted and maintained as wildlife habitat.
  3. **Man-made Dry Detention Facilities:** Any man-made storm water dry detention facility that meets the following conditions:
    - a. At least 10,890 square feet ( $\frac{1}{4}$  acre) of flat bottom area.
    - b. Depth of the detention facility shall not exceed four (4) feet from top of bank.
    - c. Slopes within the detention facility shall not exceed a 4:1 ratio.
    - d. A buffer area around the perimeter of the facility that is at least twenty-five (25) feet from the top of bank that is open space. The buffer area (and facility) shall be planted and maintained as usable area. This includes use of prairie grasses, native species, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank.
  4. **Regulated Floodplain:** The regulated floodplain of any stream, regulated drain, or river.
  5. **Required Perimeter Landscaping:** Fifty percent (50%) of the perimeter landscaping areas required in *Section 7.17: Perimeter Landscaping Standards*.
  6. **Other:** Other common areas set aside to meet open space requirements.
- D. **Miscellaneous:** Under no circumstances shall required or elective open space be established to allow access to a lake for property owners within a subdivision or development that have lots that are not lake-front lots.

## 7.15 OA-01: Owners' Association Standards

This Owners' Association Standards (OA) section applies to the following types of development:



- A. **Project Applicability:** Any subdivision or development with common area, private streets, shared driveways, shared parking, amenity centers, shared or private utilities, community retention pond, and the like shall meet the Owners' Association Standards.
- B. **Establishment of Owners' Association:**
1. *Perpetuity:* An owners' association shall be created in perpetuity to make decisions about and to maintain all common property and/or common facilities.
  2. *Organization:* An owners' association shall be a legally incorporated entity or shall be created by other legal mechanism which provides shared ownership or shared responsibility of common property and/or common facilities. A board of directors or other means for representation in decision-making shall be established.
  3. *Recording of Legal Mechanism:* The legal mechanism binding all property owners or vested parties shall be recorded in the Office of the Noble County Recorder, and shall be cross referenced to each applicable lot or property.
  4. *Declaration of Covenants:* The owners' association shall be responsible for the administration of any covenants utilized to further restrict improvements and uses in the development. The "Declaration of Covenants" shall be recorded in the Office of the Noble County Recorder following secondary plat approval (subdivisions) or Final Development Plan approval (planned developments or development plans) and prior to selling a lot or unit.
  5. *Commitments or Conditions of Approval:* Any covenant language that resulted as a commitment or condition of approval shall be included in the covenants or other legal document, and shall be clearly denoted as non-amendable by the owners' association.
  6. *Association Fee:* An association fee or other financial mechanism shall be included in the legal mechanism and be equal to the financial needs of the owners' association to maintain common property and/or common facilities, and to accumulate a reserve account for long-term large expenditures, emergencies, and contingencies.
- C. **Contractual Obligations:** Prior to the transition from the developer being responsible for common property and/or common facilities to the owner's association being responsible for common property and/or common facilities, the developer shall not enter into any contractual obligation on behalf of the owners' association that exceeds one (1) year. Once the owners' association is responsible for common property and common facilities, the renewal of such a contract shall be at the discretion of the owners' association.
- D. **Required Language:** The following language shall be required in the legal mechanism establishing the owners' association:
1. *Street Lighting:* When street lighting is installed, the County shall not, now or in the future, be obligated to accept the lights as public property. The County shall bear no financial responsibility for operation or maintenance costs associated with street lighting. The owners' association shall bear the cost of operation and maintenance. In the event the owners' association fails to maintain street lighting, the County may make the improvements and assess each property for the project cost plus administration costs.
  2. *Retention Pond and Drainage Systems:* When a retention pond and/or other drainage systems are required or installed, the County shall not, now or in the future, be obligated to accept them as public infrastructure or to maintain those facilities. The owners' association shall bear the cost of such maintenance. In the event the owners' association fails to maintain the retention pond and/or other drainage facilities, the County may make the improvements and assess each property for the project cost plus administration costs.
  3. *Private Streets:* When private streets are installed, the County shall not, now or in the future, be obligated to accept private streets as public property. The County shall bear no financial responsibility for maintenance or replacement costs associated with private streets. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain private streets, the County may make the improvements and assess each property for the project cost plus administration costs.

4. *Sidewalks*: When sidewalks are installed outside of a right-of-way, the County shall not, now or in the future, be obligated to accept the sidewalks as public property. The County shall bear no financial responsibility for maintenance or replacement costs. The owners' association shall bear the cost of maintenance and replacement. In the event the owners' association fails to maintain the sidewalks, the County may make the improvements and assess each property for the project cost plus administration costs.
  5. *Landscaping*: When landscaping is installed in common areas or easements, the owners' association shall be responsible for maintaining the plant material in healthy condition, removal of dead or diseased vegetation, and/or replacement of landscaping, as necessary.
  6. *Right of Way*: Once rights-of-way are platted, the County obtains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work. The County's action shall not result in an unnecessary or unfair financial burden to the owners' association.
- E. Enforcement: Failure of the owners' association to maintain an effective legal mechanism or failure of the owners' association to fulfill its responsibilities within that legal mechanism shall be deemed a violation of the Unified Development Ordinances and may be subject to *Article 10: Enforcement and Penalties*.
- F. Miscellaneous: Under no circumstances shall common area or easements be established to allow access to a lake for property owners within a subdivision or development that have lots that are not lake-front lots.



## 7.16 PN-01: Pedestrian Network Standards

This Pedestrian Network Standards (PN) section applies to the following types of development:



A. Cross Reference: See the *Noble County Highway Construction Standards* for pedestrian network standards.



# Perimeter Landscaping Standards (PL)

## 7.17 PL-01: Perimeter Landscaping Standards

This Perimeter Landscaping Standards (PL) section applies to the following types of development:



- A. Applicability: Perimeter landscaping shall be installed as indicated in the minimum perimeter landscaping standards on the two-page layout for each subdivision type in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments. If not indicated, the Zoning Administrator shall determine the appropriate perimeter landscaping requirements for the development.
- B. Ownership: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or an owners' association.
- C. Landscaping Design:
  1. *Size*: Perimeter landscape areas shall extend the entire length of the frontage.
  2. *Plantings*: Trees and shrubs shall be provided at a combined rate of ten (10) per 100 lineal feet of perimeter planting. Plantings shall be fifty percent (50%) evergreen, and grouping of the plantings is encouraged to imitate natural vegetation.
  3. *Fencing or Mounding*: Fencing and/or mounding may be integrated with the required plantings if the following conditions are met:
    - a. Perimeter fences shall be high quality and be between thirty-six (36) inches and seventy-two (72) inches in height.
    - b. Mounds may be combined with plantings and fencing. If used, mounds shall be a minimum of three (3) feet in height with a side slope not to exceed a three to one (3:1) ratio. Continuous mounds shall not be permitted (i.e. levee-like mounds).
- D. Qualifying as Required Open Space: Fifty percent (50%) of the perimeter landscaping areas may count towards open space required in *Section 7.14: Open Space Standards*.
- E. Miscellaneous: Under no circumstances shall perimeter landscaping be established to allow access to a lake for property owners within a subdivision or development that have lots that are not lake-front lots.

## 7.18 PQ-01: Prerequisite Standards

This Prerequisite Standards (PQ) section applies to the following types of development:



- A. **Applicability:** If any of the following prerequisites do not appear for a particular type of subdivision (in *Article 06: Subdivision Types*) or for a planned development (in *Article 04: Planned Development Districts*), then that prerequisite does not exist for that particular subdivision type or planned development.
1. **Base Zoning:** Prior to consideration of a subdivision by the Plan Commission, the base zoning of the parent tract for a subdivision shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*. If a parent tract is in multiple zoning districts, each of those zoning districts must be listed. Likewise, the base zoning of a property proposed for a planned development shall be as indicated in *Article 04: Planned Development Districts* for planned developments prior to consideration of the planned development by the Plan Commission.
  2. **Minimum Parent Tract:** The minimum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments.
  3. **Maximum Parent Tract:** The maximum parent tract area shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments.
  4. **Special Qualifications:** All special qualifications indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types* or as indicated in *Article 04: Planned Development Districts* for planned developments shall be met prior to consideration of the subdivision or planned development by the Plan Commission.

# Storm Water Standards (SM)

## 7.19 SM-01 Storm Water Standards

This Storm Water Standards (SM) section applies to the following types of development



- A. Applicability: Subdivisions, planned developments, and development plans shall provide for the collection and management of all storm and surface water drainage.
- B. Cross Reference: Developments within the zoning jurisdiction of Noble County shall meet or exceed the *Noble County Storm Drainage and Erosion Control Ordinance*. Drainage facilities shall be constructed to meet or exceed any applicable Noble County construction standards.

## 7.20 SA-01: General Street and Access Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **General:** All developments shall provide adequate access to the existing street network and allocate adequate areas for new streets that is consistent with the Noble County Comprehensive Plan.
- B. **Cross Reference:** All street improvements, private or public, shall be designed, constructed, and installed to meet or exceed any applicable *Noble County Highway Construction Standards*. This includes, but shall not be limited to, cul-de-sacs, passing blisters, acceleration lanes, and deceleration lanes.
- C. **Design Principles:** Streets shall create conditions favorable to health, safety, convenience, and the harmonious development of the community; shall give consideration to connectivity to adjacent parcels; and shall provide access to the County's existing street network. All public streets and associated rights-of-way and all private streets and associated easements shall meet the following design criteria.
  1. **Applicability:**
    - a. **Block Length:** See the *Noble County Highway Construction Standards* for block length standards.
    - b. **Cul-de-sac Length:** See the *Noble County Highway Construction Standards* for cul-de-sac standards. Cul-de-sacs are permitted only if indicated as such in the Subdivision types in *Article 06: Subdivision Types*.
    - c. **Right-of-way:** See the *Noble County Highway Construction Standards* for right-of-way standards.
    - d. **Street Width:** See the *Noble County Highway Construction Standards* for right-of-way standards.
    - e. **Curb:** See the *Noble County Highway Construction Standards* for curb standards.
    - f. **On-street Parking:** See the *Noble County Highway Construction Standards* for on-street parking standards.
    - g. **Tree Plots:** See the *Noble County Highway Construction Standards* for tree plot standards.
  2. **Prohibited Street Designs:** Permanent dead end streets shall not be permitted. Cul-de-sacs and stub streets are not considered dead end streets.
  3. **Connectivity:** All developments shall provide stub streets to connect to adjacent properties that meet the following criteria:
    - a. Where the development abuts land that has established stub streets, built or platted, the applicant shall design the street system to connect to those stub streets.
    - b. Where the development abuts undeveloped land, stub streets may be proposed by the applicant. Generally, each side of the development that does not border a public street shall have at least one (1) stub street. In large developments, additional stub streets may be necessary to provide adequate connectivity adjacent properties, but in conservation developments, stub streets may not be necessary. Ultimately, the final number and location of stub streets shall be determined by the Zoning Administrator.
    - c. Regard shall be given to the Noble County Comprehensive Plan.
  4. **Stub Streets:** Stub streets shall be constructed when other streets are built within the development.
  5. **Temporary Turnarounds:** A temporary turnaround shall be established for each stub street, and a temporary turnaround easement shall provide for the turnaround.
    - a. **Temporary Turnaround Easements:** When a temporary turnaround is required, the applicant shall execute a temporary turnaround easement instrument in favor of the general public through the County Commissioners or print the following information, a temporary turnaround easement (TTE) certificate, on the plan or plat that is to be recorded.
      - i. Identify the development with which the temporary turnaround easement (TTE) is associated.
      - ii. The temporary turnaround easement (TTE) shall grant the general public the right to access the easement for purpose of maneuvering vehicles.
      - iii. The temporary turnaround easement (TTE) shall grant the County the right to alter, repair, maintain, or remove the improvements.
      - iv. The temporary turnaround easement (TTE) shall prohibit any person from parking vehicles within the easement.

- v. The temporary turnaround easement (TTE) shall prohibit any person, including the property owner, from placing any obstruction within the easement.
  - vi. The temporary turnaround easement (TTE) shall be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located.
  - vii. The temporary turnaround easement (TTE) shall be enforceable by the County Commissioners, the Plan Commission, the Zoning Administrator, or the County Attorney.
  - viii. The temporary turnaround easement (TTE) shall automatically terminate upon the County's acceptance of a connecting street. Otherwise, the temporary turnaround easement (TTE) shall only be modified or terminated in a manner specified in the Unified Development Ordinance.
- b. When a temporary turnaround easement instrument is used, it shall cross-reference the most recently recorded deed to the property on which the temporary turnaround easement is to be established; include a metes and bounds description of the temporary turnaround easement; and be signed by the property owner of record granting the temporary turnaround easement and by authorized representatives of the County Commissioners accepting the easement.
  - c. When the temporary turnaround easement certificate on the plan or plat to be recorded is used, the dedication and acceptance of the easement shall be accomplished by a Certificate of Dedication being signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by the appropriate representative of the County Commissioners. These documents shall be recorded with the plan or plat, and shall not be part of any declaration of covenants for the development.
6. *Gated Entrances*: Developments may have gated entrances, but shall have apparatus installed such that emergency vehicles (i.e. fire, police, and ambulance) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck servicing the area to easily turn into the development.
  7. *Boulevard Entrances*: Developments may have a boulevard entrance, but the boulevard entrance shall extend at least fifty (50) feet from the perimeter street's right-of-way. The width of the center planting strip shall be at least ten (10) feet.
  8. *Intersections*:
    - a. All intersections of two (2) streets shall be within fifteen degrees (15°) of right angles to each other as measured at the street center lines.
    - b. Intersections of more than two (2) streets at one (1) point shall not be permitted.
    - c. Where ever possible, new local streets shall be aligned with existing local streets. Local street intersections with centerline offsets of less than 125 feet shall not be permitted.
- D. Naming and Addressing Principles: All streets, public and private, shall meet the following street name criteria.
1. *Proposed Street Name*: The applicant shall propose a unique name for each street within the development at the time of initial application. The proposed street names shall meet the following criteria.
    - a. *Extensions*: Streets which are extensions, continuations, or in alignment with any existing street, platted right-of-way, or recorded access easement, shall bear the name of the existing street.
    - b. *Root Name*: The root street name (e.g. Maple) shall not duplicate or be phonetically similar to any existing street name.
    - c. *Suffix Name*: Deviations in suffix names (e.g. Street, Court, or Avenue) shall not constitute a unique name (for example, if Maple Street existed, the name Maple Court would not be permissible).
    - d. *Large Developments*: Streets within a large development or separate developments within close proximity may be authorized to use the same root name by the Plan Commission.
  2. *Proposed Address Numbers*: Street address numbers for all lots that are consistent with the County's existing address scheme shall be proposed by the applicant.
  3. *Approval Authority*: While street names and address numbers proposed by the applicant shall be considered, the Plan Commission has authority to approve or deny any proposed street name or address number.

4. *Renaming Authority:*
  - a. *Existing Street Names and Address Numbers:* Existing street names and address numbers that have been approved by the Plan Commission shall not be changed without Plan Commission approval.
  - b. *Proposed Street Names and Address Numbers:* The Plan Commission shall have authority to require a new unique name for any street if the name proposed by the applicant is unacceptable. If an acceptable and unique street name is not proposed by the applicant, the Plan Commission shall rename the street prior to final approval. Likewise, if an unacceptable address number is proposed for a lot, the Plan Commission shall have the authority to assign a new address number to any lot prior to final approval.
- E. *Additional Rights-of-way Required:* When a proposed development abuts an existing streets that does not meet the minimum right-of-way widths established in the Noble County Comprehensive Plan, the applicant shall dedicate additional right-of-way sufficient to meet the requirements of the Noble County Comprehensive Plan. If the applicant only controls property on one (1) side of the street, sufficient right-of-way shall be dedicated to bring the half right-of-way up to the width required in the Noble County Comprehensive Plan.
  1. *Off-site Street Improvements:* When a development requires off-site street improvements, such as a passing blister, acceleration lane, or deceleration lane, and inadequate right-of-way exists to install the off-site street improvement, the applicant shall make a good faith effort to acquire property sufficient for the installation of the off-site improvement. If the owner of the property on which the off-site improvement is to be installed refuses to sell the property to the applicant, the applicant shall provide the Zoning Administrator with copies of all surveys; appraisals; written offers made by the applicant; and correspondence from the property owner.
  2. *Eminent Domain:* When the installation of off-site street improvements is required, it is because those off-site street improvements are vital to the health, safety, and welfare of the motoring public. As a result, the County may begin eminent domain proceedings in accordance with *IC 32-24: Eminent Domain* for the acquisition of public right-of-way sufficient for the installation of the off-site street improvement upon receipt of the aforementioned documentation illustrating the applicants failure to acquire the needed property. Upon completion of the eminent domain proceedings, the applicant shall reimburse the County in an amount equal to the cost of the land, cost for any condemnation on that land, and the cost to relocated any features.
  3. *Installation of Improvements:* The applicant shall then install the off-site street improvement to meet or exceed any applicable Noble County construction standards.

# Street and Access Standards (SA)

## 7.21 SA-02: Private Street Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **Project Applicability:** Private streets shall be permitted, but shall meet or exceed the standards for public streets established within the Unified Development Ordinance and the *Noble County Highway Construction Standards* for public streets.
- B. **Required Language:** When a private street easement appears on a plat, the following language shall be printed on the plat, "The developer of this real estate covenants and warrants on behalf of itself and all future owners of lots within this subdivision/development that because the streets are private, all maintenance, repairs, and replacement, now and forever, shall be undertaken at the expense of the lot owners (or unit owners) in accordance with the terms and conditions set forth in the owners' association by-law and articles. No governmental entity has any duty or responsibility to maintain, repair, or replace any private street."
- C. **Location:** Private streets shall be located within private street easements, rather than rights-of-way. All private street easements shall meet or exceed all the standards for rights-of-way established within the Unified Development Ordinance, the Noble County Comprehensive Plan, and any applicable Noble County construction standards.
  1. **Private Street Easement Instrument Specifications:** The applicant shall execute a private street easement instrument in favor of the future lot owners or unit owners to which the private street provides access. The following language shall be included on the private street easement instrument.
    - a. Identify the development with which the private street easement is associated.
    - b. Grant future lot or unit owners the right to access the easement for purposes of accessing their lot or unit.
    - c. Specify the financial responsibilities of the future lot or unit owners with respect to the alteration, repair, maintenance, and removal of the improvements.
    - d. Prohibit future lot or unit owners or any other person from placing any obstruction within the easement.
    - e. Require that the private street be built to any applicable Noble County construction standards.
    - f. Be binding on all heirs, successors, and assigns to the property on which the easement is located.
    - g. Be enforceable by the future lot or unit owners, the County, and any other specially affected persons entitled to enforce the easement.
    - h. Provide for modification or termination in the manner stipulated in the Unified Development Ordinance.
    - i. Be cross-referenced to the most recently recorded deeds to the properties on which the easement is to be established.
    - j. Include a metes and bounds description of the easement.
    - k. Be signed by a each property owner granting the easement and by an authorized representative of future lot or unit owners accepting the easement.
  2. **Private Street Easement Certificate:**
    - a. When a plan (e.g. secondary plat, development plan, etc.) is being recorded, the applicant may forego a separate easement instrument in favor of printing the following private street easement certificate on the recordable instrument:
 

*"Areas show on this plan that are designated as a "Private Street Easement" (PSE) shall be established in favor of the adjoining property owners that are hereby granted the right to enter the easement for purposes of accessing their lot. The easement prohibits the property owners or any other person from placing any obstruction within the easement. The easements are binding on all heirs, successors, and assigns to the property on which they are located. The adjoining property owners or the County may enforce the provisions of the easement. [fill-in applicable language] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in the Unified Development Ordinance."*
    - b. The dedication and acceptance of Private Street Easements (PSE) shown on a recordable instrument shall be accomplished via a Certificate of Dedication and Acceptance signed by the property owner of record granting the easement, and a Certificate of Acceptance signed by an authorized representative of the future lot owners or unit owners.
    - c. If a Declaration of Covenants is included on the recordable instrument, the Private Street Easement Certificate shall be clearly separate from the Declaration of Covenants.



## 7.22 SA-03: Residential Alley Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **General:** In order to better allow diversity in standard subdivision developments, alleys may be used to provide access to up to fifteen percent (15%) of all lots intended for single-family dwelling units to accommodate side-loading garages, rear-loading garages, or detached garages.
- B. **Design Principles:**
  - 1. *Associated Right-of-way or Easement:* Alleys shall be located in a right-of-way or easement that is at least sixteen (16) feet in width.
  - 2. *Pavement Width:* Alleys shall have pavement that is at least twelve (12) feet in width.
  - 3. *Curb:* Alleys shall not be required to have curb except when the alley is within a right-of-way or private street easement where the associated street is required to have curb. In cases where an alley and curbed street intersect, the minimum curb radius shall be eight (8) feet.
  - 4. *Intersections:* Alley intersections with streets shall not exceed twenty degrees (20°) from perpendicular to said streets.
- C. **Construction Standards:** Alleys, public or private, shall be constructed to meet or exceed any applicable Noble County Construction standards.

## 7.23 SA-04: Residential Access Street Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **Cross Reference:** See the *Noble County Highway Construction Standards* for residential access standards.

## 7.24 SA-05: Nonresidential Access Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **Cross Reference:** See the *Noble County Highway Construction Standards* for nonresidential access standards.

