

# Town of Rome City

## Unified Development Ordinance



# Article

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Town of Rome City  
Unified Development  
Ordinance

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## Article

# 01

## Ordinance Foundation

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### Town of Rome City Unified Development Ordinance

# Basic Provisions

## 1.01 Title

This Ordinance shall be formally known as the “Town of Rome City 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

The Town of Rome City's Zoning Ordinance and Subdivision Control Ordinance have been combined into one (1) 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, 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. Articles 6 and 7 are 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 Town of Rome City 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 Town in accordance with the *Town of Rome City Comprehensive Plan* and for the following purposes:

- A. Basic Rights: To secure adequate light, air, convenience of access and safety from fire, flood, and other dangers.
- 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 the Town of Rome City's land use policy.
- D. Stability: To protect the stability of agricultural, residential, institutional, commercial, 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 and environmental integrity of natural features within the planning jurisdiction.
- G. Compatibility: To bring about compatibility between different land uses and to protect the integrity of existing development from the encroachment of incompatible uses.
- H. Intensity: To manage intensity by limiting the use of buildings, structures, and land for business, 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

Except as provided for in *Article 08: Nonconformances*, 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.

## 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 this Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

## 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 or more provisions of this Unified Development Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply. Exemptions shall not be considered a regulation, therefore, shall not be subject to the "stricter of the two" standards listed above.
  - 2. *Federal, State, and Local*:
    - a. Whenever a provision of this Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation or other Town ordinance or regulation, the provision of this Unified Development Ordinance shall apply.
    - b. Whenever a provision of any State or federal code or regulation or other Town ordinance or regulation imposes a greater restriction or a higher standard than is required by this Unified Development Ordinance, the provision of the State or federal code or regulation or other Town 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 this Unified Development Ordinance, the Town is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements, or other similar regulations.
- C. **Text**: If differences are found between the meaning or implication of any text, drawing, table, figure, or title the numbered and lettered text of this Unified Development Ordinance shall prevail.
- 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 Town 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 Town officer to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator 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 English language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by appropriate lexicon or a current and common English 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, unless the context clearly suggests the contrary.
- 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 (e.g. a tree or parking space), the non-whole number shall always be rounded up to the next highest whole number.
- M. **Intent**: The intent statements in Article 2: Zoning Districts and Article 6: Subdivision Types are not regulatory. Rather, they are provided to describe why the districts and subdivision types were created.

## 1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the corporate limits of the Town of Rome City, Indiana and the extraterritorial jurisdiction as authorized by state statutes.

## 1.10 Repealer

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

- A. Zoning Ordinance: Chapter 154: Zoning Code as amended, and its associated Zoning Map.
- B. Subdivision Control: Chapter 153: Subdivision Regulations as amended.

## 1.11 Transition Rules

- A. Planned Unit Development: An application for a Planned Unit Development filed with the Plan Commission that is full and complete prior to the adoption of this Unified Development Ordinance shall continue the process to completion pursuant to the terms, conditions, and regulations of the Rome City Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- B. Rezoning: Any application for a Zone Map Amendment (i.e. Rezoning) filed with the Plan Commission 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, conditions, and regulations of the Rome City Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- C. Recorded Commitment or Condition; Rezoning: Any conditions or recorded commitment made applicable to a lot as a part of rezoning and established prior to this Unified Development Ordinance's effective date shall remain in full effect and force regardless of allowances provided for in this Unified Development Ordinance. The owner of a lot with a recorded commitment or condition may petition for the commitment or condition to be removed or modified through the Zone Map Amendment (i.e. Rezoning) process.
- D. Board of Zoning Appeals: Any appeal (e.g. Variance, Administrative Appeal, or Special Use) filed with the Board of Zoning Appeals 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, conditions, and regulations of the Rome City Zoning Ordinance that was in place at the time of filing; provided that the appeal is still required by the terms of this Unified Development Ordinance. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- E. Special Use Permit or Use Variance: Any use that was established by a Special Use Permit or a Use Variance granted by the Board of Zoning Appeals prior to the effective date of this Unified Development Ordinance shall remain in full effect and force until:
  - 1. *Vacated*: The use is vacated or abandoned for a duration of twelve (12) months,
  - 2. *Voluntarily Rezoned*: The lot is voluntarily rezoned to a district that permits the land use,
  - 3. *Reassignment by the Town*: The lot is reassigned by the Town of Rome City (during the adoption of the Unified Development Ordinance and Official Zoning Map) to a different zoning classification that permits the land use.
  - 4. *Expiration*: The term of the use expires per the terms, conditions, or commitments of approval, or
  - 5. *Violation*: The use becomes non-compliant with its terms, conditions, or commitments of approval, whichever shall occur first.
- F. Recorded Commitment or Condition; Special Use Permit or Use Variance: Any recorded conditions or recorded commitments made applicable to a lot or use as a part of a Special Use Permit or Use Variance granted by the Board of Zoning Appeals and established prior to this Unified Development Ordinance's effective date shall remain in full effect and force regardless of allowances provided for in this Unified Development Ordinance. The owner of a lot with recorded commitments or recorded conditions may petition for the commitment or condition to be removed or modified through the same Board of Zoning Appeals process by which it was legally applied.
- G. Zoning Compliance Permit: Any application for a Zoning Compliance Permit review (i.e. site plan review) filed with the Zoning Administrator 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, conditions, and regulations of the Town of Rome City Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- H. Phased Subdivisions: Any subdivision approved as a primary plat with portions of the subdivision (i.e. phases) yet to complete secondary plat approval shall be permitted to utilize the minimum lot size and minimum lot width applicable to the previously approved phases.

## 1.12 Enforcement Official

The Zoning Administrator, Town Marshal, and Town Attorney shall have the primary responsibility for administration and enforcement of this Unified Development Ordinance within the Town's planning 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 Effect of Annexation

The Plan Commission shall be guided by the principles and directives of the *Town of Rome City Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the Town Council regarding zoning district classifications for newly annexed areas.

## 1.15 Statutory Changes

Whenever Indiana Code is 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.

## 1.16 References

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

## 1.17 Establishment of Standard Zoning Districts

Each of the standard zoning districts in this Unified Development Ordinance stand alone and are not a part of a hierarchy or pyramidal system of zoning. For example, what is permitted in the Agricultural (AG) zoning district is not by right permitted in the High Impact (HI) zoning district. Only those uses and development standards which are expressly permitted and noted as such in each zoning district apply to that zoning district.

For the purpose of this Unified Development Ordinance, the Town of Rome City has established the following zoning districts:

Zoning District Code	Zoning District Name	Zoning District Purpose
CO	Conservation	This district is established to protect the Sylvan Lake Dam, fish and wildlife areas, wetlands, land banks, natural resources, and other state owned land in conservation.
PR	Parks and Recreation	This district is established for existing parks and recreation spaces.
AG	Agricultural	This district is established for agricultural uses.
RR	Rural Residential	This district is established for single-family detached residential on large sized lots.
SR	Single-family Residential	This district is established for single-family detached residential on small to medium sized lots.
LR	Lake Residential	This district is established for single-family detached residential on lots that are contiguous to a lake.
MR	Multiple-family Residential	This district is established for triplexes, quadplexes and small apartment complexes.
IS	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
CB	Central Business	This district is established for the provision of small scale retail goods and services required for regular or daily convenience.
GB	General Business	This district is established for a wide variety of retail, business, service, entertainment, and eating establishments.
EI	Enclosed Industrial	This district is established for low to moderate intensity industrial uses and light manufacturing facilities
HI	High Impact	This district is established for specific uses that may have a high impact to the community.

## 1.18 Establishment of Overlay Districts

Overlay districts may be established to add additional and unique development standards which will help the Town of Rome City accomplish its goals. *Article 03: Overlay Districts* established and regulates those special areas.

## 1.19 Establishment of a Planned Development District

As provided for in this Unified Development Ordinance, only the preceding standard zoning districts may be rezoned to a Planned Development District: AG, RR, SR, GB, and EI.

## 1.20 Zoning District Land Uses

The two-page layout for each standard zoning district in *Article 02: Zoning Districts* identifies land uses permitted in that district. Such land uses are of two (2) kinds: permitted uses and special exception uses. The Town of Rome City'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.

## 1.21 Unlisted Land Uses

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

## 1.22 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 significantly similar or related to a use that is a permitted use or a special exception use in that zoning district may be deemed permitted or a special exception through interpretation by the Zoning Administrator.

## 1.23 Official Zoning Map

- A. **Description:** The map labeled “Official Zoning Map” maintained by the Plan Commission is hereby included as part of this Unified Development Ordinance and is to function as the means to apply a zoning district to each lot within the Town's jurisdiction. The zoning map shall be formally known as the “Official Zoning Map,” and it may be cited and referred to as the “Rome City Zoning Map” or the “Zoning Map.”
- B. **Location:** The Official Zoning Map will be located in the Town Hall 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 this 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.
    - c. **Partially Covered:** A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.
  - 3. *Standards:* Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:
    - a. **Streets:** Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement or right-of-way.
    - b. **Section Lines:** Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, Town jurisdictional lines (i.e. extraterritorial jurisdiction boundaries), or Town's 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 center lines.
    - 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 he/she cannot definitely determine the location of a zoning district boundary. The Plan Commission may then interpret the location of the zoning district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Unified Development Ordinance.
- D. **Regular Revisions:** The Official Zoning Map shall be formally revised by the Plan Commission as changes are made (e.g. rezonings, planned unit developments, or annexations) or as the Zoning Administrator determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting 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.
- 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 best as possible, and shall become the Official Zoning Map upon approval by the Town Council.



# Powers and Duties

## 1.24 Town Council Summary of Powers and Duties

The powers and duties of the Town Council 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. Town Council Duties:

1. *Documents:* Adopt, reject, or amend the *Town of Rome City Comprehensive Plan* or the *Town of Rome City Unified Development Ordinance* once it has been certified and submitted by the Plan Commission.
2. *Amendments:* Adopt, reject, or amend proposals to amend or partially repeal the text of the *Town of Rome City Comprehensive Plan* or *Town of Rome City Unified Development Ordinance* once it has 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; or that have been petitioned for by a property owner and considered by the Plan Commission in a public hearing.
4. *Fee Schedule:* Adopt, reject, or amend a fee schedule.
5. *Enforcement:* Enforce regulations and procedures within the *Town of Rome City Comprehensive Plan* and *Town of Rome City Unified Development Ordinance* to be allowed by local resolutions, ordinances, and State of Indiana Law.
6. *Other:* Other duties as permitted by Indiana Code.

### B. Town Council Powers:

1. *Document Amendment Initiation:* Initiate amendments to the *Town of Rome City Comprehensive Plan* or the *Town of Rome City Unified Development Ordinance* by making the proposal 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 permitted by Indiana Code.

## 1.25 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 Town Council approved *Town of Rome City Comprehensive Plan* and the *Town of Rome City Unified Development Ordinance* as authorized under Indiana Code.
2. *Rules of Procedure:* Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the *Town of Rome City Comprehensive Plan* and the *Town of Rome City 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 Town Council including new versions of and revisions to the *Town of Rome City Comprehensive Plan*, the *Town of Rome City Unified Development Ordinance*, and Official Zoning Map.
7. *Recommendations for Planned Development District:* Certify and submit recommendations to the Town Council for adopting a Planned Development District.
8. *Plats:* Approve or deny plats or replats of subdivisions.
9. *Waivers:* Approve or deny request for waivers to the subdivision requirements of this Unified Development Ordinance.
10. *Names:* Approve or deny proposed subdivision names, street names, and addresses in new developments.
11. *Enforcement:* Enforce regulations and procedures of the *Town of Rome City Comprehensive Plan* and the *Town of Rome City Unified Development Ordinance* to the extent of the local resolutions, ordinances, and State of Indiana Law.
12. *Other:* Other duties as permitted by Indiana Code.

# Powers and Duties

## B. Plan Commission Powers:

1. *Committees:* Establish advisory committees as necessary.
2. *Distribution:* Distribute copies or summaries of the *Town of Rome City Comprehensive Plan* and the *Town of Rome City Unified Development Ordinance* to the general public and development community.
3. *Other:* Other powers as permitted by Indiana Code.

## 1.26 **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 rule on appeals in regard to order, requirement, decision, or determination made by an enforcement official. However, the Board of Zoning Appeals can not hear appeals in regard to Town Council and Plan Commission official actions.
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 this Unified Development Ordinance.
4. *Interpretations:* Interpret the Official Zoning Map.
5. *Other:* Other duties as permitted by Indiana Code.

## 1.27 **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 this Unified Development Ordinance.
6. *Interpretations:* Interpret the standards in this Unified Development Ordinance.
7. *Applications:* Process applications submitted to the Planning Department.
8. *Review:* Review permit applications and issue or deny permits submitted to the Planning Department.
9. *Inspections and Enforcement:* Complete field inspections of improvements, structures, and uses to verify compliance with this 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.

# Certification and Adoption

## 1.28 Plan Commission Certification

This Unified Development Ordinance was certified with a favorable recommendation for adoption on this 22nd day of September, 2011, by the Town of Rome City Plan Commission after holding a legally announced public hearing. The certification was made by the following Plan Commission vote:

Signatures:

The Plan Commission of the Town of Rome City, Indiana.

AYE

NAY

Rob Glass,  
President

Kelly Morris,  
Vice President

Leigh Pranger,  
Secretary

Barb Tatman,  
Member

Sidney 'Bud' Edholm,  
Member

Joe Haiflich,  
Member

Nita Dodd,  
Member

Attest:

Date:

Leigh Pranger, Plan Commission Secretary,  
Rome City, Indiana

# Certification and Adoption

## 1.29 Unified Development Ordinance Adoption/Effective Date

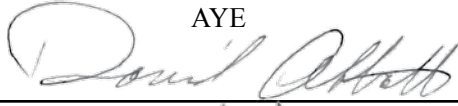
This Unified Development Ordinance shall become effective on the 1st day of December, 2011. Adopted by the Town Council of the Town of Rome City, Indiana on this 10th day of October, 2011.

Signatures:

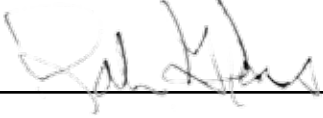
The Town Council of the Town of Rome City, Indiana

AYE

NAY



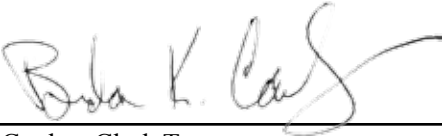
David Abbott,  
President



Rob Glass,  
Vice President

Ben Castle,  
Member

Attest:



Brenda Conley, Clerk Treasurer,  
Rome City, Indiana

Date:



## Article

# 02

## Zoning Districts

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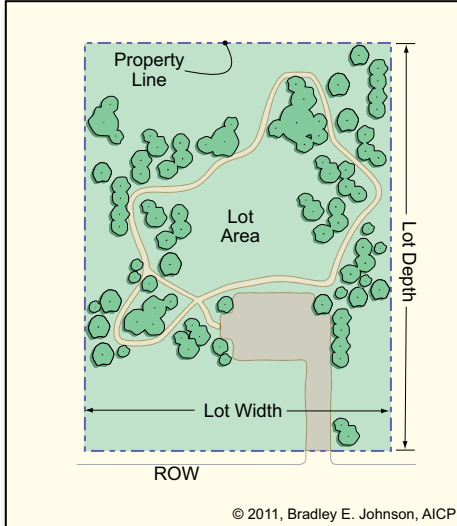
Town of Rome City  
Unified Development  
Ordinance

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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The CO (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 environmentally sensitive or unique land for conservation areas</li><li>• used to protect historic land, features, and structures</li><li>• very low intensity</li></ul> <p><b>Application of CO District</b></p> <ul style="list-style-type: none"><li>• Existing and new areas</li><li>• Single lot on map</li><li>• Small cluster of lots on map</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, AG, RR, SR, LR, MR, MH, IS, CB, GB, EI, and HI</li></ul>	<p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"><li>• agricultural crop production (organic)</li><li>• land conservation</li></ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"><li>• historical site</li><li>• nature center</li><li>• nature preserve</li><li>• passive recreation</li></ul>	



## 2.02 CO District Development Standards



### Minimum Lot Area

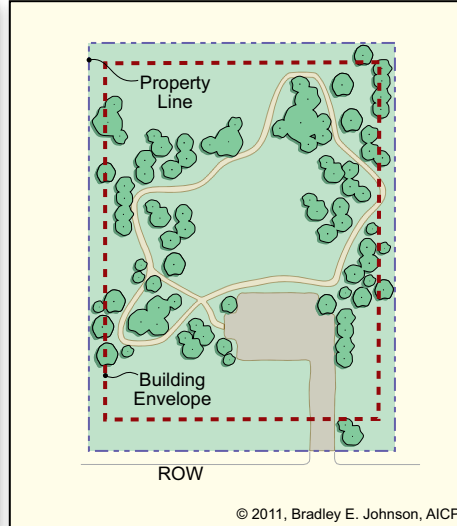
- not applicable

### Minimum Lot Width

- not applicable

### Sewer

- Sanitary sewer not required



### Minimum Front Yard Setback

- Arterial: 50 feet for primary and accessory structures
- Collector: 50 feet for primary and accessory structures
- Local Road: 50 feet for primary and accessory structures

### Minimum Side Yard Setback

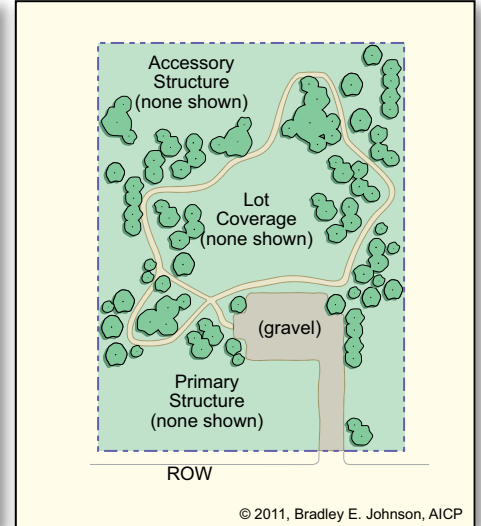
- 50 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 50 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Maximum Lot Coverage

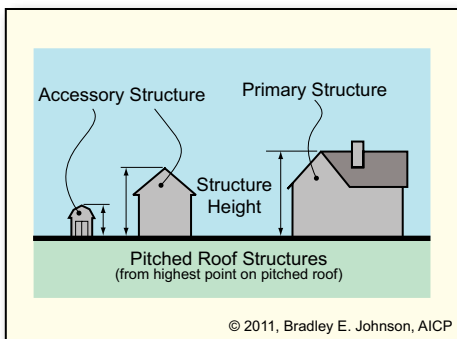
- 5% of lot area

### Minimum Floor Area

- not applicable

### Maximum Primary Structures

- 1 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 30 feet for accessory structures

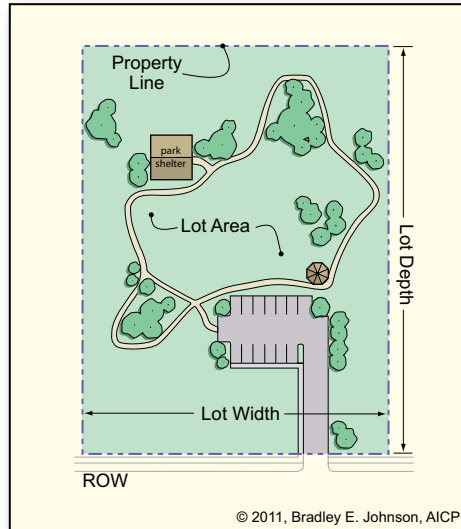
## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-02 ..... 5-5</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-06 ..... 5-45</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-02 ..... 5-68</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01 ..... 5-15</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-02 ..... 5-23</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-01 ..... 5-54</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>		
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-05 ..... 5-36</li> </ul>		

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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The PR (Parks and Recreation) 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 for open space and recreation needs</li><li>• Broad intensities of active and passive recreation, including: parks, picnic areas, trails, playgrounds, and sports fields</li></ul> <p><b>Application of PR District</b></p> <ul style="list-style-type: none"><li>• Existing park sites</li><li>• Single lot on map</li><li>• Small cluster of lots on map</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, AG, RR, SR, LR, MR, MH, IS, CB, GB, EI, and HI</li></ul>	<p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"><li>• land conservation</li></ul> <p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"><li>• farmers market</li><li>• golf course</li><li>• riding stable and trails</li></ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"><li>• community center</li><li>• nature center</li><li>• nature preserve</li><li>• park</li><li>• swimming pool (public)</li></ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• caretakers residence</li></ul>

## 2.04 PR District Development Standards



### Minimum Lot Area

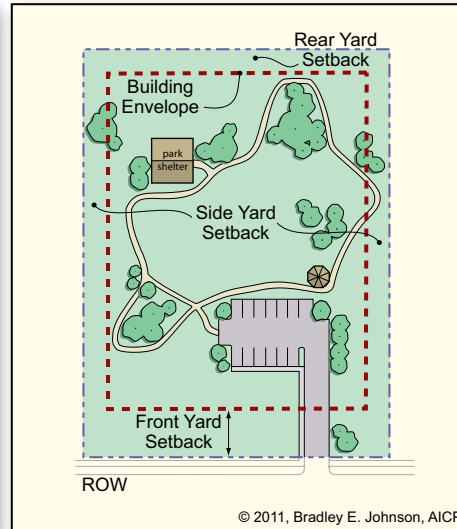
- not applicable

### Minimum Lot Width

- not applicable

### Sewer

- Sanitary sewer not required



### Minimum Front Yard Setback

- Arterial: 50 feet for primary and accessory structures
- Collector: 30 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures

### Minimum Side Yard Setback

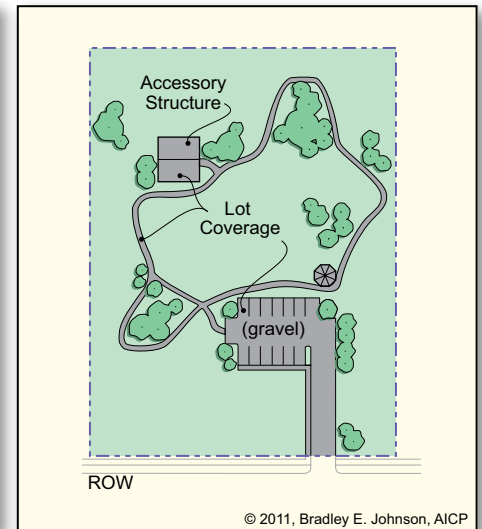
- 30 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 30 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 30 feet for primary and accessory structures



### Maximum Lot Coverage

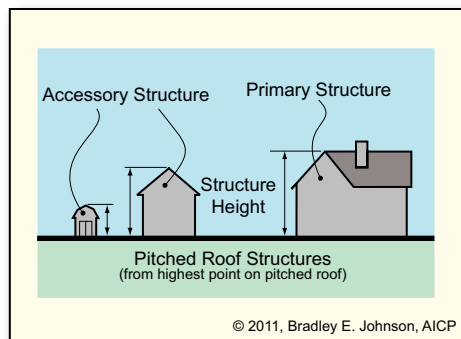
- 30% of lot area

### Minimum Floor Area

- not applicable

### Maximum Primary Structures

- 2 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 30 feet for accessory structures

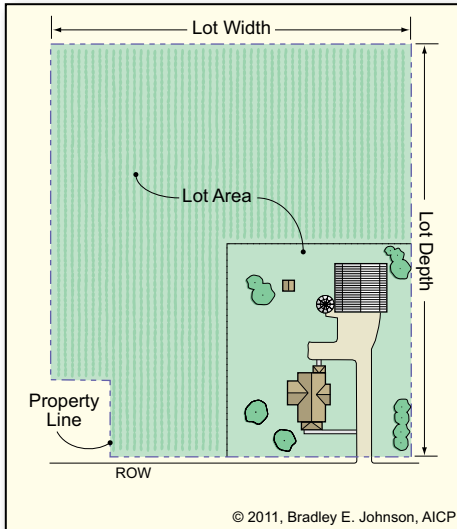
## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-02 ..... 5-5</li> </ul>	<b>Lighting</b> <ul style="list-style-type: none"> <li>• LT-01 ..... 5-37</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-02 ..... 5-68</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01 ..... 5-15</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-06 ..... 5-45</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-02 ..... 5-23</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-04 ..... 5-84</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-01 ..... 5-54</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01 ..... 5-85</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-05 ..... 5-36</li> </ul>		