# Street and Access Standards (SA)

## 7.25 SA-06: Street Sign Standards

This Street and Access Standards (SA) section applies to the following types of development:



- A. **General:** All streets, public or private, shall have signs necessary to provide a safe environment for drivers and pedestrians and provide information for located streets, addresses, or development amenities.
- B. **Cross Reference:** The County's policies and the Indiana Manual on Uniform Traffic Control Devices for Streets and Highways (current version adopted by the Indiana Department of Transportation) shall be used to determine the type, size, height, and location of each of these signs.
- C. **Public Safety Signs:** The applicant shall coordinate with the Highway Superintendent before purchasing and installing any public safety related street sign. The Highway Superintendent shall make the final determination regarding the final location and height of each sign. All public safety related street signs shall be installed prior to any street being open to the public.
- D. **Street Name Signs:** Street names shall be approved by the Plan Commission prior to street name signs being ordered. The applicant shall coordinate with the Highway Superintendent before purchasing and installing any street name sign. One (1) street name sign shall be required for each intersection within the development and on all perimeter intersections. The Highway Superintendent shall make the final determination regarding the final location and height of each sign. All street name signs shall be installed prior to any street being open to the public.
- E. **Wayfinding System Signs:** The applicant may propose a wayfinding system of signs.
  1. **Purpose:** Wayfinding system signs shall be used to direct vehicular and pedestrian traffic to specific destinations.
  2. **Appearance:** Wayfinding systems shall be required to have signs of consistent size, scale, and appearance.
  3. **Location:**
    - a. Wayfinding system signs shall not be located within the vision clearance triangle as defined in *Section 5.67: Vision Clearance Standards*.
    - b. Wayfinding system signs may be located within rights-of-way with written authorization from the Highway Superintendent. However, the County Highway Department shall not be responsible for the maintenance or replacement of any wayfinding system signs.
  4. **Review and Approval:** Proposals for wayfinding systems shall be reviewed and approved at the discretion of the Zoning Administrator. The Zoning Administrator may take into account the need for the wayfinding system, the size and complexity of the development, quantity and location of signs, number of entrances and exists and the appearance of signs.

## 7.26 SL-01: Residential Street Lighting Standards

This Street Lighting Standards (SL) section applies to the following types of development:



A. Cross Reference: See the *Noble County Highway Construction Standards* for street lighting standards.

# Surety Standards (SY)

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## 7.27 SY-01: Surety Standards

This Surety Standards (SY) section applies to the following types of development:



- A. Cross Reference: See the *Noble County Highway Construction Standards* for surety standards.

## 7.28 UT-01: Utility Standards

This Utility Standards (UT) section applies to the following types of development:



### A. Project Applicability:

1. *Sanitary Sewer:* When required by the base zoning district in *Article 02: Zoning Districts*, sanitary sewer utility infrastructure shall be provided in subdivisions, developments, and planned developments.
2. *Water:* When required by the base zoning district in *Article 02: Zoning Districts*, water utility infrastructure, including potable water and fire protection, shall be provided in subdivisions, developments, and planned developments.

B. Location: Sanitary sewer utility infrastructure and water utility infrastructure shall be located in a right-of-way or within an area designated as a utility easement (or a utility and drainage easement). The location of proposed utilities and any utility easements shall be approved by the Zoning Administrator and the appropriate utility department prior to the final approval of any plan and prior to any installation.

### C. Construction:

1. *Municipal Utility Standards:* All utility improvements and utility infrastructure intended to be dedicated to and accepted by a municipal utility system or a private utility system shall be designed and installed to meet or exceed that applicable utility's construction standards.
2. *State Approval:* The Indiana Department of Environmental Management shall approve plans for the water utility infrastructure after Primary Plat approval, but prior to any installation or Secondary Plat approval.
3. *Coordination:* The applicant shall be responsible for coordinating the installation of the utilities. Conflicts with prior constructed utilities and damage to them shall be repaired before allowing any work to continue.

D. Up-sizing: Upsizing sanitary sewer utility infrastructure and/or water utility infrastructure shall be considered by the owner of the utility system and the applicant depending on future development of adjacent parcels. Agreements concerning upsizing utility infrastructure shall be in accordance with appropriate Indiana Statutes and executed prior to the start of installation of the utility infrastructure.

E. Electric Service: Electric utility infrastructure shall be installed underground in subdivisions, sites subject to development plan approval, and planned developments. No overhead wires or utility poles shall be permitted. Meters, transformers, and junction boxes are permitted above grade, but shall be discretely located.

F. Cable Television and Telephone Utilities: Cable television and telephone utilities shall be installed underground in subdivisions, sites subject to development plan approval, and planned developments. No overhead wires or utility poles shall be permitted. Junction boxes are permitted above grade, but shall be discretely located. The installation of the cable television and telephone utilities shall be per each vendor's construction standards.

Article

08

Nonconformances

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**Noble County  
Unified  
Development  
Ordinance**

# Nonconforming Structures, Uses and Lots

## 8.01 Intent

As new zoning regulations are adopted or zoning map changes are made, lots, structures, and uses that were previously compliant with zoning regulation are sometimes made noncompliant. *Article 08: Nonconformances* specifies the provisions that apply to these legal nonconforming (informally referred to as “grandfathered”) lots, structures, and uses.

## 8.02 Distinction Between Conforming, Illegal Nonconforming, and Legal Nonconforming

Each structure, use, and lot is either "conforming" or "nonconforming." Conforming is used to describe a structure, use, or lot as being in full compliance with the current Unified Development Ordinance. Nonconforming is used to describe a structure, use, or lot that is in violation of the current Unified Development Ordinance. Nonconforming structures, uses, and lots are either "illegal nonconforming" or "legal nonconforming." The following sections determine the nonconforming status of a structure, use, or lot:

### A. Illegal Nonconforming:

1. *Structure:* A structure constructed in violation of the zoning ordinance that was in effect when the structure was constructed and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming structure.
2. *Use:* A use that was in violation of the zoning ordinance that was in effect when the use was initiated and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming use. In addition, a use that was legally established and is not permitted under the current Unified Development Ordinance, but has been abandoned or discontinued for a period of at least one (1) year, is an illegal nonconforming use.
3. *Lot:* A lot established in violation of the zoning or subdivision control ordinance that was in effect at the time of establishment and which remains in violation of the current Unified Development Ordinance is an illegal nonconforming lot.

### B. Legal Nonconforming

1. *Structure:* A structure that does not meet one (1) or more development standards of the Unified Development Ordinance, but was legally established prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming structure. Generally, a structure is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.
2. *Use:* The use of a structure or land (or a structure and land in combination) that was legally established and has since been continuously operated, that is no longer permitted by the Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use. Generally, a use is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.
3. *Lot:* A lot that does not meet one (1) or more lot standards of the Unified Development Ordinance, but was legally established and recorded prior to the effective date of the Unified Development Ordinance shall be deemed a legal nonconforming lot of record. Generally, a lot is rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change. However, a legal nonconformity may be a result of government use of eminent domain or right-of-way acquisition.

## 8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal structure, use, or lot is subject to the enforcement procedures and penalties of the Unified Development Ordinance as amended. The enforcement and penalties of the zoning ordinance in place at the time the violation occurred shall no longer be in effect.

# Nonconforming Structures

## 8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures, structures associated with legal nonconforming uses, and structures associated with legal nonconforming lots.

- A. Legal Nonconforming Building Provisions: The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:
1. *Building Expansion*: A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
  2. *Building Exterior Alteration*: The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
  3. *Building Interior Alteration*: Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
  4. *Building Relocating*: A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
- B. Legal Nonconforming Structure Provisions: The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:
1. *Structure Alteration*: A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the maximum height standard currently permitted and is otherwise in compliance with Unified Development Ordinance.
  2. *Structure Relocating*: A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
  3. *Conversion for Longevity*: Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.
- C. Loss of Legal Nonconforming Structure Status: The following provisions apply to all types of structures:
1. *Condemned Structures*: If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired to correct its deficiencies within three (3) months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial three (3) month period and reasonable attempts are being made by the owner to remedy the condemnation.
  2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (i.e. fifty percent (50%) or more of the structure), the remaining permanent structure shall lose its legal nonconforming status and become illegal nonconforming; unless by significantly removing or razing the permanent structure the remaining permanent structure is in compliance or more in compliance with the current Unified Development Ordinance.
  3. *Removal of Temporary Structures*: If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.
  4. *Flood*: If a structure is severely damaged from a flood, resulting in a loss of either fifty percent (50%) of its market value or fifty percent (50%) of its structure, all reconstruction or repair of those damages shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild or repair the structure as it previously existed.



5. *Acts of Nature*: If a structure is severely damaged from an act of nature, all reconstruction shall be required to meet the current Unified Development Ordinance. All other structures damaged by an act of nature shall be allowed to rebuild the structure that previously existed. Flooding shall be regulated by *Section 8.04(C)(4)*.
- D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

# Nonconforming Lots

## 8.05 Legal Nonconforming Lots

The following provisions apply to legal nonconforming lots:

- A. Legal Nonconforming Lot Provisions: A legal nonconforming lot shall be permitted to be developed as long as the desired structure(s) and use(s) meets the current Unified Development Ordinance. If the application of the current Unified Development Ordinance renders the lot undevelopable (e.g. the current setbacks do not permit a developable building envelope), the owner shall request the County apply for reasonable variances from the Board of Zoning Appeals.
- B. Loss of Legal Nonconforming Lot Status:
  1. *Combining Lots Results in Conformity*: If a legal nonconforming lot is combined with an adjacent lot resulting in conformity with the current Unified Development Ordinance, it shall lose its legal nonconforming status. Therefore, future division of the combined lot shall conform to the current Unified Development Ordinance.
  2. *Lots in Combination*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner uses both lots in combination for a duration of more than five (5) years, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) or more lots in combination would constitute a single conforming lot.
  3. *Permanent Structure Across Property Lines*: If a legal nonconforming lot is owned by the same person as the adjacent lot, and the owner constructs a permanent structure across the property line, thus permanently using two (2) lots in combination, the legal nonconforming lot shall lose its legal nonconforming status; provided the two (2) lots in combination would constitute a single conforming lot.

## 8.06 Legal Nonconforming Use

The following provisions apply to legal nonconforming uses:

### A. Cross Reference:

1. *Agricultural:* With respect to agricultural legal nonconforming uses, nothing in this section shall be interpreted in a manner that is inconsistent with *IC 36-7-4-616: Zoning ordinance; agricultural nonconforming use.*

### B. Legal Nonconforming Use Provisions: The provisions for legal nonconforming uses are as follows:

1. *Utilizing Existing, Enlarged, New, or Relocated Buildings:* A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New, or Relocated Structures:* A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land:* Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance, provided the utilization of land meets the current Unified Development Ordinance.
4. *Increase in Nonconformity:* No legal nonconforming use shall be permitted to increase its nonconformity.

### C. Loss of Legal Nonconforming Use Status:

1. *Abandonment of Use:* If a legal nonconforming use is abandoned or is discontinued for six (6) or more months, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance.
2. *Change of Use:* When a legal nonconforming use is changed, altered, or evolves to be in compliance or more in compliance with the current Unified Development Ordinance, the legal nonconforming use status is lost or partially lost. The current use cannot revert back to the original legal nonconforming use or increments thereof.

Article

09

Processes

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**Noble County  
Unified  
Development  
Ordinance**

## 9.01 Processes Applicable to an Established Buildable Lot

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves permanently constructing, installing, adding onto, altering, or relocating a building or structure shall be reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Improvement Location Permit* for details about this process.
- B. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.07: Temporary Improvement Location Permit* for details about this process.
- C. Special Exception: An application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 02: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific lot named in the application. See *Section 9.14: Special Exception* for details about this process.
- D. Change to a Different Zoning District: An application for a Rezoning may be filed for a lot to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning district. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial by the County Commissioners is a legislative act and is fully discretionary. See *Section 9.21: Zoning Map Amendment (Rezoning)* for details about this process.

# Introduction to Processes

## 9.02 Development Plan Approval Processes Applicable to a Buildable Lot

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure: A project that involves permanently constructing, installing, adding onto, altering, or relocating a structure (e.g. building) shall be reviewed as a Development Plan by the Plan Commission. Projects that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.09: Development Plan* for details about this process.
- B. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed as a Development Plan by the Plan Commission. Projects that are in full compliance with the applicable regulations shall be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.07: Temporary Improvement Location Permit* for details about this process.
- C. Special Exception: An application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 02: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific lot named in the application. See *Section 9.14: Special Exception* for details about this process.
- D. Change to a Different Zoning District: An application for a Rezoning may be filed for a lot to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning district. The Plan Commission shall then forward a recommendation to the County Commissioners for final action. Approval or denial by the County Commissioners is a legislative act and is fully discretionary. See *Section 9.21: Zoning Map Amendment (Rezoning)* for details about this process.

# Introduction to Processes

## 9.03 Processes for Relief from Regulations

This process section applies to the following zoning districts:



- A. **Administrative Appeal:** An application to appeal a decision, interpretation, order determination, or action of the Zoning Administrator, to be overturned or corrected, shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order determination or action. See *Section 9.08: Administrative Appeal* for details about this process.
- B. **Variance from Development Standards:** An application for a Variance may be filed for an applicable development standard may be partially or fully waived by the Board of Zoning Appeals, or a use that is not permitted may be permitted. The Board of Zoning Appeals may grant a Variance of Development Standard or a Variance of Use upon making specific findings of fact, with or without conditions or commitments. See *Section 9.20: Variance* for details about this process.

## 9.04 Process for Planned Developments

This process section applies to the following zoning districts:



- A. **Planned Development:** An elective approval process for either:
  1. *Mixed-use:* Developments that involve mixed-use buildings or subareas,
  2. *Unique Designs or Products:* Significantly unique development designs or products that would be difficult to approve through standard zoning, or
  3. *Unique Geologic Features:* Land that has significantly unique geologic features.

This process allows the developer to propose a unique ordinance that partially replaces this Unified Development Ordinance's development standards to allow greater design flexibility. Applications for Planned Development are reviewed and approved by the Plan Commission and County Commissioners. Approval or denial is at the full discretion of the Plan Commission and County Commissioners. See *Section 9.10: Planned Development; General* for details about this process.

## 9.05 Process for Subdivision of Land

This process section applies to the following zoning districts:



- A. **Subdivision of Land:** An application for Subdivision Plat to divide an existing lot in order to create additional lots shall be required to be reviewed and approved by the Plan Commission. This process also applies to any two (2) or more buildable lots being combined into a single buildable lot. Divisions of land recorded at the Office of the Noble County Recorder without being approved by the Plan Commission or approved as an Administrative Subdivision shall not result in buildable lots. See *Section 9.15: Subdivision of Land; Major Subdivision Plat; Primary Plat, Section, 9.17: Subdivision of Land; Minor Subdivision Plat, or Section 9.18: Subdivision of Land; Administrative* for applicability and applicable standards.

# Improvement Location Permit

## 9.06 Improvement Location Permit

- A. Applicability: An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; and prior to establishment of a new home businesses.
- B. Exemption from Improvement Location Permit: The following projects or actions are exempt from having to obtain an Improvement Location Permit, but shall still be required to meet all applicable regulations of the Unified Development Ordinance. Any project exempt from having to obtain an Improvement Location Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*.
1. *Agriculture*: An agriculture related accessory structure is exempt from obtaining an Improvement Location Permit.
  2. *Small Structures*: An accessory structure that is not on a permanent foundation and is less than 120 square feet in area is exempt from obtaining an Improvement Location Permit.
  3. *Softscaping and Hardscaping*: Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
  4. *Deck or Patio*: A deck or patio installed individually or cumulatively that is less than 120 square feet in area over the entire lot is exempt from obtaining an Improvement Location Permit.
  5. *Sign Content Change*: Sign content may be changed without having to receive an Improvement Location Permit.
  6. *Flag Pole*: Flag poles may be installed without obtaining an Improvement Location Permit.
  7. *Play Set*: Play sets may be installed without obtaining an Improvement Location Permit.
  8. *Type 1 Home Based Business*: Type 1 home businesses may commence without obtaining an Improvement Location Permit.
  9. *Property Maintenance*: Normal maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit.
  10. *Adding or Changing Light Fixtures*: Light fixtures may be added or changed without obtaining an Improvement Location Permit.
- C. Cross Reference:
1. *Compliance with Building Code*: An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Inspector. See the Noble County Building Inspector for information regarding this permit.
  2. *Compliance with Drainage and Erosion Control Regulations*: An Improvement Location Permit does not authorize compliance with the *Noble County Storm Drainage and Erosion Control Ordinance*. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects will also have to be reviewed for compliance with the *Noble County Storm Drainage and Erosion Control Ordinance*. This is conducted by the Noble County Surveyor's Office. See the *Noble County Storm Drainage and Erosion Control Ordinance* for information regarding this permit.
  3. *Other Permits*: An Improvement Location Permit does not authorize compliance with any State or federal permits. It is the responsibility of the applicant to acquire any other required permits prior to making any improvement.



# Improvement Location Permit

## D. Filing Requirements:

1. *Application:* An application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
  - a. Applicant's name, mailing address, phone number, and/or email address.
  - b. Property owner's name, mailing address, phone number, and/or email address, if different than the applicant.
  - c. Signature of the applicant, with date, testifying that they are authorized to represent the property.
  - d. Any other information requested on the application form.
2. *For Construction, Installation, Addition, Alteration, or Relocation of a Structure:* In additions to the requirements of *Section 9.06(D)(1): Application*, the following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
  - a. Projects involving non-habitable structures not on a permanent foundation (e.g. a yard barn or fence).
    - i. Detailed description of the proposed project.
    - ii. A scale drawing of the lot with dimensions.
    - iii. Existing adjacent streets with names and other right-of-ways.
    - iv. Existing on-site or adjacent easements, including the name of the easement holder and a description of the terms of the easement.
    - v. Existing location of permanent structures, paved surfaces, and unpaved driveways or parking lots on the lot.
    - vi. Location of the septic system and well if applicable.
    - vii. Location of the proposed structure(s).
    - viii. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.
  - b. Projects involving non-habitable structures on a permanent foundation (e.g. detached garage).
    - i. All requirements from *Section 9.06(D)(2)(a)*.
    - ii. The building envelope shall be shown on the scale drawing of the lot (i.e. the resulting developable area after applying setbacks).
    - iii. A calculation of the existing lot coverage, expressed in a percentage.
    - iv. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
    - v. Measurements between existing and proposed structures, and measurements to property lines.
    - vi. An affidavit stating the proposed project is not located within a floodplain or easement.
    - vii. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.
  - c. Projects involving habitable buildings (e.g. a house or commercial building).
    - i. All requirements from *Section 9.06(D)(2)(b)*.
    - ii. Elevation, above sea level, at the location of the proposed building prior to the start of the project.
    - iii. Certification by a licensed engineer or surveyor that the proposed project is not in or within thirty (30) feet of a floodplain or wetland.
    - iv. Denotation of adjacent zoning districts if different than the subject lot.
    - v. Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure, and any foundation modifications necessary to support the weight of the structure.
    - vi. Location of existing and proposed drainage tile.
    - vii. Location, approximate depth, and details of underground utility lines that will service the building.
    - viii. Location and details of overhead utility lines that will service the building.
    - ix. Location of a septic system, reserve area for a replacement septic system, water well, geothermal loop, and other on-site utility system.
    - x. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.

# Improvement Location Permit

3. *For Establishment of a Type 2 or Type 3 Home Business:* In addition to the requirements of *Section 9.06(D) (1): Application*, the following supporting information shall be provided on a site plan, application form, or as an attachment.
  - a. Description of the proposed home business, including: type of business, hours of operation, number of employees that will work on-site and off-site, whether employees live in the primary structure (i.e. the dwelling), types of vehicles and number of vehicles used by the home business, alterations inside and outside, percentage of primary structure space used by the home business, number of square feet of outdoor areas used for the home business, screening that exists or will be installed around outdoor storage or operations, accessory structures intended to be used and for what purpose, and the total square feet or percentage of an accessory building to be used.
  - b. Detailed description of how the home business will effect on-site or on-street parking; traffic safety; an estimate of average daily trips per week to be made by employees and customers; express, parcel, or freight delivery services likely or intended to be used; if applicable, the size, material, and design of a sign, and machinery intended to be used.
  - c. A affidavit indicating that:
    - i. The home owner understands the applicable home business regulations and the penalties for violations,
    - ii. The home owner understands that if the home business ever needs to expand beyond the home business allowances, it will be relocated to a commercial or industrial zoning district where it can properly grow, and
    - iii. The home owner recognizes that a home business can disrupt the neighbor's enjoyment of their property, can devalue neighbor's property, can discourage neighbor's investment in and improvement to their properties, and can incite strong emotions between neighbors; and for these reasons, commits to managing the potential impacts to neighbors by keeping the property and structures in good order, and by maintaining a "residential" or "rural" character.
  - d. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.
4. *Deadline:* An applications for an Improvement Location Permit may be filed any time.
5. *Fee:* Applicable fees shall be paid at the time the application for an Improvement Location Permit is filed. Fees shall include reimbursement for any cost borne by the County to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

## E. Permit Procedure:

1. *Substantially Complete Application:* An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance:* After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the County Surveyor, Building Inspector, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development Ordinance. During the review process, the Zoning Administrator may:
  - a. *Request Additional Information:* During the process of rendering a decision, the Zoning Administrator may request additional information to be added to the site plan, application form, or attachments.
  - b. *Exercise Discretion:* Some provisions within the Unified Development Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
  - c. *Interpret the Unified Development Ordinance:* Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.
3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit:* If the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit.
5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revise the application, or may promptly pursue relief from the Unified Development Ordinance.
6. *Allowance for Revision Prior to a Decision:* At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.
7. *Allowance for Revision After a Decision:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, or variance of use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

# Improvement Location Permit

## F. Duration:

1. *Procedural Expiration:* An application shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within sixty (60) days from notification.
2. *Commencement:* After an Improvement Location Permit is issued, the project shall commence within six (6) months of the issuance date or shall become null and void.
3. *Expiration:* After an Improvement Location Permit is issued, the project shall be completed within twelve (12) months of the issuance date or shall become null and void.
4. *Extensions:* Upon request by the applicant, an Improvement Location Permit may be extended one (1) time for up to twelve (12) months. The Zoning Administrator may grant the requested extension. Both the request for the extension and the Zoning Administrator's decision concerning the extension shall be made part of the Improvement Location Permit file.

## G. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

1. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
2. *Requested Prior to Initiation:* Requested prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land or change an existing land use.

*or if:*

3. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
4. *Component is Not Completed:* Requested prior to the applicable component of the project has been completed, and
5. *Not Correcting a Violation:* The modification is not an attempt to correct a violation.

If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of the Unified Development Ordinance the Improvement Location Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.