## 2.05 AG District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The AG (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>Traditional agricultural operations</li> <li>Very low to low intensity</li> </ul> <p><b>Application of AG District</b></p> <ul style="list-style-type: none"> <li>Existing agricultural land</li> <li>Existing undeveloped land</li> <li>Newly incorporated land</li> </ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"> <li>CO, PR, AG, RR, SR, MH, IS, GB, EI, and HI</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural tourism</li> <li>farmers market</li> <li>home business (type 1)</li> <li>home business (type 2)</li> <li>roadside sales</li> </ul> <p><b>Agricultural Permitted Uses</b></p> <ul style="list-style-type: none"> <li>agricultural crop production</li> <li>agricultural crop production (organic)</li> <li>agricultural products, sale</li> <li>agricultural products, storage</li> <li>conservation club</li> <li>hobby farming</li> <li>land conservation</li> <li>orchard</li> <li>plant nursery (retail)</li> <li>plant nursery (wholesale)</li> <li>raising of farm animals</li> <li>stable (private)</li> <li>tree farm</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>home business (type 3)</li> </ul>

## 2.06 AG District Development Standards



### Minimum Lot Area

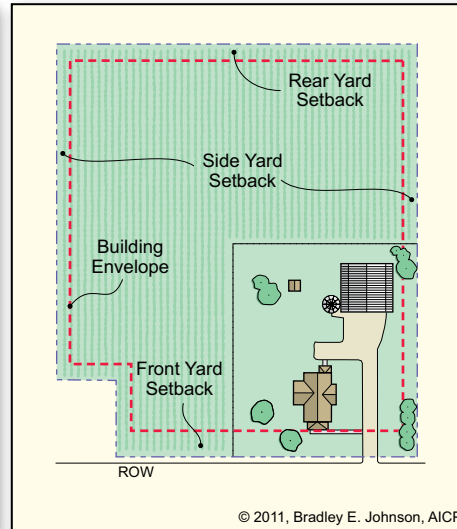
- 2 acres

### Minimum Lot Width

- 170 feet; and lots shall not exceed a depth 3 times greater than the width

### Sewer

- Sanitary sewer required where available



### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures

### Minimum Side Yard Setback

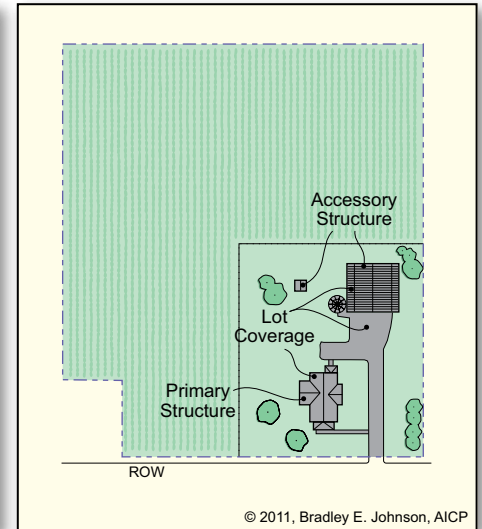
- 15 feet for primary and accessory structures

### Minimum Rear Yard Setback

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

### Minimum Lake Yard Setback

- 100 feet for primary and accessory structures



### Maximum Lot Coverage

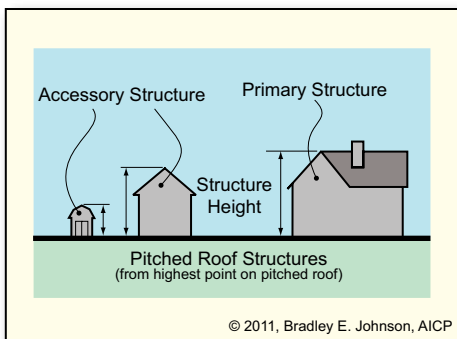
- 25% of lot area

### Minimum Floor Area

- 980 square feet for residential structures

### Maximum Primary Structures

- 1 residential structure
- 1 non-residential structure



### Maximum Structure Height

- 35 feet for primary structures
- 30 feet for accessory structures
- 2 1/2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

### Accessory Structures

- AS-01 ..... 5-4
- AS-02 ..... 5-5

### Density and Intensity

- DI-01 ..... 5-14

### Driveway

- DW-01 ..... 5-15
- DW-02 ..... 5-17

### Environmental

- EN-01 ..... 5-21

### Fence and Wall

- FW-01 ..... 5-22
- FW-03 ..... 5-23

### Floodplain

- FP-01 ..... 5-26

### Floor Area

- FA-01 ..... 5-27

### Height

- HT-01 ..... 5-28

### Home Business

- HB-01 ..... 5-29
- HB-02 ..... 5-30

### Keeping of Animals

- KA-01 ..... 5-31

### Landscaping

- LA-01 ..... 5-33
- LA-05 ..... 5-36

### Lighting

- LT-01 ..... 5-37

### Lot

- LO-01 ..... 5-39

### Outdoor Storage

- OS-01 ..... 5-41

### Parking

- PK-01 ..... 5-43
- PK-02 ..... 5-43

### Performance

- PF-01 ..... 5-51

### Public Improvement

- PI-01 ..... 5-53

### Recreational Vehicle Storage

- RV-02 ..... 5-54

### Retaining Wall

- RW-01 ..... 5-56

### Setback

- SB-01 ..... 5-58
- SB-02 ..... 5-59

### Sewer and Water

- SW-01 ..... 5-62

### Signs

- SI-01 ..... 5-65

- SI-03 ..... 5-70

### Special Exception

- SE-01 ..... 5-79

### Structure

- SC-01 ..... 5-80

### Temporary Use

- TU-01 ..... 5-83

- TU-02 ..... 5-83

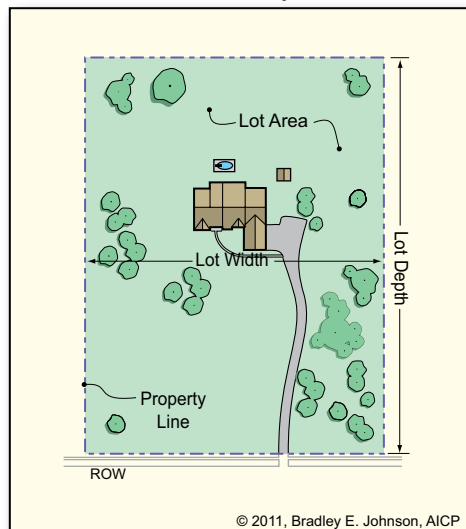
### Vision Clearance

- VC-01 ..... 5-88

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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The RR (Estate 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 on large sized lots</li><li>• Low density</li></ul> <p><b>Application of RR District</b></p> <ul style="list-style-type: none"><li>• Existing and new development</li><li>• Single lots on map</li><li>• Small areas on map</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, AG, RR, SR, and IS</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</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>• home business (type 2)</li></ul>

## 2.08 RR District Development Standards



### Minimum Lot Area

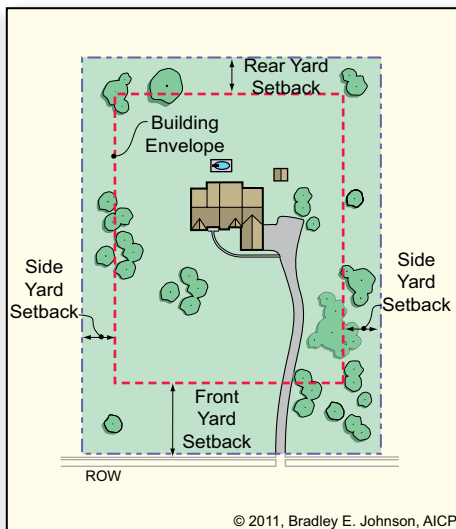
- 2 acres without sanitary sewer
- 1 acre with sanitary sewer

### Minimum Lot Width

- 150 feet; and lots shall not exceed a depth 3 times greater than the width

### Sewer

- Sanitary sewer required where available



### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures

### Minimum Side Yard Setback

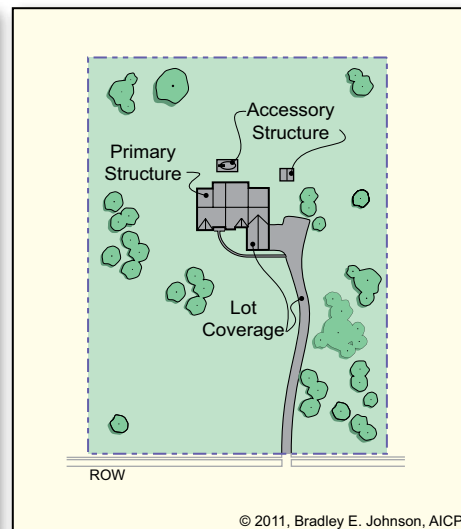
- 15 feet for primary and accessory structures

### Minimum Rear Yard Setback

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

### Minimum Lake Yard Setback

- 100 feet for primary and accessory structures



### Maximum Lot Coverage

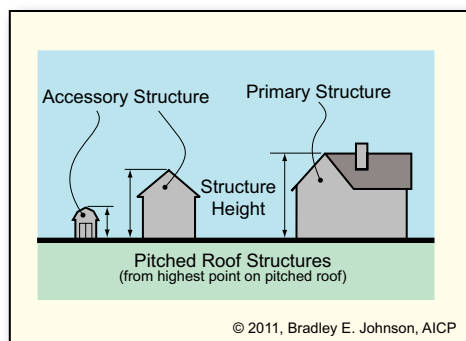
- 25% of lot area

### Minimum Floor Area

- 980 square feet for residential structures

### Maximum Primary Structures

- 1 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 30 feet for accessory structures
- 2 1/2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

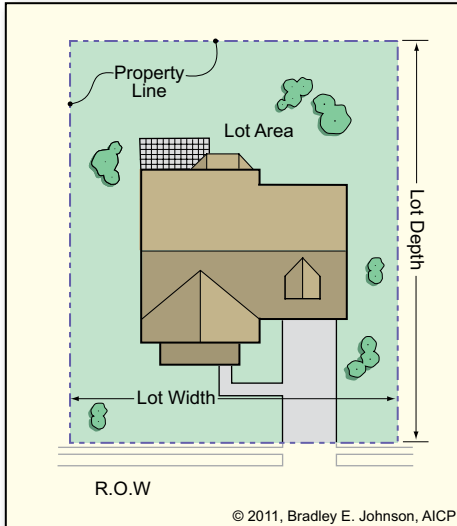
<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-03 ..... 5-6</li> </ul>	<b>Keeping of Animals</b> <ul style="list-style-type: none"> <li>• KA-02 ..... 5-31</li> </ul>	<b>Rural Residential</b> <ul style="list-style-type: none"> <li>• RL-01 ..... 5-57</li> </ul>
<b>Architectural</b> <ul style="list-style-type: none"> <li>• AR-01 ..... 5-7</li> </ul>	<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-05 ..... 5-36</li> </ul>	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Lighting</b> <ul style="list-style-type: none"> <li>• LT-01 ..... 5-37</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01 ..... 5-15</li> <li>• DW-03 ..... 5-18</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-04 ..... 5-72</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02 ..... 5-41</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-04 ..... 5-24</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-02 ..... 5-43</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-02 ..... 5-83</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-03 ..... 5-54</li> </ul>	
<b>Home Business</b> <ul style="list-style-type: none"> <li>• HB-01 ..... 5-29</li> <li>• HB-02 ..... 5-30</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	



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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The SR (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>Single-family detached homes on medium sized lots</li><li>Medium density</li></ul> <p><b>Application of SR District</b></p> <ul style="list-style-type: none"><li>Existing and new development</li><li>Small to large areas on map</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>CO, PR, AG, RR, SR, LR, MR, MH, IS, CB, and GB</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>home business (type 1)</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>home business (type 2)</li></ul>

## 2.10 SR District Development Standards



### Minimum Lot Area

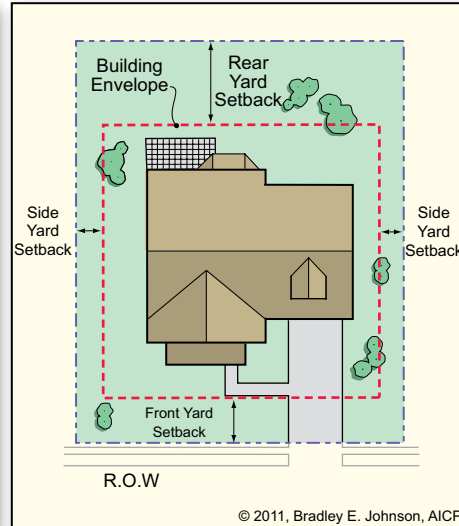
- 2 acres without sanitary sewer
- 10,000 square feet with sanitary sewer

### Minimum Lot Width

- 60 feet

### Sewer

- Sanitary sewer required where available



### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 25 feet for primary and accessory structures

### Minimum Side Yard Setback

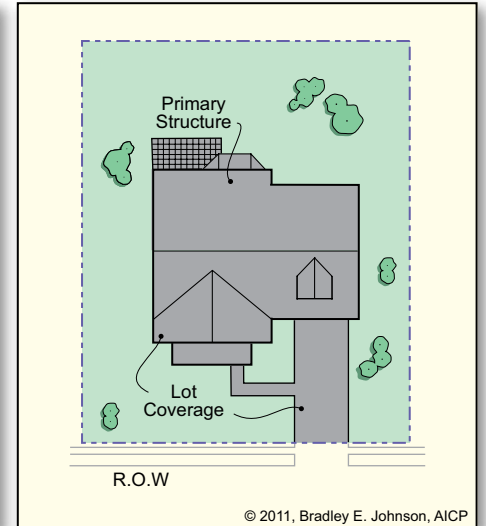
- 10 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 10 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 100 feet for primary and accessory structures



### Maximum Lot Coverage

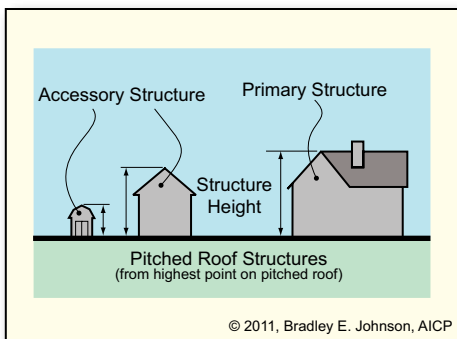
- 35% of lot area

### Minimum Floor Area

- 980 square feet for residential structures

### Maximum Primary Structures

- 1 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 16 feet for accessory structures
- 2 1/2 stories for primary structures
- 1 story for accessory structures

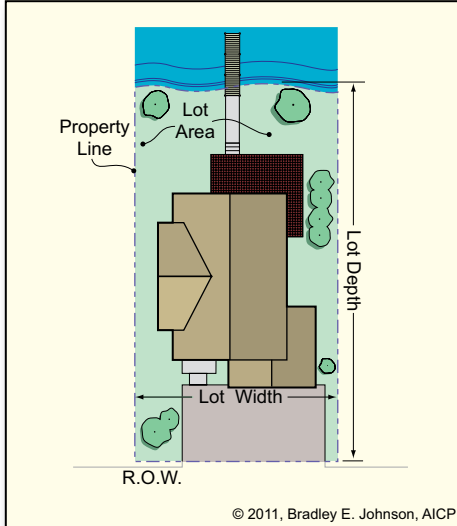
## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-04 ..... 5-7</li> </ul> <b>Architectural</b> <ul style="list-style-type: none"> <li>• AR-01 ..... 5-7</li> </ul> <b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul> <b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01 ..... 5-15</li> <li>• DW-03 ..... 5-18</li> </ul> <b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul> <b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-04 ..... 5-24</li> </ul> <b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul> <b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul> <b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul> <b>Home Business</b> <ul style="list-style-type: none"> <li>• HB-01 ..... 5-29</li> <li>• HB-02 ..... 5-30</li> </ul>	<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-05 ..... 5-36</li> </ul> <b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul> <b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02 ..... 5-41</li> </ul> <b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-02 ..... 5-43</li> </ul> <b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul> <b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul> <b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-03 ..... 5-54</li> </ul> <b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul> <b>Rural Residential</b> <ul style="list-style-type: none"> <li>• RL-01 ..... 5-57</li> </ul> <b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul> <b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-04 ..... 5-72</li> </ul> <b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul> <b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul> <b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-03 ..... 5-84</li> </ul> <b>Utility</b> <ul style="list-style-type: none"> <li>• UT-01 ..... 5-87</li> </ul> <b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
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## 2.11 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 on small sized lots</li><li>• Medium to high density</li></ul> <p><b>Application of LR District</b></p> <ul style="list-style-type: none"><li>• Existing residential development</li><li>• Limited to lots contiguous to a lake</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, SR, and LR</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</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>• home business (type 2)</li></ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• lake front access point</li></ul>

## 2.12 LR District Development Standards



### Minimum Lot Area

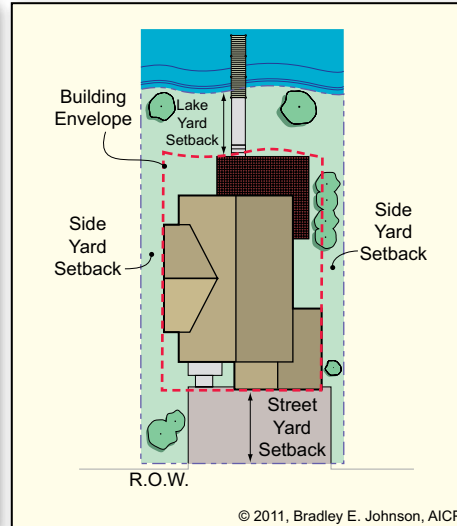
- 10,000 square feet with sanitary sewer

### Minimum Lot Width

- 100 feet

### Sewer

- Sanitary sewer required



### Minimum Street Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 30 feet for primary and accessory structures
- Local Road: 25 feet for primary and accessory structures

### Minimum Side Yard Setback

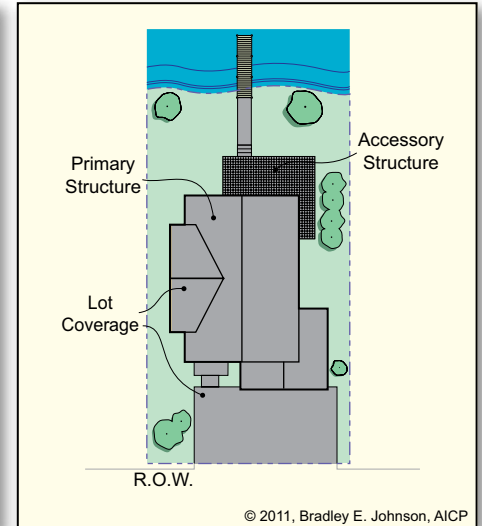
- 10 feet for primary structures
- 7 feet for accessory structures

### Minimum Rear Yard Setback

- 35 feet for primary structures
- 10 feet for accessory structures

### Minimum Lake Yard Setback

- Established building setback or 25 feet for primary and accessory structures, whichever results in a greater setback
- Lots without lake frontage shall have a rear yard which shall have a 25 foot setback



### Maximum Lot Coverage

- 45% of lot area

### Maximum Structure Coverage

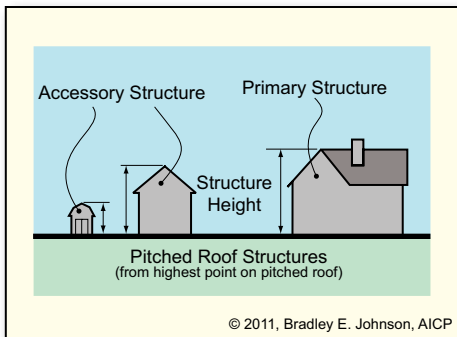
- 35% of lot area

### Minimum Floor Area

- 980 square feet for residential structures

### Maximum Primary Structures

- 1 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 16 feet for accessory structures
- 2 1/2 stories for primary structures
- 1 story for accessory structures

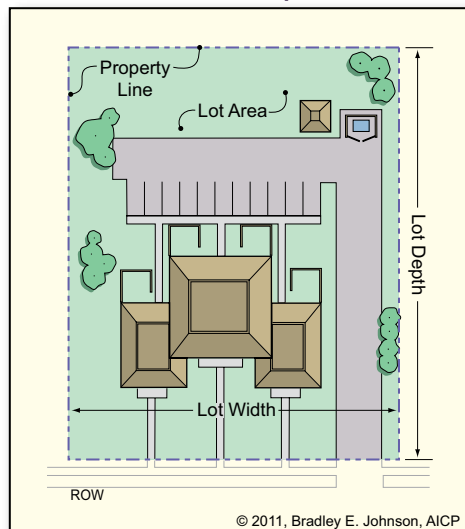
## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-05 ..... 5-8</li> </ul> <b>Architectural</b> <ul style="list-style-type: none"> <li>• AR-01 ..... 5-7</li> </ul> <b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul> <b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-04 ..... 5-19</li> </ul> <b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul> <b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-04 ..... 5-24</li> </ul> <b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul> <b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul> <b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul> <b>Home Business</b> <ul style="list-style-type: none"> <li>• HB-01 ..... 5-29</li> <li>• HB-02 ..... 5-30</li> </ul> <b>Lake Front Access</b> <ul style="list-style-type: none"> <li>• LK-01 ..... 5-32</li> </ul>	<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-03 ..... 5-34</li> <li>• LA-05 ..... 5-36</li> </ul> <b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul> <b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02 ..... 5-41</li> </ul> <b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-03 ..... 5-44</li> </ul> <b>Permanent Outdoor Display</b> <ul style="list-style-type: none"> <li>• PT-01 ..... 5-52</li> </ul> <b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul> <b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-04 ..... 5-55</li> </ul> <b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul> <b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-03 ..... 5-59</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul> <b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-04 ..... 5-72</li> </ul> <b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul> <b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul> <b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-03 ..... 5-84</li> </ul> <b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-02 ..... 5-86</li> </ul> <b>Utility</b> <ul style="list-style-type: none"> <li>• UT-01 ..... 5-87</li> </ul> <b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
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2.13 MR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The MR (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>• Multiple dwelling units per building</li><li>• High density</li></ul> <p><b>Application of MR District</b></p> <ul style="list-style-type: none"><li>• Existing and new development</li><li>• Single lot on map</li><li>• Small areas on map</li></ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, SR, MR, MH, IS, CB, and GB</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</li></ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, multiple-family</li><li>• dwelling, two-family</li></ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, single-family detached</li><li>• fair housing facility (small)</li></ul>

## 2.14 MR District Development Standards



### Minimum Lot Area

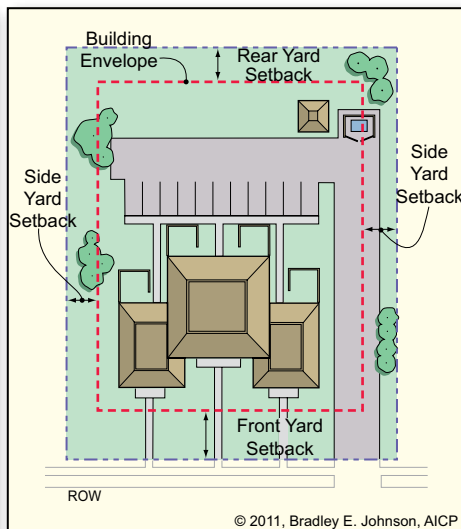
- 12,000 square feet for each of the first 3 dwelling units; plus 3,000 square feet for each additional unit

### Minimum Lot Width

- 100 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures

### Minimum Side Yard Setback

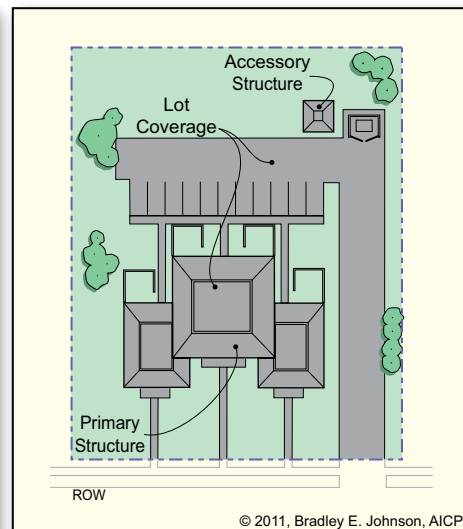
- 15 feet for primary and accessory structures