# Temporary Improvement Location Permit

## 9.07 Temporary Improvement Location Permit

### A. Applicability:

1. *For Establishment of a Temporary Use of Land or Structure:* Temporary Improvement Location Permit shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Improvement Location Permit process:
  - Tent sale
  - Model home
2. *For Placement of Manufactured Home as Temporary Dwelling:* In the event that a single-family home has been destroyed by fire, explosion, act of nature or the public enemy, and an improvement location permit has been issued for its replacement or reconstruction, the property owner may make application for a Temporary Improvement Location Permit for a manufactured home to be placed on the same property for a period not to exceed one year. No extensions of time shall be permitted by the Administrator.

### B. Filing Requirements:

1. *Application:* An application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as described below.
2. *Establishment of a Temporary Use of Land or Structure:* The following supporting information, when applicable, shall be provided on a site plan, application form, or as an attachment.
  - a. Applicant's name, mailing address, phone number and/or email address.
  - b. Property owner's name, mailing address, phone number, and/or email address, if different than the applicant.
  - c. Detailed description of the proposed temporary land use and/or temporary structure.
  - d. Signature of the applicant with date, testifying that they are authorized to represent the property.
  - e. A scale drawing of the lot with dimensions and applicable setbacks.
  - f. The location of existing structures (e.g. building, parking lot, sidewalk, driveway, etc.).
  - g. The location of the proposed temporary structure, if applicable.
  - h. The duration of the temporary structure and/or land use.
  - i. An affidavit stating the proposed temporary structure does not impede drainage, sight visibility, vehicular circulation, pedestrian circulation, or emergency exit.
  - j. Any other information necessary to support a thorough review of the project as requested on the application form or from the Zoning Administrator.
3. *Deadline:* Application for a Temporary Improvement Location Permit may be filed any time.
4. *Fee:* The applicable fee shall be paid at the time the application for a Temporary Improvement Location Permit is filed.

### C. Permit Procedure:

1. *Substantially Complete Application:* An application for Temporary Improvement Location Permit shall not be reviewed until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the application form and required supporting information has been submitted, and the applicable fee paid.
2. *Review:* After the Zoning Administrator determines the application for Temporary Improvement Location Permit is complete, the Zoning Administrator shall review the project to compliance with the Unified Development Ordinance. The Zoning Administrator may consult with the County Surveyor, Building Inspector, or any other person, department, or agency to determine if the project complies with the provisions of the Unified Development Ordinance.

# Temporary Improvement Location Permit

3. *Decision*: The Zoning Administrator shall approve or deny the application for Temporary Improvement Location Permit based on the information submitted, project review, and provisions of the Unified Development Ordinance.
    - a. *Approval*: If the proposed project complies with the Unified Development Ordinance, the Zoning Administrator shall document any terms of the approval on the permit, and then issue the Temporary Improvement Location Permit.
    - b. *Denial*: If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall document the reasons for not issuing a Temporary Improvement Location Permit and notify the applicant of the reasons for denial. The applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
      - i. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an administrative appeal or variance. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- D. Duration:
1. *Procedural Expiration*: An application for Temporary Improvement Location Permit shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief from the Board of Zoning Appeals within thirty (30) days from notification.
  2. *Commencement*: After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
  3. *Permit Expiration*: A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the limits as outlined in *Temporary Use and Structure Standards* in *Article 05: Development Standards*. The permitted dates shall be displayed on the Temporary Improvement Location Permit.
- E. Modification: Modification to a Temporary Improvement Location Permit shall not be permitted.

## 9.08 Administrative Appeal

- A. **Applicability:** An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. **Filing Requirements:**
1. *Application:* A letter outlining the subject matter of the administrative appeal shall serve as the application for Administrative Appeal. The letter shall be submitted to the Zoning Administrator with the following supporting information.
  2. *Supporting Information:* The following information shall be provided on the petition form.
    - a. Applicant's name, mailing address, phone number, and/or email address.
    - b. Applicant's standing (i.e. legal right to initiate the application).
    - c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
    - d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
    - e. Signature of the applicant with date.
    - f. Any other information necessary to support a thorough review of the appeal as requested on the application form or from the Board of Zoning Appeals or Zoning Administrator.
  3. *Deadline:* An application for Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
  4. *Suspension of Work:* Ongoing work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
  5. *Fee:* The applicable fee shall be paid at the time the application for Administrative Appeal is filed. Fees shall include reimbursement for any cost borne by the Board of Zoning Appeals to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.
- C. **Appeal Procedure:**
1. *Substantially Complete Application:* An application for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the application (letter) and required supporting information has been submitted, and any applicable fees have been paid.
  2. *Assignment:* Once an application for Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the applicant, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
  3. *Public and Interested Party Notice:* The applicant shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of public notice to the Zoning Administrator at least three (3) business days before the meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.

4. *Transfer of Information:*
  - a. The Zoning Administrator shall provide the applicant for Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
  - b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
  - c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
5. *Review:* The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.
6. *Decision:* Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal:* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Noble County.



## 9.09 Development Plan

### A. Applicability:

1. *Zoning Districts:* This process applies to the following zoning districts:



2. Development Plan Approval shall be required prior to an Improvement Location Permit being issued for any of the following activities:
  - a. Permanent construction or installation of a new structure.
  - b. Permanent addition, alteration, or relocation of an existing structure.

### B. Exemptions from Development Plan:

1. *Single-family Detached Residential:* Any lot being developed for a single-family detached residence or its accessory structures shall be exempt from Development Plan Approval. However, the Improvement Location Permit process shall apply.
2. *Agriculture Sites and Buildings:* Any lot being solely used for agricultural purposes shall be exempt from Development Plan Approval. However, the Improvement Location Permit process may apply.
3. *Temporary Use of Land or Structure:* Any temporary use of land or structure shall be exempt from Development Plan Approval. However, the Temporary Improvement Location Permit process may apply.
4. *Type 1 Home Based Business:* Type 1 home businesses may commence without obtaining approval.
5. *Establish a Type 2 or Type 3 Home Business:* Establishing a Type 2 or Type 3 Home Business shall be exempt from Development Plan Approval. However, the Improvement Location Permit process shall apply.
6. *Softscaping and Hardscaping:* Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from Development Plan approval as long as there is no adverse affect to drainage.
7. *Sign Content Change:* Sign content may be changed without having to receive approval.
8. *Flag Pole:* Flag poles may be installed without obtaining approval.
9. *Property Maintenance:* Normal maintenance and repairs to the existing structure or site features may commence without obtaining approval.
10. *Adding or Changing Light Fixtures:* Light fixtures may be added or changed without obtaining approval.

### C. Filing Requirements:

1. *Application:* An application for Development Plan Approval shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
  - a. Applicant's name, mailing address, phone number, and/or email address.
  - b. Property owner's name, mailing address, phone number, and/or email address, if different than the applicant.
  - c. Signature of the applicant, with date, testifying that they are authorized to represent the property.
  - d. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
2. *Interested Parties:* A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site shall be provided by the applicant. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.

3. *For Construction or Installation of a New Structure or Addition, Alteration, or Relocation of an Existing Structure:* In additions to the requirements of *Section 9.09(C)(1): Application*, the following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
  - a. Projects involving non-habitable structures not on a permanent foundation (e.g. a fence).
    - i. Detailed description of the proposed project.
    - ii. A scale drawing of the lot with dimensions.
    - iii. Existing adjacent streets with names and other right-of-ways.
    - iv. Existing on-site or adjacent easements, including the name of the easement holder and a description of the terms of the easement.
    - v. Existing location of permanent structures, paved surfaces, and unpaved driveways or parking lots on the lot.
    - vi. Location of the septic system and well if applicable.
    - vii. Location of the proposed structure(s).
    - viii. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.
  - b. Projects involving non-habitable structures on a permanent foundation (e.g. detached garage).
    - i. All requirements from *Section 9.09(C)(3)(a)*.
    - ii. The building envelope shall be shown on the scale drawing of the lot (i.e. the resulting developable area after applying setbacks).
    - iii. A calculation of the existing lot coverage, expressed in a percentage.
    - iv. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
    - v. Measurements between existing and proposed structures, and measurements to property lines.
    - vi. An affidavit stating the proposed project is not located within a floodplain or easement.
    - vii. Any other information necessary to support a thorough review of the proposed project as requested by the Zoning Administrator.
  - c. Projects involving habitable buildings (e.g. an apartment building).
    - i. All requirements from *Section 9.09(C)(3)(b)*.
    - ii. Elevation, above sea level, at the location of the proposed building prior to the start of the project.
    - iii. Certification by a licensed engineer or surveyor that the proposed project is not in or within thirty (30) feet of a floodplain or wetland.
    - iv. Denotation of adjacent zoning districts if different than the subject lot.
    - v. Certification by a licensed engineer or surveyor that the soils are suitable to support the weight of the structure, and any foundation modifications necessary to support the weight of the structure.
    - vi. Location of existing and proposed drainage tile.
    - vii. Location, approximate depth, and details of underground utility lines that will service the building.
    - viii. Location and details of overhead utility lines that will service the building.
    - ix. Location of a septic system, reserve area for a replacement septic system, water well, geothermal loop, and other on-site utility system.
    - x. Design and provisions for internal streets, parking areas, sidewalks, common area, amenity centers, sport courts, fire hydrants, retention ponds, detention facilities, storm drainage system, perimeter landscaping, gateway features, signs, and other design features, if the project includes these features or is required to include these features regulated in *Article 07: Design Standards*.
    - xi. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.

4. *Deadline:* Twelve (12) hard copies of the application for Development Plan Approval; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for Development Plan Approval and supporting information in .pdf (portable document format); and one (1) digital copy of any drawings or plans in .dwg format shall be submitted to the Plan Commission at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
  5. *Fee:* Applicable fees shall be paid at the time the application for Development Plan Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.
- D. Applicable Standards: The regulations for development in *Article 05: Development Standards* shall apply to any single or multiple primary structure development. The regulations for design in *Article 07: Design Standards* shall also apply to a development with four (4) or more primary structures, or a development with common area or shared amenities, or a development with mixed uses, or a development with four (4) or more lease lots, or a development with internal private streets, or a development with shared driveways.
- E. Review Procedure:
1. *Assignment:* Development Plans which are determined to be substantially complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda that occurs at least twenty-eight (28) days after the substantially complete application for Development Plan was submitted. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
  2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or other applicable departments or agencies shall be notified of the proposed Development Plan and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
  3. *Public Notice:* The following public notice standards apply to an application for Development Plan Approval. All costs associated with providing public notice shall be borne by the applicant.
    - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
    - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
    - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
  4. *Attendance:* The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for Development Plan Approval.
  5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

# Development Plan

6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The application for Development Plan Approval.
  - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
  - c. The testimony of the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Any applicable provisions of the Unified Development Ordinance.
  - g. Any other applicable Noble County construction requirements.
  - h. Any other information as may be required by the Plan Commission to evaluate the application.
7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the application for Development Plan Approval to a defined future meeting date.
  - a. *Findings of Fact*: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance or applicable Noble County construction standards with which there is not compliance.
    - i. The development plan is consistent with the Noble County Comprehensive Plan.
    - ii. The development plan satisfies the development requirements of *Article 02: Zoning Districts*.
    - iii. The development plan satisfies the standards of *Article 05: Development Standards*.
    - iv. The development plan satisfies the standards of *Article 07: Design Standards*.
    - v. The development plan satisfies any other applicable provisions of the Unified Development Ordinance.
    - vi. The development plan satisfies the construction requirements of any applicable Noble County construction standards.
  - b. *Final Action*: Based on the findings of fact, the Plan Commission shall approve, or approve with conditions, or deny the application for Development Plan Approval.
  - c. The findings of fact and final action shall be signed by the President of the Plan Commission.
  - d. The Zoning Administrator shall provide the applicant a copy of the decision.
- F. *Duration*: An approved Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Development Plan record. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approval expires and a new application for Development Plan Approval shall be submitted.
- G. *Modification*:
  1. *Minor Amendments*: Minor amendments to approved Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new application for Development Plan Approval.

## 9.10 Planned Development; General

### A. Purpose and Intent:

1. *Generally:* A Planned Development zoning district may be used to provide for:
  - a. Greater flexibility in applying the ordinances to mixed zoning classifications.
  - b. Innovative approaches to meet the demands of the housing, commercial, and business markets.
  - c. The recognition of the interdependency of the housing, commercial, and business markets.
  - d. The establishment of creative and unique developments that would not otherwise be able to be developed under the provisions of the County's standard zoning district regulations.
  - e. The planning and development of mixed zoning classifications to be consistent with the best interest of the jurisdictional area of the Plan Commission, and the applicable ordinances.
2. *Process Outline:* The three (3) steps of the Planned Development process are listed below and explained in detail in the following Sections.
  - a. *Section 9.11: Planned Development; District Ordinance and Establishment Plan,*
  - b. *Section 9.12: Planned Development; Detailed Development Plan,* and
  - c. *Section 9.13: Planned Development; Final Development Plan.*

# Planned Development; Establishment Plan

## 9.11 Planned Development; District Ordinance and Establishment Plan

### A. Purpose and Intent:

1. *Planned Development District Ordinance:* The purpose of the Planned Development District Ordinance is to:
  - a. Designate, or rezone, a parcel or multiple parcels as a Planned Development zoning district.
  - b. Specify uses or a range of uses permitted in the Planned Development zoning district.
  - c. Specify development requirements in the Planned Development zoning district.
  - d. Specify the plan documentation and supporting documentation that may be required.
  - e. Specify any limitation applicable to the Planned Development zoning district.
  - f. Meet the requirements of *IC 36-7-4-1500*.
2. *Establishment Plan:* The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, perimeter buffer yards, etc.

### B. Project Applicability: Planned Developments proposed after the effective date of the Unified Development Ordinance shall meet the standards of this section.

### C. Prerequisites:

1. *Ownership:* Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
2. *Pre-application Meeting:* Prior to submitting an application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.

### D. Filing Requirements:

1. *Application:* An application for a Planned Development shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information:* The application for a Planned Development shall be accompanied by the following information.
  - a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
  - b. Survey and legal description of the proposed site of the Planned Development.
  - c. The Establishment Plan that conceptually delineates the basic physical elements of the Planned Developments including land use, circulation, and perimeter buffers.
  - d. A draft of the Planned Development District Ordinance that includes proposed development standards for all land uses within the Planned Development.
  - e. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
3. *Deadline:* Twelve (12) hard copies of the application for a Planned Development; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fee:* Applicable fees shall be paid at the time the application for a Planned Development is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

## E. Formal Procedure:

1. *Assignment:* An application for a Planned Development, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the application for a Planned Development and all supporting information. While the Establishment Plan is conceptual, the Zoning Administrator may forward the Establishment Plan and any other relevant information to the Technical Review Committee, Plan Commission Attorney, and/or any other applicable departments or agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Planned Development, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an application for a Planned Development. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. Application for a Planned Development.
  - b. Planned Development District Ordinance draft.
  - c. Establishment Plan.
  - d. The Noble County Comprehensive Plan.
  - e. Current conditions and the character of current structures and uses in the area.
  - f. The most desirable use for which the land in the area is adapted.
  - g. The conservation of property values throughout the jurisdiction.
  - h. Responsible development and growth.
  - i. The testimony of the applicant.
  - j. Relevant evidence presented by other persons.
  - k. The limitations, standards, and requirements of *Article 04: Planned Development Districts*.
  - l. Any applicable provisions of the Unified Development Ordinance.
  - m. The Zoning Administrator's report or any other documents provided by other departments or agencies.
  - n. Any other additional information as may be required by the Plan Commission to evaluate the application.

# Planned Development; Establishment Plan

7. *Decision*: The Plan Commission shall take final action or continue the application for a Planned Development to a defined future meeting date.
  - a. *Final Action*: The Plan Commission shall certify and forward the application for a Planned Development to the County Commissioners with:
    - i. A favorable recommendation.
    - ii. A favorable recommendation and with recommendations for commitments and/or conditions.
    - iii. An unfavorable recommendation.
    - iv. No recommendation.
  - b. *Revisions*: If the certified version of the Planned Development District Ordinance or Establishment Plan was revised during the process of Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Development District Ordinance and the applicant shall make the revisions to the Establishment Plan so the County Commissioners receive the certified versions of the Planned Development District Ordinance and Establishment Plan.
8. *Commitments and Conditions*: In conjunction with its recommendation to the County Commissioners, the Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded in the Office of the Noble County Recorder within thirty (30) days of the County Commissioners' approval of the Planned Development District Ordinance and Establishment Plan. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before filing a Planned Development Detailed Development Plan (See *Section 9.12: Planned Development; Detailed Development Plan*).
- F. Duration: If a Planned Development Detailed Development Plan, has not been filed within one (1) year of the date the County Commissioners approved the Planned Development District Ordinance and the Establishment Plan, the approval expires and a new application for a Planned Development shall be submitted.
- G. Modification:
  1. *Planned Development District Ordinance*: An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.19: Unified Development Ordinance; Text Amendment*.
  2. *Establishment Plan*: Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed Development Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Development. In such cases, a new application for a Planned Development shall be required.
  3. *Commitments and Conditions*: Commitments and conditions associated with a Planned Development District Ordinance and Establishment Plan shall only be modified or terminated by a decision of the County Commissioners made at a public hearing.



## 9.12 Planned Development; Detailed Development Plan

- A. **Purpose and Intent:** The Planned Development Detailed Development Plan shall provide the Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Development District Ordinance. If the Planned Development involves the subdivision of land, this step also serves as the Primary Plat.
- B. **Project Applicability:** Planned Developments proposed after the effective date of the Unified Development Ordinance shall meet the standards of this section.
- C. **Prerequisites:**
1. **Planned Development District Ordinance and Establishment Plan:** The Planned Development District Ordinance and Establishment Plan shall be approved by the County Commissioners prior to submitting a Planned Development Detailed Development Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Noble County Recorder.
- D. **Filing Requirements:**
1. **Application:** The application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
  2. **Supporting Information:** The following information shall be submitted for the Planned Development Detailed Development Plan review process.
    - a. An updated list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following items:
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Proposed name of the development.
      - v. Area map insert showing the general location of the site referenced to major streets.
      - vi. Boundary lines of the site including all dimensions of the site.
      - vii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
      - viii. Layout, number, dimension, and area of all lots.
      - ix. Location and dimensions of all existing and proposed structures, including paved areas, entryway features, and signs.
      - x. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - xi. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces provided; office - floor area).
      - xii. Distance of all structures from front, rear, and side lot lines.
      - xiii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      - xiv. Proposed landscaping buffers or landscaped areas.
      - xv. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
    - c. Representative building elevations for facades of residential and non-residential primary structures shall be drawn to scale and include the following items:
      - i. Proposed name of the development.
      - ii. Graphic scale.
      - iii. Specification of the type and color of building materials to be used for wall, window, roof, and other architectural features.
      - iv. Placement, size, color, and illumination details for any proposed wall sign.
      - v. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.

# Planned Development; Detailed Development Plan

- d. A Site Access and Circulation Plan shall be required and drawn to scale; and may be incorporated into the required Site Plan or may be submitted as a separate plan.
    - i. North arrow.
    - ii. Graphic scale.
    - iii. Address of site.
    - iv. Proposed name of the development.
    - v. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
    - vi. Location of any proposed or existing driveways onto a street or alley and its width at the lot line.
    - vii. All improvements to the street system on-site and off-site.
    - viii. Measurement of curb radius and/or flares.
    - ix. Location of proposed and existing sidewalk or sidepath.
    - x. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
  - e. A Utility Plan shall be drawn to scale and shall include the following items:
    - i. Location of all existing and proposed utility easements.
    - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
    - iii. Location and illumination capacity of all lights.
    - iv. Names of legal ditches and streams in or adjacent to the site.
    - v. Contours sufficient to illustrate storm water runoff.
    - vi. Storm water drainage plan including estimated runoff.
    - vii. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
  - f. Traffic Impact Study.
    - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed use development which generates 100 or more peak hour trips in the peak direction).
    - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and County Surveyor to determine an appropriate scope for the Traffic Impact Study.
  - g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
    - i. The order of development of the major infrastructure elements of the project.
    - ii. Project phase boundaries, if any.
    - iii. The order and content of each phase.
    - iv. An estimate of the time frame for build-out of the project.
  - h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed green space and landscaping on the site showing how the proposed landscaping meets or exceeds the standards detailed in *Article 07: Perimeter Landscaping Standards*.
  - i. Other Information: Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
3. **Deadline:** Twelve (12) hard copies of the application for a Planned Development; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.

4. *Fee:* Applicable fees shall be paid at the time when the Planned Development Detailed Development Plan is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Formal Procedure:

1. *Assignment:* A Planned Development Detailed Development Plan, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development Detailed Development Plan was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or any other applicable departments or agencies shall be notified of the proposed Planned Development Detailed Development Plan and asked to review and comment. The Zoning Administrator may request a formal meeting of the Technical Review Committee and request the applicant's presence at that meeting. Following a thorough review, the Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Planned Development Detailed Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to a Planned Development Detailed Development Plan. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The original application for a Planned Development.
  - b. Approved Planned Development District Ordinance.
  - c. Approved Establishment Plan.
  - d. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development buildout, landscape plan, and, if applicable, traffic impact study.
  - e. The testimony of the applicant.
  - f. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
  - g. Input from the public during the public hearing.
  - h. Any other applicable Noble County construction requirements.
  - i. The limitations, standards, and requirements of *Article 04: Planned Development Districts*.
  - j. Any applicable provisions of the Unified Development Ordinance.
  - k. The Zoning Administrator's report or any other documents provided by other departments or agencies.
  - l. Any other additional information as may be required by the Plan Commission to evaluate the application.