### Minimum Rear Yard Setback

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

### Minimum Lake Yard Setback

- 100 feet for primary and accessory structures



### Maximum Lot Coverage

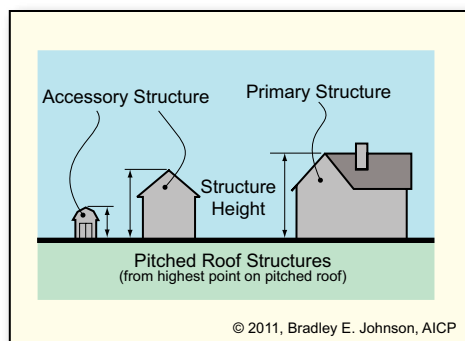
- 40% of lot area

### Minimum Floor Area

- 720 square feet for residential structures

### Maximum Primary Structures

- 1 per 30,000 square feet; maximum of 10 total primary structures



### Maximum Structure Height

- 35 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

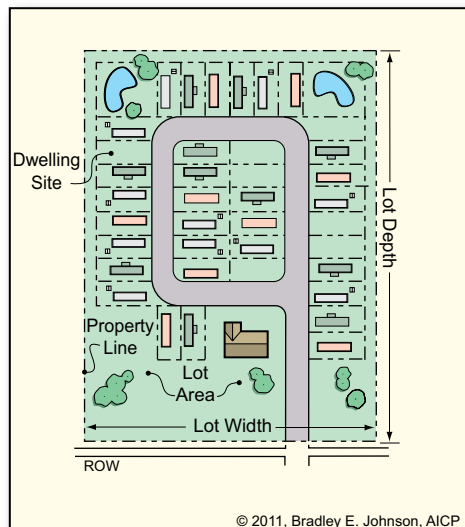
<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01.....5-4</li> <li>• AS-06.....5-9</li> </ul>	<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01.....5-33</li> <li>• LA-02.....5-34</li> <li>• LA-04.....5-35</li> <li>• LA-05.....5-36</li> </ul>	<b>Rural Residential</b> <ul style="list-style-type: none"> <li>• RL-01.....5-57</li> </ul>
<b>Architectural</b> <ul style="list-style-type: none"> <li>• AR-01.....5-7</li> </ul>	<b>Lighting</b> <ul style="list-style-type: none"> <li>• LT-01.....5-37</li> </ul>	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01.....5-58</li> <li>• SB-02.....5-59</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01.....5-14</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01.....5-39</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01.....5-62</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01.....5-15</li> <li>• DW-03.....5-18</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02.....5-41</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01.....5-65</li> <li>• SI-05.....5-73</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01.....5-21</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01.....5-43</li> <li>• PK-04.....5-44</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01.....5-79</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01.....5-22</li> <li>• FW-04.....5-24</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01.....5-51</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01.....5-80</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01.....5-26</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01.....5-53</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01.....5-83</li> <li>• TU-03.....5-84</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01.....5-27</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-05.....5-55</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01.....5-85</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01.....5-28</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01.....5-56</li> </ul>	<b>Utility</b> <ul style="list-style-type: none"> <li>• UT-01.....5-87</li> </ul>
<b>Home Business</b> <ul style="list-style-type: none"> <li>• HB-01.....5-29</li> </ul>		<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01.....5-88</li> </ul>

## 2.15 MH District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The MH (Manufactured Home Park) 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 development</li><li>• New development on appropriate lots</li><li>• Single lot on map</li><li>• Small cluster of lots on map</li></ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"><li>• CO, PR, AG, SR, MR, MH, IS, and EI</li></ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"><li>• home business (type 1)</li></ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, manufactured home</li><li>• manufactured home park</li></ul>	<p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"><li>• dwelling, single-family detached</li><li>• retirement community</li></ul>



## 2.16 MH District Development Standards



### Minimum Lot Area

- 3 acres

### Minimum Lot Width

- 200 feet; and lots shall not exceed a depth 3 times greater than the width

### Sewer

- Sanitary sewer required

### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures

### Minimum Side Yard Setback

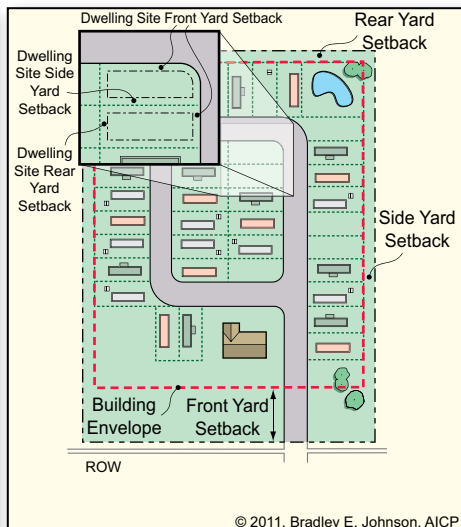
- 30 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 25 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures

### Minimum Dwelling Site Area

- 2,700 square feet

### Minimum Dwelling Site Width

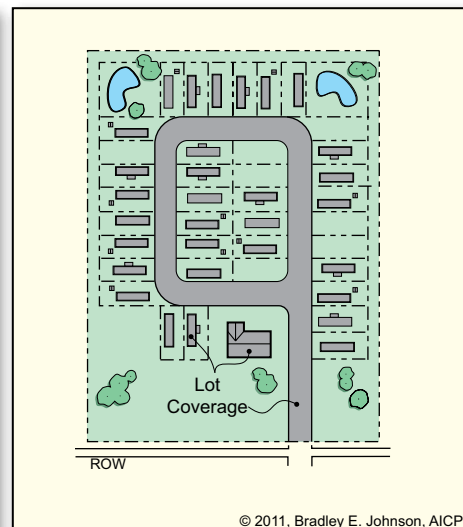
- 25 feet

### Minimum Dwelling Main Floor Area

- 400 square feet

### Maximum Dwelling Site Primary Structures

- 1 per dwelling site
- 5 in non-dwelling site areas (i.e. in common areas)



### Maximum Lot Coverage

- 40% of lot area

### Minimum Dwelling Site Front Yard Setback

- Arterial and Collector: 50 feet for primary and accessory structures
- Local Road: 10 feet from edge of pavement of interior streets for primary and accessory structures

### Minimum Dwelling Site Side Yard Setback

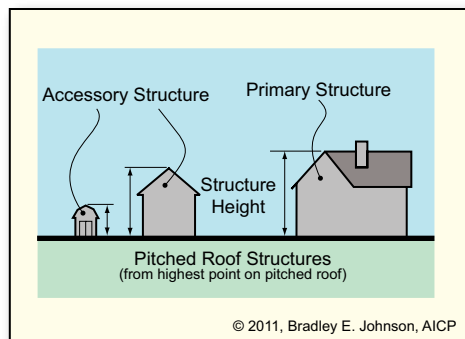
- 7 1/2 feet for primary structures
- 3 feet for accessory structures

### Minimum Dwelling Site Rear Yard Setback

- 10 feet for primary structures
- 5 feet for accessory structures

### Minimum Dwelling Site Lake Yard Setback

- 60 feet for any primary and accessory structures



### Maximum Structure Height

- 25 feet for primary structures
- 16 feet for accessory structures
- 1 story for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

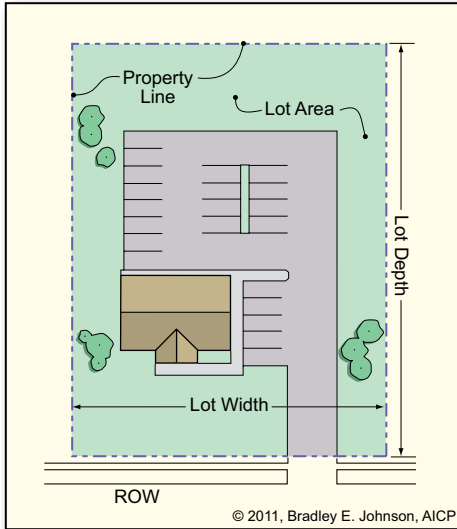
<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Manufactured Home Park</b> <ul style="list-style-type: none"> <li>• MP-01 ..... 5-40</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-05 ..... 5-73</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02 ..... 5-41</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-05 ..... 5-24</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-05 ..... 5-44</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-03 ..... 5-84</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01 ..... 5-85</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-05 ..... 5-55</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Home Business</b> <ul style="list-style-type: none"> <li>• HB-01 ..... 5-29</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-05 ..... 5-36</li> </ul>	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	
<b>Lighting</b> <ul style="list-style-type: none"> <li>• LT-01 ..... 5-37</li> </ul>		

# Institutional (IS) District

## 2.17 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>• Institutionally owned lands, including State, County, and Town facilities</li> <li>• Varying intensity</li> </ul> <p><b>Application of IS District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Single lot on map</li> <li>• Small cluster of lots on map</li> <li>• Small areas on map</li> </ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"> <li>• CO, PR, AG, RR, SR, MR, MH, IS, CB, GB, EI, and HI</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• farmers market</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 operation (non-office)</li> <li>• library</li> <li>• museum</li> <li>• parking lot (public)</li> <li>• place of worship</li> <li>• police, fire, or rescue station</li> <li>• post office</li> <li>• recycling collection point</li> <li>• school (P-12)</li> <li>• sewage treatment plant</li> <li>• water treatment plant</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• telecommunication facility</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• fair housing facility (large)</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• municipal airport</li> <li>• municipal heliport</li> <li>• transit station (local hub)</li> </ul>

## 2.18 IS District Development Standards



### Minimum Lot Area

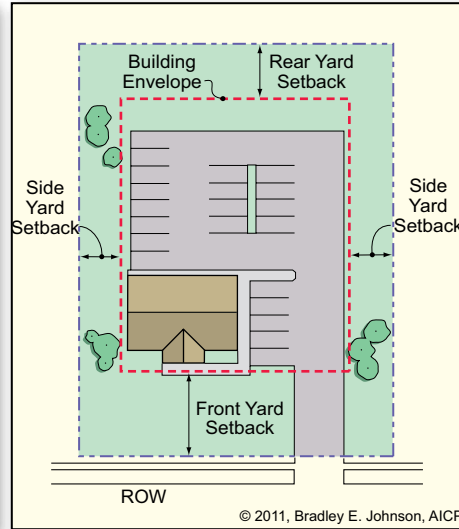
- 9,000 square feet

### Minimum Lot Width

- 60 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 50 feet for primary and accessory structures
- Collector: 30 feet for primary and accessory structures
- Local Road: 10 feet for primary and accessory structures
- Parking Lot: 10 feet front yard setback

### Minimum Side Yard Setback

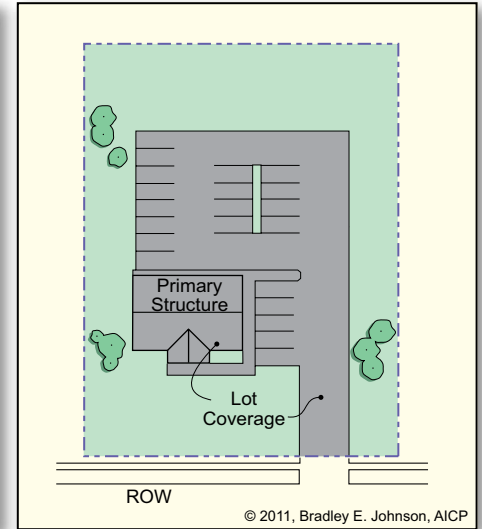
- 20 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 20 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Maximum Lot Coverage

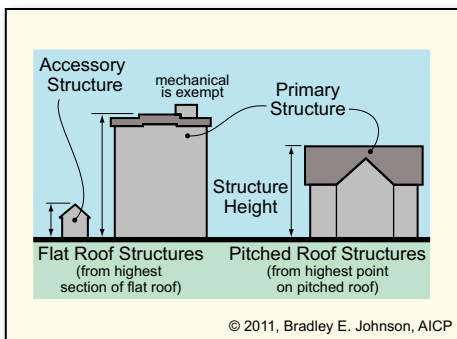
- 50% of lot area
- 35% if a lake lot

### Minimum Floor Area

- not applicable

### Maximum Primary Structures

- 3 per lot



### Maximum Structure Height

- 45 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

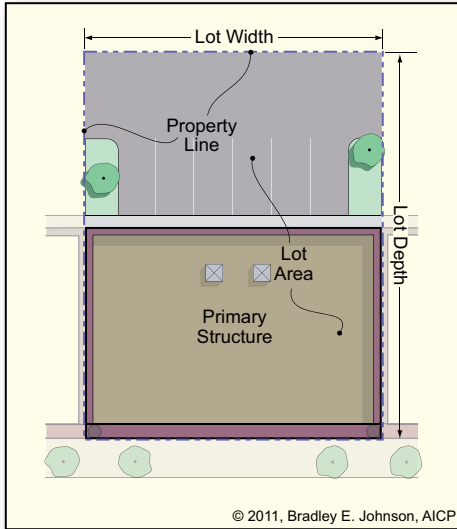
## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-07 ..... 5-10</li> </ul>	<b>Lighting</b> <ul style="list-style-type: none"> <li>• LT-01 ..... 5-37</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Loading</b> <ul style="list-style-type: none"> <li>• LD-01 ..... 5-38</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-07 ..... 5-77</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-01 ..... 5-15</li> <li>• DW-05 ..... 5-20</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-02 ..... 5-41</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-06 ..... 5-25</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-06 ..... 5-45</li> </ul>	<b>Telecommunication Facility</b> <ul style="list-style-type: none"> <li>• TC-01 ..... 5-81</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-04 ..... 5-84</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Permanent Outdoor Display</b> <ul style="list-style-type: none"> <li>• PT-01 ..... 5-52</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01 ..... 5-85</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-04 ..... 5-35</li> <li>• LA-05 ..... 5-36</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-06 ..... 5-55</li> </ul>	
	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	
	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	

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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The CB (Central Business) 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 commercial uses</li> <li>Low to medium intensity</li> <li>Zero lot line development</li> </ul> <p><b>Application of CB District</b></p> <ul style="list-style-type: none"> <li>Existing and new development</li> <li>Small cluster of lots on map</li> <li>Primarily Front Street</li> </ul> <p><b>Appropriate Adjacent Zoning Districts</b></p> <ul style="list-style-type: none"> <li>CO, PR, SR, MR, IS, CB, and GB</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>animal grooming</li> <li>atm, drive-up</li> <li>bakery</li> <li>bank</li> <li>bar or tavern</li> <li>barber or beauty shop</li> <li>club or lodge</li> <li>coffee shop</li> <li>coin laundry</li> <li>computer service</li> <li>counseling center</li> <li>day care</li> <li>delicatessen</li> <li>design services</li> <li>farmers market</li> <li>ice cream shop</li> <li>indoor storage</li> <li>media rental</li> <li>medical clinic</li> <li>nail salon</li> <li>office, general</li> <li>office, medical</li> <li>real estate office</li> <li>repair shop, electronics</li> <li>repair shop, equipment</li> <li>repair shop, general</li> <li>restaurant</li> <li>retail (type 1), very low intensity</li> <li>retail (type 2), low intensity</li> <li>seamstress/tailor</li> <li>shoe repair</li> <li>spa</li> <li>studio arts</li> <li>tanning salon</li> <li>title company</li> <li>travel agency</li> <li>veterinary clinic</li> <li>wellness facility</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>government office</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>dwelling, upper floor (1 unit)</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>retail (type 3) medium intensity</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>bed and breakfast</li> <li>dwelling, upper floor (multiple unit)</li> </ul>

## 2.20 CB District Development Standards



### Minimum Lot Area

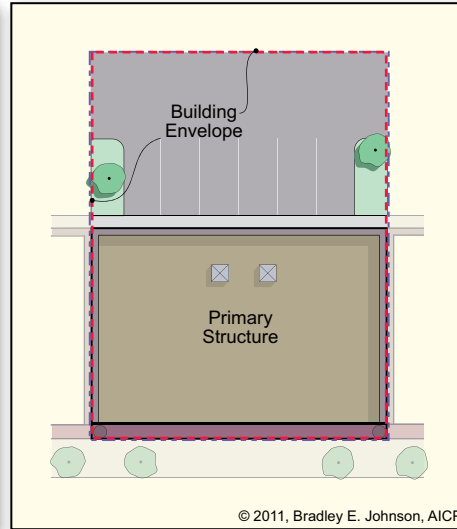
- 2,000 square feet

### Minimum Lot Width

- 15 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 10 feet for primary and accessory structures
- Collector: 0 feet for primary and accessory structures
- Local Road: 0 feet for primary and accessory structures
- Parking Lot: 5 feet front yard setback

### Minimum Side Yard Setback

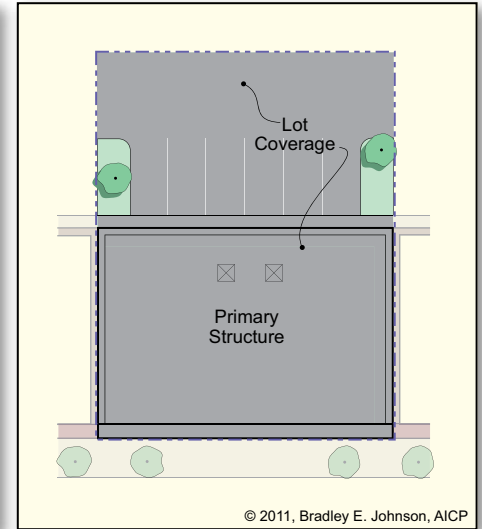
- 0 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 0 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Maximum Lot Coverage

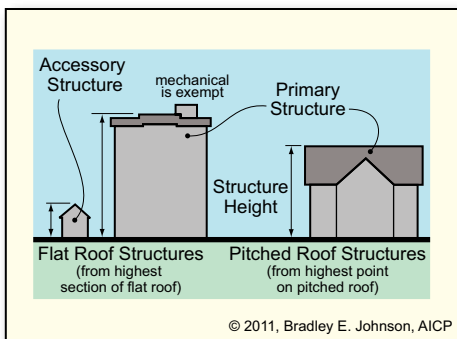
- 100% of lot area

### Minimum Floor Area

- 500 square feet

### Maximum Primary Structures

- 1 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

### Accessory Structures

- AS-01 ..... 5-4
- AS-08 ..... 5-11

### Density and Intensity

- DI-01 ..... 5-14

### Driveway

- DW-01 ..... 5-15
- DW-05 ..... 5-20

### Environmental

- EN-01 ..... 5-21

### Fence and Wall

- FW-01 ..... 5-22

### Floodplain

- FP-01 ..... 5-26

### Floor Area

- FA-01 ..... 5-27

### Height

- HT-01 ..... 5-28

### Landscaping

- LA-01 ..... 5-33
- LA-02 ..... 5-34
- LA-04 ..... 5-35
- LA-05 ..... 5-36

### Lighting

- LT-01 ..... 5-37

### Loading

- LD-01 ..... 5-38

### Lot

- LO-01 ..... 5-39

### Outdoor Storage

- OS-02 ..... 5-41

### Parking

- PK-01 ..... 5-43
- PK-06 ..... 5-45

### Performance

- PF-01 ..... 5-51

### Permanent Outdoor Display

- PT-01 ..... 5-52

### Public Improvement

- PI-01 ..... 5-53

### Recreational Vehicle Storage

- RV-06 ..... 5-55

### Retaining Wall

- RW-01 ..... 5-56

### Setback

- SB-01 ..... 5-58
- SB-02 ..... 5-59

### Sewer and Water

- SW-01 ..... 5-62

### Signs

- SI-01 ..... 5-65
- SI-06 ..... 5-74

### Special Exception

- SE-01 ..... 5-79

### Structure

- SC-01 ..... 5-80

### Temporary Use

- TU-01 ..... 5-83
- TU-04 ..... 5-84

### Trash Receptacle

- TR-01 ..... 5-85

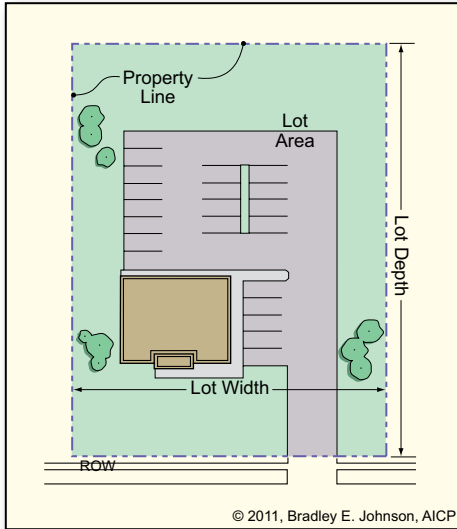
### Vision Clearance

- VC-01 ..... 5-88

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

District Intent	Permitted Uses	Special Exception Uses
<p><b>The C1 (Moderate Intensity 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>Low to moderate 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>Small to medium areas on map</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>CO, PR, AG, SR, MR, IS, CB, GB, and EI</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>animal grooming</li> <li>atm, drive-up</li> <li>automobile oriented business (type 1)</li> <li>bakery</li> <li>bank</li> <li>bar or tavern</li> <li>barber or beauty shop</li> <li>billiard hall or arcade</li> <li>bingo hall</li> <li>brew pub</li> <li>catering service</li> <li>club or lodge</li> <li>coffee shop</li> <li>coin laundry</li> <li>computer service</li> <li>copy center</li> <li>counseling center</li> <li>day care</li> <li>delicatessen</li> <li>design services</li> <li>dry cleaning pickup and drop-off</li> <li>express shipping center</li> <li>farmers market</li> <li>gas station</li> <li>ice cream shop</li> <li>media rental</li> <li>medical clinic</li> <li>mobile device dealer</li> <li>nail salon</li> <li>office, general</li> <li>office, medical</li> <li>party facility</li> <li>pharmacy</li> <li>photography studio</li> <li>printing, commercial</li> <li>real estate office</li> <li>recreation center (indoor)</li> <li>recreational vehicle sales</li> <li>rehabilitation clinic, medical</li> <li>repair shop, electronics</li> <li>repair shop, equipment</li> <li>repair shop, general</li> <li>restaurant</li> <li>restaurant with drive-up window</li> <li>retail (type 1) very low intensity</li> <li>retail (type 2) low intensity</li> <li>retail (type 3) medium intensity</li> <li>seamstress/tailor</li> <li>shoe repair</li> <li>spa</li> <li>studio arts</li> <li>tanning salon</li> <li>tattoo/piercing parlor</li> <li>theater, movie (indoor)</li> <li>title company</li> <li>travel agency</li> <li>veterinary clinic</li> <li>wellness facility</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>parking lot (public)</li> <li>place of worship</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>bed and breakfast</li> <li>nursing home</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>auction (indoor)</li> <li>automobile oriented business (type 2)</li> <li>banquet hall</li> <li>bowling alley</li> <li>broadcast studio</li> <li>car rental</li> <li>country club</li> <li>donation collection point</li> <li>funeral home</li> <li>hotel</li> <li>marina</li> <li>recreation center (outdoor)</li> <li>restaurant, drive-in</li> <li>retail (type 4) high intensity</li> <li>retail (type 5) very high intensity</li> <li>self-storage warehouse</li> <li>telecommunication exchange</li> <li>veterinary hospital</li> <li>winery</li> </ul> <p><b>Institutional Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>hospice facility</li> <li>school (P-12), private</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>dwelling, upper floor (1 unit)</li> </ul>

## 2.22 GB District Development Standards



### Minimum Lot Area

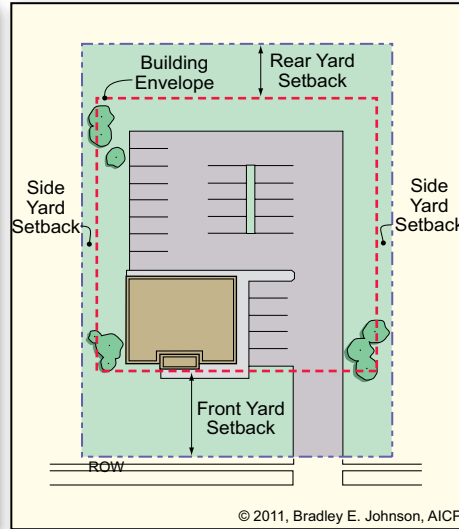
- 5,000 square feet

### Minimum Lot Width

- 60 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 30 feet for primary and accessory structures
- Collector: 25 feet for primary and accessory structures
- Local Road: 20 feet for primary and accessory structures
- Parking Lot: 10 feet front yard setback

### Minimum Side Yard Setback

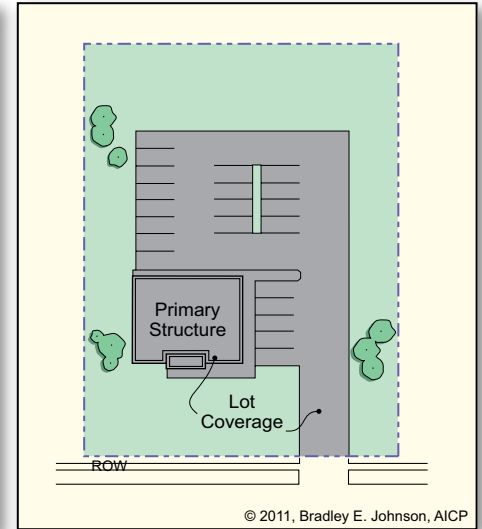
- 10 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 7 feet for primary structures
- 5 feet for accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Maximum Lot Coverage

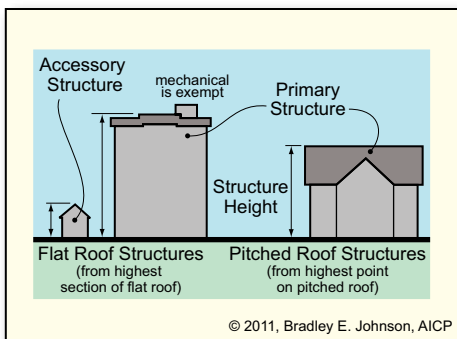
- 60% of lot area

### Minimum Floor Area

- 500 square feet

### Maximum Primary Structures

- 2 per lot



### Maximum Structure Height

- 35 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> <li>• AS-09 ..... 5-12</li> </ul>	<b>Loading</b> <ul style="list-style-type: none"> <li>• LD-01 ..... 5-38</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Sexually Oriented Business</b> <ul style="list-style-type: none"> <li>• SX-01 ..... 5-63</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-05 ..... 5-20</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-03 ..... 5-42</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-07 ..... 5-77</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-06 ..... 5-45</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-06 ..... 5-25</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Permanent Outdoor Display</b> <ul style="list-style-type: none"> <li>• PT-01 ..... 5-52</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-04 ..... 5-84</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01 ..... 5-85</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-06 ..... 5-55</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-02 ..... 5-34</li> <li>• LA-04 ..... 5-35</li> <li>• LA-05 ..... 5-36</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	
	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	



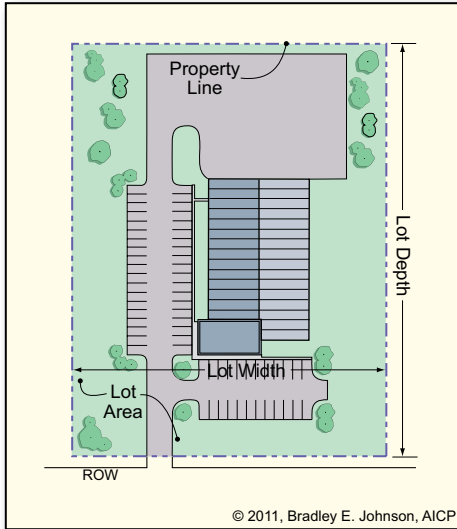
# Enclosed Industrial (EI) District

## 2.23 EI District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p><b>The EI (Enclosed 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>• Industrial parks</li> <li>• Stand alone buildings or multiple structure complexes</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• Small cluster of lots on map</li> <li>• Single lot on map</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• CO, PR, AG, MH, IS, GB, EI, and HI</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• automobile oriented business (type 3)</li> <li>• broadcast studio</li> <li>• exterminator</li> <li>• office, construction trade</li> <li>• office, general</li> <li>• printing, commercial</li> <li>• retail (type 4) high intensity</li> <li>• retail (type 5) very high intensity</li> <li>• self-storage warehouse</li> <li>• software development</li> <li>• telecommunication exchange</li> <li>• tool/equipment rental (indoor)</li> <li>• tool/equipment rental (outdoor)</li> <li>• trade or business school</li> <li>• veterinary hospital</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• assembly</li> <li>• bottling/canning</li> <li>• brewery</li> <li>• composting facility</li> <li>• distribution facility</li> <li>• freight terminal</li> <li>• industrial park</li> <li>• liquid fertilizer storage</li> <li>• materials recycling (type 1)</li> <li>• printer, industrial</li> <li>• produce terminal</li> <li>• research center, general</li> <li>• research center, medical</li> <li>• sign fabrication</li> <li>• storage tanks (non-hazardous)</li> <li>• testing lab, electronics</li> <li>• testing lab, materials</li> <li>• tool and die shop</li> <li>• utility facility, above ground</li> <li>• warehouse</li> <li>• welding service</li> <li>• wholesale business</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• government operation (non-office)</li> <li>• recycling collection point</li> <li>• water tower</li> </ul>	<p><b>Agricultural Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural products, processing</li> <li>• agricultural products, storage</li> <li>• grain elevator</li> </ul> <p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• party facility</li> <li>• recreation center (indoor)</li> <li>• restaurant</li> <li>• sports field (indoor)</li> <li>• wellness facility</li> </ul> <p><b>Industrial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bio-diesel production</li> <li>• broadcast facility</li> <li>• fleet vehicle storage</li> <li>• food processing</li> <li>• liquid fertilizer distribution</li> <li>• materials recycling (type 2)</li> <li>• metal casting</li> <li>• outdoor storage</li> <li>• telecommunication facility</li> <li>• transfer station</li> </ul>



## 2.24 EI District Development Standards



### Minimum Lot Area

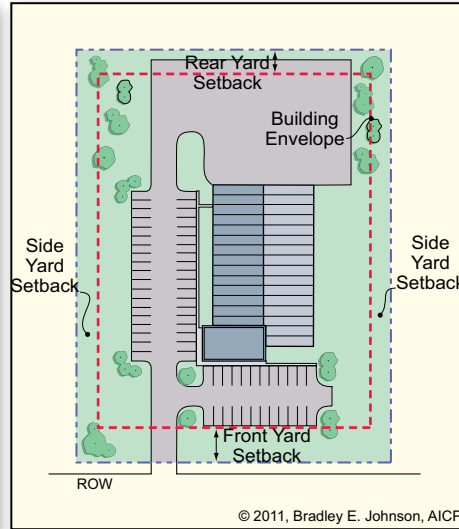
- 30,000 square feet

### Minimum Lot Width

- 100 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 85 feet for primary and accessory structures
- Collector: 40 feet for primary and accessory structures
- Local Road: 30 feet for primary and accessory structures
- Parking Lot: 10 feet front yard setback

### Minimum Side Yard Setback

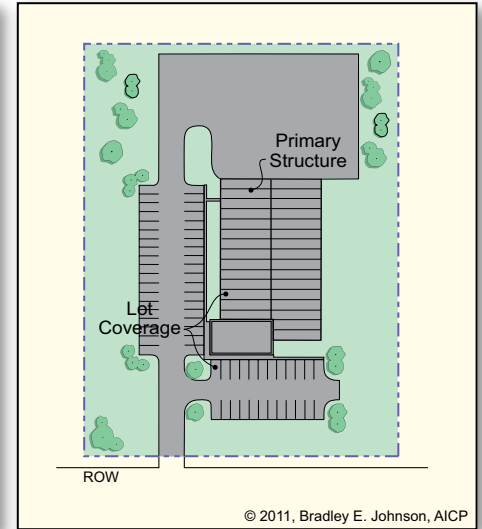
- 30 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 20 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 60 feet for primary and accessory structures



### Maximum Lot Coverage

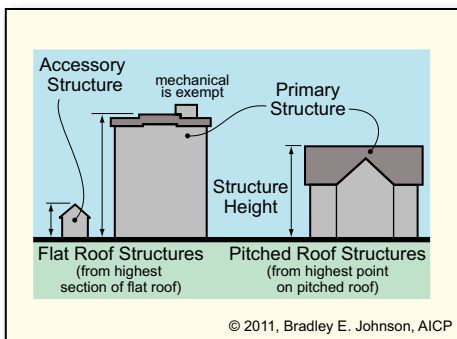
- 60% of lot area

### Minimum Floor Area

- not applicable

### Maximum Primary Structures

- 5 per lot



### Maximum Structure Height

- 50 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

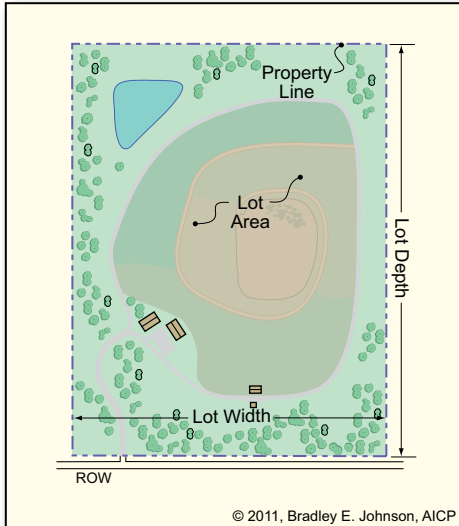
<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>• AS-01 ..... 5-4</li> </ul>	<b>Loading</b> <ul style="list-style-type: none"> <li>• LD-01 ..... 5-38</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>• SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>• DI-01 ..... 5-14</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>• LO-01 ..... 5-39</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>• SI-01 ..... 5-65</li> <li>• SI-07 ..... 5-77</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>• DW-05 ..... 5-20</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>• OS-04 ..... 5-42</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>• SE-01 ..... 5-79</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>• EN-01 ..... 5-21</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>• PK-01 ..... 5-43</li> <li>• PK-06 ..... 5-45</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>• SC-01 ..... 5-80</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>• FW-01 ..... 5-22</li> <li>• FW-07 ..... 5-25</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>• PF-01 ..... 5-51</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>• TU-01 ..... 5-83</li> <li>• TU-04 ..... 5-84</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>• FP-01 ..... 5-26</li> </ul>	<b>Permanent Outdoor Display</b> <ul style="list-style-type: none"> <li>• PT-01 ..... 5-52</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>• TR-01 ..... 5-85</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>• FA-01 ..... 5-27</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>• PI-01 ..... 5-53</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>• VC-01 ..... 5-88</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>• HT-01 ..... 5-28</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>• RV-06 ..... 5-55</li> </ul>	
<b>Landscaping</b> <ul style="list-style-type: none"> <li>• LA-01 ..... 5-33</li> <li>• LA-04 ..... 5-35</li> <li>• LA-05 ..... 5-36</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>• RW-01 ..... 5-56</li> </ul>	
	<b>Setback</b> <ul style="list-style-type: none"> <li>• SB-01 ..... 5-58</li> <li>• SB-02 ..... 5-59</li> </ul>	

# High Impact (HI) District

## 2.25 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>• High intensity uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• New development</li> <li>• Small cluster of lots on map</li> <li>• Single lot on map</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• CO, PR, AG, IS, EI, and HI</li> </ul>	<p><b>Commercial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• shooting range (outdoor)</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• asphalt plant</li> <li>• bio-fuels production</li> <li>• blast furnace</li> <li>• chemical manufacturing</li> <li>• coke oven</li> <li>• concrete plant</li> <li>• construction materials landfill</li> <li>• electrical generation plant</li> <li>• explosives manufacturing</li> <li>• fireworks manufacturing</li> <li>• incinerator</li> <li>• junk yard</li> <li>• materials recycling (type 2)</li> <li>• materials recycling (type 3)</li> <li>• mining, rock or sand</li> <li>• petroleum processing</li> <li>• rail yard</li> <li>• rendering plant</li> <li>• rock crushing</li> <li>• sanitary landfill/refuse dump</li> <li>• saw mill</li> <li>• scrap metal yard</li> <li>• smelting</li> <li>• storage tanks (hazardous)</li> <li>• utility facility, above ground</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• jail</li> <li>• juvenile detention facility</li> <li>• prison</li> </ul>	

## 2.26 HI District Development Standards



### Minimum Lot Area

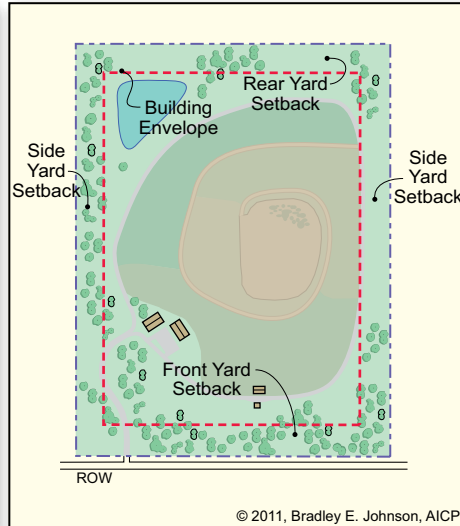
- 10 acres

### Minimum Lot Width

- 500 feet

### Sewer

- Sanitary sewer required



### Minimum Front Yard Setback

- Arterial: 200 feet for primary and accessory structures
- Collector: 200 feet for primary and accessory structures
- Local Road: 200 feet for primary and accessory structures

### Minimum Side Yard Setback

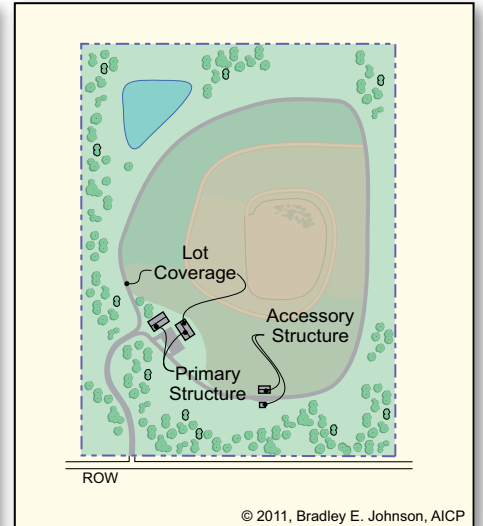
- 150 feet for primary and accessory structures

### Minimum Rear Yard Setback

- 150 feet for primary and accessory structures

### Minimum Lake Yard Setback

- 150 feet for primary and accessory structures



### Maximum Lot Coverage

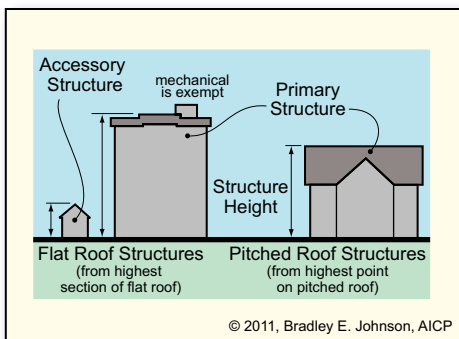
- 50% of lot area

### Minimum Main Floor Area

- 500 square feet

### Maximum Primary Structures

- 10 per lot



### Maximum Structure Height

- 50 feet for primary structures
- 16 feet for accessory structures
- 2 stories for primary structures
- 1 story for accessory structures

## Additional Development Standards that Apply

<b>Accessory Structures</b> <ul style="list-style-type: none"> <li>AS-01 ..... 5-4</li> </ul>	<b>Loading</b> <ul style="list-style-type: none"> <li>LD-01 ..... 5-38</li> </ul>	<b>Sewer and Water</b> <ul style="list-style-type: none"> <li>SW-01 ..... 5-62</li> </ul>
<b>Density and Intensity</b> <ul style="list-style-type: none"> <li>DI-01 ..... 5-14</li> </ul>	<b>Lot</b> <ul style="list-style-type: none"> <li>LO-01 ..... 5-39</li> </ul>	<b>Signs</b> <ul style="list-style-type: none"> <li>SI-01 ..... 5-65</li> <li>SI-07 ..... 5-77</li> </ul>
<b>Driveway</b> <ul style="list-style-type: none"> <li>DW-05 ..... 5-20</li> </ul>	<b>Outdoor Storage</b> <ul style="list-style-type: none"> <li>OS-04 ..... 5-42</li> </ul>	<b>Special Exception</b> <ul style="list-style-type: none"> <li>SE-01 ..... 5-79</li> </ul>
<b>Environmental</b> <ul style="list-style-type: none"> <li>EN-01 ..... 5-21</li> </ul>	<b>Parking</b> <ul style="list-style-type: none"> <li>PK-01 ..... 5-43</li> <li>PK-06 ..... 5-45</li> </ul>	<b>Structure</b> <ul style="list-style-type: none"> <li>SC-01 ..... 5-80</li> </ul>
<b>Fence and Wall</b> <ul style="list-style-type: none"> <li>FW-01 ..... 5-22</li> <li>FW-07 ..... 5-25</li> </ul>	<b>Performance</b> <ul style="list-style-type: none"> <li>PF-01 ..... 5-51</li> </ul>	<b>Temporary Use</b> <ul style="list-style-type: none"> <li>TU-01 ..... 5-83</li> <li>TU-04 ..... 5-84</li> </ul>
<b>Floodplain</b> <ul style="list-style-type: none"> <li>FP-01 ..... 5-26</li> </ul>	<b>Permanent Outdoor Display</b> <ul style="list-style-type: none"> <li>PT-01 ..... 5-52</li> </ul>	<b>Trash Receptacle</b> <ul style="list-style-type: none"> <li>TR-01 ..... 5-85</li> </ul>
<b>Floor Area</b> <ul style="list-style-type: none"> <li>FA-01 ..... 5-27</li> </ul>	<b>Public Improvement</b> <ul style="list-style-type: none"> <li>PI-01 ..... 5-53</li> </ul>	<b>Vision Clearance</b> <ul style="list-style-type: none"> <li>VC-01 ..... 5-88</li> </ul>
<b>Height</b> <ul style="list-style-type: none"> <li>HT-01 ..... 5-28</li> </ul>	<b>Recreational Vehicle Storage</b> <ul style="list-style-type: none"> <li>RV-06 ..... 5-55</li> </ul>	
<b>Landscaping</b> <ul style="list-style-type: none"> <li>LA-01 ..... 5-33</li> <li>LA-04 ..... 5-35</li> <li>LA-05 ..... 5-36</li> </ul>	<b>Retaining Wall</b> <ul style="list-style-type: none"> <li>RW-01 ..... 5-56</li> </ul>	
	<b>Setback</b> <ul style="list-style-type: none"> <li>SB-01 ..... 5-58</li> <li>SB-02 ..... 5-59</li> </ul>	

# Appropriate Adjacent Districts Summary

## 2.27 Appropriate Adjacent District Summary

Adjacent District	Zoning District of Subject Property												
	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
CO	X	X	X	X	X	X	X	X	X	X	X	X	X
PR	X	X	X	X	X	X	X	X	X	X	X	X	X
AG	X	X	X	X	X			X	X		X	X	X
RR	X	X	X	X	X				X				
SR	X	X	X	X	X	X			X	X	X		
LR	X	X			X	X							
MR	X	X			X		X	X	X	X	X		
MH	X	X	X		X		X	X	X			X	
IS	X	X	X	X	X		X	X	X	X	X	X	X
CB	X	X			X		X		X	X	X		
GB	X	X	X		X		X		X	X	X	X	
EI	X	X	X					X	X		X	X	X
HI	X	X	X						X			X	X

**Article**

**03**

## Overlay Districts

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Town of Rome City  
Unified Development  
Ordinance

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- 3.01 Placeholder for Future Overlay Districts
- For a definition of Overlay District, please go to page 11-19.

## Article

# 04

## Planned Development District

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*Town of Rome City  
Unified Development  
Ordinance*

## 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 the development to result in a more unique design than what would have been the result under the standard zoning regulations. The request for a PD District shall be necessary due to one of the following:</b></p> <ul style="list-style-type: none"> <li>• A development with a complex mix of land uses, or mixes of land uses within buildings;</li> <li>• A development on a unique geological feature, or on a site with a notable quality natural feature, or on a site with a notable quantity of natural features; or</li> <li>• A development with a notably unique or innovative design.</li> </ul>	<p><b>Permitted and Special Exception 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 <i>Rome City Comprehensive Plan</i></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 District</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 <i>Rome City Comprehensive Plan</i></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 District</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 District</i></li> </ul> <p><b>Construction Standards</b></p> <ul style="list-style-type: none"> <li>• Fully in compliance with the <i>Town of Rome City's Construction Standards</i></li> </ul>	<p><b>Ownership</b></p> <ul style="list-style-type: none"> <li>• The entire property proposed for a PD District shall be under single ownership, or if multiple owners exist, a legal document shall be provided (e.g. contract, legal partnership, or corporation) indicating that all owners of the property give consent to develop the land as a planned development. The legal document or a letter signed by each owner shall indicate who the owners appoint as their representative through the process.</li> </ul> <p><b>Base Zoning District</b></p> <ul style="list-style-type: none"> <li>• AG, RR, SR, GB, and EI</li> </ul> <p><b>Site Area</b></p> <ul style="list-style-type: none"> <li>• The minimum land area required for a PD District is five (5) acres</li> </ul> <p><b>Regulating Ordinance</b></p> <ul style="list-style-type: none"> <li>• Concurrent to the process of rezoning a property to PD District, the developer shall prepare a Regulating Ordinance for review and approval by the Plan Commission. The Regulating Ordinance shall be in a format provided by the Zoning Administrator</li> </ul> <p><b>Timing of Rezoning</b></p> <ul style="list-style-type: none"> <li>• The adoption of the Regulating Ordinance shall occur concurrently to the rezoning of the property to a PD District</li> </ul>



# Planned Development (PD)

## 4.02 General

- A. **Description:** A Planned Development (PD) District is a special zoning district that can be petitioned for by a property owner allowing for a stand alone ordinance to be adopted which becomes the regulations for a proposed development.
- B. **Creation:** The procedure for the creation of a PD District shall be consistent with the process set forth in *Article 09: Processes* of this Unified Development Ordinance.
- C. **Official Zoning Map:** Once a planned development is approved, it shall be identified as a PD District on the Official Zoning Map, and shall include the ordinance number for the Regulating Ordinance.
- D. **Planned Development (PD) District Regulations:**
  - 1. **Development Standards:** The development standards from the base zoning district shall apply to a PD District unless an alternate base zoning district is assigned by the Plan Commission; or unless the Regulating Ordinance's standards supersedes the base zoning district's development standards.
  - 2. **Design Standards:** The set of design standards applicable to the most similar type of subdivision shall apply to a PD District, unless:
    - a. An alternate set of design standards are assigned by the Plan Commission; or
    - b. The Regulating Ordinance's standards supersedes the design standards.
  - 3. **Permitted Land Uses:** The land uses within a PD District shall be determined by the Regulating Ordinance. Any land use not specifically permitted in the Regulating Ordinance shall not be permitted. Vague land uses or land use categories shall not be permitted in a Regulating Ordinance.
  - 4. **Land Use Consistency:** The dominant land use for a PD District shall be incorporated in the Regulating Ordinance as follows:
    - a. If the original zoning district was GB then the development shall be a minimum of eighty percent (80%) commercial.
    - b. If the original zoning district was EI then the development shall be a minimum of eighty percent (80%) industrial.
  - 5. **Applicability of this Unified Development Ordinance:** If the PD District or Regulating Ordinance is silent or does not address a particular development standard, design standard, or other specification that is regulated by this Unified Development Ordinance, then the standard of the closest relating zoning district shall apply.

## 4.03 Origination of Proposals

A proposal for a PD District shall be initiated by the property owner(s). The site proposed for a Planned Unit 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 property support and desire to develop the land. Said 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 District* are subject to the Rules of Procedure of the Plan Commission. All applications that involve subdivision of a land shall also be subject to the subdivision procedures established by *Article 09: Processes* of this Unified Development Ordinance.

## 4.05 Limitation of Revisions to this Unified Development Ordinance

- A. **Public Health and Safety:** Additions or modifications to this Unified Development Ordinance that directly effect public health and safety shall apply to any PD District whether prior to or during development.
- B. **Deviation from this Unified Development Ordinance:** A PD District and its Regulating Ordinance shall not modify or supersede the applicability of Articles 1, 3, 4, 8, 9, 10, or 11 from this Unified Development Ordinance.
- C. **Failure to Comply:** If a PD District is no longer proceeding in accordance with its Regulating Ordinance, commitments, conditions, covenants, or time related requirements imposed by its Regulating Ordinance, the fullest extent of *Article 10: Enforcement* may be used by the Enforcement Official to cause remedy.
- D. **Rezoning to Standard District:** A PD District, including phases or subdistricts, once seventy percent (70%) built-out in area, are subject to being rezoned into an appropriate standard zoning district if the Plan Commission deems it necessary to better administer the development.

## 4.06 Required Permanent Open Space

- A. Open Space: No PD District shall be approved, unless the design provides for the prescribed percentage of permanent landscaped or natural open space. Open space may be designated through the use of common area or other legal mechanisms such as conservation easements to the satisfaction of the Plan Commission and Town Council. The minimum required permanent open space shall be as follows:
  - 1. *Residential Developments (RR or SR)*: Ten percent (10%), and
  - 2. *Non-Residential Developments (GB, and EI)*: Five Percent (5%).
- B. Mixed Uses: In the case of a mixed-use development, single-family areas shall generally have ten percent (10%) permanent open space and non-residential areas shall generally have five percent (5%) permanent open space. The distribution of permanent open space shall strive to preserve existing natural features (e.g. woodlots or wetlands).
- C. Development in Stages: If the planned development is to be constructed in phases, permanent open space shall be provided for each phase of the development in proportion to that stage, and conveyed or guaranteed.

## Article

# 05

## Development Standards

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### Town of Rome City Unified Development Ordinance

## 5.01 How to Use this Article

*Article 05: Development Standards* 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.  
[Example: On page 2-11, the four digit code “AS-04” can be found under the “Additional Development Standards that Apply” section for the SR District. Therefore, the development standards in the section labeled “AS-04” (on page 5-7) would apply to the SR District.]
- B. **District Icons:** Refer to the icons used at the top of each development standard section in *Article 05: Development Standards*. Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (e.g. **SR** for the Single-family Residential District). These zoning district icons note that the development standards written in that section apply to that zoning district.  
[Example: On page 5-7, the SR icon (**SR**) can be found under the AS-04 development standard section. Therefore, the language in the AS-04 section would apply to the SR District.]