7. *Decision:* The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Development Plan to a defined future meeting date.
  - a. *Findings of Fact:* The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Planned Development District Ordinance, the Unified Development Ordinance, or any applicable Noble County construction standards with which there is not compliance.
    - i. The Planned Development Detailed Development Plan is consistent with the Noble County Comprehensive Plan.
    - ii. The Planned Development Detailed Development Plan is consistent with *Article 04: Planned Development Districts*.
    - iii. The Planned Development Detailed Development Plan satisfies the development standards of the approved Planned Development District Ordinance.
    - iv. The Planned Development Detailed Development Plan satisfies the construction requirements of any applicable Noble County construction standards.
  - b. *Final Action:* Based on the findings of fact, the Plan Commission shall approve, or approve with conditions, or deny the Planned Development Detailed Development Plan. If conditions are required, the conditions shall be recorded in the Office of the Noble County Recorder within thirty (30) days of the Plan Commission's approval of the Planned Development Detailed Development Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Development Plan.
  - c. The findings and final decision shall be signed by the President of the Plan Commission.
  - d. The Zoning Administrator shall provide the applicant a copy of the final decision.
- F. Duration: An approved Planned Development Detailed Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Planned Development record. If development of the project has not commenced by the end of the two (2) year period (or by the end of the six-month extension), the approval expires and an application for a Planned Development (District Ordinance and Establishment Plan) shall be required.
- G. Modification:
  1. *Minor Amendments:* A minor amendment to an approved Planned Development Detailed Development Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  2. *Major Amendments:* If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Planned Development Detailed Development Plan.

## 9.13 Planned Development; Final Development Plan

- A. **Purpose and Intent:** The Planned Development Final Development Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Development involves the subdivision of land, this step also serves as the Secondary Plat Approval.
- B. **Project Applicability:** Planned Developments proposed after the effective date of the Unified Development Ordinance shall meet the standards of this section.
- C. **Prerequisites:**
  1. **Planned Development Detailed Development Plan:** The Planned Development Detailed Development Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Development Plan. If Planned Development Detailed Development Plan approval included conditions, those conditions shall be recorded in the Office of the Noble County Recorder.
  2. **Infrastructure:** A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Development Plan that are intended to be dedicated to the County installed to meet any applicable Noble County construction standards, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.27: Surety Standards*.
- D. **Filing Requirements:**
  1. **Application:** The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Development Final Development Plan Approval. The original application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
  2. **Supporting Information:** The following information shall accompany the applicant's letter requesting Planned Development Final Development Plan Approval
    - a. Accurate location of all monumentation, if applicable.
    - b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
    - c. If infrastructure improvements intended to be dedicated to the County are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
    - d. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
  3. **Deadline:** Planned Development Final Development Plan Approval shall be requested within two (2) years of the approval of Planned Development Detailed Development Plan by the Plan Commission.
  4. **Fee:** Applicable fees shall be paid at the time the request for Planned Development Final Development Approval is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Planned Development Final Development Plan Approval and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Planned Development Final Development Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Planned Development Final Development Plan a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the request for Planned Development Final Development Plan approval was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
  2. *Review:* The Zoning Administrator shall provide the letter requesting Planned Development Final Development Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department or agency shall determine if the infrastructure improvements installed or proposed to be installed meet any applicable Noble County construction standards and establish adequate connection to the existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department or agency shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. If it has been determined that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
  3. *Public Notice:* A public notice and public hearing shall not be required for Planned Development Final Development Plan.
  4. *Decision:* Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, or approve with conditions, or deny Planned Development Final Development Plan.
- F. Duration: An approved Planned Development Final Development Plan and any conditions shall be recorded in the Office of the Noble County Recorder within three (3) months of the date of approval or become null and void.

# Special Exception

## 9.14 Special Exception

- A. **Purpose and Intent:** A special exception use is a use for which certain conditions must be met before it can be established at a specific location. A special exception use shall be permitted by the Board of Zoning Appeals if certain conditions are met.
- B. **Project Applicability:** Only uses listed as "special exceptions" in the two-page layouts in *Article 02: Zoning Districts* shall be considered for approval by the Board of Zoning Appeals.
- C. **Prerequisites:** An application for a Special Exception shall be filed by the owner, the owner's agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
- D. **Filing Requirements:**
  1. **Application:** An application for a Special Exception shall be made on forms provided by the Zoning Administrator.
  2. **Supporting Information:** The following items shall accompany a completed application for a Special Exception.
    - a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following information.
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Legal description of the site.
      - v. Boundary lines of the site including all dimensions.
      - vi. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
      - vii. Location and dimensions of all existing and proposed structures, including paved areas and signs
      - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - ix. Distance of all structures from front, rear, and side lot lines.
      - x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
      - xi. Proposed landscaping buffers or landscaped areas.
      - xii. Any other information necessary to support a thorough review of the project as requested on the application form or from the Board of Zoning Appeals or Zoning Administrator.
  3. **Deadline:** An application for a Special Exception shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
  4. **Fee:** Applicable fees shall be paid at the time the application for a Special Exception is filed. Fees shall include reimbursement for any cost borne by the Board of Zoning Appeals to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

## E. Formal Procedure:


1. *Assignment:* An application for a Special Exception, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the application for a Special Exception was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments or agencies to review and comment. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an application for a Special Exception. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to present the application for a Special Exception and to address and discuss comments and concerns. Failure to appear shall result in the dismissal of the application for a Special Exception.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
  - a. The application for a Special Exception.
  - b. Supporting information.
  - c. Presentation by the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Applicable provisions of the Unified Development Ordinance.
  - g. The Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
    - i. Topography and other natural site features.
    - ii. Zoning of the site and surrounding properties.
    - iii. Driveway locations, street access and vehicular and pedestrian traffic.
    - iv. Parking amount, location, design.
    - v. Landscaping, screening, buffering.
    - vi. Open space and other site amenities.
    - vii. Noise production and hours of operation.
    - viii. Design, placement, architecture, and material of the structure.
    - ix. Placement, design, intensity, height, and shielding of lights.
    - x. Traffic generation.
    - xi. General site layout as it relates to its surroundings.



7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the application for a Special Exception to a defined future meeting date.
  - a. *Findings of Fact:* The Board of Zoning Appeals shall make the below listed findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The proposed special exception is consistent with the purpose of the zoning district and the Noble County Comprehensive Plan;
    - ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;
    - iii. The proposed special exception is in harmony with all adjacent land uses;
    - iv. The proposed special exception will not alter the character of the district; and
    - v. The proposed special exception will not substantially impact property value in an adverse manner.
  - b. *Final Action:*
    - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Special Exception.
    - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Special Exception.
  - c. *Commitments and Conditions:*
    - i. *Commitments:* The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Noble County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
    - ii. *Conditions:* The Board of Zoning Appeals may require certain conditions for approval.
- F. *Duration:* The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within one (1) year of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.
- G. *Modification:* If the Zoning Administrator determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new approval of the special exception use shall be required. The operator of the special exception use shall provide the Zoning Administrator with all the necessary information to render this determination.

# Subdivision of Land; Major Subdivision Primary Plat

## 9.15 Subdivision of Land; Major Subdivision Primary Plat

- A. **Purpose and Intent:** A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land that will create buildable lots to determine compliance with the provisions of the Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in *IC 36-7-4-700* for a subdivision of land are met.
- B. **Project Applicability:** A Primary Plat shall be prepared in conjunction with any proposal to subdivide land or create buildable lots within the jurisdictional area of the Plan Commission.
1. **Applicable Districts:** The subdivision of land shall occur only in the following zoning districts:  

  2. **Replats:** A replat shall consist of two processes. First, the existing plat or a portion of the existing plat shall be vacated in accordance with *IC 36-7-3*. Then, the property shall be platted using the Primary Plat process in this section and the Secondary Plat process in *Section 9.16: Subdivision of Land; Major Subdivision Plat; Secondary Plat*.
  3. **Exemptions:** Condominiums regulated by *IC 32-25* are exempt from the subdivision process outlined in the Unified Development Ordinance.
- C. **Prerequisites:**
1. **Eligible Applicants:** An application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
  2. **Pre-application Meeting:** Prior to submitting an application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.
- D. **Filing Requirements:**
1. **Application:** An application for Primary Plat shall be made on forms provided by the Zoning Administrator.
  2. **Supporting Information:** The following supporting information shall accompany a completed application for Primary Plat.
    - a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
    - b. A Site Plan, drawn to a scale, that includes the following items:
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Proposed address for each lot.
      - iv. Proposed name of the subdivision.
      - v. Area map insert showing the general location of the site referenced to major streets.
      - vi. Legal description of the site.
      - vii. Boundary lines of the site including all dimensions of the site.
      - viii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
      - ix. Layout, number, dimension, area, building setback lines on all lots.
      - x. Location and dimensions of any existing structures.
      - xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, and the like.
      - xiii. Proposed perimeter landscaping areas.
      - xiv. Proposed entryway feature signs.
      - xv. Stamp of Registered Professional Engineer or Surveyor.
      - xvi. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.

- c. Representative building elevations for each facade of primary structures including the following information.
  - i. Permitted building materials to be used for wall, window, roof, and other architectural features.
  - ii. Placement, size, color, and illumination details for any proposed wall sign.
  - iii. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale and shall include the following items:
  - i. North arrow.
  - ii. Graphic scale.
  - iii. Proposed name of the subdivision.
  - iv. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
  - v. All improvements to the street system on-site and off-site.
  - vi. Measurement of curb radius and/or flares.
  - vii. Location of proposed and existing sidewalk and sidepaths.
  - viii. Location and details of all proposed wayfinding signs.
  - ix. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
- e. A Utility Plan, drawn to scale, including the following items:
  - i. Location of all existing and proposed utility easements.
  - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
  - iii. Location and illumination capacity of all lights.
  - iv. Names of legal ditches and streams in or adjacent to the site.
  - v. Contours sufficient to illustrate storm water runoff.
  - vi. Storm water drainage plan including estimated runoff.
  - vii. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
- f. Traffic Impact Study.
  - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed use development which generates 100 or more peak hour trips in the peak direction).
  - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and Highway Superintendent to determine an appropriate scope for the Traffic Impact Study.
- g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
  - i. The order of development of the major infrastructure elements of the project.
  - ii. Future section boundaries, if any.
  - iii. The order and content of each section.
  - iv. An estimate of the time frame for build-out of each section.
- h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed perimeter landscaping that meets or exceeds the standards detailed in *Article 07: Perimeter Landscaping Standards*.
- i. Restrictive Covenants: The applicant shall provide a copy of the restrictive covenants that will apply to each lot within the subdivision.
- j. Non-remonstrative clauses: Any non-remonstration clauses required.
- k. Miscellaneous: Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.

3. *Deadline:* Twelve (12) hard copies of the application for Primary Plat; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fee:* Applicable fees shall be paid at the time the application for Primary Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Formal Procedure:

1. *Assignment:* An application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty (20) days after the application for Primary Plat is submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or any other applicable departments or agencies shall be notified of the proposed subdivision of land and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to present and explain the application for Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for Primary Plat.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The application for Primary Plat.
  - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
  - c. The testimony of the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Any applicable provisions of the Unified Development Ordinance.
  - g. Any other applicable Noble County construction requirements.
  - h. Any other information as may be required by the Plan Commission to evaluate the application.

## 7. *Decision:*

- a. The Plan Commission shall make findings of fact and take final action or continue the application for Primary Plat to a defined future meeting date.
  - b. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or any applicable Noble County construction standards with which there is not compliance or the manner in which the project is not consistent with the Noble County Comprehensive Plan.
    - i. The subdivision of land is consistent with the Noble County Comprehensive Plan.
    - ii. The subdivision of land satisfies the development requirements of *Article 06: Subdivision Types*.
    - iii. The subdivision of land satisfies the standards of *Article 07: Design Standards*.
    - iv. The subdivision of land satisfies any other applicable provisions of the Unified Development Ordinance;
    - v. The subdivision of land satisfies the construction requirements of any applicable Noble County construction standards.
  - c. Final Action
    - i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the application for Primary Plat.
    - ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the application for Primary Plat.
  - d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Noble County Recorder within ninety (90) days of the Plan Commission's final action.
  - e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.
  - f. The Zoning Administrator shall provide the applicant a copy of the decision.
- F. Duration: An approved Primary Plat shall be valid for one (1) year from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension.
- G. Modification:
1. *Minor Amendments:* Minor amendments to an approved Primary Plat which do not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
  2. *Major Amendments:* If the Zoning Administrator or County Surveyor determines that the proposed amendment may adversely impact the purpose or intent of the overall development; or if the proposed amendment includes an increase in the number of lots, or intensity of any land use; or if the proposed amendment includes the designation of an additional land use, the applicant shall be required to file a new application for Primary Plat.
- H. Preserving Parent Tract: When one (1) or more smaller lots, less than twenty (20) acres each, are split from a large parent tract resulting in a remnant greater than twenty (20) acres in area, then the one (1) parcel greater than twenty (20) acres may be preserved as a "parcel", not a "lot". The "parcel" would preserve its ability to be subdivided further in the future using any subdivision process in this Unified Development Ordinance, and the "lots" would only be able to be modified or re-subdivided with the Administrative Subdivision or a replat processes.

# Subdivision of Land; Major Subdivision Secondary Plat

## 9.16 Subdivision of Land; Major Subdivision Secondary Plat

- A. Purpose and Intent: The Secondary Plat shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.
- B. Project Applicability: Subdivisions of land proposed after the effective date of the Unified Development Ordinance shall meet the standards of this section.
- C. Prerequisites:
  1. *Primary Plat*: The application for Primary Plat shall be approved by the Plan Commission prior to submitting a Secondary Plat. If the Primary Plat approval included commitments, those commitments shall be recorded in the Office of the Noble County Recorder.
  2. *Infrastructure*: A subdivision that is the subject of a Secondary Plat shall have all of the infrastructure improvements proposed in the Primary Plat installed to meet any applicable Noble County construction standards or applicable municipal standards (in the case of sanitary sewer utility or water utility), or the applicant shall have posted a performance bond for the cost of the infrastructure improvements that complies with *Section 7.27: Surety Standards*.
- D. Filing Requirements:
  1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Secondary Plat. The original application for Primary Plat should be on file with the Zoning Administrator.
  2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Secondary Plat.
    - a. Plans showing the precise location of all installed monumentation.
    - b. Plans showing final dimensions for lots, right-of-ways, and easements.
    - c. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system and any required inspections or certifications by engineers or surveyors.
    - d. If infrastructure improvements are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
    - e. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
  3. *Deadline*: Twelve (12) hard copies of the letter requesting Secondary Plat; twelve (12) hard copies of all supporting information; one (1) digital copy of the letter requesting Secondary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
  4. *Fee*: Applicable fees shall be paid at the time the request for Secondary Plat is filed. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.
- E. Formal Procedure:
  1. *Assignment*: The Zoning Administrator shall review the letter requesting Secondary Plat and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Secondary Plat should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Secondary Plat a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the Secondary Plat was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.

2. *Review:* The Zoning Administrator shall provide the letter requesting Secondary Plat, the supporting information, and a comment sheet to all applicable departments and agencies. Each department and agency shall determine if the infrastructure improvements installed or proposed to be installed meet any applicable Noble County construction standards and if the improvements include adequate connection to existing and future systems. If applicable, each department or agency shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project to the Zoning Administrator. If it has been determined that Plan Commission review is required, the Zoning Administrator shall forward the comment sheets to the Plan Commission for review at the meeting.
  3. *Public Notice:* Notice and public hearing shall not be required for Secondary Plat.
  4. *Review and Decision:* The Zoning Administrator shall, based on comments from departments and agencies, approve, or approve with conditions, or deny Secondary Plat. In cases where the Secondary Plat is being heard by the Plan Commission, the Plan Commission shall review the comments from departments and agencies at a regularly scheduled public meeting and approve, or approve with conditions, or deny Secondary Plat.
- F. *Duration:* An approved Secondary Plat and any conditions shall be recorded in the Office of the Noble County Recorder within six (6) months of the date of approval or become null and void.

# Subdivision of Land; Minor Subdivision Plat

## 9.17 Subdivision of Land; Minor Subdivision Plat

- A. **Purpose and Intent:** A Minor Subdivision Plat shall provide the Plan Commission with the opportunity to expedite a subdivision approval when the major subdivision process requires excessive scrutiny. A Minor Subdivision Plat is streamlined by requiring less support material and by allowing final plat approval to be conducted administratively following the primary plat approval.
- B. **Project Applicability:** A Minor Subdivision Plat can be used to subdivide property within the jurisdictional area of the Plan Commission, but only if the proposed division meets the "Applicable Districts" and "Prerequisites" standards written below.

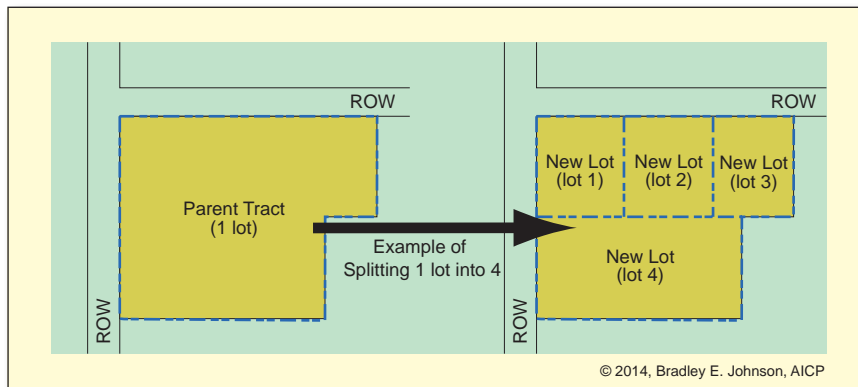
- 1. **Applicable Districts:** The minor subdivision of land shall occur only in the following zoning districts:



- 2. **Replats:** A replat shall consist of two (2) processes. First, the existing plat, or a portion of the existing plat, shall be vacated in accordance with IC 36-7-3. Then, the property shall be platted using the Minor Subdivision Plat or Major Subdivision Plat process, whichever is most appropriate.
- 3. **Exemptions:** Condominiums regulated by IC 32-25 are exempt from this subdivision process outlined in this Unified Development Ordinance.

### C. Prerequisites:

- 1. **Eligible Applicant:** An application for a Minor Subdivision Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
- 2. **Restrictions:** A proposed division of land that includes one (1) or more of the following shall not be permitted to utilize the Minor Subdivision Plat process:
  - a. A new roads or improvements to existing roads,
  - b. Divisions of land that result in four (4) or more total lots (i.e. splitting one parcel into four lots; see example below),



- c. Divisions of land that result in new or modified easements,
- d. Any parcel or remnant parcel that was created using a Minor Subdivision process at any time in the past,
- e. A subdivision that requires waivers from the applicable design standards, or
- f. Common area is required in *Article 06: Subdivision Types* or *Article 07: Design Standards*.

### D. Primary Plat Filing Requirements:

- 1. **Application:** An application for a Minor Subdivision Primary Plat shall be made on forms provided by the Zoning Administrator.
- 2. **Supporting Information:** The following supporting information shall accompany a completed application for a Minor Subdivision Primary Plat. The Zoning Administrator may waive in writing the submittal of unnecessary information relative to the application.
  - a. A list of names and mailing addresses of property owners within two (2) properties from the subject parcel, regardless if a street, creek, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office and represents the minimum interested parties.
  - b. Description of the parent tract being subdivided.



3. *Site Plan*: A Site Plan, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equals one hundred feet (1"=100'), that includes the following items:
  - a. Name and address of the petitioner,
  - b. North arrow and graphic scale,
  - c. Proposed address for each lot,
  - d. Adjacent streets, sidewalks, and easements,
  - e. Boundary lines of the site including all parcel dimensions of the site proposed to be subdivided,
  - f. Proposed subdivision lines, all lot dimensions, lot area, and building setback lines on the proposed lots,
  - g. Footprint and dimensions of existing structures with measurements to property lines,
  - h. Stamp of a licensed surveyor, and
  - i. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.
4. *Site Plan Exemption*: Any parcel which is greater than 20 acres in area shall not be required to provide any of the Site Plan information listed in *Section 9.17(D)(3)*. Therefore, if a 40 acre parent tract has a two (2) acre lot split from it, the remaining 38 acres would not need to provide the Site Plan information.
5. *Deadline*: Twelve (12) hard copies of the application for a Minor Subdivision Primary Plat; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for Minor Subdivision Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
6. *Fee*: The applicable fees from the Noble County fee schedule shall be paid at the time the application for a Minor Subdivision Primary Plat is filed. An application without the appropriate application fees shall not be considered substantially complete. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Primary Plat Procedure:


1. *Assignment*: An application for Minor Subdivision Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs at least ten (10) days after the date the legal notice was published or notices were mailed. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Zoning Administrator Review*: The Zoning Administrator may review the proposed subdivision and submit a written report to the Plan Commission stating the facts concerning physical characteristics of the area involved in the subdivision of land, deficiencies in meeting provisions of the Unified Development Ordinance, public facilities available to service the area, and/or other pertinent facts. A copy of such report shall be made available to the applicant and all interested persons prior to or at the public hearing.
3. *Public Notice*: The following public notice standards apply to an application for Minor Subdivision Primary Plat. All costs associated with providing public notice shall be paid by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of a published notice to the Plan Commission which will then be archived in the case file.
4. *Attendance*: The applicant shall be present at the Plan Commission meeting to present and explain the application for a Minor Subdivision Primary Plat, and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for a Minor Subdivision Primary Plat.
5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

# Subdivision of Land; Minor Subdivision Plat

6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - The application, supporting information, and the Site Plan for a Minor Subdivision Primary Plat,
  - Testimony of the applicant,
  - Information presented in writing or verbally by the Zoning Administrator,
  - Input from the public during the public hearing,
  - Applicable provisions of this Unified Development Ordinance, and
  - Any other information as may be required by the Plan Commission to evaluate the application.
7. *Decision:*
  - a. The Plan Commission shall make findings of fact and take final action, or continue the application for a Minor Subdivision Primary Plat to a defined future meeting date.
  - b. The Plan Commission shall make the following findings of fact. Findings, or lack of findings, may be in the form of a general statement.
    - i. The subdivision of land is consistent with the Noble County Comprehensive Plan.
    - ii. The subdivision of land satisfies the standards of *Article 6: Subdivision Types*.
    - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
    - iv. The subdivision of land satisfies all other applicable provisions of this Unified Development Ordinance.
  - c. *Final Action:*
    - i. If the Plan Commission by vote finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the application for a Minor Subdivision Primary Plat.
    - ii. If the Plan Commission by vote does not find all of the findings of fact in the affirmative, it shall deny the application for a Minor Subdivision Primary Plat.
  - d. The Plan Commission may require the applicant to put in writing commitment concerning the Minor Subdivision Primary Plat. Written commitments, if applicable, shall be packaged with the Minor Subdivision Secondary Plat.
  - e. The applicant and Zoning Administrator shall work collaboratively to package the Minor Subdivision Plat including the findings, final action, a print of the site plan with all required or approved amendments, and all applicable commitments. Each component of the Minor Subdivision Plat shall include a "signature" and "date" line for the Plan Commission President and Zoning Administrator to sign and date. The signature line for the Plan Commission President shall clearly state "Primary Plat Approval" and the signature line for the Zoning Administrator shall clearly state "Secondary Plat Approval." Once packaged it shall be reviewed by the Zoning Administrator to confirm consistency with what was approved. Once the Zoning Administrator confirms the package is fully consistent with what was approved he/she shall deliver it to the Plan Commission President for signature. Signature by the Plan Commission President formalizes and completes the Primary Plat approval process.
  - f. *Electronic Submittal:* The final site plan shall also be submitted in .dwg file (i.e. editable electronic format) for ease of archiving and use with the county GIS system.
- F. Secondary Plat Approval: After the Primary Plat has been approved, the Minor Subdivision Plat shall then be signed by the Zoning Administrator to complete the Secondary Plat process.
- G. Recording Plat: The applicant is responsible for recording the approved Minor Subdivision Plat and filing it with the Noble County Recorder within thirty (30) days of the date of signature. One (1) copy of the recorded package, and proof of its recording shall be submitted to the Zoning Administrator for the County's records.
- H. Improvement Location Permits: No building permit shall be issued until proof of recording has been demonstrated.
- I. Preserving Parent Tract: When one (1) or more smaller lots, less than twenty (20) acres each, are split from a large parent tract resulting in a remnant greater than twenty (20) acres in area, then the one (1) parcel greater than twenty (20) acres may be preserved as a "parcel", not a "lot". The "parcel" would preserve its ability to be subdivided further in the future using any subdivision process in this Unified Development Ordinance, and the "lots" would only be able be modified or re-subdivided with the Administrative Subdivision or a replat processes.