Section Name	Page Number	Section Name	Page Number
Accessory Structure Standards (AS)	5-4	Parking Standards (PK)	5-43
Architectural Standards (AR)	5-13	Performance Standards (PF)	5-51
Density and Intensity Standards (DI)	5-14	Permanent Outdoor Display Standards (PT)	5-52
Driveway Standards (DW)	5-15	Public Improvement Standards (PI)	5-53
Environmental Standards (EN)	5-21	Recreational Vehicle Storage Standards (RV)	5-54
Fence and Wall Standards (FW)	5-22	Retaining Wall Standards (RW)	5-56
Floodplain Standards (FP)	5-26	Rural Residential Standards (RL)	5-57
Floor Area Standards (FA)	5-27	Setback Standards (SB)	5-58
Height Standards (HT)	5-28	Sewer and Water Standards (SW)	5-62
Home Business Standards (HB)	5-29	Sexually Oriented Business Standards (SX)	5-63
Keeping of Animals Standards (KA)	5-31	Sign Standards (SI)	5-65
Lake Front Access Standards (LK)	5-32	Special Exception Standards (SE)	5-79
Landscaping Standards (LA)	5-33	Structure Standards (SC)	5-80
Lighting Standards (LT)	5-37	Telecommunication Facility Standards (TC)	5-81
Loading Standards (LD)	5-38	Temporary Use and Structure Standards (TU)	5-83
Lot Standards (LO)	5-39	Trash Receptacle Standards (TR)	5-85
Manufactured Home Park Standards (MP)	5-40	Utility Standards (UT)	5-87
Outdoor Storage Standards (OS)	5-41	Vision Clearance Standards (VC)	5-88

## 5.02 Icon Key

	- Conservation District
	- Parks and Recreation District
	- Agriculture District
	- Rural Residential District
	- Single-family Residential District
	- Lake Residential District
	- Multiple-family Residential District
	- Manufactured Home Park District
	- Institutional District
	- Central Business District
	- General Business District
	- Enclosed Industrial District
	- High Impact District

## 5.03 AS-01: General Accessory Structure Standards

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



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. *Fences*: See *Section 5.20: General Fence Standards through Section 5.26: Industrial and High Impact Fence Standards*.
  - 2. *Signs*: See *Section 5.70: General Sign Standards through Section 5.76 Institutional, General Business, and Industrial Sign Standards*.
  - 3. *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 as amended).
  - 4. *Telecommunication Facilities*: See *Section 5.79: Telecommunication Facility Standards*.
  - 5. *Trash Receptacles*: See *Section 5.84: General Trash Receptacle Standards and Section 5.85: Lake Area Trash Receptacle Standards*.
  - 6. *Parking Recreational Vehicles*: See *Section 5.44: Agricultural Outdoor Storage Standards through Section 5.47: Industrial Outdoor Storage 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. *Minimum Lake Yard Setback*: The minimum lake yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 5. *Minimum Street Yard Setback*: The minimum street yard setback shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 6. *Maximum Accessory Structure Height*: The maximum accessory structure height shall be as indicated under the heading Maximum Structure Height on the applicable two-page layout in *Article 02: Zoning Districts*.
- C. Permits: A Zoning Compliance Permit shall be required prior to the installation or construction of an accessory structure.
- D. Types:
  - 1. *Prohibited Accessory Structures*:
    - a. A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle (except as permitted in Outdoor Storage), or trailer; in part, in whole, or of the like, shall not be deemed or permitted as an accessory structure.
    - b. Portable Storage Units (e.g. PODS) units and shipping containers shall not be permitted as an accessory structure. See *Section 5.80: General Temporary Use and Structure Standards through Section 5.83: Nonresidential Temporary Use and Structure Standards*.
- E. Utilities: Storage-based accessory structures shall not have sewer service provided into an accessory building.
- F. Maintenance: All accessory structures shall be properly maintained and kept in good condition.

## 5.04 AS-02: Conservation, Parks and Recreation, and Agricultural Accessory Structure Standards

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



The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Storage-based*: 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. *Recreation-based*: Recreation-based accessory structures shall include decks, gazebos, hot tubs, sport courts, swimming pools, and other structures used primarily for recreation 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 and Size:
  - 1. *Maximum Number*: No more than ten (10) storage based accessory structures shall be permitted on a lot. There is no quantity limit on recreation-based accessory structures.
  - 2. *Maximum Size*: No maximum.
- D. Materials: No minimum standards.
- E. Location: Storage-based and recreation-based accessory structures shall be allowed in the front yard envelope, the side yard envelope, and the rear yard envelope as long as it is not directly in front of the primary structure.

## 5.05 AS-03: Rural Residential Accessory Structure Standards

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

**RR**

The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Storage-based*: 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. *Recreation-based*: Recreation-based accessory structures shall include decks, gazebos, hot tubs, sport courts, swimming pools, and other structures used primarily for recreation purposes.
- B. Relationship:
  - 1. *Use*: An accessory structure shall relate to the primary use of the lot.
  - 2. *Timing*: An accessory structure may be installed or built on a lot prior to the construction of the primary structure.
- C. Quantity and Size:
  - 1. *Maximum Number*: No more than three (3) storage-based accessory structures shall be permitted on a lot. No more than one (1) storage-based accessory structure shall be a carport. There is no quantity limit on recreation-based accessory structures.
  - 2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed two times (2X) the area of the footprint of the primary structure. If no primary structure exists, the cumulative square footage of all storage-based structures shall not exceed 2,400 square feet. The maximum size of a carport is two (2) car capacity.
- D. Materials: The exterior finish and facade of all storage-based 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.
- E. Location: Storage-based and recreation-based accessory structures shall be allowed in the front yard envelope, the side yard envelope, and the rear yard envelope as long as it is not directly in front of the primary structure.
- F. Carport Design Standards:
  - 1. *Peak*: The peak of the carport shall be fully finished with siding.
  - 2. *Roof*: The roof of the carport shall be asphalt shingles.
  - 3. *Secure*: The carport shall be permanently anchored to the ground, below the frost-line.



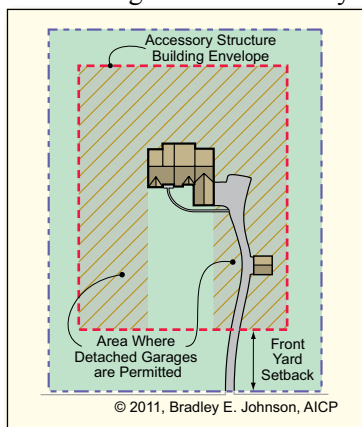
## 5.06 AS-04: Single-family Residential Accessory Structure Standards

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

**SR**

The following standards apply:

- A. Types: The following type of accessory structures are permitted.
1. *Storage-based*: Storage-based accessory structures shall include carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other structures used primarily for storage purposes.
  2. *Recreation-based*: Recreation-based accessory structures shall include decks, gazebos, hot tubs, sport courts, swimming pools, and other structures used primarily for recreation purposes.
- B. Relationship:
1. *Use*: An accessory structure shall relate to the primary use of the lot.
  2. *Timing*:
    - a. *Storage-based*: A storage-based accessory structure shall be installed or built on a lot prior to the construction of a primary structure.
    - b. *Recreation-based*: A recreation-based accessory structure shall not be installed or built on a lot prior to the construction of a primary structure.
- C. Quantity and Size:
1. *Maximum Number*: No more than two (2) storage-based accessory structures shall be permitted on a lot. No more than one (1) storage-based accessory structure shall be a carport. There is no quantity limit on recreation-based accessory structures.
  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 or 1,200 square feet whichever is less. The maximum size of a carport is two (2) car capacity.
- D. Materials: The exterior finish and facade of all storage-based 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.
- E. Location: Storage-based and recreation-based accessory structures shall only be allowed in the side yard envelope and rear yard envelope with the following exceptions:
1. *Basketball Goal Exception*: A basketball goal along a driveway or mounted on the garage shall be permitted. However, a basketball goal shall be setback at least twenty (20) feet from the street edge.
  2. *Detached Garage Exception*: A detached garage may be placed forward of a primary structure, but only if it is side loading and is not directly in front of the primary structure.



F. Carport Design Standards:

1. *Peak*: The peak of the carport shall be fully finished with siding.
2. *Roof*: The roof of the carport shall be asphalt shingles.
3. *Secure*: The carport shall be permanently anchored to the ground, below the frost-line.

## 5.07 AS-05: Lake Residential Accessory Structure Standards

This Accessory Structure Standards (AS) section applies to the Lake Residential zoning district:



The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Storage-based*: Storage-based accessory structures shall include carports, detached garages, greenhouses, mini-barns, pool houses, sheds, and other structures used primarily for storage purposes.
  - 2. *Recreation-based*: Recreation-based accessory structures shall include decks, gazebos, hot tubs, sport courts, swimming pools, outdoor kitchens, outdoor fireplaces, and other structures used primarily for recreation 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*: No more than one (1) storage-based accessory structures shall be permitted on a lot. No more than one (1) storage-based accessory structure shall be a carport. There is no quantity limit on recreation-based accessory structures.
  - 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 or 1,200 square feet whichever is less. The maximum size of a carport is two (2) car capacity.
- D. Materials: The exterior finish and facade of all storage-based 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.
- E. Location:
  - 1. *Storage-based*: Storage-based accessory structures shall only be allowed in the street yard envelope and the side yard envelope. All storage-based accessory structures shall maintain a ten (10) foot setback from all structures on a lot.
  - 2. *Recreation-based*: Recreation-based accessory structures shall be allowed in the street yard envelope and side yard envelope.
  - 3. *Permanent Accessory Structures*: No permanent accessory structures (e.g. gazebos, swimming pools, hot tubs) shall be permitted in the lake yard envelope.
  - 4. *Basketball Goal Exception*: A basketball goal along a driveway or mounted on the garage shall be permitted. However, a basketball goal shall be setback at least twenty (20) feet from the street edge.
- F. Stories: Accessory structures built into a hillside shall always constitute a story.
- G. Design Restrictions:
  - 1. *Basement/Lower Level*: No storage-based accessory structures or recreation-based accessory structures shall have a basement or a lower level.
- H. Carport Design Standards:
  - 1. *Peak*: The peak of the carport shall be fully finished with siding.
  - 2. *Roof*: The roof of the carport shall be asphalt shingles.
  - 3. *Secure*: The carport shall be permanently anchored to the ground, below the frost-line.

## 5.08 AS-06: Multiple-family Residential Accessory Structure Standards

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

**MR**

The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures may 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. 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. *Subordinate*: All support-based accessory structures shall be subordinate to the residential component of the development; be located, designed, and 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.
  - 3. *Timing*:
    - a. Support-based: A support-based accessory structure may be installed or built on a lot prior to the construction of a primary structure.
- C. Quantity and Size:
  - 1. *Maximum Number*:
    - a. Support-based: No more than four (4) support-based accessory structures shall be permitted for any development.
    - b. Storage-based for Each Dwelling Unit: No more than one (1) storage-based accessory structure per unit shall be permitted for any development.
    - c. Recreation-based: There is no quantity limit on recreation-based accessory structures.
  - 2. *Maximum Size*:
    - a. Support-based: The cumulative square footage of all support-based accessory structures shall not exceed 15,000 square feet.
    - b. Storage-based: The square footage of each support-based accessory structure shall not exceed 200 square feet.
- 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.
- E. Location: Support-based accessory structures are not restricted to any specific yard envelope.

## 5.09 AS-07: Institutional Accessory Structure Standards

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

**IS**

The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Support-based*: A support-based accessory structure shall include a maintenance facility, mechanical structure, freestanding canopy, stand-alone restroom facilities, storage building, enclosed vending, kiosk, or structures used in support of the primary structure.
  - 2. *Recreation-based*: A recreation-based accessory structure shall include a deck, fountains, pavilion, picnic shelter, public art display, sport courts, terrace, playground equipment or other structures that add a recreation 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 primary use.
  - 2. *Timing*: An accessory structure shall not be installed or built on a lot prior to the construction of a primary structure.
- C. Quantity and Size:
  - 1. *Maximum Number*: Up to six (6) support-based accessory structures shall be permitted on a lot.
  - 2. *Maximum Size*: No maximum.
- D. Materials: The exterior finish and facade of all accessory structures shall match, closely resemble, or significantly complement the character of the district.
- E. Location: Support-based and recreation-based accessory structures shall be allowed in all yard envelopes.

## 5.10 AS-08: Central Business Accessory Structure Standards

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



The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Support-based*: Support-based accessory structures shall be permitted for non-residential uses. Support-based accessory structures shall include a storage building, refrigeration or freezer unit, mechanical structure, or other structure used in support of the primary structure.
  - 2. *Recreation-based*: Recreation-based accessory structures shall be permitted for non-residential uses. Recreation-based accessory structures shall include a deck, fountain, pavilion, public art display, terrace, 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 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 and Size:
  - 1. *Maximum Number*: No more than one (1) support-based accessory structure shall be permitted on a lot. There is no quantity limit on recreation-based accessory structures.
  - 2. *Maximum Size*: A support-based accessory structure shall not exceed 300 square feet in area.
- D. Materials: No standard.
- E. Location: Support-based and recreation-based accessory structures shall only be allowed in the side yard envelope and rear yard envelope.

## 5.11 AS-09: General Business Accessory Structure Standards

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



The following standards apply:

- A. Types: The following type of accessory structures are permitted.
  - 1. *Support-based*: Support-based accessory structures shall be permitted. Support-based accessory structures shall include a maintenance facility, mechanical structure, freestanding canopy, storage building, refrigeration or freezer unit, or other structures used in support of the primary structure.
  - 2. *Recreation-based*: Recreation-based accessory structures shall be permitted. Recreation-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 of Installation or Construction*: An accessory structure shall not be permitted prior to the construction of a primary structure.
- C. Quantity and Size:
  - 1. *Maximum Number*: No more than three (3) support-based accessory structures shall be permitted on a lot. There is no quantity limit on recreation-based accessory structures.
  - 2. *Maximum Size*: The cumulative square footage of all storage-based accessory structures shall not exceed 800 square feet in area.
- D. Materials: The exterior finish and facade of all accessory structures greater than 400 square feet in area shall match, closely resemble, or significantly complement the materials and colors used on the primary structure.
- E. Location: Support-based and recreation-based accessory structures shall only be allowed in the side yard envelope and rear yard envelope..

## 5.12 AR-01: Residential Architectural Standards

This Architectural Standards (AR) section applies to the following districts:



The following standards apply:

- A. Applicability: Architectural details consistent with the requirements of this Unified Development Ordinance shall be required when a Zoning Compliance Permit for a new primary structure is obtained.
- B. Architectural Elements: The following applies to primary structures and storage-based and support-based accessory structures.
  - 1. *Roof*:
    - a. The minimum pitch of at least eighty percent (80%) of the building's roof shall be four vertical units to twelve horizontal units (4:12 pitch). The maximum pitch of at least eighty percent (80%) of the building's roof shall be twelve vertical units to twelve horizontal units (12:12 pitch).
    - b. The roof structure shall have eaves or overhangs a minimum of nine (9) inches from the facade's siding material on at least eighty percent (80%) of the roof line. The eave or overhang shall be measured after the installation of masonry and shall not include the projection of gutters.
    - c. At least sixty-five percent (65%) of the building's roof shall be either a gable, hip, mansard, shed, or gambrel design.
- C. Mechanical Equipment: Mechanical equipment, condenser units located on the ground, generators, and the like, shall not be located in front yards or lake yards with the following exceptions.
  - 1. *Lake Yard Exception*: Air conditioning condenser units may be located in a lake yard if screened with vegetation, decorative fence, decorative wall or similar materials or elements.
- D. Natural Gas and Propane Fuel Tanks: Natural gas and propane fuel tanks shall be located underground when possible. Natural gas and propane fuel tanks shall not be located in front yards or lake yards, when an underground site is not possible.
  - 1. *Rural Residential and Multiple-family Residential Exception*: Natural gas and propane fuel tanks located in a Rural Residential (RR) or Multiple-family Residential (MR) District is not required to be located underground.

## 5.13 DI-01: Density and Intensity Standards

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



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 Lot Coverage:** The maximum lot coverage shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
  - 2. **Minimum Floor Area:** The minimum main floor area shall be as indicated on the applicable two-page layout in *Article 02: Zoning Districts*.
- B. **Lot Coverage Rules:** The cumulative area on a lot covered by structures, buildings, and surfaces that are impervious or semi-pervious.
  - 1. **100% Coverage:** The following shall count as 100% coverage on a lot: building footprints, structure coverage, non-porous concrete, non-porous asphalt, landscaping beds with plastic liners, crushed limestone with fines, and any other entirely impervious surface. Also, any interior space or impervious surface that projects away (e.g. cantilevered space) from a foundation shall count toward lot coverage.
  - 2. **75% Coverage:** The following shall count as 75% coverage on a lot: brick pavers, stepping stones, porous concrete, and porous asphalt.
  - 3. **0% Coverage:** The following shall not be considered impervious surfaces:
    - a. Sea walls with a cap of less than four (4) feet in width.
    - b. Retaining walls used to create three (3) or more tiers (i.e. two retaining walls).
    - c. Landscaping beds with mulch, stone, pumice, or similar material, whether with or without landscape fabric.
    - d. Surfaces constructed using wood or composite planks for decking (e.g. wood plank decks or private sidewalks).
  - 4. **Coverage Credits:** Downspouts, linear drains, yard drains, trench drains or similar surface water collectors that drain into drywells may increase the allowable impervious surface area by the percentage which the total runoff from the lot is decreased by the use of drywells. In no case shall the impervious surface area increase by more than 500 square feet above what is permitted. Stamped and sealed professional engineer prepared calculations of the total site runoff before installing drywells and after installing drywells shall be required.
- C. **Structure Coverage Rule:** The cumulative area on a lot covered by buildings, attached and detached, with a permanent foundation. Also, any interior space of said buildings that projects away (e.g. cantilevered space) from a foundation shall count toward structural coverage.
- D. **Main Floor Area Rules:** In residential districts, attached non-livable space (e.g. attached garages) shall not exceed 1,200 square feet in floor area.



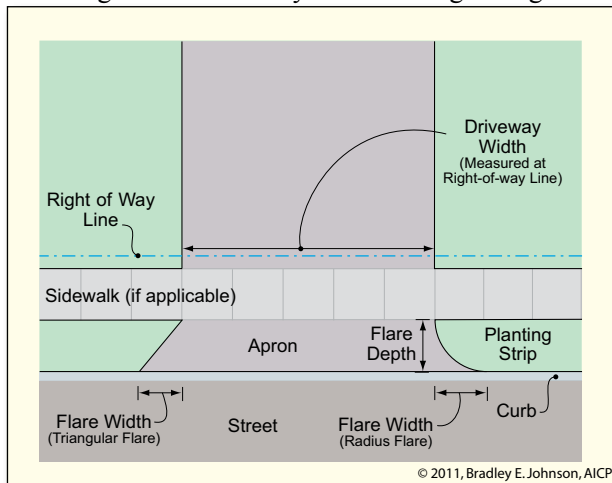
## 5.14 DW-01: General Driveway Standards

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



The following standards apply:

- A. **Applicability:** Any new or expanded access to a right-of-way intended for vehicular or farm equipment use shall be considered a driveway and shall meet the Driveway Standards.
  1. *Residential Limits:* Access to three (3) or more single-family lots shall be established as a public or private street and shall meet the applicable construction standards.
  2. *Non-residential Limits:* Access to four (4) or more non-residential lots shall be established as a public or private street and meet the applicable construction standards.
- B. **Permits:** A Zoning Compliance Permit shall be required for all driveway cuts onto public streets. State Department of Transportation permits do not override local approvals. Therefore, any driveway access to a State Highway shall also require a Zoning Compliance Permit as well prior to construction.
- C. **Cross Reference:**
  1. *Street Classification:* The classification of streets shall be based on the Town of Rome City Thoroughfare Plan.
  2. *Parking Standards:* See Section: 5.48 General Parking Standards through Section 5.53 Nonresidential Parking Standards for additional standards that apply.
- D. **Measurement Rules:**
  1. *Between Driveway and Street Intersection:* The distance between a driveway and a street intersection shall be determined by measuring from the edge of pavement of the driveway to the nearest right-of-way line of the street that is parallel or mostly parallel to the driveway. This measurement shall be taken along the right-of-way line of the street to which the driveway gains access.
  2. *Between Driveways:* The distance between driveways shall be determined by measuring from the edge of pavement of one (1) driveway to the nearest edge of pavement of the other driveway along the right-of-way line of the street to which the driveways gain access.
  3. *Driveway Width:* The width of a driveway shall be measured from one (1) edge of the driveway surface to the other edge of the driveway surface along the right-of-way line of the street to which the driveway gains access.



E. Positioning:

1. *Alignment*: Whenever possible, the centerline of two (2) driveways accessing a highway, arterial, or collector street from opposite sides of the street shall align with each another, or shall meet the separation requirements.
2. *Clear Vision*: All driveways shall be located to reasonably prevent collisions with intersecting traffic. The following applies:
  - a. Driveways gaining access to streets with a posted speed limit of thirty miles per hour (30 mph) or less shall be located such that they are visible by a driver for at least sixty (60) feet from the crest of a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
  - b. Driveways gaining access to streets with a posted speed limit of thirty-five miles per hour (35 mph) to forty-five miles per hour (45 mph) shall be located such that they are visible by a driver for at least 120 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
  - c. Driveways gaining access to streets with a posted speed limit of fifty miles per hour (50 mph) or higher shall be located such that they are visible by a driver for at least 200 feet after cresting a hill, rounding a curve, or passing any other physical barriers that prevent clear vision.
3. *Additional Separation*: The Zoning Administrator may deny a proposed driveway location or require additional separation due to other safety concerns, including but not limited to width of the right-of-way, width of the public street, condition of the public street, condition of the shoulder, natural or man-made hazards, adverse shadowing from natural or man-made features, and adverse drainage on or around the public street.

## 5.15 DW-02: Agricultural Driveway Standards

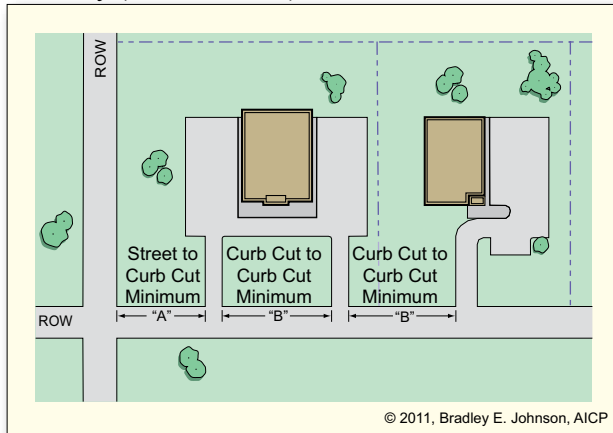
This Driveway Standards (DW) section applies to the following zoning districts:

**AG**

The following standards apply:

### A. Separation:

1. *From and Intersecting Street*: A driveway shall not be permitted to be installed within 100 feet of any intersecting street (see “A” below).
2. *From Another Driveway*: A driveway shall not be permitted to be installed within sixty (60) feet of another driveway (see “B” below).



- B. Width: A driveway shall not exceed thirty (30) feet in width at the right-of-way line.
- C. Materials: Asphalt, concrete, other non-porous materials, or gravel shall be acceptable driveway surface materials.
- D. Setback: All driveways shall be setback at least ten (10) feet from side property lines.
- E. Shared Driveway:
  1. *Easement Required*: Shared driveways shall be permitted, but they shall be placed in a shared driveway easement per *Section 7.06: Easement Standards*.

## 5.16 DW-03: Residential Driveway Standards

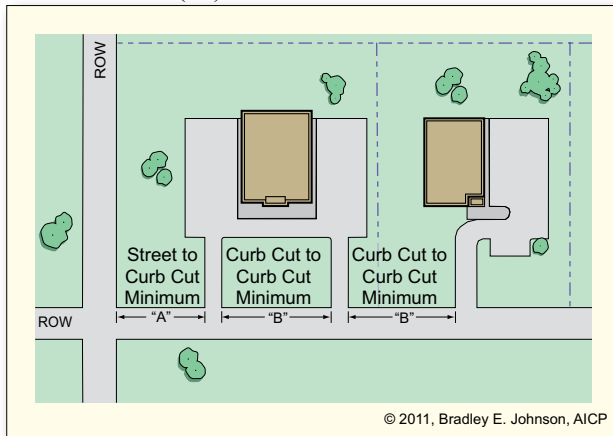
This Driveway Standards (DW) section applies to the following zoning districts:



The following standards apply:

### A. Separation:

1. *From a Street Intersection*: A driveway shall not be permitted to be installed:
  - a. Within 100 feet of any intersecting street if access is along an arterial or collector street (see “A” below).
  - b. Within fifty (50) feet of any intersecting street if access is along a local street (see “A” below).
  - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
  - d. Under no circumstances shall a driveway be permitted within forty (40) feet of any street intersection.
2. *Between Driveways*: Unless a shared driveway is established, two (2) or more driveways shall not be permitted to be installed:
  - a. Within sixty (60) feet of each another if access is along an arterial or collector street (see “B” below).
  - b. Within sixteen (16) feet of each another if access is along a local street (see “B” below).