# Subdivision of Land; Administrative

## 9.18 Subdivision of Land; Administrative

- A. **Purpose and Intent:** An administrative subdivision shall provide Noble County with the opportunity to (1) expedite adjustments to property lines when no new lots are created, or (2) expedite mergers of two to five lots into fewer buildable lots (e.g. merging two lots into one developable lot for the purpose of constructing across the middle of the lot where the property line used to be), or (3) administratively allow the division of large agricultural lots into smaller agricultural lots. Essentially, the actions described below are considered exempt from the subdivision standards, necessitating verification of compliance and proper record keeping.
- B. **Project Applicability:** An administrative subdivision can be used to modify the division of property within the jurisdictional area of the Plan Commission, but only if the proposed modification meets the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written below. All other divisions of land or alterations to property lines must be processed as a Minor Subdivision or Major Subdivision.
1. **Applicable Districts:** An administrative subdivision of land shall occur only in the following zoning districts:  

  2. **Applicable Actions:**
    - a. **Merging Common Ownership Lots:** The owner of any number of lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new or an escalation in nonconformance; and when there is no change to public services, roads, or utilities.
    - b. **Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots:** Two or more owners adjacent to a vacant lot may jointly purchase the lot, divide it, and merge all of the pieces with their buildable lot. If the lot is not vacant, the primary structure would have to be demolished and/or primary use dissolved, prior to application for an administrative subdivision.
    - c. **Adjusting Lot Lines:** Two owners may adjust a lot line separating their two properties if survey errors were discovered or if both owners desire a modification as long as it does not result in any new or an escalation in nonconformance; or does not reduce either's lot area by more than twenty percent (20%).
    - d. **Subdividing Into Large Lots:** A parcel may be split resulting in any number of lots if all resulting lots are at least ten (10) acres in area.
- C. **Prerequisites:**
1. **Eligible Applicant:** An application for an administrative subdivision shall be initiated by the owner(s) of all applicable lots or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner(s) shall accompany the application.
  2. **Removing Unnecessary Driveway Cuts:** Under the actions listed in *Sections 9.18(B)(2)(a)* and *Section 9.18(B)(2)(b)*, pre-existing driveway cut(s) established for the dissolved lots are encouraged to be vacated and removed, including the apron within the right-of-way.
  3. **Restrictions:** An administrative subdivision petition that includes one (1) or more of the following elements or conditions shall not be permitted to utilize the administrative subdivision process:
    - a. Adding an additional driveway cut with actions described in *Sections 9.18(B)(2)(a)*, *Sections 9.18(B)(2)(b)*, or *Sections 9.18(B)(2)(c)*;
    - b. Establishing a new or modifying an existing easement with actions described in *Sections 9.18(B)(2)(a)*, *Sections 9.18(B)(2)(b)*, or *Sections 9.18(B)(2)(c)*;
    - c. Modifying a lot within a platted subdivision except under 9.18(B)(2)(a);  
 Modifications under 9.18(B)(2)(a) are considered plat amendments and may be approved through this section if it involves only a single property owner, and the number of lots to be combined is equal to or less than five (5). The Zoning Administrator may determine that a plat vacation is needed under IC 36-7-3 or IC 36-7-4-711 at their discretion.
    - d. Further splitting a lot that was created through an administrative subdivision; or
    - e. The lots involved are not all in the same zoning district.
- D. **Administrative Subdivision Filing Requirements:**
1. **Application:** An application for an administrative subdivision shall be made on forms provided by the Zoning Administrator.
  2. **Supporting Information:** The following supporting information shall accompany a completed application for an administrative subdivision. The Zoning Administrator may waive in writing the submittal of unnecessary

information relative to the application.

- a. Legal description and survey of all lots involved prepared by a licensed surveyor, and
  - b. Address for each lot involved.
3. *Site Plan*: A Site Plan, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equals one hundred feet (1"=100'), that includes the following items:
- a. Name and address of the petitioner(s),
  - b. North arrow and graphic scale,
  - c. Adjacent streets, sidewalks, and easements,
  - d. Boundary lines of each lot including all lot dimensions,
  - e. Proposed lot line adjustments or subdivision lines with resulting lot dimensions, lot area, and applicable building setback lines on the resulting lots,
  - f. Footprint and dimensions of existing structures,
  - g. Measurements from existing structures to both the existing property lines and proposed property lines,
  - h. Stamp of licensed surveyor, and
  - i. Any other information necessary to support a thorough review of the proposed adjustments or lot splits as requested on the application form or from the Zoning Administrator.
4. *Site Plan Exemption*: Any lot which is greater than 20 acres in area shall not be required to provide any of the Site Plan information listed in *Section 9.18(D)(3)*. Therefore, if a 50 acre parent tract has a twenty (20) acre lot split from it, the remaining 30 acres would not need to provide the Site Plan information.
5. *Deadline*: Not applicable.
6. *Submittal Material*: Three (3) hard copies of the application and all supporting information; one (1) digital copy of the application and all supporting information in ".pdf" (portable document format); and one (1) digital copy of scaled drawing of lot lines showing the resulting lots (e.g. modification of lot lines, new lots, combined lots) submitted in ".dwg" format.
7. *Fee*: The applicable fee from the Noble County fee schedule shall be paid at the time the application an administrative subdivision is filed. An application without the appropriate application fees shall not be considered substantially complete.
- E. Procedure and Approval:
1. *Review of Material*: An application for an administrative subdivision, which is determined to be complete and in proper form by the Zoning Administrator, shall be reviewed by the Zoning Administrator and the County Surveyor for compliance with the Unified Development Ordinance.
  2. *Decision*: The Zoning Administrator and County Surveyor shall make a joint determination as to whether the petition complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written in *Section 9.18(B)* and *Section 9.18(C)*. If the petition is in compliance all three (3) copies shall be approved and signed by both reviewers. A signed copy shall be retained for County records and two (2) copies conveyed to the petitioner; one (1) for personal records and one (1) for recording with the Noble County Records Office.
  3. *Report to Plan Commission*: At the first regularly schedule Plan Commission meeting after an administrative subdivision approval, the approval shall be reported to the full Plan Commission.
  4. *Proof of Recording*: To officially complete the process the petitioner shall record the plat with the Noble County Records office and provide proof to the Zoning Administrator.
  5. *Failure to Record*: If an approved and signed administrative subdivision and requisite deed(s) are not recorded within thirty (30) days from the date of approval and signature, the application and approval shall be deemed void. The Zoning Administrator shall report the failure to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the petitioner, and shall clearly note failure to record in the County's records.
- F. Improvement Location Permits: No building permit shall be issued until proof of recording has been received by the Zoning Administrator.
- G. Dedication of Right-of-Way: Even if the adjacent street does not meet the minimum right-of-way as listed in the *Noble County Comprehensive Plan*, administrative subdivisions do not necessitate dedication of right-of-way.

## 9.19 Unified Development Ordinance; Text Amendment

- A. **Purpose and Intent:** It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the text of the Unified Development Ordinance. The County Commissioners have the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.
- B. **Project Applicability:** Any proposal to add, remove, or alter a provision of the Unified Development Ordinance shall follow the process outlined in this Section.
- C. **Prerequisites:**
  1. **Eligible Applicants:** County Commissioners or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not County Commissioners or members of the Plan Commission shall find a sponsor among the County Commissioners or the Plan Commission to introduce the proposal.
- D. **Filing Requirements:**
  1. **Application:** A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the County Commissioners or the Plan Commission.
  2. **Deadline:** A proposal for an amendment to the text of the Unified Development Ordinance may be filed any time.
- E. **Formal Procedure:**
  1. **Assignment:** The Zoning Administrator shall assign a case number and place the proposed amendment to the text of the Unified Development Ordinance on the first Plan Commission agenda that occurs twenty-eight (28) days after the proposal is prepared.
  2. **Internal Review:** The Zoning Administrator shall be responsible for introducing the proposed amendment to the text of the Unified Development Ordinance to the Technical Review Committee and other applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the Technical Review Committee and other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of the Unified Development Ordinance will be heard.
  3. **Public Notice:** The following public notice standards apply for a proposal to amend the text of the Unified Development Ordinance.
    - a. The Zoning Administrator shall notify interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
    - b. The Zoning Administrator shall publish a legal notice in a newspaper of general circulation at least ten (10) days before the public hearing.
    - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
  4. **Public Hearing:** A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
  5. **Review:** In preparing and considering proposals to amend the text of the Unified Development Ordinance, the Plan Commission and the County Commissioners shall pay reasonable regard to:
    - a. The Noble County Comprehensive Plan.
    - b. Current conditions and the character of current structures and uses in each district.
    - c. The most desirable use for which the land in each district is adapted.
    - d. The conservation of property values throughout the jurisdiction.
    - e. Responsible development and growth.

F. Decision:

1. *Final Action:* The Plan Commission shall certify the amendment to the text of the Unified Development Ordinance and forward the proposal to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation.
2. *Effective Date:*
  - a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.
  - b. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the final day on which notice of its adoption is published.

## 9.20 Variance

- A. **Purpose and Intent:** The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this Section. Variances may be a "development standards variance" granting relief from a development standard such as height, bulk, or area; or a "use variance" allowing a use that is not listed as a permitted or special exception use in a district.
- B. **Project Applicability:**
1. *Jurisdiction:* Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance.
  2. *Previously Denied Applications:* The Zoning Administrator shall refuse to accept an application for a Variance that has been denied by the Board of Zoning Appeals within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an application for a Variance containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. **Prerequisites**
1. *Eligible Applicants:* An application for a Variance shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
  2. *Pre-application Meeting:* Prior to submitting an application for a Variance, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- D. **Filing Requirements.**
1. *Application:* An application for a Variance shall be made on a form provided by the Zoning Administrator.
  2. *Supporting Information:*
    - a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
    - b. Applicable plans, drawings, and descriptions of the use and proposed site shall accompany the application for a Variance. The supporting information shall accurately and completely describe the proposed project and the need for the requested variance.
    - c. Any other information necessary to support a thorough review of the variance as requested on the application form or from the Board of Zoning Appeals or Zoning Administrator.
  3. *Deadline:* An application for a Variance shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
  4. *Fee:* Applicable fees shall be paid at the time the application for a Variance is filed. Fees shall include reimbursement for any cost borne by the Board of Zoning Appeals to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

## E. Formal Procedure:

1. *Assignment:* An application for a Variance, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the application for a Variance is submitted in its entirety. The Zoning Administrator shall notify the applicant, in writing, of the date of the meeting.
2. *Internal Review:* Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments and agencies to review and comment on the proposed project. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an application for a Variance. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to present the application for a Variance and address and discuss comments and concerns. Failure to appear shall result in the dismissal of the application for a Variance.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review:
  - a. The application for a Variance.
  - b. Supporting information.
  - c. Presentation by the applicant.
  - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
  - e. Input from the public during the public hearing.
  - f. Applicable provisions of the Unified Development Ordinance.
  - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the request.
7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the application for a Variance to a defined future meeting date.
  - a. *Development Standards Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
    - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
    - iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.



- b. Use Variance Findings of Fact: The Board of Zoning Appeals shall make the following findings of fact for Use Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
    - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
    - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
    - iii. That the need for the use variance arises from some condition peculiar to the property involved.
    - iv. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
    - v. The approval does not interfere substantially with the Noble County Comprehensive Plan.
  - c. Final Action:
    - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the application for a Variance.
    - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the application for a Variance.
  - d. Commitments and Conditions:
    - i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Noble County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interest in the land.
    - ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.
- F. Duration:
- 1. *Development Standards Variance:* A development standards variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
  - 2. *Use Variance:* A use variance granted by the Board of Zoning Appeals may run with the land or applicant until one of the following circumstances occurs.
    - a. The use of the variance ends, is vacated, or unused for three (3) months consecutively.
    - b. The property conforms with the Unified Development Ordinance as written.
    - c. The property is sold, if approved as running with the applicant.
- G. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Board of Zoning Appeals at their next regular meeting.
- 1. *Development Standards Variance:* Modification of a development standards variance that makes a project more compliant with the provisions of the Unified Development Ordinance may be authorized by the Zoning Administrator. Modification of a development standards variance that makes a project less compliant with the provisions of the Unified Development Ordinance shall re-file an application for a Variance.
  - 2. *Use Variance:* Modification of a use variance shall not be permitted administratively. Any change in use shall be in compliance with the permitted uses for the applicable zoning district, or shall be done so through a new petition for a use variance.

# Zoning Map Amendment (Rezoning)

## 9.21 Zoning Map Amendment (Rezoning)

- A. Purpose and Intent: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Plan Commission shall make a recommendation to the County Commissioners concerning a proposal to amend the Official Zoning Map. The County Commissioners have the power to approve or deny a proposal to amend the Official Zoning Map.
- B. Project Applicability:
  1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Plan Commission.
  2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an application for a Rezoning that has been denied by the County Commissioners within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an application for a Rezoning containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
  1. *Eligible Applicants*:
    - a. The Plan Commission may act as an applicant and initiate a zoning map amendment.
    - b. Unless the Plan Commission has initiated a zoning map amendment, an application for a Rezoning shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
  2. *Pre-application Meeting*: Prior to submitting an application for a Rezoning the applicant shall meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
  1. *Application*: An application for a Rezoning shall be made on a form provided by the Zoning Administrator.
  2. *Supporting Information*: An application for a Rezoning shall be accompanied by the following supporting information:
    - a. A list of names and mailing addresses of all known property owners within 300 feet of the boundary of the proposed site. The measurement shall include any property that is wholly or partially within the 300 foot boundary regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Noble County Auditor's Office.
    - b. A Site Plan, drawn to scale, that includes the following items.
      - i. North arrow.
      - ii. Graphic scale.
      - iii. Address of the site.
      - iv. Boundary lines of the site including all dimensions of the site.
      - v. Names, centerlines, and right-of-way widths of all adjacent streets, alleys, and easements.
      - vi. Layout, number, dimension, and area of all lots.
      - vii. Location and dimensions of all existing and proposed structures.
      - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
      - ix. Use of each structure by labeling.
      - x. Distance of all structures from front, rear, and side lot lines.
      - xi. Proposed landscaping buffers or landscaped areas.
      - xii. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission, County Commissioners, or Zoning Administrator.
  3. *Deadline*: An application for a Rezoning shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
  4. *Fee*: Applicable fees shall be paid at the time the application for a Rezoning is filed. Fees shall include reimbursement for any cost borne by the Plan Commission or County Commissioners to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Formal Procedure:

1. *Assignment:* An application for a Rezoning, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the application for a Rezoning was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the application for a Rezoning and all supporting information. The Zoning Administrator may forward the application for a Rezoning and any other relevant information to the Technical Review Committee and/or other applicable departments and agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the application for a Rezoning, adjacent zoning, the surrounding land use, facilities available to service the area, or other pertinent facts. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an application for a Rezoning. All costs associated with providing public notice shall be borne by the applicant.
  - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
  - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the application for a Rezoning and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for a Rezoning.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The application for Rezoning.
  - b. All supporting information.
  - c. Information presented in writing or verbally by the Zoning Administrator or other applicable department.
  - d. Input from the public during the public hearing.
  - e. Any applicable provisions of the Unified Development Ordinance;
  - f. Any other information as may be required by the Plan Commission to evaluate the application.
7. *Decision:*
  - a. The Plan Commission shall take final action or continue the application for a Rezoning to a defined future meeting date. The Plan Commission shall pay reasonable regard to the following factors before taking final action.
    - i. The Noble County Comprehensive Plan.
    - ii. Current conditions and the character of current structures and uses in each district.
    - iii. The most desirable use for which the land in each district is adapted.
    - iv. The conservation of property values throughout the jurisdiction.
    - v. Responsible development and growth.
  - b. *Final Action:* The Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the County Commissioners with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Plan Commission may also recommend commitments concerning the use and/or development of the land in connection with the application for Rezoning. The County Commissioners make the final determination regarding an application for Rezoning and any recommended commitments by ordinance.

F. Duration: A rezoning shall be effective from the date of its final approval by the County Commissioners.

G. Modification: A modification to an approved Zoning Map Amendment shall not be permitted.

Article

10

Enforcement and Penalties

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**Noble County  
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# Enforcement and Penalties

## 10.01 Authority

The Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, or the Zoning Administrator shall be designated to enforce the provisions of the Unified Development Ordinance pursuant to applicable Indiana Code.

## 10.02 Violations

- A. **Identification:** Reports made to the Plan Commission Office about potential violations of the Unified Development Ordinance may be investigated by the Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, or Zoning Administrator. Action may or may not be taken depending on the findings. If a violation is identified, the degree of action will be at the discretion of the investigating person and should reflect what is warranted by the violation.
- B. **Responsibility:** The owner, tenant, and/or occupant of any property or structure, or a part of any property or structure, shall be responsible for the violation. Architects, builders, developers, or agents 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 fully responsible.
- C. **Liability:** A structure that is erected or converted, or land used in violation of the Unified Development Ordinance may be deemed a common nuisance and the owner of the structure or land shall be held liable for the nuisance.
- D. **Types:** The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, or Zoning Administrator. Penalties may be imposed based on the provisions set forth in this Article.
  1. **Permits:** Failure to obtain an Improvement Location Permit or any other required permit under the Unified Development Ordinance when required prior to the initiation of improvements, change of land use, or other modifications regulated under the Unified Development Ordinance.
  2. **Improper Placement:** The placement or erection of a primary structure, accessory structure, sign, landscaping, fences, structures or any other element that does not conform with the provisions or explicit intent of the Unified Development Ordinance as determined by the Zoning Administrator.
  3. **Maintenance:** Failure to maintain a property, primary structure, accessory structure, sign, or any other element as determined by the Zoning Administrator.
  4. **Use:** Conducting a use or uses that do not comply with the provisions or explicit intent of the Unified Development Ordinance.
  5. **Other:** Failure to comply with any regulations of the Unified Development Ordinance, including, but not limited to development standards, design standards, development plan, planned development, or conditions of approval imposed.
  6. **Stop Work:** Proceeding with a project under a Stop Work Order.
  7. **Commitments:** Any failure to comply with commitments made in connection with a rezoning, approval of a development plan, special exception, variance, or other similar or documentable commitment, including verbal agreements during official Plan Commission, County Commissioners, or Board of Zoning Appeals meetings.
  8. **Address:** Failure to comply with the Address Ordinance.

# Enforcement and Penalties

- E. **Duration:** Each day a civil zoning violation remains uncorrected constitutes a separate violation.
- F. **Inspection:**
  - 1. **Standard:** Inspections of property may be conducted by the Zoning Administrator or the Building Inspector from the property suspected of the violation with permission from that property owner, tenant, or occupant at the time of the inspection; from a right-of-way; or from an adjacent property with permission from that property owner.
  - 2. **Warrant:** In the event the inspector is denied access and unable to adequately inspect from adjacent property or right-of-way, and providing there is evidence of violation of the Unified Development Ordinance, the Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, Building Inspector, or Zoning Administrator may apply to the court of jurisdiction to invoke legal, equitable, or special remedy for the enforcement of the Unified Development Ordinance or any applicable ordinances adopted under Indiana Code. If the court determines the evidence is sufficient, the warrant issued shall order the owner, tenant, and/or occupant to permit entry by the Zoning Administrator or the Building Inspector for the purposes documented in the application for the warrant.
  - 3. **Emergency Remedy:** When, in the opinion of the Zoning Administrator or Building Inspector, the condition of the site causes serious danger to the health, safety, or welfare of the public, the County may enter the site to remedy the dangerous condition without notice to the property owner.

## 10.03 Procedure for Violations

- A. **Stop Work Order:** The Zoning Administrator or Building Inspector may place a stop work order on any violation discovered during the construction process, including construction occurring without all of the necessary permits. Stop work orders shall be issued by written notice which describe the violation and orders the immediate cessation of work or illegal activity until the matter is resolved. The stop work order shall be posted in a conspicuous place on the property where the violation exists. A copy of the stop work order and a first Notice of Violation letter shall be mailed by certified mail to the property owner and/or the person who is responsible, in part or in whole, for the violation if that person is not the property owner.
- B. **Notice of Violation:** The Zoning Administrator or Building Inspector shall issue a first Notice of Violation letter mailed by certified mail to the property owner or the person who is responsible, in part or in whole, for the violation if that person is not the property owner. The first Notice of Violation letter shall state that a violation exists and must be corrected within fourteen (14) days of the postmarked date of the first Notice of Violation letter. If the violation is not corrected within fourteen (14) days, fines shall be imposed.
  - 1. **Corrected:** If the violation is corrected within fourteen (14) days of the postmarked date of the first Notice of Violation letter, no further action shall be taken. Fines shall not be imposed.
  - 2. **Arrangements:** If, within fourteen (14) days of the postmarked date of the first Notice, arrangements are made to have the violation corrected within a reasonable time period that is agreed to and signed by the person responsible for the violation and the Zoning Administrator or Building Inspector, no further action shall be taken. Fines shall not be imposed.
  - 3. **Continued Violation:** If the violation is not corrected or no arrangements to correct the violation are made within fourteen (14) days, or if agreed-upon arrangements are not executed within the time period agreed upon, fines shall be imposed. The person responsible for the violation shall then have fourteen (14) days from the date the fines are assessed to pay the fines, comply with the penalties, and correct the violation.
  - 4. **Extend Time Period:** The Zoning Administrator or Building Inspector may use their discretion to extend the time period needed to correct the violation if the person responsible for the violation is working in good faith to correct the violation.

# Enforcement and Penalties

- C. **Further Action:** If, after the first Notice of Violation letter, the person responsible for the violation refuses to pay assessed fines, comply with the penalties, or correct the violation, the Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, Building Inspector, or Zoning Administrator may progressively impose fines as outlined in *Section 10.04: Fines and Penalties* or may impose liens against the property and/or take legal action through the court system. It shall not be mandatory for a person responsible for a violation to be noticed multiple times before liens or court action are sought. The Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, Building Inspector, or Zoning Administrator shall determine which course of action will best result in the correction of the violation after the first Notice of Violation letter is ineffective.

## 10.04 Fines and Penalties

- A. **Fines:** Monetary fines shall be imposed for each civil zoning violation identified that is not corrected within the time period stated in the Notice of Violation letter or in signed arrangements made between the Zoning Administrator and the person responsible for the violation. The fines shall be assessed as follows.
1. **First Notice:** The fine for refusal to correct a violation after the first Notice of Violation letter shall be \$100.
  2. **Second and Subsequent Notices:** The fine for refusal to correct a violation after the second and subsequent Notice of Violation letters shall be at least \$150 but not more than \$500 for each day the violation continues to exist after the fourteen (14) day compliance period identified in the first Notice of Violation letter expires. The Zoning Administrator shall determine the exact amount of the fine. The second Notice of Violation letter shall not be sent until the fourteen (14) day compliance period identified in the first Notice of Violation Letter has expired. Subsequent Notice of Violation letters shall not be sent until the compliance period identified in the previous Notice of Violation letter has expired.
- B. **Permit Penalties:** Any person who initiates site or structural changes, or change of use of structure or property prior to obtaining an Improvement Location Permit or any other required permit shall pay three (3) times the amount of the normal permit fee as the first Notice of Violation letter fine. The person may also be subject to additional fines and penalties for civil violations if application for a permit is not filed within fourteen (14) days of the first Notice of Violation letter.
- C. **Payment:** The payment of any violation shall be delivered to the County Treasurer who shall deposit the funds in an account as determined by the County Commissioners. A receipt of payment shall be recorded and a receipt shall be issued to the person making payment.
- D. **Removal of Violation:** The Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, Building Inspector, or Zoning Administrator may, by mandatory injunction in the Circuit or Superior Court of Noble County against the owner of the real estate, require the removal of a structure erected in violation of the Unified Development Ordinance, or the removal of any use or condition in violation of the Unified Development Ordinance.

## 10.05 Appeals or Trials

- A. **Initiating an Appeal:** Any person receiving a Notice of Violation letter and/or assessed fines may appeal the violation and/or fine to the Board of Zoning Appeals or to the court of jurisdiction. A written statement from the person in violation shall be submitted to the Zoning Administrator via certified mail at least three (3) days prior to the date the fine is due in order to initiate the appeal of the violation.
- B. **Appeal Hearing:** The person in violation shall have thirty (30) days from the day the appeal is initiated to file for a hearing with the Board of Zoning Appeals or court of jurisdiction. Also the person in violation shall have a maximum of two (2) years to complete the hearing process with the Board of Zoning Appeals. Failure to meet these deadlines will reinstate all fines due by the person in violation.
- C. **Postponement of Fines:** The fines due will be postponed until the Board of Zoning Appeals or court of jurisdiction have made a ruling as to the violation and/or fine.

# Enforcement and Penalties

## 10.06 Enforcement, Remedies, and Injunctive Relief

- A. **Enforcement:** All remedies and enforcement shall comply with the powers set forth in *IC 36-7-4-1000 et seq.* and all other applicable State Laws.
1. **Legal Action:** The Plan Commission, Board of Zoning Appeals, County Commissioners, County Attorney, Building Inspector, or Zoning Administrator may bring an action in the Circuit or Superior Court of the Noble County for the following reasons:
    - a. To evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under *IC 36-7-4 et seq.* This includes but is not limited to the Unified Development Ordinance.
    - b. To enforce agreements between the Plan Commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
    - c. To enforce commitments made in accordance with *IC 36-7-4 et seq.*
    - d. To enforce conditions imposed in accordance with *IC 36-7-4 et seq.*
    - e. 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 Unified Development Ordinance.
    - f. For a mandatory injunction, directing to remove a structure erected in violation of the Unified Development Ordinance or applicable State Code. If the enforcement official is successful in its action, the property owner shall bear all costs of the action.
  2. **Enforcing a Commitment:** 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 Noble County by:
    - a. Any person who is entitled to enforce a commitment made in accordance with *IC 36-7-4 et seq.* 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

11

Definitions

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**Noble County  
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# Definitions – Abandoned

## 11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development 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.

## 11.02 Defined Words

The following terms shall have the following meanings:

**Abandoned**: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) 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.

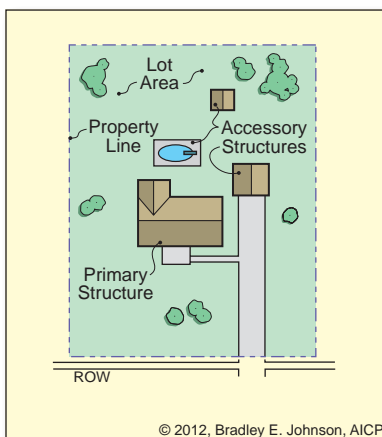
**Above Ground Utility Facility**: Permanently located and installed electrical generators, pipeline pumping stations, public wells, telephone exchanges, utility substations, and the like.

**Access Street**: See "Street, Access."

**Accessory Dwelling**: See "Dwelling, Accessory."

**Accessory Structure**: A structure which:

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



**Accessory Structure, Recreation-based**: An accessory structure placed on a lot and used for recreation, entertainment and lounging. Specific types of permitted Recreation-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

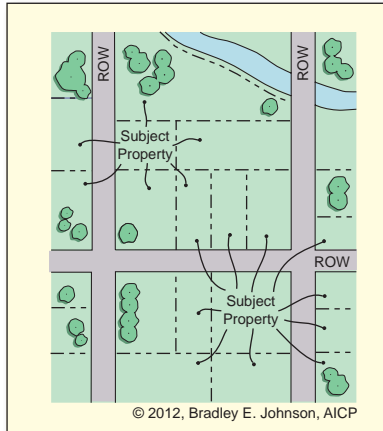
**Accessory Structure, Storage-based**: An accessory structure placed on a lot and used to store, keep, shelter or contain material items. Specific types of permitted Storage-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

# Definitions – Applicant

**Accessory Structure, Support-based:** An accessory structure placed on a lot and used to provide essential services to a primary structure, primary land use, or another accessory structure. Specific types of permitted Support-based Accessory Structures are indicated in the accessory structure standards in *Article 5: Development Standards*.

**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.



**Administrator:** See "Zoning Administrator."

**Advisory Plan Commission:** See "Plan Commission."

**Agricultural District:** Refers to the A1, A2, and A3 districts.

**Agricultural Tourism:** Permanent or temporary uses integrated with an agricultural operations offering agriculture education, agricultural experiences, agricultural products primarily grown or produced on-site, and the like. Examples, include "you-pick" blueberries, pumpkin festival, cider mill, observing a dairy operation, retail sales of cheese produced on site, and feeding farm animals.

**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.

**Airport:** Any area which is used or intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or intended to be used for airport structures or facilities, including open spaces, taxiways, and tie-down areas.

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

**Animal, Exotic:** Animals raised and bred for unique pets or entertainment, or animals rescued from the wild or from zoos. Exotic animals are primarily securely caged animals. Exotic animals do not include outdoor pets, household pets, or farm animals. Examples of exotic animals include: lions, tigers, wolves, coyotes, and elephants.

**Animal, Farm:** Animals raised and bred for meat, milk or similar food products, or for wool, fur or similar textiles, or for estrogen or similar chemical or pharmaceutical products. Farm animals do not include outdoor pets, household pets, or exotic animals. Examples of farm animals include: cows, horses, sheep, pigs, chickens, turkeys, goats, etc.

**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 Plan Commission and/or Board of Zoning Appeals for action by the Plan Commission or Board of Zoning Appeals affecting the real estate owned or represented by the applicant.

# Definitions – Arterial Street

**Arterial Street:** See "Street, Arterial."

**Assisted Living Facility:** A residential facility where assistance with daily activities, such as taking medicine, dressing, grooming, and bathing are provided 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.

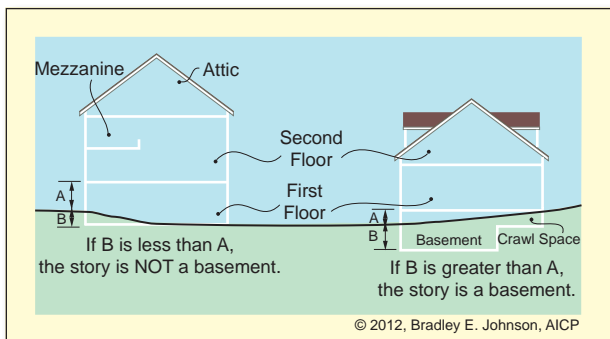
**Automobile Oriented Business:** A business that includes services rendered directly on, to, or for vehicles. Automobile Oriented Businesses include automobile accessory installation, automobile body shop, automobile gas station, automobile oil change facility, automobile parts sales, automobile rental, automobile repair/service station, and automobile wash, but do not include automobile sales.

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

**Automobile Repair/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.

**Base Zoning District:** See "Underlying District."

**Basement:** That portion of a structure below the first or ground floor level and having less than four (4) feet of clearance from its ceiling to the average finished grade of the structure perimeter. A basement shall not be considered a story for the purposes of determining structure height, except when it is used or suitable for habitation.

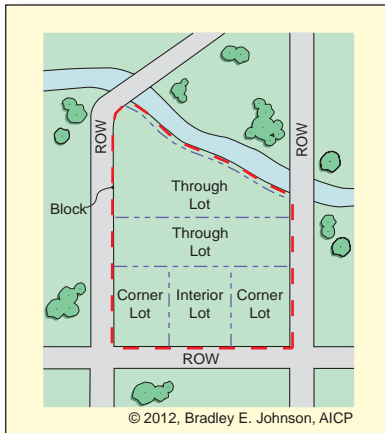


**Bed and Breakfast:** An owner occupied or employee of the owner occupied residence containing no more than six (6) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel/motel or boarding house.

**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.

# Definitions – Building Envelope

**Block:** Property abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intersecting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.



**Board:** See "Board of Zoning Appeals."

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

**Boarding House:** A structure, 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 County and as described in the Unified Development Ordinance as allowable.

**Broadcast Studio:** The broadcast structure for the production of radio and television programming, not to include any telecommunication towers.

**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.

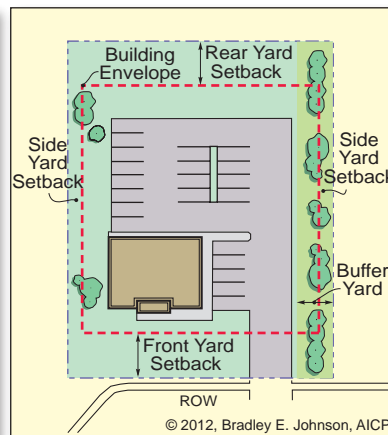
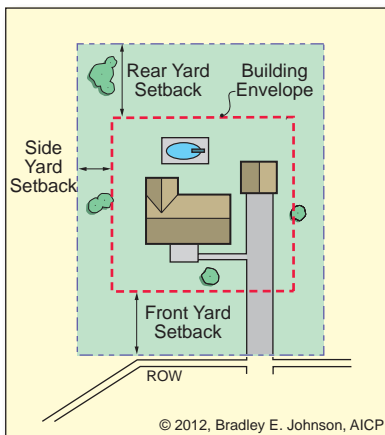
**Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two (2) feet.

**Building Code:** The Indiana Building Code which establishes and controls the standards for constructing all forms of permanent structures and related matters.

**Building, Detached:** See "Detached Structure."

**Building Height:** See "Structure Height."

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



# Definitions – Building, Multiple-tenant

**Building, Multiple-tenant:** A building that contains more than one (1) business, service, organization, and/or institution.

**Building, Single-tenant:** A building that contains only one (1) business, service, organization and/or institution.

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

**BZA:** See "Board of Zoning Appeals."

**Caliper:** A tree trunk diameter measured in inches at a height of four and one-half feet (4' 6") above the ground. If a tree splits into multiple trunks below four and one-half feet (4' 6"), the trunk is measured at its most narrow point beneath the split.

**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 structure, or portion of a structure, containing facilities for washing one (1) or more automobiles at any one (1) 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 devices or other associated devices used in the provision of telecommunications service.

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

**Certificate of Occupancy:** A certificate stating that the occupancy and use of a structure complies with all applicable Unified Development 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 (6) 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*

**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:**

- A residential facility that provides child care on a twenty-four (24) hour basis for more than ten (10) children; or
- A residential facility with a capacity of not more than ten (10) children that does not meet the residential structure requirements of a group home; or
- 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.

# Definitions – County Official

**Club House:** A structure 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 the public 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 VM, C1, C2, and C3 Districts.

**Commercial Wireless Communications Service:** A licensed commercial wireless telecommunications service, 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 "Plan Commission."

**Community Center:** A structure 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 Noble 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 Comprehensive 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 the total number of animals is at least 300 dairy cattle, or 300 veal calves, or 300 cattle other than dairy cows, or 600 swine, or 600 sheep, or 30,000 ducks, or 30,000 laying hens, or 30,000 chickens. The term does not include a livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and that is under state or federal supervision; or a livestock sales barn or auction market where animals are kept for not more than ten (10) days.

**Confined Feeding Structure:** A structure placed on a lot for Confined Feeding. Specific types of permitted Confined Feeding Structures are indicated in the Confined Feeding Standards in *Article 5: Development Standards*.

**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 Unified Development 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:** Noble County, Indiana.

**County Official:** An elected member, appointed member, or employee of Noble County.



# Definitions – Covenants

**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 (1) end open to traffic and being permanently terminated by a vehicular turnaround at the other end.

**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."

**DBH (Diameter-at-breast-height)**: See "Caliper."

**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.

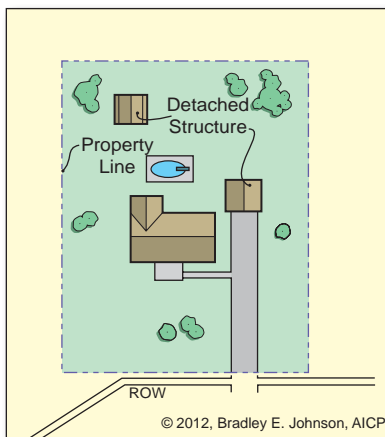
**Demolition**: The complete removal or destruction of any structure excluding its foundation.

**Design Services Office**: See "Office, Design Services."

**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.

**Detached Building**: See "Detached Structure."

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



**Developed Lot**: See "Lot, Developed."

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

**Development**: The act of modifying a lot, parcel or property developing as a plan or method, or an image upon a photographic plate; gradual advancement or growth through a series of progressive changes; also, the result of developing, or a developed state.

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

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

**Diameter-at-breast-height (DBH)**: See "Caliper."

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

**DNR**: Indiana Department of Natural Resources.

**Domestic Pets**: See "Pets, Domestic."

**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.

**Driveway**: Any facility or structure used to convey vehicles to public streets.

**Duplex**: See "Dwelling, Two-family."

**Dwelling**: A 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 multiple-family dwelling units, but excluding hotels, motels, and boarding houses.

**Dwelling, Accessory, Permanent**: A dwelling unit which is accessory to another dwelling unit on the same parcel/lot and which is placed there on a permanent basis (for a period of greater than three (3) years).

**Dwelling, Accessory, Temporary**: A dwelling unit which is accessory to another dwelling unit on the same parcel/lot and which is placed there for a period of three years or less.

**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 (2) or more sections which, when joined, have a minimum dimension of twenty-three (23) feet in width for at least sixty percent (60%) of its length.

**Dwelling, Mobile Home**: A transportable dwelling unit which is a minimum of eight (8) 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 structure designed to be occupied by four (4) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-family**: See "Dwelling, Single-family Detached."

**Dwelling, Single-family Attached**: An attached residential dwelling unit designed to be occupied by two (2) or three (3) families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-family Detached**: A detached residential dwelling unit designed to be occupied by one (1) family. A single family dwelling shall be at least twenty-three (23) feet wide for sixty percent (60%) of its length. This definition is inclusive of Manufactured Home Dwellings as defined.

# Definitions – Dwelling Site

**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, Three-Family**: An attached residential dwelling unit designed to be occupied by three (3) families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Two-Family**: An attached residential dwelling unit designed to be occupied by two (2) families, with the number of families in residence not exceeding the number of dwelling units provided.

**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.

**Elevated Structure**: A structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

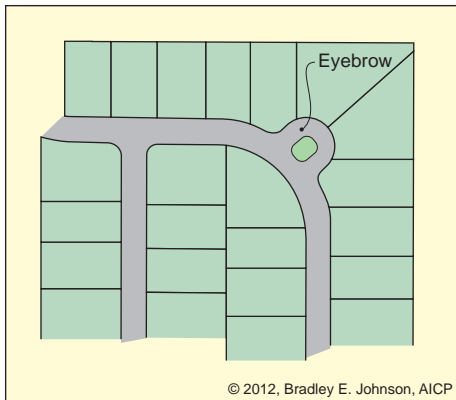
**EPA**: United States Environmental Protection Agency.

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

**Established Building Setback Line**: The average setback distance of all structures on the side of a street between two (2) intersecting streets. Such line shall be redetermined as each successive vacant lot is proposed to be improved with a structure.

**Exotic Animal**: See "Animal, Exotic"

**Eyebrow**: A semi-circular extension of a curb on one (1) side of a street designed to provide more street frontage for a small number of lots.



**FAA**: Federal Aviation Administration.

**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:

- 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 (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

# Definitions – Fixture, Full-cutoff

**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 multiple-family residential zoning district, but still must meet "nondiscriminatory" health, fire, safety, and building regulations. These facilities include:

- 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 (10) children.
- Residential Facility for the Developmentally Disabled which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.
- Residential Facility for the Mentally Ill which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) 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 (2) or more persons related by blood, marriage, or adoption; or a group of not more than three (3) persons, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

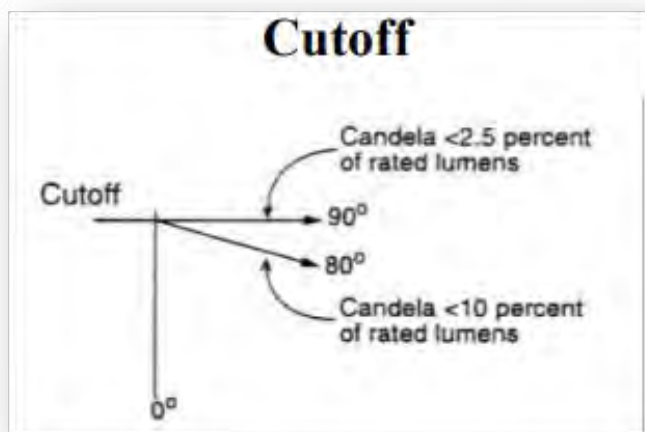
**Farm Animal:** See "Animal, Farm."

**Farmer's Market:** The assembly of local producers and providers of fruit, vegetables, meat, bread, dairy, herbs, spices, eggs, wine, and other products of local and regional farms; at an interior or exterior location for the public to purchase such products. Ancillary to farm products, non-farm products and products manufactured from farm products may be sold.

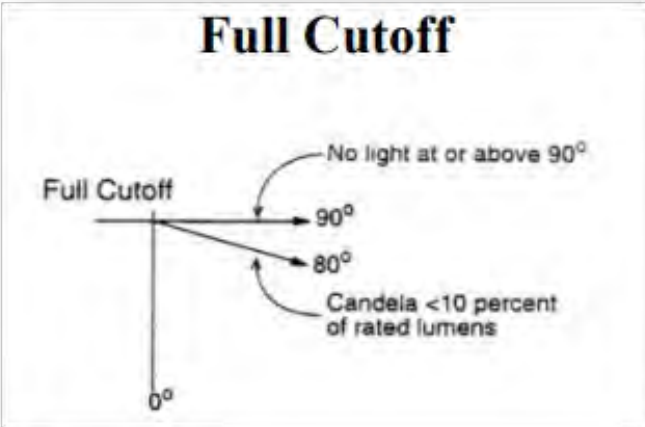
**Farmstead:** A single-family dwelling unit that is located on and used in connection with a farm.