- B. Width: A driveway shall be at least nine (9) feet wide, but shall not exceed ten (10) feet per lane and twenty (20) feet overall at the right-of-way line.
- C. Materials:
  1. *RR and SR Districts*: Driveways shall consist of asphalt, concrete, other non-porous materials, or gravel shall be acceptable driveway surface materials.
  2. *MR District*: Driveways shall consist of asphalt, concrete, or other non-porous material.
- D. Approach: The driveway approach shall be concrete and the height shall be equal to or below the grade of the intersecting street.
- E. Setback: Driveways shall be setback at least three (3) feet from side property lines unless a shared driveway is established.
- F. Shared Driveway:
  1. *Easement Required*: Shared driveways shall be permitted, but they shall be placed in a shared driveway easement per *Section 7.06: Easement Standards*.
  2. *Width*: Shared driveways shall not exceed twenty (20) feet in width at the right-of-way line.

## 5.17 DW-04: Lake Residential Driveway Standards

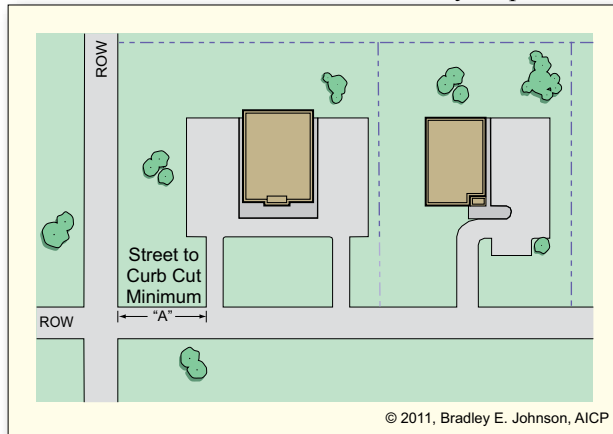
This Driveway Standards (DW) section applies to the following zoning districts:



The following standards apply:

### A. Separation:

1. *From a Street Intersection:* A driveway shall not be permitted to be installed:
  - a. Within forty (40) feet of any intersecting street if access is along an arterial or collector street (see “A” below).
  - b. Within thirty (30) feet of any intersecting street if access is along a local street (see “A” below).
  - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
  - d. Under no circumstances shall a driveway be permitted within fifteen (15) feet of any street intersection.



- B. Width: A driveway shall be at least nine (9) feet wide, but shall not exceed an overall width that equals eighty percent (80%) of the total lot width at the right-of-way line.
- C. Materials: Driveways shall consist of asphalt, concrete, or other non-porous material.
- D. Approach: The driveway approach shall be concrete and the height shall be equal to or below the grade of the intersecting street.
- E. Setback: Driveways shall have a setback of five (5) feet from side property lines.

## 5.18 DW-05: Nonresidential Driveway Standards

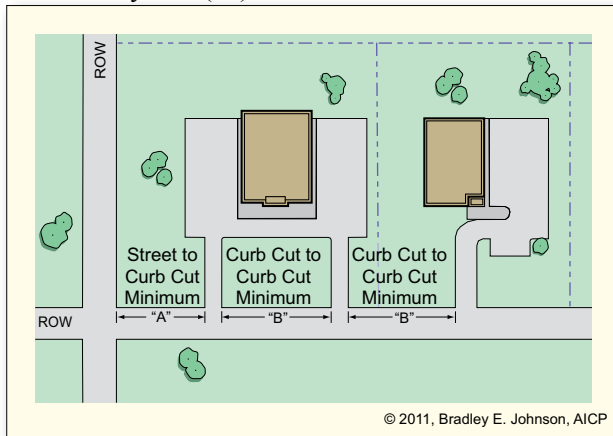
This Driveway Standards (DW) section applies to the following zoning districts:



The following standards apply:

### A. Separation:

1. *From a Street Intersection*: A driveway shall not be permitted to be installed:
  - a. Within seventy-five (75) feet of any intersecting street if access is along an arterial or collector street (see “A” below).
  - b. Within forty (40) feet of any intersecting street if access is along a local street (see “A” below).
  - c. If the lot is not large enough to achieve the required separation, then the driveway shall be installed at the location farthest from the intersection.
  - d. Under no circumstances shall a driveway be permitted within thirty (30) feet of any street intersection.
2. *Between Driveways*: Two (2) or more driveways shall not be permitted to be installed:
  - a. Within 100 feet of one another if access is along an arterial or collector street (see “B” below).
  - b. Within forty-five (45) feet of one another if access is along a local street (see “B” below).



- B. Width: A driveway shall be at least eleven (11) feet wide, but shall not exceed twelve (12) feet per lane and forty-eight (48) feet in overall width at the right-of-way line.
- C. Materials: Driveways shall consist of asphalt, concrete, or other non-porous material.
- D. Approach: The driveway approach shall be concrete and the height shall be equal to or below the grade of the intersecting street.
- E. Setback: Driveways shall be setback at least five (5) feet from side property lines.

## 5.19 EN-01: Environmental Standards

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



The following standards apply:

- A. Cross Reference: Developments shall be in compliance with the filing requirements in Indiana Administrative Code 327-1 (Rule 5), when applicable.
- B. Air Quality:
  - 1. *Generally*: A use shall not discharge fly ash, dust, smoke, vapors, noxious toxic or corrosive matter, or other air pollutants in such concentration as to conflict with public air quality standards or be detrimental to humans, animals, vegetation, or property.
  - 2. *Outdoor Burners*: Outdoor wood, coal, corn or similar burners used to heat a building in any zoning district other than AG or RR shall not discharge ash, smoke, or fine particulate matter that is detectable beyond the lot lines of the lot. Outdoor wood, coal, corn or similar burners in AG or RR zoning district shall have at least a one (1) acre lot to be allowed to have such a burner. Fire pits and outdoor fireplaces are not regulated by this standard.
- C. Soil and Water Quality:
  - 1. *Fill*: All fill materials shall be free of environmentally hazardous materials. The Zoning Administrator may request representative samples of the fill for testing purposes at the cost of the property owner.
  - 2. *Production*: No use shall produce pollutants in such a manner as to pollute soils, water bodies, adjacent properties, or conflict with public health, safety, and welfare standards.
  - 3. *Storage*: No material 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 this Unified Development Ordinance.
  - 4. *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 this Unified Development Ordinance.
- D. Restrictions Along Lakes, Rivers, and Streams:
  - 1. *Dam and/or Levee*: No buildings or structures of any kind shall be erected upon any dam or levee of a freshwater lake, except those buildings and structures which are erected, maintained, or otherwise under the exclusive control of a municipality, conservancy district, state, or federal unit of government.
  - 2. *Proximity to Lake*: No building or structure shall be permitted within ten (10) feet of the shoreline at normal pool level. This provision does not apply to sea walls. A permit issued by the Indiana Department of Natural Resources is required per *IC 14-26-2-23* for the construction of a wall within ten (10) feet landward of the shoreline of a public freshwater lake. Therefore, any requested variances from this provision is subject first to the Indiana Department of Natural Resources permit process and then to the Town of Rome City's Board of Zoning Appeals variance process as described in *Article 9: Processes*.
  - 3. *Regulatory Floodway or Wetland*: Nothing shall be permitted in the floodway or in a wetland except public infrastructure that has been authorized by the Indiana Department of Natural Resources, the Indiana Department of Environmental Management, or the Army Corp of Engineers, whichever had jurisdiction. All other structures are not permitted. Notwithstanding where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, or regulation, or other provision of law, those provisions which are more restrictive or impose higher standards shall control.

## 5.20 FW-01: General Fence Standards

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



The following standards apply:

### A. Cross Reference:

1. *Vision Clearance*: Fences and walls shall meet all vision clearance standards in *Section 5.87: Vision Clearance Standards*.
2. *Covenants*: Property owners within subdivisions should review the Declaration of Covenants applicable to their property which may impose greater restrictions than found in this section.
3. *Retaining Walls*: Retaining walls, and safety railings or other safety barriers for retaining walls are regulated independently in *Section 5.63: Retaining Wall Standards*.

### B. Permits: A Zoning Compliance Permit shall be required prior to the installation of a fence unless the fence meets one (1) of the exemptions below.

1. *Decorative Fences*: Fences four (4) feet or less in height located in the front yard or street yard that primarily are for decorative purposes shall be exempt from obtaining a Zoning Compliance Permit, but shall still meet all the applicable Fence Standards.
2. *Privacy Partitions*: Privacy partitions located around hot tubs, decks and patios which do not exceed twenty-four (24) linear feet and are greater than ten (10) feet from any property line may be six (6) feet in height, but under no circumstance shall be permitted in a lake yard setback.
3. *Construction Fences*: Fences used to secure a construction site may install any type of chain link fence for the duration of the construction project, from issuance of the building permit until the occupancy permit is obtained.

### C. Positioning:

1. *Presentation*: Fences shall present the non-structural face outward.
2. *Property Line*: Fences and walls shall be permitted on the property line, but if not on the property line shall be at least two (2) feet from the property line so both sides of the fence can be maintained by the owner of the fence. If a fence is located on the property line, a stake survey and a letter granting permission, no contest, and/or approval from the owner of the adjacent property to which the fence will be installed is required prior to construction.
3. *Easement*: No fence or wall shall be located within an easement unless written permission from the easement holder has been granted.

### D. Exemptions: The following are exempt or partially exempt from the fence standards.

1. *Sport Courts*: Fences that surround sport courts shall be exempt from the maximum height standards.
2. *Deer Fence*: A wire fence installed around trees and vegetation that are attractive to deer is permitted and shall not be regulated as a fence.
3. *Snow Fence*: Fence material designed specifically as snow fence installed for such purpose is permitted and shall not be regulated as a fence.

### E. Maintenance: All fences and walls shall be properly maintained and kept in good condition.



## 5.21 FW-02: Conservation and Parks and Recreation Fence 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, or powder coated chain link, and galvanized chain link shall be permitted materials for fences.
2. *Prohibited Materials*: Fences and walls shall not incorporate barbed wire, above ground electrified wires, razor wire, glass, sharpened top spikes, or similarly hazardous materials.

### B. Location:

1. *Front Yard*: Fences and walls located in the front yard are permitted, but they shall be decorative in nature.
2. *Side Yard or Rear Yard*: Fences and walls shall be permitted in side and rear yards.

### C. Height: There is no minimum or maximum height.

## 5.22 FW-03: Agricultural Fence 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. 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 livestock or to surround fields.
2. *Prohibited Materials*: Fences and walls shall not incorporate razor wire, glass, sharpened top spikes, or other similarly hazardous materials.

### B. Location:

1. *Front Yard*: Fences and walls located in the front yard are permitted, but they shall be decorative in nature.
2. *Side Yard or Rear Yard*: Fences and walls shall be permitted in side and rear yards.

### C. Height:

1. *Fences Around Farmsteads or Residences*: Fences and walls around a farmstead or residence (i.e. not containment areas) shall not exceed four (4) feet in height in a front yard, and eight (8) feet in height in a side yard and rear yard. However, if a side or rear yard fence around a farmstead or residence is adjacent to a containment area, it shall be permitted to utilize the containment fence standards below.
2. *Containment Fences*:
  - a. Containment fences along county roads shall not exceed eight (8) feet in height. However, containment fences that are at least ten (10) feet from the proposed right-of-way line shall be allowed to be up to ten (10) feet in height; and containment fences that are at least fifty (50) feet from the proposed right-of-way line shall be allowed to be up to fourteen (14) feet in height.
  - b. Containment fences along any other property line, or otherwise internal to the site shall not exceed fourteen (14) feet in height.
  - c. Containment fences used to contain exotic animals shall be at least fifty (50) feet from all property lines and shall be allowed up to fourteen (14) feet in height.

## 5.23 FW-04: Residential Fence 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, and PVC, shall be permitted materials for fences.
2. *Prohibited Materials*: Fences and walls shall not incorporate vinyl, zinc, or powder coated chain link, galvanized chain link, 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. *Street Yard or Front Yard*: Fences and walls located in the street yard or front yard are permitted, but they shall be decorative in nature.
2. *Side Yard or Rear Yard*: Fences and walls shall be permitted in side and rear yards.
3. *Lake Yard*: Fences and walls shall not be permitted in lake yards, except as allowed in *Section 5.12(C): Mechanical Equipment* and *Section 5.20(D): Exemptions*.

### C. Height:

1. *Height in Lake Residential District*: Fences and walls in the street yard or side yard shall not exceed four (4) feet in height.
2. *Height in Non-Lake Residential Districts*: Fences and walls in the front yard shall not exceed four (4) feet in height. Fences and walls in the side yard or rear yard shall not exceed six (6) feet in height.

### D. Exclusion: Dog runs may utilize chain link fence material if the dog run enclosure is six (6) feet in height or less, the area of the enclosure is fifty (50) square feet or less, and the enclosure is within the rear yard envelope or side yard envelope.

## 5.24 FW-05: Manufactured Home Park Fence Standards

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



The following standards apply:

### A. Types:

1. *Permitted Materials in Front and Side Yards*: Wood, composite wood, stone, masonry, wrought iron, decorative metal, and zinc or powder-coated chain link shall be permitted fence and wall materials.
2. *Permitted Materials in Rear Yards*: Polymer, zinc or powder coated chain link, wood, composite outdoor wood, stone, masonry, wrought iron, and decorative metal, shall be permitted fence and wall materials.
3. *Prohibited Material*: Fences and walls shall not incorporate barbed wire, above ground electrified wires, razor wire, broken glass, sharpened top spikes, or similarly hazardous material.

### B. Location:

1. *Perimeter*: Fences and walls are permitted when within thirty (30) feet of the side and rear property line, and when within seventy feet of the front property line.
2. *Property Line*: Perimeter fences and walls are permitted up to the side and rear property line, but shall be at least twenty (20) feet from the front property line.
3. *Dwelling Site Yards*: Fences and walls are permitted in a front dwelling site yard, side dwelling site yard, and rear dwelling site yard.
4. *Dwelling Site Line*: Fences and walls are permitted up to the dwelling site line.
5. *Lake Yard*: Fences and walls shall not be permitted in a lake yard.

### C. Height:

1. *Perimeter Fences*: Fences and walls around the perimeter of a manufactured home park shall not exceed four (4) feet in height when installed along a front property line and six (6) feet in height when located along a side or rear property line.
2. *Dwelling Site Fences*: Decorative fences up to four (4) feet in height are allowed on a dwelling site, but they shall not enclose, partially enclose, or give the perception of being an enclosed dwelling site.

### D. Height Exceptions: Fences and walls that surround a community swimming pool or sport court located within the building envelope are allowed up to eight (8) feet in height.

## 5.25 FW-06: Institutional and General Business Fence 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, zinc or powder-coated chain link, and PVC shall be permitted materials for fences.
2. *Prohibited Materials*: Fences and walls shall not incorporate vinyl, galvanized chain link, 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 Yard*: Fences and walls shall not be permitted in a front yard.
2. *Side Yard or Rear Yard*: Fences and walls shall be permitted in a side or rear yard.

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

## 5.26 FW-07: Industrial and High Impact Fence Standards

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



The following standards apply:

A. Location:

1. *Front Yard*: Fences and walls located in the front yard are permitted.
2. *Side Yard or Rear Yard*: Fences and walls shall be permitted in side and rear yards.
3. *Property Line*: Fences and walls are permitted up to the property line.

B. Height: Fences and walls shall not exceed eight (8) feet in height when located between the property line and the building envelope. However, fences and walls may be up to fourteen (14) feet in height when located within the building envelope.

C. Types:

1. *Permitted Material*: Any except when listed as a prohibited material.
2. *Prohibited Materials*: Fences and walls located between the property line and the building envelope shall not incorporate chicken wire, mesh wire, agricultural wire, above ground electrified wires, glass, sharpened top spikes, or similarly hazardous materials. Barbed wire and razor wire are permitted materials when located within the building envelope and when located in the rear yard. The Zoning Administrator may permit the use of barbed wire and razor wire in a front yard or side yard when special circumstances or customary circumstances are justified (e.g. a prison).

# Floodplain Standards (FP)

## 5.27 FP-01: Floodplain Standards

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



The following standards apply:

### A. Cross Reference:

1. *Flood Hazard Areas: See Chapter 152: Flood Hazard Control in the Code of Ordinances of the Town of Rome City.*

## 5.28 FA-01: Floor Area Standards

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



The following standards apply:

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

## 5.29 HT-01: Height Standards

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



The following standards apply:

- A. Cross Reference: See *Section 5.79: Telecommunication Facility 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. *Stories*: The maximum number of stories within a structure shall be per each two-page layout in *Article 02: Zoning Districts*. Basements and walk-out floors are excluded from the maximum number of stories.
- C. Exceptions: The following types of structures or features shall be exempt or partially exempt from the maximum structure height standards, assuming they are permitted uses or structural features, as stated:
  1. *Grain Elevators and Silos*: Grain elevators and grain silos used for agricultural purposes may exceed the maximum structure height but shall not exceed 150 feet in height.
  2. *Place of Worship*: Place of worship 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.
  3. *Chimneys*: Functional chimneys may exceed the maximum structure height but shall not extend more than ten (10) feet above the roof's highest point.
  4. *Awnings*: Awnings shall be constructed to allow clear passage beneath the awning. Specifically, no fabric, structure component, decorative element, or the like shall be less than seven (7) feet above the surface beneath the awning.
  5. *Utilities*: Public utility structures and private water towers may exceed the maximum structure height, but shall not exceed 150 feet.
  6. *Antennas*:
    - a. Roof-mounted antennas that are not located on the front roof plane may exceed the maximum structure height, but shall not exceed five (5) feet over the maximum primary structure height or ten (10) feet above the primary structure's height, whichever is less.
    - b. Tower-mounted antennas located in a rear yard or side yard may exceed the maximum structure height but shall not exceed twenty (20) feet over the maximum primary structure height or thirty (30) feet above the primary structure's height, whichever is less. Tower mounted antennas shall only be permitted in rear or street yards in the LR District.
  7. *Mechanical Equipment*: Roof-mounted mechanical equipment, including elevator bulkheads, may exceed the maximum structure height but shall not extend any 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.
  8. *Radio Towers*: 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).

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

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



The following standards apply:

- A. Permits: A Zoning Compliance Permit for a type 1 home business shall not be required.
- B. Personnel: Only the residents of the dwelling unit where the home business is located shall be employed in the home business.
- C. 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 area in which it is located.
  3. *Customers*: The home business shall be permitted to have one (1) patron or customer on site, but shall be limited to no more than ten (10) patrons or customers per any thirty (30) day period of time.
  4. *Parking*: The lot shall be required to have one (1) additional parking space beyond that required in the applicable Parking Standards.
  5. *Retail*: The home business shall not allow walk-in retail sales.
  6. *Hours*: The hours of operation for customers shall not be earlier than 8:00 AM or later than 9:00 PM daily.
- D. Design:
  1. *Primary Structure*:
    - a. The home business shall be conducted entirely within the primary structure.
    - b. The home business shall not exceed fifteen percent (15%) 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 structure 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 home business.
  3. *Parking and Loading*: Off-street parking and loading facilities beyond what is common for the zoning district 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 the zoning district.
  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 the zoning district.
  6. *Signs*: One (1) wall sign, not to exceed four (4) square feet, shall be permitted. The sign shall be permanently attached to the primary structure and shall not exceed four (4) square feet in area, three (3) feet in either width or height, and not have letter or number characters exceed six (6) inches in height. Signs in the yard shall not be permitted.

## 5.31 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: A Zoning Compliance Permit for a type 2 home business shall be required.
- B. 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.
- C. 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 area in which it is located.
  3. *Customers*: The home business shall be permitted to have two (2) patron or customer on site at any given time, but shall be limited to no more than thirty (30) patrons or customers per any thirty (30) day period of time.
  4. *Parking*: The lot shall be required to have one (1) additional parking space beyond that required in the applicable Parking Standards, or two (2) if an employee is used on-site.
  5. *Retail*: The home business shall not allow walk-in retail sales.
  6. *Hours*: The hours of operation for customers shall not be earlier than 8:00 AM or later than 9:00 PM daily. The hours for employees shall not be earlier than 8:00 AM or later than 5:30 PM, Monday through Friday.
- D. Design:
  1. *Primary Structure*:
    - a. The home business shall be conducted entirely within the primary 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. There shall be no visible evidence of the home business, including but not limited to alterations to the exterior of the structure which change the character of the dwelling unit, exterior displays, or the outdoor storage of materials or equipment used in the home business.
  2. *Accessory Structure*: In addition to the permitted primary structure square footage, the home business may utilize a maximum of twenty-five percent (25%) of the square footage of the accessory structure.
  3. *Parking and Loading*:
    - a. Off-street parking and loading facilities beyond what is common for the zoning district 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.
  4. *Mechanical Equipment*: The home business shall not require the installation of mechanical equipment other than that which is common in the zoning district.
  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 the zoning district.
  6. *Signs*: One (1) wall sign, not to exceed four (4) square feet, shall be permitted. The sign shall be permanently attached to the primary structure and shall not exceed four (4) square feet in area, three (3) feet in either width or height, and not have letter or number characters exceed six (6) inches in height. Signs in the yard shall not be permitted.



## 5.32 KA-01: Agricultural Keeping of Animals Standards

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

**AG**

The following standards apply:

- A. Household Pets (Indoor): Any number of household pets are permitted as defined.
- B. Outdoor Pets: Outdoor pets are permitted as defined.
  1. *Minimum Lot Area*: 1/4 acre per outdoor pet.
  2. *Maximum Number*: Four (4) outdoor pets.
- C. Exotic Animals: One (1) exotic animal is permitted per twenty-five (25) acres.
- D. Pastured Farm Animals: Farm Animals are permitted as follows:
  1. *Minimum Lot Area*: Two (2) acres.
  2. *Minimum Pasturage Area*: Two (2) acres.
  3. *Maximum Animal Units*: One (1) animal unit per fenced acre.
  4. *Determination of Animal Units*: See table below.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	2
Horse, Mule, Donkey, Camel, and similar	1
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	25
Mink and other similar fur-bearing animals	25

5. *Filtration*: A natural filtration strip is required at all channelized runoff locations that feed into lakes or streams. The filtration strip shall:
  - a. Consist of the last thirty (30) feet of the channel located on the lot with pastured farm animals, and
  - b. Be planted with species of plants and grasses that have long root beds which will aid in filtration and help to reduce the speed of the runoff (e.g. prairie grass).

## 5.33 KA-02: Rural Keeping of Farm Animals Standards

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

**RR**

The following standards apply:

- A. Pastured Farm Animals: Farm Animals are permitted as follows:
  1. *Minimum Lot Area*: Six (6) acres.
  2. *Minimum Pasturage Area*: Three (3) acres.
  3. *Maximum Animal Units*: One (1) animal unit per two (2) acres that are fenced.
  4. *Determination of Animal Units*: See table below.

Animal Type	Animals Per Animal Unit
Cattle, Buffalo, and similar	2
Horse, Mule, Donkey, Camel, and similar	1
Swine, Ostrich, Emu, and similar	5
Goat, Sheep, Llama, Alpaca, and similar	5
Chicken, Turkey, Pheasant, and similar	25
Mink and other similar fur-bearing animals	25

5. *Filtration*: A natural filtration strip is required at all channelized runoff locations that feed into lakes or streams. The filtration strip shall:
  - a. Consist of the last thirty (30) feet of the channel located on the lot with pastured farm animals, and
  - b. Be planted with species of plants and grasses that have long root beds which will aid in filtration and help to reduce the speed of the runoff (e.g. prairie grass).

## 5.34 LK-01: Lake Front Access Standards

This Lake Front Access Standards (LK) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: All lake front lots, as defined.
- B. Lake Front Access Point: Any lot used as a lake front access point shall meet the following standards:
  1. *Minimum Lot Width*: The minimum lake frontage of a lake front access lot shall be determined by the number of lots authorized to utilize the lake front access point to gain access to a lake. See the table below for minimum lake frontage requirements.

Residential Unit	Single-family Detached	Multi-family
	Minimum Lake Frontage*	Minimum Lake Frontage*
1 Unit	100 feet total	150 feet total
2 Units	150 feet total	225 feet total
3 Units	170 feet total	255 feet total
Each Additional Unit	+20 feet	+30 feet

\* Each additional unit shall not include channels, boat wells or boat houses in lake frontage requirements.
2. *Points of Entrance*: Lake front access points are limited to one (1) entrance. This section limits the number of entrances to an arterial street or a state or federal highway. However it does not apply to entrances for emergency use only.
3. *Parking*: Lake front access points are required to have one (1) parking space per residential unit.
- C. Lake Front Property:
  1. *Easements*: Easements shall not be permitted to allow commercial lake access, as defined.
  2. *Commercial Lake Access*: No lot shall be permitted to provide for commercial lake access, as defined.
- D. Parking Lot Screening:
  1. *Applicability*:
    - a. *Conflicting Districts*: If a lake front access point has a parking lot, a buffer yard shall be installed along all property lines adjacent to a residentially zoned lot.
    - b. *Responsibility*: The owner of a the lake front access point shall be responsible for installing the buffer yard at the time the property is rezoned, developed, and/or improved.
  2. *Quantity and Placement*: The quantities listed below are in addition to landscape materials that may be required for lot planting in *Section 5.37: Lake Residential Lot Planting Standards*.
    - a. *Trees*: One (1) ornamental or canopy tree per fifteen (15) feet of contiguous boundary with the residentially zoned district shall be planted. The placement of trees shall be within twenty (20) feet of the property line.
    - b. *Parking Lot Planting*: The quantity and placement of parking lot landscaping required for commercial parking lots in *Section 5.38: Parking Lot Planting Standards* shall also apply.

## 5.35 LA-01: General Landscaping Standards

This Landscaping Standards (LA) section applies to the following zoning districts:



The following standards apply:

A. Cross Reference:

1. *Vision Clearance Standards*: All landscape materials shall be located to avoid interference with visibility per the *Section 5.87: Vision Clearance Standards*.

B. Applicability: In the AG zoning district these standards shall only apply to new residential primary structures.

C. Permits: Landscaping requirements do not necessitate a separate permit. Landscaping is always integrated into the permit for a primary structure.

D. Placement:

1. *Easements*: Landscape materials shall not be planted in rights-of-way or easements without permission from the Town and/or the easement holder unless otherwise required by this Unified Development Ordinance. A tree canopy, however, may project over a right-of-way or an easement.
2. *Infrastructure Interference*:
  - a. Landscape materials shall be located to avoid interference with overhead and underground utilities.
  - b. Landscape materials shall maintain five (5) feet of horizontal clearance from public sewer and water lines, curbs, pavement edges, and the like.
  - c. Landscape materials shall not project into public sidewalks, pedestrian paths, and the like below a height of eight (8) feet.
  - d. Landscape materials shall not project over street curbs or pavement below a height of ten (10) feet.

E. Size:

1. *Deciduous*: Each deciduous tree shall have a diameter of at least one and one-half (1 1/2) inches at the time of installation. A tree trunk diameter shall be measured in inches at a height of one (1) foot above the ground level.
2. *Evergreen*: Each evergreen tree shall have a minimum height of five (5) feet at the time of installation.
3. *Shrub*: Each shrub shall be a minimum one and one-half (1 1/2) gallon.

F. Landscaping Credits: The preservation of an existing healthy tree shall constitute an in-kind credit toward meeting the landscape standards in this Unified Development Ordinance. A credit shall be granted per tree that contributes to and satisfies similarly to the intent of a particular section of the landscape standards (lot plantings, pond plantings, or buffer yards) within this Unified Development Ordinance.

1. *Preservation Plan*: If tree preservation credits are desired, a Tree Preservation Plan shall be submitted prior to any construction activity. The Tree Preservation Plan shall identify the trees intended to be saved and a strategy for retaining and protecting the trees and their existing root systems.
2. *Credits*:
  - a. For each preserved deciduous tree with the diameter of eight (8) inches or greater, credit for two (2) deciduous trees shall be granted.
  - b. For each preserved evergreen tree eight (8) feet tall or greater, credit for two (2) evergreen trees shall be granted.
3. *Unplanned Damage*: Any tree intended to be saved that is removed or damaged shall be replaced in the same proportion as the credits that were originally granted.

## 5.36 LA-02: Lot Planting Standards

This Landscaping Standards (LA) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: Landscape materials consistent with the requirements of the Zoning Ordinance shall be required when a Zoning Compliance Permit for a new primary structure or the expansion of an existing primary structure is obtained.
- B. Quantity: The quantities listed below are in addition to landscape materials that may be required by parking lot planting, and buffer yard planting specified in other parts of this Landscaping Standards section.
  - 1. *Yard Plantings*:
    - a. Lots with Less than 20,000 Square Feet: One (1) deciduous tree.
    - b. Lots Between 20,000 and 43,500 Square Feet: Two (2) deciduous trees.
    - c. Lots Over 43,500 Square Feet: Three (3) deciduous trees.
- C. Placement:
  - 1. *Yard Plantings*: Yard plantings shall be planted in the rear yard, front yard, street yard, or side yard.

## 5.37 LA-03: Lake Residential Lot Planting Standards

This Landscaping Standards (LA) section applies to the following zoning district:



The following standards apply:

- A. Applicability: Landscape materials consistent with the requirements of the Zoning Ordinance shall be required when a Zoning Compliance Permit for a new primary structure or the expansion of an existing primary structure is obtained.
- B. Quantity: The quantities listed below are in addition to landscape materials that may be required by buffer yard planting specified in other parts of this Landscaping Standards section.
  - 1. *Yard Plantings*:
    - a. Lots with fifty (50) linear feet or less of lake frontage shall plant one (1) canopy trees.
    - b. Lots with over fifty (50) linear feet of lake frontage, but less than ninety (90) linear feet of lake frontage shall plant two (2) canopy trees.
    - c. Lots with ninety (90) linear feet or more of lake frontage shall plant three (3) canopy trees.
- C. Placement:
  - 1. *Yard Plantings*: At least one (1) canopy tree shall be planted in the lake yard. Trees not required to be planted in the lake yard may be planted in front yard, street yard, or side yard.

## 5.38 LA-04: Parking Lot Planting Standards

This Landscaping Standards (LA) section applies to the following zoning districts:



The following standards apply:

- A. Permits: Landscape materials consistent with the requirements of the Unified Development Ordinance shall be required when a Zoning Compliance Permit is obtained for a new parking lot or the expansion of an existing parking lot.
- B. Quantity: The quantities listed below are in addition to landscape materials that may be required by lot planting, and buffer yard planting specified in other parts of this Landscaping Standards section.
  - 1. *Perimeter Plantings*: Parking lots with twenty (20) or more spaces shall have one (1) deciduous tree per forty (40) feet of parking lot perimeter and one (1) shrub per twenty (20) feet of parking lot perimeter.
  - 2. *Interior Plantings*: Parking lots with fifty (50) or more parking spaces shall have one (1) landscape island or bump-out, and another for every additional thirty (30) spaces. Each landscape island or bump-out shall be at least 180 square feet in area or at least as large as the drip line area of the tree(s), which ever is greater. Each landscape island or bump-out shall contain at least one (1) tree per 180 square feet in area. Parking lot landscape islands shall be maintained with plant materials, ground cover, and/or mulch. Gravel shall not be permitted.
- C. Placement:
  - 1. *Perimeter Plantings*: Perimeter plantings shall be planted between two (2) and ten (10) feet of the parking lot edge. Grouping of perimeter plantings is encouraged.
  - 2. *Interior Plantings*: Required landscape islands shall be distributed proportionately throughout the parking lot.

## 5.39 LA-05: Buffer Yard Planting Standards

This Landscaping Standards (LA) section applies to the following zoning districts:

CO PR AG RR SR LR MR MH IS CB GB EI HI

The following standards apply:

- A. **Quantity:** The quantities listed below are in addition to landscape materials that may be required by lot planting, parking lot planting, and pond planting specified in other parts of this Landscaping Standards section.
  1. *Evergreen:* One (1) evergreen tree per ten (10) feet of contiguous boundary with the conflicting zoning district shall be planted.
  2. *Shrub:* One (1) shrub per five (5) feet of contiguous boundary with the conflicting zoning district shall be planted.
- B. **Applicability:**
  1. *Conflicting Districts:* Buffer yards shall be installed along side and rear property lines where conflicting zoning districts meet, as indicated on Table LA-A. An "R" on Table LA-A indicates a buffer yard shall be required.
  2. *Responsibility:* The owner of a property that is more intense shall be responsible for installing the buffer yard at the time the property is rezoned, developed, and/or improved. In the event a property is rezoned, resulting in a conflict with an existing and more intense use or zoning district, then the buffer yard shall be the responsibility of the owner of the newly rezoned property.
- C. **Placement:**
  1. *Depth:* Buffer yards shall be a minimum of twenty (20) feet deep. This is not an additional setback. Required plant material needs to be installed within twenty (20) feet of the property line.
  2. *Layout:* Landscape materials shall be installed within the buffer yard such that visual breaks from adjacent properties are no greater than ten (10) feet as measured perpendicular to adjacent property lines.

Table LA-A: Buffer Yards Required

	CO	PR	AG	RR	SR	LR	MR	MP	IS	CB	GB	EI	HI
CO	-								R	R	R	R	R
PR		-								R	R	R	R
AG			-		R	R	R	R		R	R		R
RR				-		R	R	R	R	R	R	R	R
SR			R		-		R	R	R	R	R	R	R
LR			R	R		-	R	R	R	R	R	R	R
MR			R	R	R	R	-	R	R	R	R	R	R
MP			R	R	R	R	R	-	R		R	R	R
IS	R			R	R	R	R	R	-				R
CB	R	R	R	R	R	R	R			-		R	R
GB	R	R	R	R	R	R	R	R			-		R
EI	R	R		R	R	R	R	R		R		-	R
HI	R	R	R	R	R	R	R	R	R	R	R	R	-

## 5.40 LT-01: Lighting Standards

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



The following standards apply:

### A. Cross Reference:

1. *Parking Lot Lighting*: See Section 5.48: *General Parking Standards* through Section 5.53: *Nonresidential Parking Standards* for parking lot lighting requirements.
2. *Illumination of Signs*: See Section 5.70: *General Sign Standards* through Section 5.76: *Institutional, General Business, and Industrial Sign Standards* for standards regarding the illumination of signs.

### B. Permits: A Zoning Compliance Permit is required for all outdoor lighting, except in residential districts (i.e. RR, SR, and LR).

### C. 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.

### 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*: The following types of light fixtures and structures are permitted:

- i. Pole mounted fixtures (e.g. dusk-to-dawn lights),
- ii. Wall mounted fixtures (e.g. sconce lights),
- iii. Ground mounted fixtures (e.g. landscape lighting),
- iv. Ceiling mounted fixtures (e.g. porch ceilings),
- v. Eave mounted fixtures (e.g. can lights mounted in the soffits).

##### b. *Facade Highlighting*: Modest intensity up-lighting of structure facades and landscaping from ground-mounted fixtures shall be permitted.

#### 2. *Light Control*: Generally, exterior light fixtures should allow only minimal light to spill upward or off the property on which it is located. This standard should be accomplished by choosing appropriate fixtures (e.g. cutoff fixtures), utilizing shielding (e.g. housings around spot lights), directing light at objects that do not allow light to pass beyond them, or placing them in locations that prevent light spillage (e.g. can lights in eaves or porch ceilings).

#### 3. *Prohibited*: No rotating beacons or strobe lights shall be permitted.

#### 4. *Exemptions*:

- a. Sport field and sport court lights shall be semi-cutoff or cutoff fixtures, shall not exceed sixty (60) feet in height, and shall be shut-off by 10:00 PM Sunday through Thursday and 11:00 PM Friday through Saturday.
- b. Holiday lights shall not be regulated.
- c. Low voltage landscape lighting shall not be regulated.

### E. Glare: Light fixtures shall be shielded to prevent glare to motorists and to adjacent properties.

### F. Light Trespass: The maximum allowable light at a property line is five (5) 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 a commercial or industrial zoning district, then the allowable light at the property line is twenty (20) lux, but only along the sides of the property that are adjacent to those 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 five (5) lux.
2. *Industrial Zoning Districts*: When the subject property is located within an industrial zoning district and the adjacent property is an industrial zoning district, then the allowable light at the property line is thirty (30) lux, but only along the sides of the property that are adjacent to that specific zoning district. However, no light shall cross an adjacent industrial property and reach a property line with a non-commercial or non-industrial district with greater than five (5) lux.

# Loading Standards (LD)

## 5.41 LD-01: Loading Standards

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



The following standards apply:

- A. Applicability: The following loading standards only apply when a project utilizes a loading dock.
- B. Permits: Loading requirements do not necessitate a separate permit. Loading is always integrated into the permit for a primary structure.
- C. Design:
  1. *Location*:
    - a. For new construction, loading berths shall not be located on the front of the building.
    - b. When retrofitting an existing building, the installation of new loading berths shall only be permitted on the least conspicuous facade or on the same facade loading berths already exist.
    - c. Loading berths shall have adequate area for trucks to maneuver in and out of the facility. Trucks shall not block public right-of-way or private streets, alleys, aisles, or other internal circulation when maneuvering into or docked at loading berths
  2. *Surface Materials*: Loading docks shall be paved with asphalt or concrete.
  3. *Screening*: Loading berths shall be screened by solid masonry walls and/or landscape buffers if not located in an inconspicuous location.
  4. *Drainage*: Loading docks shall be constructed to allow proper drainage away from the structure.



## 5.42 LO-01: Lot Standards

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



The following standards apply:

- A. Applicability: If a lot 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 Dwelling Site Area*: The minimum dwelling site area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 2. *Minimum Dwelling Site Width*: The minimum dwelling site width shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 3. *Minimum Lot Area*: The minimum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 4. *Maximum Lot Area*: The maximum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
  - 5. *Minimum Lot Width*: The minimum lot width shall be per each two-page layout in *Article 02: Zoning Districts*.
- B. Minimum Lot Frontage:
  - 1. *Cul-de-sac Lots*: The minimum lot frontage for lots established along a cul-de-sac bulb shall be at least thirty percent (30%) of the Minimum Lot Width for the applicable district. However, under no circumstances shall the lot frontage be less than twenty-five (25) feet in residential districts or thirty-five (35) feet in all other districts.
  - 2. *All Other Lots*: The minimum lot frontage shall be at least sixty percent (60%) of the Minimum Lot Width.

## 5.43 MP-01: Manufactured Home Park Standards

This Manufactured Home Park (MP) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: This section applies to lease-lot developments.
- B. Permits: A Zoning Compliance Permit shall be required for each dwelling unit prior to installation on a dwelling site, and for each primary structure or accessory structure on the lot or dwelling sites.
- C. Cross Reference:
  - 1. *Landscaping Standards*: Manufactured home parks shall comply with the landscaping requirements in *Section 5.35: Landscaping Standards through Section 5.39: Buffer Yard Planting Standards*.
- D. Internal Streets: All internal streets shall be paved and shall remain as private streets.
- E. Placement:
  - 1. *Dwelling Sites*:
    - a. Each dwelling site shall have a separate concrete pad, concrete foundation, or cinder block foundation for mobile home dwellings; or concrete or cinder block foundation for modular homes.
    - b. Each dwelling site within a lease-lot development shall have separate utilities.
    - c. Each dwelling site within a lease-lot development shall have direct access onto a paved internal street.
  - 2. *Dwelling Units Placed on a Dwelling Site*:
    - a. No more than one (1) dwelling unit shall be placed on a dwelling site.
    - b. Each dwelling unit shall be tied down, and shall have a durable perimeter enclosure or permanent foundation as per Indiana State Department of Health regulations. See 410 IAC 6-6-11.
    - c. Each dwelling unit shall be considered a separate residence for all purposes such as taxing, assessing of improvements, garbage pickup, and public utilities.
    - d. Dwelling units shall not be covered with a secondary roof, attached or detached.
- F. Storm Shelter and Warning Signal: Any development with forty (40) or more dwelling sites shall install a storm shelter within 500 feet proximity to each leased-lot dwelling site.
- G. Amenities:
  - 1. *Recreation Facilities*: Recreation areas and facilities shall be provided to meet the anticipated needs of the manufactured home park residents.
    - a. In developments with twenty-five (25) or more units, at least one-half (1/2) acre shall be devoted to designed and developed recreational facilities, generally provided within 500 feet of each dwelling site. The minimum dimensions of a recreation area is 8,000 square feet. "Recreation area" includes space for community buildings, sport courts, child play areas, and swimming pools. An additional 800 square feet of recreation area shall be devoted per each additional dwelling site over the base twenty-five (25) units.
  - 2. *Sanitary Facilities*: Each dwelling site shall have its own sanitary sewer connection.

## 5.44 OS-01: Agricultural Outdoor Storage Standards

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



The following standards apply:

- A. Permits: No permit required.
- B. Inoperable Vehicles: The storage or parking of inoperable vehicles is subject to the following requirements:
  - 1. *Quantity*: No more than two (2) inoperable vehicles shall be stored or parked outdoors on a lot at any one time.
  - 2. *Location*:
    - a. An inoperable vehicle may be stored in the driveway, side yard, or rear yard, but shall not be parked elsewhere in the front yard. Also, the inoperable vehicle shall be parked where it meets the setbacks required for a primary structure.
    - b. An inoperable Vehicles shall not encroach into a right-of-way or block or impede an aisle, internal sidewalk, or private street.
    - c. An inoperable vehicle shall not be parked on the street.
- C. Prohibited Outdoor Storage: The outdoor storage of waste or scrap, pallets, and similar junk shall not be permitted. Building material stored on site during a permitted construction project (e.g. after a building permit has been issued and prior to the completion of the construction project) shall not be considered outdoor storage.

## 5.45 OS-02: Residential and Non-residential Outdoor Storage Standards

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



The following standards apply:

- A. Permits: No permit required.
- B. Inoperable Vehicles: No inoperable vehicle shall be stored or parked outdoors on a lot.
- C. Prohibited Outdoor Storage: The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted. Operable and used gas grills, docks, watercraft, lifts, and patio furniture shall not be considered outdoor storage. Building material stored on site during a permitted construction project (e.g. after a building permit has been issued and prior to the completion of the construction project) shall not be considered outdoor storage.

## 5.46 OS-03: General Commercial Outdoor Storage Standards

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



The following standards apply:

- A. Permits: No permit required.
- B. Cross Reference:
  - 1. *Fencing*: For standards regarding fences or walls, see *Section 5.25: Institutional and General Business Fence Standards*.
- C. Inoperable Vehicles: No inoperable vehicle shall be stored or parked outdoors on a lot, except for a business that works on vehicles in a zoning district that permits said use.
- D. Outdoor Storage of Watercraft:
  - 1. *Maximum Quantity*: There is no limit on watercraft stored outdoors.
  - 2. *Location*:
    - a. Watercraft shall be placed where they meet the setbacks required for a primary structure.
    - b. Watercraft shall not encroach into a right-of-way or block or impede an access easement, public sidewalk, or driving aisle.
    - c. Watercraft shall not be located within fifty (50) feet of any state highway.
  - 3. *Surfaces*: Aisles and maneuvering areas used to access watercraft shall have an improved surface.
  - 4. *Fencing*: Any outdoor area used for watercraft storage shall be screened from any state highway and/or any adjacent residential district by a six (6) foot tall privacy fence or decorative fence, or dense evergreen tree row.
- E. Prohibited Outdoor Storage: The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall not be permitted unless fully enclosed by a six (6) foot tall privacy fence for screening purposes. Said privacy fence shall be at least ten (10) feet from the right-of-way. Building material stored on site during a permitted construction project (e.g. after a building permit has been issued and prior to the completion of the construction project) shall not be considered outdoor storage.

## 5.47 OS-04: Industrial Outdoor Storage Standards

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



The following standards apply:

- A. Permits: No permit required.
- B. Industrial Outdoor Storage: The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall be permitted in side and rear yards unrestricted. The outdoor storage of equipment, product, supplies, materials, machinery, building materials, waste or scrap, pallets, and similar materials shall be permitted in front yards if setback from the right-of-way by at least 50 feet, or if fully enclosed by a six (6) foot tall privacy fence for screening purposes. Said privacy fence shall be at least ten (10) feet from the right-of-way. Building material stored on site during a permitted construction project (e.g. after a building permit has been issued and prior to the completion of the construction project) shall not be considered outdoor storage.

## 5.48 PK-01: General Parking Standards

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



The following standards apply:

- A. **Applicability:** Parking consistent with the requirements of this Unified Development Ordinance shall be required when any of the following conditions are met.
  - 1. *New Primary Structure:* A Zoning Compliance Permit for a new primary structure is obtained.
  - 2. *Parking Expansion:* A Zoning Compliance Permit for an existing parking lot or driveway to be expanded by twenty-five percent (25%) 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 Zoning Compliance Permit, and a second expansion is proposed for the same legal nonconforming parking area.
- B. **Cross Reference:**
  - 1. *Driveways:* For standards regarding driveways or access to parking lots, see *Section 5.14: General Driveway Standards through Section 5.18: Nonresidential Driveway Standards*.
  - 2. *Landscaping Standards:* Parking lots shall comply with the landscaping requirements in the *Section 5.XX: General Landscaping Standards through Section 5.39: Buffer Yard Planting Standards*.
  - 3. *Lighting Standards:* Parking lots shall comply with the lighting requirements in the *Section 5.40: Lighting Standards*.
  - 4. *Setback Standards:* Parking lots shall comply with the setbacks in the *Section 5.65: General Setback Standards through Section 5.67: Lake Residential Setback Standards*.
  - 5. *Temporary Sales in Parking Lots:* For standards regarding temporary structures and temporary uses located in existing parking lots or parking areas, see *Section 5.80: General Temporary Use and Structure Standards through Section 5.83: Nonresidential Temporary Use and Structure Standards*.
- C. **Permits:** A Zoning Compliance Permit shall be required for new parking lots or the expansion of an existing parking lot by twenty-five percent (25%) or more.
- D. **Design:**
  - 1. *Materials:* All required off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete, gravel, or stone, or the like, but not crushed limestone. Crushed limestone (i.e. gravel or stone made from limestone), slag, dirt, sand, or grass shall not be permitted as parking surfaces in the Lake Residential (LR) District.
  - 2. *Size of Spaces:* Each off-street parking space shall be a minimum of nine (9) feet wide and twenty (20) feet in length.
  - 3. *Right-of-way:* Off-street parking spaces shall not be fully or partially in a right-of-way or access easement.

## 5.49 PK-02: Single-family 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. *Lot:* The required parking spaces shall be located on the same lot as the dwelling unit.
  - 2. *Garages:* The required parking spaces shall not include spaces within garages and/or carports.

# Parking Standards (PK)

## 5.50 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 four (4) off-street parking spaces shall be required per dwelling unit.
- B. Location:
  - 1. *Lot*: The required parking spaces shall be located on the same lot as the dwelling unit, or on another lot within 200 feet of the subject lot and under the same ownership.
  - 2. *Garages*: Two (2) of the required parking spaces may include spaces within garages and/or carports.

## 5.51 PK-04: Multiple-family Residential Parking Standards

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



The following standards apply:

- A. Quantity:
  - 1. *Tenants*: A minimum of one (1) parking space shall be required per dwelling unit.
  - 2. *Visitors*: One (1) parking space per every two (2) 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.
  - 2. *Visitors*: Visitor parking spaces may 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. *Garages*: The required tenant parking spaces may include spaces within garages and carports.

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

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



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 five (5) dwelling sites shall be required for visitors.
- B. Location:
  - 1. *Lot*: Each space shall be located on or adjacent to the dwelling site.
  - 2. *Visitors*: Visitor parking spaces shall be dispersed around the development.
  - 3. *Garages*: One (1) of the required parking spaces may include spaces within garages and carports.

## 5.53 PK-06: Nonresidential Parking Standards

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



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 all three (3) columns. 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 a 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.
  - d. All required parking shall be located either on-site (off-street), or off-site (off-street) on a lot where parking spaces are available by common ownership or agreement in perpetuity, and when those spaces are within 600 feet of the subject property.
2. *Maximum Number*: Developments that wish to have more than one hundred twenty percent (120%) of the minimum required number of spaces shall be required to increase the required perimeter parking lot landscaping (see *Section 5.38: Parking Lot Planting Standards*) by fifty percent (50%), increase the size of the required parking lot landscape islands by fifty percent (50%), and increase the planting requirements in those islands by fifty percent (50%). Developments that wish to have more than one hundred sixty percent (160%) of the minimum required number of spaces shall be required to double the required perimeter parking lot landscaping, double the size of the required parking lot landscape islands and double the required plantings in those parking lot landscape islands.
3. *Bicycle Parking Areas*: Developments are encouraged to provide bicycle parking areas when appropriate.
  - a. Bicycle parking areas shall be provided to sites that have access to bike paths or trails.
  - b. The bicycle parking areas shall be located within sixty (60) feet of the main entryway into the primary structure.
  - c. A bicycle rack shall be installed in the bicycle parking area to secure the bicycles.
4. *Stacking Lanes*: The following uses shall provide minimum stacking lane space as indicated below to accommodate drop-off and pick-up.
  - a. Bank machine/ATM: 2 spaces
  - b. Bank/credit union drive through: 3 spaces per drive through lane
  - c. Day care: 6 spaces
  - d. Pick-up windows on any unlisted use: 2 spaces
  - e. Restaurant with drive-up window: 4 spaces
  - f. School (P-12), public: 6 spaces

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

1. *Aisle Widths*: Minimum access 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 access aisle for one-way traffic or minimum twenty-four (24) feet wide parking aisle for one-way or two-way traffic.
  - b. Forty-six degree (46°) to sixty degree (60°) angle spaces shall have a minimum of eighteen (18) feet wide parking aisle for one-way traffic and twenty-two (22) feet wide for two-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 and twenty-two (22) feet wide for two-way traffic.