**FCC:** United States Federal Communications Commission.

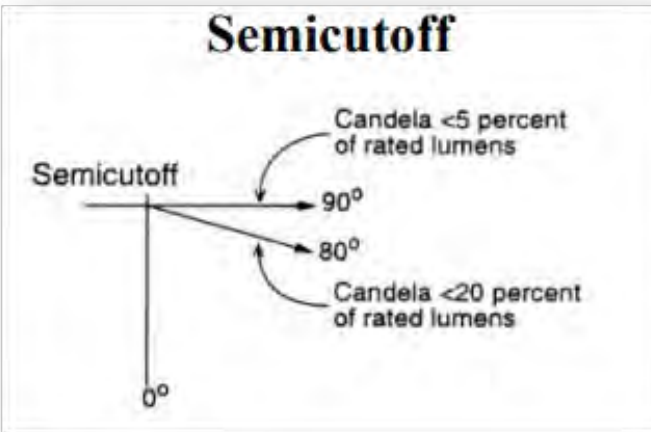
**Fixture, Cutoff:** A luminaire where the luminous intensity (in candelas) at or above an angle of  $90^\circ$  above nadir does not numerically exceed 2.5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity (in candelas) at or above a vertical angle of  $80^\circ$  above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.



**Fixture, Full-cutoff:** A luminaire where the luminous intensity (in candelas) at or above an angle of  $90^\circ$  above nadir is zero, and the luminous intensity (in candelas) at or above a vertical angle of  $80^\circ$  above nadir does not numerically exceed 10% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.



**Fixture, Semi-cutoff:** A luminaire where the luminous intensity (in candelas) at or above an angle of 90° above nadir does not numerically exceed 5% of the luminous flux (in lumens) of the lamp or lamps in the luminaire, and the luminous intensity (in candelas) at or above a vertical angle of 80° above nadir does not numerically exceed 20% of the luminous flux (in lumens) of the lamp or lamps in the luminaire.

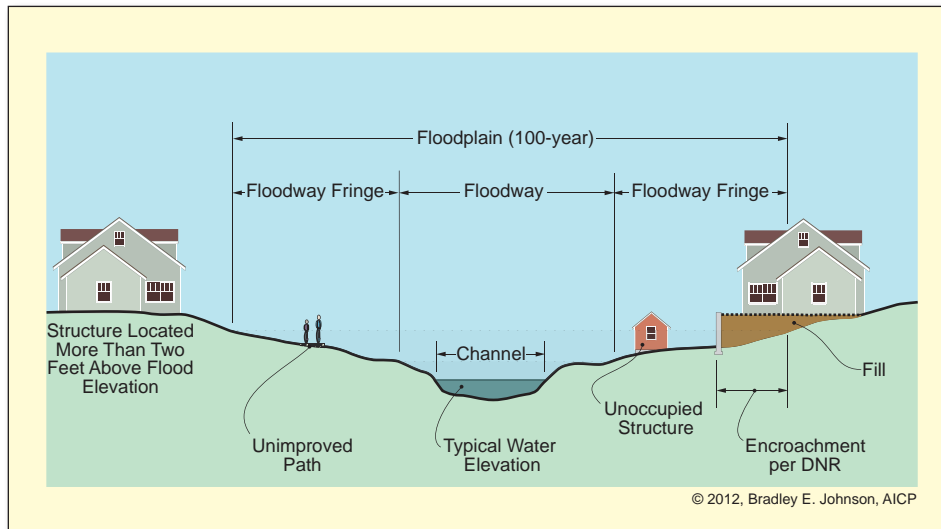


**Flat Lens Luminaire:** A luminaire where the lens which projects light is not a globe, does not contain a concave or convex lens, and which does not project from the housing of the luminaire.

**Flex Space:** A commercial or industrial building that has been designed to accommodate multiple tenants each able to utilize one (1) or more of the pre-designed tenant spaces.

# Definitions – Golf Course

**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 floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a structure enclosed by and within the surrounding exterior walls or roofs, or to the center line(s) of party walls separating such structures or portions thereof. Floor area of a structure 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.

**Front Line:** With respect to a structure, 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."

**Frontage Street:** See "Street, Frontage."

**Fully Shielded Luminaire:** A luminaire that emits no direct uplight, but which has no limitation on the intensity in the region between 80° and 90°.

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

**General Services Office:** See "Office, General Services."

**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 (GIS)."

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

# Definitions – Grade, Finished

**Grade, Finished:** The average elevation of the finished surface of the ground within ten (10) feet of the 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 structure.

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

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

- 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*.

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 shall 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 Unified Development 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 Unified Development Ordinance; any result of land division requiring variance from the development standards of this Unified Development Ordinance in order to render that site buildable.

**Height:** See "Structure Height."

**High Impact District:** Refers to the HI district.

**Hobby Farming:** The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and raising of farm animals. Hobby farming use(s) shall not exceed forty percent (40%) of the land area of the lot. Hobby farming shall not include feed lots, stock yards, or confined feeding.

**Home Based Business, Type 1:** A very low impact business being operated out of a residence.

**Home Based Business, Type 2:** A low impact business being operated out of a residence or accessory building.

**Home Based Business, Type 3:** A moderately intense business being operated from an accessory building on a lot with a residence.

**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 structure 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.

**Household Pets:** See "Pets, Household."

**Hub Height:** The distance measured from grade to the central axis of the rotors on a horizontal axis wind turbine.

**Hunting Club:** An establishment (e.g. business or organization) that permits hunting on the lot(s).

# Definitions – Juvenile Detention Facility

**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."

**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 Unified Development Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, reconstruct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any structure within its jurisdiction, or permitting a person to change the condition of the land. Only projects that are regulated by the Unified Development Ordinance and that state that a permit is required have to obtain such a permit.

**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 and I2 districts.

**Infill Lot:** See "Lot, Infill."

**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.

**Interior Lot:** See "Lot, Interior."

**Interstate:** Any street 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 national system of interstates.

**Junk:** An automobile, truck, other motor vehicle, watercraft, 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 or County 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 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, Dog

**Kennel, Dog:** An establishment where five (5) or more adult dogs, of either sex, one (1) year of age or older that are bred, raised, trained, or boarded as part of a commercial enterprise.

**Kennel, General:** An establishment where adult dogs, cats, or other small domesticated animals are bred, raised, trained, or boarded as part of a commercial enterprise.

**Legal Nonconforming Lot of Record:** Any legally established and recorded lot prior to the effective date of this Unified Development Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards.

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

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

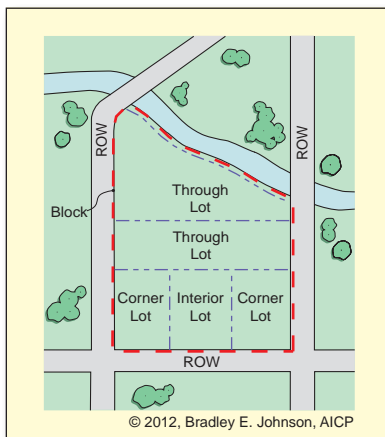
**Legal Nonconforming Use:** Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

**Livestock Operations:** The raising of animals for food, fur, or recreation in lots, pens, ponds, sheds, or buildings, where the total number of animals is at least 100 dairy cattle but less than 300 dairy cattle, or at least 100 veal calves but less than 300 veal calves, or at least 150 cattle other than dairy cows but less than 300 cattle other than dairy cows, or at least 200 swine but less than 600 swine, or at least 200 sheep but less than 600 sheep, or at least 7,500 ducks but less than 30,000 ducks, or at least 7,500 laying hens but less than 30,000 laying hens, or at least 7,500 chickens but less than 30,000 chickens. The term does not include a livestock market where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and that is under state or federal supervision; or a livestock sales barn or auction market where animals are kept for not more than ten (10) days.

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

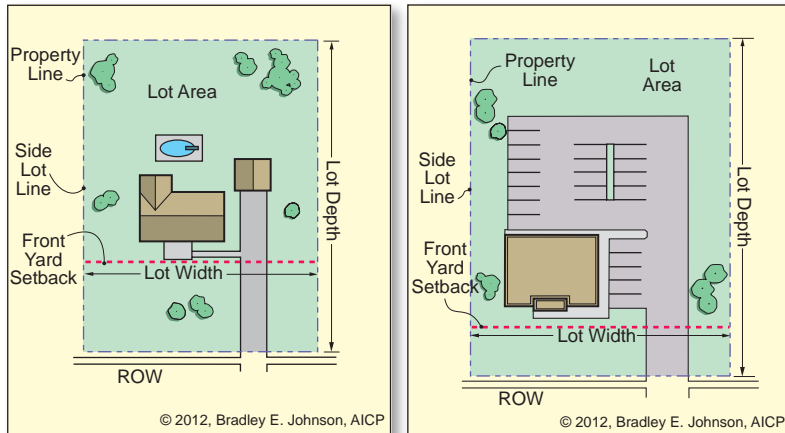
**Local Street:** See "Street, Local."

**Lot:** A legally established piece of land under single or multiple ownership or control that is developable. Lot is a generic term inclusive of parent tract, parcel, or platted lot. There are generally three (3) types of lots identified in the Unified Development Ordinance: interior lots, corner lots, and through lots. A lot may also include multiples of a singular tract if a commitment is recorded under 5.48 (B)(5).



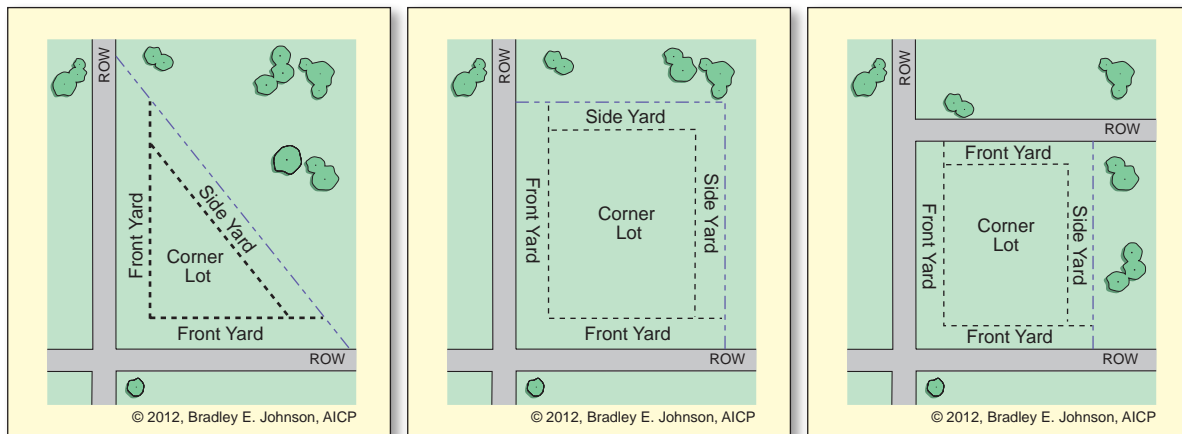
# Definitions – Lot, Infill

**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, Buildable:** A lot upon which a structure may 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.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one hundred thirty-five degrees (135°).



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

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

**Lot, Developed:** A lot with structures situated thereon.

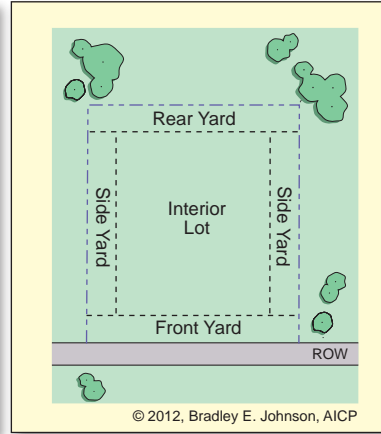
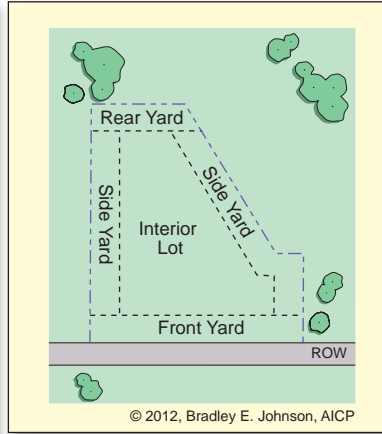
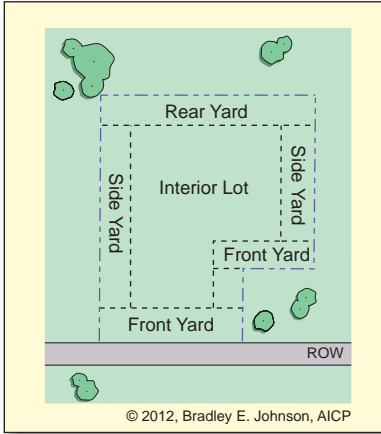
**Lot Frontage:** The length of the front lot line bordering upon a public right-of-way. The lot frontage is determined by measuring the total distance in which the front lot line touches a public right-of-way. Lot frontage requirement for a cul-de-sac lot is one-half (0.5) the distance required for standard lots.

**Lot, Improved:** A lot upon which a structure may 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.

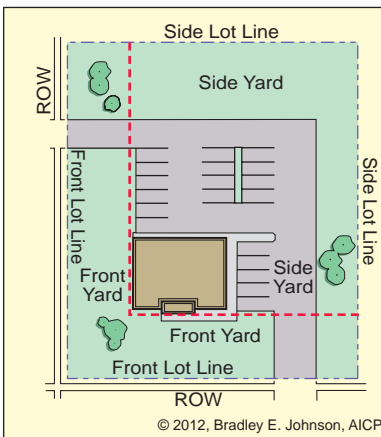
**Lot, Infill:** A vacant, buildable lot surrounded on at least two (2) sides by preceding structures. Generally, development on an infill lot is intended to resemble the use, height, and character of buildings on neighboring lots.

# Definitions – Lot, Interior

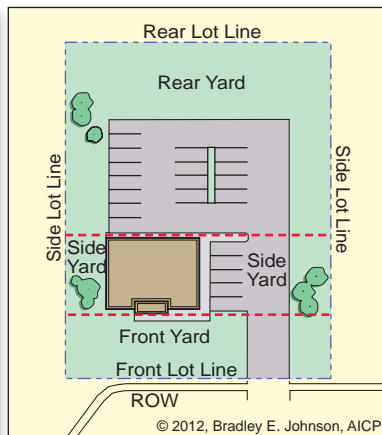
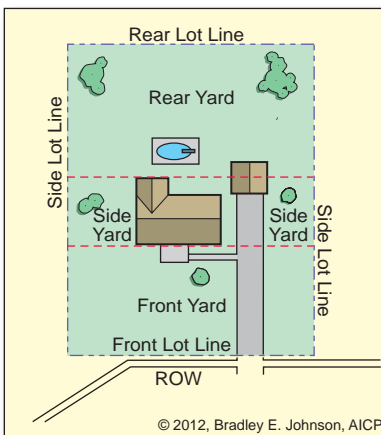
**Lot, Interior:** A lot other than a corner lot or a through lot.



**Lot Line, Front (corner lot):** The line marking the boundary between the lot and each of the abutting streets.



**Lot Line, Front (interior or through lot):** The line marking the boundary between the lot and the abutting street, right-of-way or a lake or watercourse

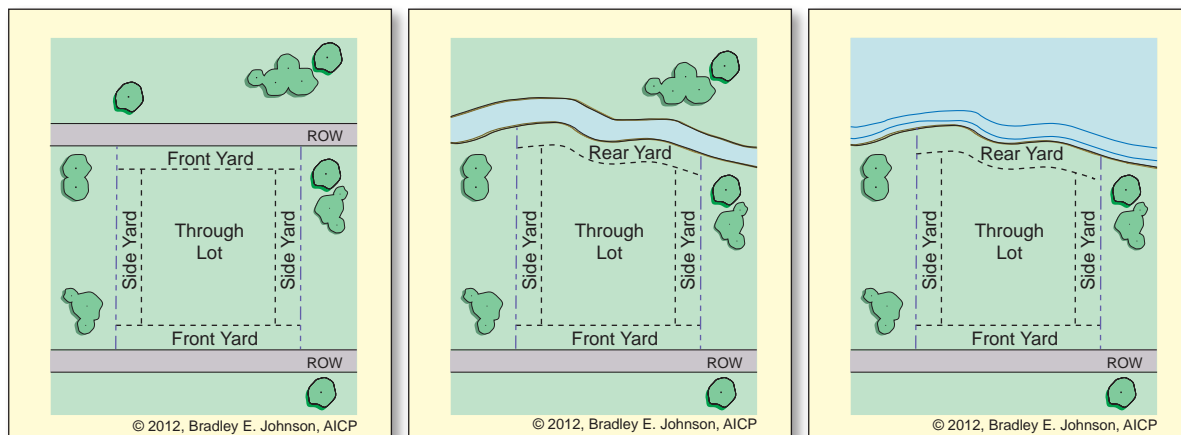


**Lot Line, Rear:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet (10') long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line. (See Graphic for "Lot Line, Front")

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

**Lot of Record:** A lot which is 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.

**Lot, Through:** A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.



**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 (1) side lot line to the other. (See Graphic for "Lot Area")

**Lowest Floor:** means the lowest elevation described among the following:

- The lowest floor of a structure.
- The basement floor.
- The garage floor, if the garage is connected to the structure.
- The first floor of a structure elevated on pilings or constructed on a crawl space.
- The floor level of an enclosure below an elevated structure where the walls of the following requirements are satisfied:
  - The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
  - At least two (2) openings are designed and maintained for the entry and exit of flood water, and these openings provide a total area of at least one (1) square inch for every one (1) square foot of enclosed floor area subject to flooding. The bottom of an opening can be no more than one (1) foot above grade. Doorways and windows do not qualify as openings under this clause

**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 (2) 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.

# Definitions – Manufacturing, Heavy

**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 structure 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.

**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."

**Maximum Lot Coverage:** The highest amount of impervious surface coverage permitted by the Unified Development Ordinance.

**Medical Office:** See "Office, Medical."

**Meteorological Tower:** A tower that hosts weather instrumentation to evaluate meteorological conditions.

**Mini Warehouse:** See "Warehouse "Self Storage" Facility."

**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 (1) side to the other.

**Multiple-family District:** Refers to the R4, R5, and VM districts.

**Mural:** See "Sign, Mural."

**Nacelle:** A housing, cover, or structure that surrounds a generator and its mechanical and electrical components, typically associated with a wind turbine.

**Noise Sensitive Use:** The use of a 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 nursing homes.

**Nonconforming Building:** See "Nonconforming Structure."

**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 Structure:** A 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.

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

**Non-participating Property:** See "Property, Non-participating."

**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.

**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 contractor, general contractor, heating and cooling contractor, landscaping contractor, plumbing contractor office, and the like.

**Office, Design Services:** Architecture firm, engineering firm, graphic design firm, planning firm, and the like.

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

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

**Office, Medical:** Emergency medical clinic, dental clinic, medical clinic, optical clinic, rehabilitation clinic, veterinarian clinic/hospital, and the like.

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

**Official Zoning Map:** A map of Noble 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 Zoning Administrator.

**Official Zoning Map Copies:** A map of Noble 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."

**Open Space:** An area of land not covered by structures, parking structures, or accessory structures except for recreational structures. Open space may include nature areas, streams, flood plains, meadows or open fields containing baseball fields, football fields, 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.

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

**OSHA:** Occupational Safety and Health Administration.

**Outdoor Pet:** See "Pet, Outdoor."

**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:** A legally established piece of land that was not created by a platted subdivision.

**Parent Tract**: A lot that was legally established and recorded on or before the effective date of this Unified Development Ordinance.

**Park, Public**: A parcel of land available to the public for passive and active recreation and is maintained and governed by Noble County or the State of Indiana.

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

**Parking Space, Automobile**: Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half (1.5) ton capacity.

**Parking Structure**: A parking garage.

**Participating Property**: See "Property, Participating."

**Paved Surface**: A durable surface for parking, driving, riding, or similar activities that utilizes asphalt, concrete, brick, paving blocks, or similar material. Crushed gravel, stone, rock, 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 Noble County which guarantees that the subdivider will perform all actions required by Noble County regarding an approved plat or in other situations as stated forth in the Unified Development Ordinance and/or as deemed by the Zoning Administrator 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.

**Pets, Domestic**: 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.

**Pets, Household**: Domestic pets maintained within the confines of the dwelling unit. Household pets do not include outdoor pets or farm animals. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, rabbits, and birds.

**Pet, Outdoor**: A domestic pet maintained within the confines of a lot. An outdoor pet does not include a farm animal, mouse, snake, hamster, ferret, or bird. Examples of an outdoor pet include a rabbit, chicken, dog or cat.

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

**Plan Commission**: A plan commission serving a single local government jurisdiction established as defined under the *IC, 36-7-1-2* as amended. The Noble County Plan Commission is an Advisory Plan Commission.

**Planned Development (PD)**: A large-scale unified development meeting the requirements for zoning approval under the provisions of *Article 4: Planned Development Districts* of the Unified Development Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner,

# Definitions – Primary Structure

to be developed as a single entity which does not correspond in size of lots, bulk or type of structures, density, lot coverage, and required open space to the regulations established in any district of the Unified Development 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 unit developments. A planned unit development requires approval through a zoning map amendment.

**Planning Director:** See "Zoning Administrator."

**Planning Jurisdiction:** The legal boundary of Noble County, Indiana less the incorporated cities and towns and the applicable contiguous unincorporated extra-territorial jurisdictional area.

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

**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.

**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.

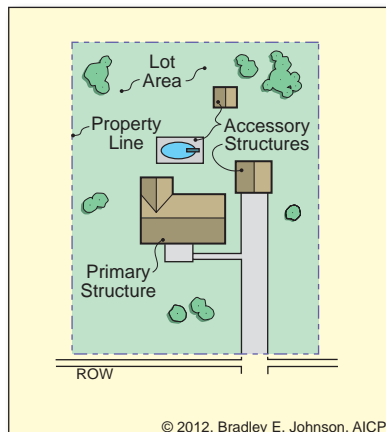
**Power Generation Facility:** A facility used to generate electrical power such as a wind power facility or solar power facility.

**Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of this Unified Development Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within this Unified Development 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:** The structure in which the use of the lot or premises is located or conducted, with respect to residential uses, the primary structure shall be the main dwelling.





# Definitions – Primary Use

**Primary Use:** See "Use, Primary."

**Private Street:** See "Street, Private."

**Professional Office:** See "Office, Professional."

**Prohibited Use:** A use that is not permitted under any circumstances.

**Property, Non-Participating:** Any property that may or may not be affected by a utility-grade wind turbine system that does not meet the definition for a Participating Property.

**Property, Participating:** Participating properties are those that meet either of the following conditions:

- The property hosts one (1) or more utility-grade wind turbine system or other related infrastructure (transmission lines, buildings, met towers, etc); or
- The owner of the property has established and signed a waiver allowing the wind farm to encroach on said property with respect to setback distances or other criteria set forth by *Section 3.05: WFO District Development Standards* (e.g. number of hours of shadow flicker or decibel level). Such a waiver may or may not be accompanied by "good neighbor" payments or similar compensation to the affected property owner from the wind farm operator or developer.

**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.

**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 Safety and Nuisance:** Anything that is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Public Street:** See "Street, Public."

**Public Utility:** See "Utility, Public."

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

**Raising of Farm Animals:** A livestock operation that falls outside of the definition of Confined Feeding. Maximum number of farm animals shall be: 299 dairy cattle, or 299 veal calves, or 299 cattle other than dairy cows, or 599 swine, or 599 sheep, or 29,999 ducks, or 29,999 laying hens, or 29,999 chickens.

**Rear Lot Line:** See "Lot Line, Rear."

**Rear Yard:** See "Yard, Rear."

**Recreation Center/Play Center:** An enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, 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.

**Recreational Vehicle Park:** Any commercially zoned site, lot, field, or tract of land under single ownership or ownership of two (2) 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.

# Definitions – School

**Registered Professional Engineer:** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Residential District:** Refers to the RE, R1, R2, R3, R4, R5, LR, MH, and VM districts.

**Residential Facility for the Developmentally Disabled (large):** A residential facility which provides residential services for more than eight (8) developmentally disabled individuals as described in *IC 12-28-4*.

**Residential Facility for the Developmentally Disabled (small):** A residential facility which provides residential services for eight (8) developmentally disabled individuals or less as described in *IC 12-28-4*.

**Residential Facility for the Mentally Ill:** A residential facility which provides residential services for mentally ill individuals as described in *IC 12-28-4*. No two (2) Residential Facilities for the Mentally Ill shall be within 3,000 feet of one another in the 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 Unified Development Ordinance.

**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.

**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.

**Retail, High Intensity:** See "Type 4 Retail, High Intensity."

**Retail, Low Intensity:** See "Type 2 Retail, Low Intensity."

**Retail, Medium Intensity:** See "Type 3 Retail, Medium Intensity."

**Retail, Special Handling:** See "Type 6 Retail, Special Handling."

**Retail, Very High Intensity:** See "Type 5 Retail, Very High Intensity."

**Retail, Very Low Intensity:** See "Type 1 Retail, Very Low Intensity."

**Retirement Community:** An age-restricted development, which may include detached and attached dwelling units and apartments.

**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.

**Road:** See "Street."

**Roadside Sales:** Sale of produce grown on the same site it is sold.

**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 (0.5) its height or its drip line, whichever is greater.

**ROW:** See "Right-of-Way."

**Sanitary Sewer Utility System:** A community sewer system including collection and treatment facilities owned and maintained by a municipality or district of owners.

**Satellite Dish:** 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,

# Definitions – School

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 practice.

**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.

**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 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 and establishment which offers massage therapy or body work except when performed by a massage therapist licensed by the State of Indiana, certified by the 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."

**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.

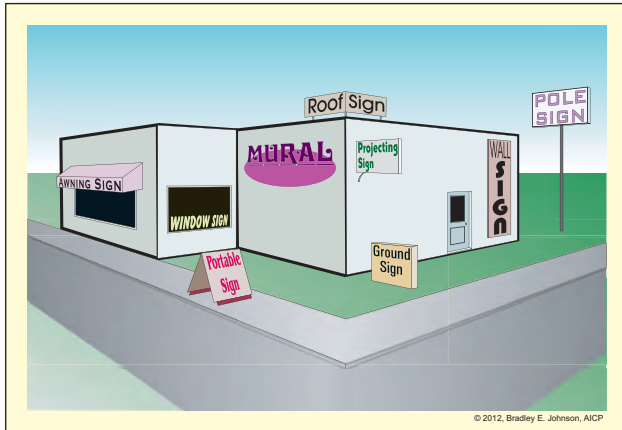
**Side Lot Line:** See "Lot Line, Side."

**Side Yard:** See "Yard, Side."

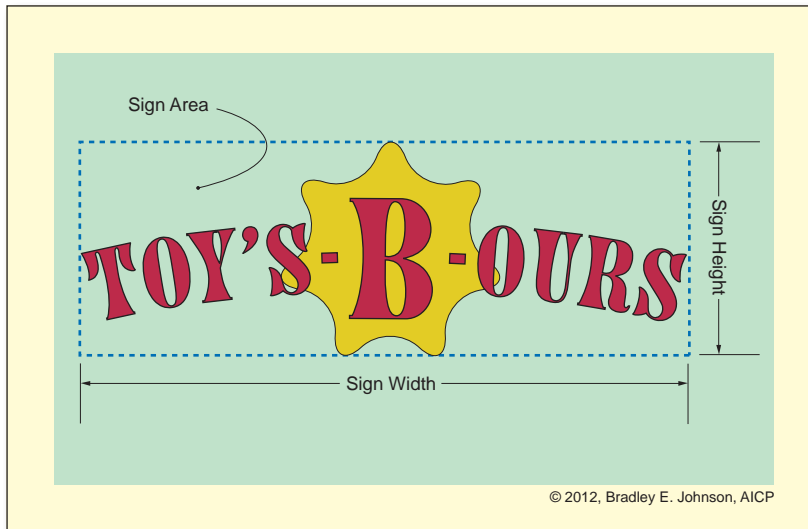
**Sidepath:** A seamless asphalt trail.

# Definitions – Sign, Directional Device

**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.



**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.



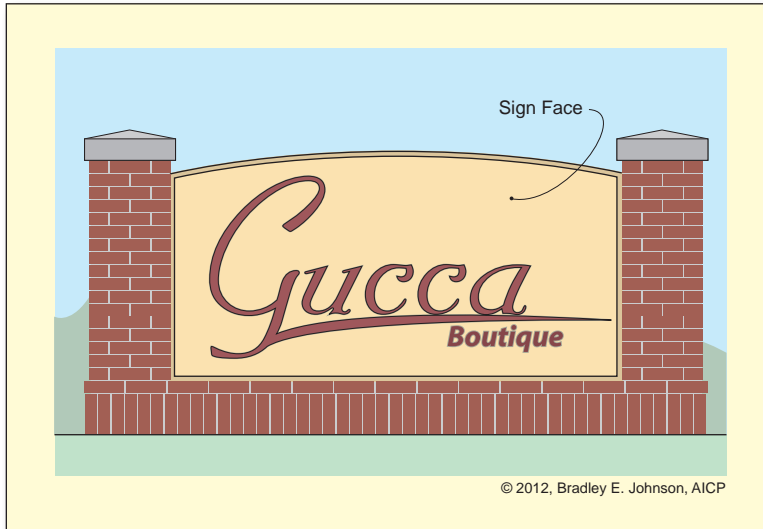
**Sign, Animated:** A type of sign or device which (A) depicts motion pictures or animation with five (5) or more frame changes per second, (B) is projected onto a surface and that moves across that surface, (C) is created by rapid movement of one or more lasers, or (D) emits audible sound, odor, or visible matter.

**Sign, Changeable Copy:** A type of sign or device that allows a message to be changed once every three (hours), or up to eight (8) times in one (1) day (e.g. gas prices at a gas station).

**Sign, Cyclical Message:** A type of sign or device that allows a message, graphic, or the light intensity to be changed periodically, but the change rate shall not be more frequent than every eight (8) seconds or greater than every three (3) hours.

**Sign, Directional Device:** A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes “enter,” “exit,” and “arrow” signs.

**Sign Face:** The surface intended for the display of information on the sign.



**Sign, Flashing:** A type of sign or device that allows a message, graphic, or the light intensity to be changed every five (5) seconds or less. This includes the change rate of any pixel or light element on the sign.

**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. (See Graphic for "Sign")

**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, or which is illuminated by reflectors.

**Sign, Monument:** See "Sign, Ground."

**Sign, Mural:** A sign painted onto the side of a wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. (See Graphic for "Sign")

**Sign, Nonconforming:** See "Nonconforming Structure."

**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 structure, with a clear space in excess of six (6) feet from the finished grade to the bottom of the sign face. (See Graphic for "Sign")

**Sign, Projecting:** Any sign other than a wall sign affixed to any structure or wall whose leading edge extends beyond such structure or wall. (See Graphic for "Sign")

**Sign, Roof:** A sign which is erected, constructed, and maintained above any portion of the roof. (See Graphic for "Sign")

**Sign, Special Temporary:** A temporary, on-premise advertising device not fixed to a permanent foundation, for the purpose of advertising short term special events on the premises upon which it is located.

**Sign, Standard Temporary:** A temporary, 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 – Structural Alteration

**Sign, Wall:** A sign attached to and/or integral with exterior wall or window surface of a structure, the face of which is parallel to the surface, no part of which extends above the eaves on the structure. (See Graphic for "Sign")

**Sign, Window:** A device attached to and/or integral with the window surface of a building that is visible outside, the face of which is parallel to 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 structures, circulation, and grading sufficient for review.

**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.

**Sports Complex:** An indoor or outdoor facility that is designed for sport activities, training, competition, games, and spectating that is open to the public or open to members. Sport facilities may include ice skating rink, roller skating rink, football field, baseball diamond, soccer field, volleyball court, swimming pool, skate park, bicycle park, velodrome, tennis court, or combinations thereof.

**Stable, Private or Commercial:** An agricultural operation utilizing one (1) or more buildings for the shelter and feeding of riding or working horses as a private or commercial enterprise. Public offering to board a horse, offering to provide riding lessons, offering to lead trail rides, and the like shall be considered a stable.

**State:** The State of Indiana.

**Storage, Outdoor:** The outdoor accumulation of goods, junk, motor vehicles, equipment, products, or materials for permanent or temporary holding.

**Story:** That portion of a structure 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, Arterial:** A street with access control and restricted parking, that collects and distributes traffic to and from secondary arterials. State and federal streets and highways are considered primary arterials.

**Street, Local:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Noble County Comprehensive 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 purposes or subject to public easements therefore.

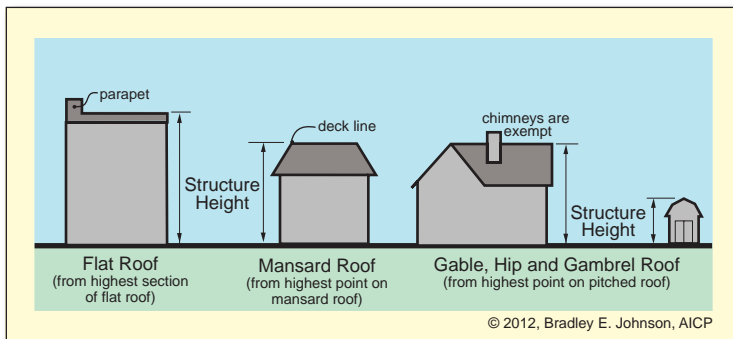
**Structural Alteration:** Any change in the supporting members of a structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the sheathing or structure beneath.

# Definitions – Structure

**Structure:**

- Anything constructed, installed, or placed on a lot that is fastened to a foundation or that rests on a foundation; or
- Anything constructed, installed, placed or parked on a lot and used for storage, recreation, employment, commerce, occupancy, shelter, containment of animals, or aesthetic enhancement; or
- Any sign constructed, installed, placed or staked on a lot; or
- Any heating, ventilation, or air conditioning (HVAC) equipment constructed, installed, or placed on a lot; or
- Any tower, pole or frame used to mount an antenna, light fixture, sign, weather instrument, mailbox, or sport apparatus; or
- Any fence, wall, enclosure, retaining wall or raised bed garden; or
- Any material (e.g. stone, gravel, cobblestones, porous pavers, asphalt, concrete, bricks, or wood) placed on the ground, or any engineered method or enhancement to the earth used to stabilize or enhance the durability of the earth for the purpose of conveying, parking or storing vehicles; or
- Any permanent foundation or sub-grade element that is constructed, installed, or placed on a lot; or
- Any outdoor living amenity, outdoor fireplace, or fixed cooking device that is constructed, installed, or placed on a lot; or
- Any above grade mechanical equipment, pump, digester, valve, fire hydrant, plumbing, pipeline, electrical equipment, substation, utility poles, cooling tower, storage tank, containment basin, or waste treatment system on a lot; or
- Any sub-grade waste treatment system, well, irrigation system, culvert, tile, french drain, or drain constructed, installed, or placed on a lot, or
- Any man-made lake, pond, landscape pond, retention pond, detention pond, drainage swale, waterfall, or fountain constructed, installed, or placed on a lot or any man-placed boulder on a lot; or
- Any man-made berm, levy, dike, dam, hill, depression on a lot; or
- Any trash receptacle, dumpster, or recycling bin.
- A structure shall not include:
- Anything enclosed within a building; or
- A semi tractor-trailer, bus, recreational vehicle, box truck, work truck, pick-up truck, passenger vehicle, motorcycle or other vehicles used for transporting people or material that is licensed, fully operable, parked on an improved surface, and that is not being used for overnight occupancy or long-term storage; or
- Trees, shrubs, flowers, grass, and other living plants; or
- Outdoor furniture and non-fixed cooking devices when located on a porch, patio, deck or similar outdoor living space; or
- Construction material stored on site during the construction process; or
- Anything specifically or partially excluded as a structure within this Unified Development Ordinance.

**Structure Height:** The vertical distance measured from the lot ground level to the highest point of the roof.



**Structure, Primary:** Any building used for occupancy, employment, or dwelling; or any structure in which the primary use of the lot on which it is situated is conducted.

**Studio Arts:** Karate studio, dance studio, art studio, and the like.

# Definitions – Triples

**Subdivision**: The division of one (1) legally established tract of land which results in two (2) or more lots which, in perpetuity, are to be recognized as independent properties for taxation, ownership, building and use purposes. Subdivision does not include divisions of land, combination of lots, or alterations of lot lines as described in the definition for Administrative Subdivision or as regulated by the Administrative Subdivision process found in Article 09: Processes.

**Subdivision, Administrative**: A process by which property owners may make minor changes to their lot lines, may reduce the number of established lots, or may memorialize exempt divisions of land as permitted by the Unified Development Ordinance and described in detail in *Article 09: Processes*.

**Substantial Damage**: Damage of any origin to a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**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.

**Technical Review Committee (TRC)**: The Zoning Administrator and representation of County staff, utility representatives, transportation representatives, emergency services, engineering (contract or staff), and/or technical volunteers assembled to review a site plan, development plan, planned development, subdivision petition, rezoning, and the like. The Technical Review Committee (TRC) membership may vary from meeting to meeting based on the type of petition or application, and based on the expertise necessary to review the project. The Zoning Administrator determines the membership necessary to review each case.

**Technology Park**: A development that includes uses such as knowledge-based, science-based, research-based, software-based, electronic device design-based, and higher-education-based businesses. Technology parks may include support services and businesses in subordinate roles to the main tenants. Technology parks are reliant on high quality telecommunications and utility services.

**Telecommunications Facility**: A land based facility, consisting of towers, antennae, accessory 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 (1) 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 Noble County Comprehensive Plan's 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 Noble County Comprehensive Plan.

**Through Lot**: See "Lot, Through."

**Tower**: See "Telecommunications Tower."

**Tower Accessory Structure**: Any structure located at the tower's base for housing 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.

**Townhouse**: A single-family dwelling unit constructed in a group of three (3) or more attached units in which each unit extends from foundation to roof with open space on at least two (2) sides.

**Triples**: See "Dwelling, Three-family."



# Definitions – Two-Page Layout

**Two-Page Layout:** Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

**Type 1 Retail, Very Low Intensity:** Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an art and craft gallery, flower shop, gift shop (small), jewelry store, and news dealer.

**Type 2 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), and meat market.

**Type 3 Retail, Medium Intensity:** Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include an antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small), video/DVD rental, gun sales, and hunting store.

**Type 4 Retail, High Intensity:** Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (small), boat sales (small), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore, and variety store (large).

**Type 5 Retail, Very High Intensity:** Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (large), boat sales (large), construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales, and tool/equipment sales rental.

**Type 6 Retail, Special Handling:** Retail businesses that sell products that require special handling due to risks to public safety. Example business includes fireworks sales.

**Underlying District:** A base district zone is the existing zoning district of the subject lot:

- Prior to the approval of a planned development; or
- Prior to the effects of an overlay district.

**Use:** The purposes for which land or a structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Use, Accessory:** A subordinate use that is customarily incidental to the principal use on the same lot.

**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, Primary:** 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.

**Use, Temporary:** A land use or structure established for a limited and fixed period of no more than 180 days with the intent to discontinue such use or structure upon the expiration of the time period.

**Use Variance:** See "Variance, Use."

# Definitions – Wind Turbine

**Utility:** Every plant or equipment within the State used for:

- The conveyance of telegraph and telephone messages;
- The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
- 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:

- Conveyance of telegraph or telephone messages;
- Production, transmission, delivery, or furnishing of heat, light, water, or power; or
- 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 Unified Development Ordinance, to deviate from the development standards (such as height, bulk, area) that the Unified Development Ordinance otherwise prescribes.

**Variance, Use:** The approval of a use other than that prescribed by the Unified Development Ordinance.

**Variety Store:** A retail establishment that sells a multitude of consumer goods.

**Vehicle:** See "Motor Vehicle."

**Warehouse "Self Storage" Facility:** 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. Warehouse storage facilities do not include activities of any kind including wholesaling, retailing, servicing, or repair of household or commercial goods in conjunction with storage.

**Water Utility 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.

**Watercourse:** A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Wildlife Habitat Crop:** A crop that is primarily grown to provide food for birds and other wildlife (e.g. raising small seed plots for birds).

**Wind Farm:** One (1) or more utility-grade wind turbine systems used collectively to produce electricity for distribution on the electrical grid, including feeder lines, substations, electrical and mechanical systems, on-site control systems, maintenance facilities, and other structures associated with the operation of the wind farm. Interstate and intrastate transmission lines (i.e. the power grid) shall not be considered part of the wind farm. Wind farms are typically located on leased land.

**Wind Turbine:** A generator, wind-catching device (e.g. rotors), nacelle, and any other mechanical or electronic equipment located inside the nacelle.

# Definitions – Wind Turbine, Horizontal Axis

**Wind Turbine, Horizontal Axis:** A wind turbine with the rotation centered around a hub which is relatively parallel to the ground.

**Wind Turbine, Vertical Axis:** A wind turbine with the rotation centered around a hub which is relatively perpendicular to the ground.

**Wind Turbine System Height:** The overall height above grade of the wind to energy tower plus the rotor.

**Wind Turbine System, Large:** A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the large wind turbine system. A large wind turbine system shall have rated power of at least fifty kilowatts (50 kW), but less than 500 kW [and may have maximum limits as applied by this Unified Development Ordinance].

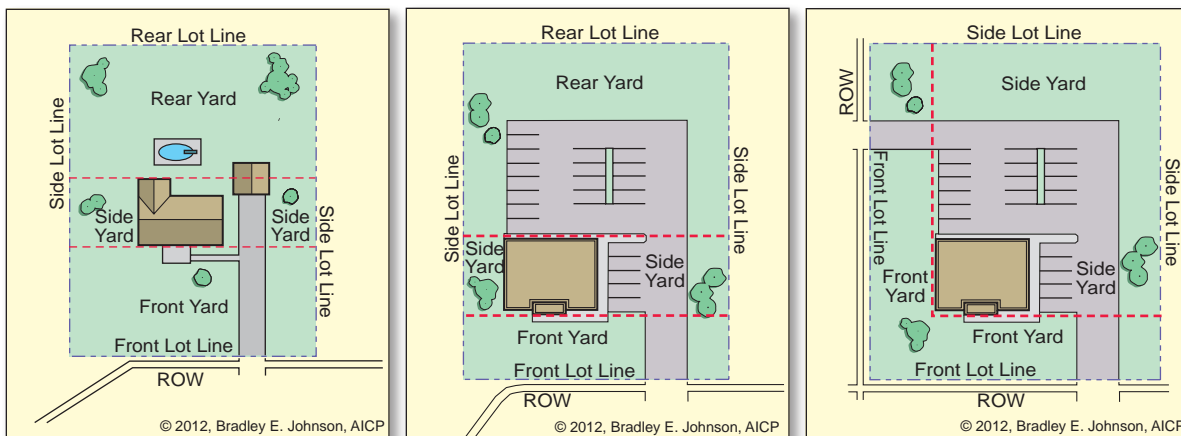
**Wind Turbine System, Small:** A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower or other mounting device, foundation, and other structural components. Inversion equipment within or attached to a primary structure, wires conveying electricity to a electrical panel, and other electronic equipment within or attached to a primary structure shall not be considered part of the small wind turbine system. A small wind turbine system shall have rated power less than fifty kilowatts (50 kW).

**Wind Turbine System, Utility-grade:** A conversion system designed to generate electricity from wind, consisting of a wind turbine, wind turbine tower, foundation, and other structural components. Inversion equipment within, attached to, or within a structured at or near the base of the wind turbine system shall be considered part of the utility-grade wind turbine system. Substations, electrical and mechanical systems, control systems, maintenance facilities, and other structures located away from the utility-grade wind turbine system and feeder lines shall not be considered part of the utility-grade wind turbine system. A utility-grade wind turbine system shall have rated power of at least 500 kW.

**Wind Turbine Tower:** A pole-like device used to mount a wind turbine.

**Wind Turbine Tower Height:** The distance measured from grade to the bottom of the nacelle.

**Yard:** A space on the same lot with a primary structure that is open and unobstructed except as otherwise authorized by this Unified Development Ordinance. All required yards shall be kept free of all material including but not limited to structures, material for sale, storage, advertising or display to attract attention and parking lots.



**Yard, Front:** The horizontal space between the nearest foundation 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. (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. Corner lots do not have rear yards, rather they have two side yards. (See Graphic for "Yard").

## Definitions – Yard, Side

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

**Zoning District:** See "District."

**Zoning Map:** See "Official Zoning Map."