# Parking Standards (PK)

2. *Aisle Exits*: All parking aisles shall have an outlet or dedicated and designed turn around.
  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 lots area from ponding.
- C. Off-site Parking Facilities:
1. *Nonresidential Development*: Required parking for a nonresidential development may be located off-site under certain circumstances.
  2. *Variances*: A request for variance allowing the substitution of off-site for on-site parking must meet the following requirements:
    - a. The off-site parking shall be located so that it will adequately serve the use for which it is intended. In making this determination, the following factors, among other things, shall be considered:
      - i. Proximity of the off-site parking facilities;
      - ii. Ease of pedestrian access to the off-site parking facilities; and
      - iii. The type of use the off-site parking facilities are intended to serve (i.e. not appropriate for high turnover uses like retail).
    - b. A written agreement shall be to the satisfaction of the Town Attorney and executed by all parties concerned assuring the continued availability of off-site parking facilities for the use they are intended to serve.



# 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 Uses</b>		
animal grooming	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
atm, drive-up		
auction (indoor)	1 space per employee on the largest shift	1 space per 2 seats or 2 per 100 sq. ft. of GFA, whichever is greater
automobile accessory installation	1 space per employee on the largest shift	2 spaces per bay
automobile body shop	1 space per employee on the largest shift	2 spaces per bay
automobile oil change facility	1 space per employee on the largest shift	2 spaces per bay
automobile repair/service station	1 space per employee on the largest shift	2 spaces per bay
automobile wash	1 space per employee on the largest shift	2 spaces per bay (full or self-service)
bakery	-	1 space per 300 sq. ft. of GFA
bank	-	1 space per 250 sq. ft. for the first 3,000 sq. ft. of GFA; and 1 space per 300 sq. ft. for the remaining sq. ft. of GFA.
banquet hall	-	1 space per 2.5 persons of maximum capacity
bar or tavern	-	1 space per 2 persons of maximum capacity
barber or beauty shop	-	2 spaces per chair
billiard hall or arcade	-	1 space per 200 sq. ft. or 1 space per table, whichever results in the greater number of spaces
bingo hall	-	1 space per 3 persons of maximum seating capacity
bowling alley	-	3 spaces per lane
brew pub	-	1 space per 2.5 persons of maximum capacity
broadcast studio	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
car rental	2 spaces per employee on the largest shift	-
catering service	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA accessible to the public
club or lodge	-	1 space per 3 persons of maximum occupancy
coffee shop	-	1 space per 3 seats
coin laundry	-	1 space per 3 washing machines
computer service	1 space per employee on the largest shift	1 space per 400 sq. ft. of GFA
copy center	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
counseling center	1 space per employee on the largest shift	1 space per 200 sq. ft. of GFA, a minimum of 4 spaces
country club	-	1 space per 3 persons of maximum seating capacity
day care	-	1 space per 4 persons of licensed capacity
delicatessen	-	1 space per 2 seats
design services	1 space per employee on the largest shift	1 visitor spaces
donation collection point	1 space per employee on the largest shift	5 visitor spaces
dry cleaning pickup and drop-off	3 spaces	1 space per 300 sq. ft. of GFA accessible to the public
express shipping center	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
exterminator	1 space per employee on the largest shift	1 space per vehicle normally parked on the premises
farmers market	1 space per booth/vendor	1 space per booth/vendor
funeral home	-	1 space per 4 chapel or parlor seats
gas station	1 space per employee on the largest shift	3 spaces per double-sided pump for refueling and staging; and 1 space per 3 restaurant seats; and 1 space per 200 gross sq. ft. of convenience store space
golf course	-	20 spaces per 9 holes
hotel	1 space per employee on the largest shift	1 space per room
ice cream shop	-	1 space per 3 seats
indoor storage	-	1 space per 10 indoor storage spaces
media rental	-	1 space per 300 sq. ft. of GFA
medical clinic	-	4 spaces per treatment room
mobile device dealer	-	1 space per 300 sq. ft. of GFA

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial Uses</b>		
nail salon	-	3 spaces per station
office, construction trade	1 space per employee on the largest shift	1 space per vehicle normally parked on the premises
office, general	-	1 space per 250 sq. ft. for the first 3,000 sq. ft. of GFA; and 1 space per 300 sq. ft. for the remaining sq. ft. of GFA.
office, medical	-	4 spaces per treatment room
party facility	1 space per employee on the largest shift	1 space per 3 persons of maximum capacity
pharmacy	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA accessible to the public
photography studio	-	3 spaces per studio
printing, commercial	1 space per employee on the largest shift	1 space per 600 sq. ft. of GFA
real estate office	-	1 space per 300 sq. ft. of GFA
recreation center (indoor)	-	1 space per 500 sq. ft. of GFA or 20 spaces per sport field, whichever is less
recreation center (outdoor)	-	1 space per 500 sq. ft. of GFA or 20 spaces per sport field, whichever is less
rehabilitation clinic, medical	-	4 spaces per treatment room
repair shop, electronics	-	1 space per 300 sq. ft. of GFA
repair shop, equipment	-	1 space per 300 sq. ft. of GFA
repair shop, general	-	1 space per 300 sq. ft. of GFA
restaurant	1 space for each employee of largest shift	1 space per 3 persons of maximum occupancy
restaurant, drive in	1 space per employee on the largest shift	1 space per 3 ordering bay's
restaurant with drive-up window	1 space for each employee of largest shift	1 space per 2 seats
retail (type 1), very low intensity	-	1 space per 300 square feet of floor area
retail (type 2), low intensity	-	1 space per 300 square feet of floor area
retail (type 3), medium intensity	-	1 space per 250 square feet of floor area for the first 5,000 square feet; 1 space per 350 square feet of floor area for the next 10,000 square feet; and 1 space per 400 square feet of floor area for all additional square feet.
retail (type 4), high intensity	-	1 space per 250 square feet of floor area for the first 5,000 square feet; 1 space per 350 square feet of floor area for the next 10,000 square feet; and 1 space per 400 square feet of floor area for all additional square feet.
retail (type 5), very high intensity	-	1 space per 250 square feet of floor area for the first 5,000 square feet; 1 space per 350 square feet of floor area for the next 10,000 square feet; and 1 space per 400 square feet of floor area for all additional square feet.
riding stable and trails	1 space per employee on the largest shift	1 per horse
seamstress/tailor	-	1 space per 300 sq. ft.
self-storage warehouse	1 space per employee on the largest shift	1 space per 100 individual storage spaces
shoe repair	-	1 space per 400 sq. ft. of GFA
shooting range (outdoor)	-	1 space per station
software development	1 space per employee on the largest shift	1 space per 300 sq. ft. of GFA
spa	1 space per employee on the largest shift	1.5 spaces per treatment room
sports field (indoor)	1 space per employee on the largest shift	20 spaces per field or court
studio arts	-	1 space per 3 persons of maximum capacity
tanning salon	-	2 spaces per tanning room or station
tattoo/piercing parlor	-	3 spaces per chair or studio
telecommunication exchange	2 spaces per facility	-
telecommunication facility	1 space per employee on the largest shift	1 space
theater, movie (indoor)	-	1 space per 4 seats
title company	-	1 space per 300 sq. ft. of GFA
tool/equipment rental (indoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space
tool/equipment rental (outdoor)	1 space per employee on the largest shift	1 space per 500 sq. ft. of indoor showroom space; 1 space per 20 outdoor units (vehicles) displayed
trade or business school	1 space per teacher, staff, administrator	1 space per 3 students
travel agency	-	4 spaces per 1,000 sq. ft. of GFA
veterinary clinic	1 space per employee on the largest shift	3 additional space per doctor on the largest shift

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Commercial Uses</b>		
veterinary hospital	1 space per employee on the largest shift	2 spaces per treatment room
wellness facility	-	4 spaces per treatment room
winery	1 space per employee on the largest shift	1 space per 300 sq. ft. of floor area accessible to the public

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Industrial Uses</b>		
asphalt plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
assembly	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-diesel production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bio-fuels production	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
blast furnace	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
bottling/canning	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
brewery	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
broadcast facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
chemical manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
coke oven	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
composting facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
concrete plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
construction materials landfill	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
distribution facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
electrical generation plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
explosives manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
fireworks manufacturing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
fleet vehicle storage	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
food processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
freight terminal	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
incinerator	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
junk yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
liquid fertilizer distribution	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
liquid fertilizer storage	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 1)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 2)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
materials recycling (type 3)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
metal casting	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
mining, rock or sand	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
outdoor storage	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
petroleum processing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
printer, industrial	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
produce terminal	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rail yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rendering plant	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, general	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
research center, medical	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
rock crushing	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sanitary landfill/refuse dump	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
saw mill	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
scrap metal yard	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
sign fabrication	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
smelting	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees

# Parking Standards (PK)

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Industrial Uses</b>		
storage tanks (hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
storage tanks (non-hazardous)	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
telecommunication facility	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, electronics	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
testing lab, materials	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
tool and die shop	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
transfer station	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
utility facility, above ground	-	1 space per facility
warehouse	1.1 spaces per employee on the largest shift	1 visitor space per 15 employees
welding service	1 space per employee on the largest shift	1 visitor space per 5 employees
wholesale business	1.1 spaces per employee on the largest shift	1 visitor space per 5 employees

Land Use	Parking Types	
	Employee/Tenant Parking	Visitor/Client/Customer Parking
<b>Institutional Uses</b>		
community center	-	1 space per 3 persons at maximum occupancy
government office	-	1 space per 250 sq. ft. for the first 3,000 sq. ft. of GFA; and 1 space per 300 sq. ft. for the remaining sq. ft. of GFA.
government operation (non-office)	1 space per employee on the largest shift	-
historical site	-	As deemed appropriate by the Zoning Administrator
hospice facility	1 space per employee on the largest shift	3 spaces per hospice suite
jail	1 space per employee on the largest shift	1 visitor space per 10 inmates (capacity)
juvenile detention facility	1 space per employee on the largest shift	1 visitor space per 8 cells
library	-	1 space per 3 persons at maximum occupancy
municipal airport	1 space per employee on the largest shift	15 or 1 per based aircraft, whichever is greater
municipal heliport	1 space per employee on the largest shift	3 per helipad or 1 per based helicopter, whichever is greater
museum	-	1 space per 3 persons at maximum occupancy
nature center	-	1 space per 3 persons at maximum occupancy
nature preserve	1 space	-
park	-	1 space per acre; 20 spaces per sport court or field
place of worship	-	3 space per 7 seats in main auditorium
police, fire, or rescue station	1 space per employee	1 visitor space
post office	1 space per employee on the largest shift	1 space per 150 square feet 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 students enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on maximum occupancy)
sewage treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees
swimming pool (public)	-	1 space per 75 square feet of water surface
transit station (local hub)	1 space per employee on the largest shift	8 spaces per bus bay
water tower	1 space per facility	-
water treatment plant	1 space per employee on the largest shift	1 visitor space per 10 employees

## 5.54 PF-01: Performance Standards

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



The following standards apply:

- A. Cross Reference: See *Section 5.19: Environmental Standards* for standards relating to air, water, 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 this 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 unreasonable noise between the hours of 11:00 PM and 6:00 AM.
    - b. Sirens on public safety vehicles, watercraft on the lake, and vehicles in the public right-of-way 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. Construction activities shall be exempt from this standard between the hours of 7:00 AM and 8:00 PM.
  - 4. *Odor*: No use shall emit across the lot lines malodorous gas or odor in such quantity as to be detectable at any point along the lot lines. Agriculture districts are exempt from this standard.
  - 5. *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, Town, 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.
- D. Exemptions: Any A/C unit or horizontally vented appliance (e.g. furnace or water heater) operating at any time or any generator used during a power outage or during a testing cycle shall not be subject to the noise standards in this section.

## 5.55 PT-01: Permanent Outdoor Display Standards

This Permanent Outdoor Display Standards (PT) section applies to the following zoning districts:



The following standards apply:

- A. **Applicability:** All outdoor areas a business or institution wants to use for outdoor displays shall meet the Permanent Outdoor Display Standards section.
- B. **Permits:** A Zoning Compliance Permit shall be required when a new permanent outdoor display area is proposed. Once a permit is issued for a permanent outdoor display area, a new permit is not required each time the merchandise changes. However, a new permit shall be required if the permanent outdoor display location changes.
- C. **Location:**
  1. **Accessibility:** A permanent outdoor display shall not block any public sidewalk, accessibility ramp, drive lanes, or driveway.
  2. **Setbacks:**
    - a. **Front Yard or Street Yard:** A permanent outdoor display shall meet the front yard (or street yard) setback identified in the applicable zoning district in *Article 02: Zoning Districts*.
    - b. **Side Yard or Rear Yard:** A permanent outdoor display shall meet the side yard and rear yard setbacks for accessory structures as identified in the applicable zoning district in *Article 02: Zoning Districts*.
    - c. **Lake Yard:** Permanent outdoor displays are not permitted in a lake yard.
  3. **Canopies:** All vending machines, ice machines, propane tank displays, and other permanent fixtures that are part of a permanent outdoor display area shall be located under a permanent canopy, awning, or roof overhang or eaves that is attached to the primary structure.
- D. **Size:**
  1. **Maximum Area:** The cumulative area of all permanent outdoor display areas shall not exceed five percent (5%) of the footprint of the primary structure or tenant space to which the permanent outdoor display area is associated.
  2. **Maximum Height:**
    - a. When products are displayed within an enclosed temporary structure, the enclosed temporary structure shall not exceed fifteen (15) feet in height.
    - b. Products displayed outside shall not exceed six (6) feet in height.
- E. **Screening:** When a permanent outdoor display area is more than ten (10) feet from the front facade of the primary structure or more than twenty (20) feet from a side facade of the primary structure, at least one (1) of the following screening mechanisms shall be installed.
  1. **Fence:** A fence thirty (30) to forty (40) inches in height shall be constructed of the materials that match, closely resemble, or significantly complement the materials and colors used on the primary structure.
  2. **Landscaping:** A five-foot (5') wide landscape buffer that consists of one (1) tree and one (1) shrub for every ten (10) feet of perimeter around the outdoor display area. The trees and shrubs shall be permanently planted and may be arranged creatively for aesthetic purposes, but shall reasonably screen the permanent outdoor display area.

## 5.56 PI-01: Public Improvement Standards

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



The following standards apply:

- A. **Applicability:** Public improvements consistent with the requirements of this Unified Development Ordinance shall be required when one (1) of the following conditions is met:
  1. *New Primary Structure:* A Zoning Compliance Permit for a new primary structure is obtained.
  2. *Addition to Primary Structure:* A Zoning Compliance 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 Zoning Administrator or the Plan Commission may require a traffic and street impact study to determine a proposed development's impact on public streets. If required, the developer shall conduct or procure services for a traffic and street impact study.
    - b. Based on the results of the study, the Zoning Administrator 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 Zoning Administrator 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, except when the Zoning Administrator determines the development is agricultural in nature or it is unlikely the public sidewalk will provide connectivity to future trails or sidewalks. New public sidewalks shall closely align with existing public sidewalks, be installed on the edge of the right-of-way, and meet or exceed the *Town of Rome City's Construction Standards*.
  3. *Drainage Facilities:*
    - a. Storm drainage collection, detention, and retention facilities shall have sufficient capacity to serve the development.
    - b. 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 may recommend off-site improvements that will provide sufficient facilities for the increased runoff from the proposed development.
- C. **Guarantees:** When mitigating conditions are required, the developer may be required to post performance and maintenance guarantees for such improvements.



## 5.57 RV-01: Conservation and Parks and Recreation Recreational Vehicle Storage Standards

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

- A. Recreational Vehicle Outdoor Storage: The outdoor storage of recreational vehicles shall not be permitted.

## 5.58 RV-02: Agricultural Recreational Vehicle Outdoor Storage Standards

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

- A. Permits: No permit required.

- B. Recreational Vehicle Outdoor Storage:

1. Quantity: No more than two (2) recreational vehicles with valid and current license plates shall be stored outdoors or parked outdoors on a lot at any one time, except as listed below.
  - a. Watercraft that are registered (i.e. plated) to the owner of the lot on which they are stored shall be exempt.
2. Location:
  - a. A recreational vehicle shall not be stored or parked on the street.
  - b. A stored or parked recreational vehicle shall not encroach into a right-of-way or block or impede an access easement, public sidewalk, or driving aisle.
  - c. A stored or parked recreational vehicle shall be located in a rear yard or side yard, or in a driveway, or in a discrete location elsewhere on the lot.
3. Use: A stored or parked recreational vehicle may be occupied for sleeping purposes for a maximum of two (2) weeks per calendar year. Otherwise, the recreational vehicle shall not be occupied or used for living or home business purposes.

## 5.59 RV-03: Single-family Residential Recreational Vehicle Outdoor Storage Standards

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

- A. Permits: No permit required.

- B. Recreational Vehicle Outdoor Storage:

1. Quantity: No more than two (2) recreational vehicles with valid and current license plates shall be stored outdoors or parked outdoors on a lot at any one time, except as listed below.
  - a. Watercraft that are registered (i.e. plated) to the owner of the lot on which they are stored shall be exempt.
2. Location:
  - a. A recreational vehicle shall not be stored on the street.
  - b. A stored or parked recreational vehicle shall not encroach into a right-of-way or block or impede an access easement, public sidewalk, or driving aisle.
  - c. A stored or parked recreational vehicle shall meet the side and rear yard setbacks for an accessory structure within the applicable zoning district.
  - d. A parked recreational vehicle may be located on the driveway for up to eight (8) days in any thirty (30) day period.
  - e. A stored recreational vehicle shall be located on a hard surface in the rear yard or side yard of a lot such that no part of the recreational vehicle projects into the front yard.
3. Use: A stored or parked recreational vehicle may be occupied for sleeping purposes for a maximum of two (2) weeks per calendar year. Otherwise, a stored recreational vehicle shall not be occupied or used for living or home business purposes.



## 5.60 RV-04: Lake Residential Recreational Vehicle Outdoor Storage Standards

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

A. Permits: No permit required.

B. Recreational Vehicle Outdoor Storage:

1. *Quantity*: No more than one (1) recreational vehicle with a valid and current license plate shall be stored outdoors or parked outdoors on a lot at any one time, except as listed below.
  - a. Watercraft that are registered (i.e. plated) to the owner of the lot on which they are stored shall be exempt.
2. *Location*:
  - a. A recreational vehicle shall not be stored on the street.
  - b. A stored or parked recreational vehicle shall not encroach into a right-of-way or block or impede an access easement, public sidewalk, or driving aisle.
  - c. A parked recreational vehicle, not including watercraft, may be located on a driveway for up to eight (8) days in any thirty (30) day period.
  - d. A stored recreational vehicle, not including watercraft, shall be stored on a hard surface in a street yard or a side yard of a lot.
  - e. A recreational vehicle, not including watercraft, shall not be stored in a lake yard.
3. *Use*: A stored or parked recreational vehicle may be occupied for sleeping purposes for a maximum of two (2) weeks per calendar year. Otherwise, a stored recreational vehicle shall not be occupied or used for living or home business purposes.

## 5.61 RV-05: Multiple-family Residential and Manufactured Home Park Recreational Vehicle Outdoor Storage

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

A. Permits: No permit required.

B. Recreational Vehicle Outdoor Storage:

1. *Quantity*: No more than one (1) recreational vehicle with a valid and current license plate shall be stored outdoors or parked outdoors per dwelling unit for an multiple-family development, or per dwelling site in a manufactured home park.
2. *Location*:
  - a. A stored or parked recreational vehicle shall be located in a parking lot in a multiple-family development, or on a driveway in a manufactured home park.
  - b. A stored or parked recreational vehicle shall also be fully within the building envelope.
3. *Use*: A recreational vehicle shall not be occupied or used for living or home business purposes.

## 5.62 RV-06: Non-residential Recreational Vehicle Outdoor Storage Standards

This Recreational Vehicle Storage Standards (RV) section applies to the following zoning districts:



The following standards apply:

A. Permits: No permit required.

B. Recreational Vehicle Outdoor Storage:

1. *Quantity*: No more than one (1) recreational vehicle with a valid and current license plate shall be stored outdoors or parked outdoors on a lot at any one time, except for a business that sells recreational vehicles in a zoning district that permits said use.
2. *Location*:
  - a. A recreational vehicle shall not be stored on the street.
  - b. A stored or parked recreational vehicle shall not encroach into a right-of-way or block or impede an access easement, public sidewalk, or driving aisle.
  - c. A stored or parked recreational vehicle shall be located on an improved surface.
  - d. A stored or parked recreational vehicle shall be fully within the building envelope.
3. *Use*: A stored recreational vehicle shall not be occupied or used for living or office purposes.

# Retaining Wall Standards (RW)

## 5.63 RW-01: Retaining Wall Standards

This Retaining Wall Standards (RW) section applies to the following zoning districts:



The following standards apply:

- A. Permits: A permit is required for a new retaining wall greater than four (4) feet in height, or for multiple retaining walls (i.e. tiers) that collectively are greater than six (6) feet in height.
- B. Retaining Walls (not sea walls):
  1. *Retaining Walls*:
    - a. *Proximity to Property Line or Right-of-way*: A retaining wall shall not be permitted within two (2) feet of a property line or proposed street right-of-way.
    - b. *Connection to Adjacent Retaining Wall*: A connection with an adjacent property's retaining wall shall be permitted with the approval of the adjacent property owner. The owner of the adjacent property in which the proposed retaining wall shall connect to, must declare the mutual agreement of connection in a signed and notarized affidavit. Said affidavit shall be prepared in recordable form and recorded with the County Recorder prior to issuance of any Zoning Compliance Permit and shall be binding on all future owners. A copy of the recorded document(s) shall be submitted to Town Hall.
  2. *Proximity to Lake*: A retaining wall shall not be permitted within ten (10) feet of the shoreline at normal pool level. This provision does not apply to sea walls. A permit issued by the Indiana Department of Natural Resources is required per IC 14-26-2-23 for the construction of a wall within ten (10) feet landward of the shoreline of a public freshwater lake. Therefore, any requested variances from this provision is subject first to the Indiana Department of Natural Resources permit process and then to the Town of Rome City's Board of Zoning Appeals variance process as described in *Article 9: Processes*.
  3. *Maximum Height*: Retaining walls shall not exceed eight (8) feet in height. It is strongly encouraged to tier steep slopes with retaining walls four (4) feet in height or less, rather than taller retaining walls. The Zoning Administrator may deny retaining walls greater than five (5) feet in height if deemed unsafe. The Zoning Administrator may require a professional engineer's evaluation and seal stating that the retaining wall design is sufficient to withstand horizontal forces.
  4. *Rails or Barriers*: Any retaining wall over four (4) feet in height located parallel or relatively parallel to a side or rear property line, or right-of-way, and that is located within ten (10) feet of the property line shall have a rail or other sturdy barrier installed at the top of the retaining wall and at least three (3) feet in height. Any retaining wall over eight (8) feet in height located anywhere on a property shall have a rail or other sturdy barrier installed at the top of the retaining wall and be at least three (3) feet in height. The minimum standard for rails or barriers shall be equivalent to the requirement of the Indiana Residential Building Code for a deck that exceeds thirty-six (36) inches in height above ground level.

## 5.64 RL-01: Rural Residential Standards

This Rural Residential Standards (RL) section applies to the following zoning districts:



The following standards apply to any residential property adjacent to an AG zoning district:

- A. Exemptions: The standards in this section do not apply when the adjacently zoned AG land is a woodlot, unsuitable for crops or pasturage.
- B. Wellhead Setback: A new wellhead shall not be located any closer than fifty (50) feet from any property line that is adjacent to land zoned as an AG zoning district.
- C. Waiver of Right to Remonstrate: Any proposed primary structure intended to be used for a residence, when the property is adjacent to either an AG zoning district shall be required to sign an affidavit that indicates 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 will not remonstrate against any agricultural practices consistent with normal and common practice and that is operating within the law. Said affidavit shall be prepared in recordable form and recorded with the County Recorder prior to issuance of any Zoning Compliance Permit and shall be binding on all future owners. A copy of the recorded document(s) shall be submitted to Town Hall.

## 5.65 SB-01: General Setback Standards

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



The following standards apply:

- A. 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 Yard Setback*:
    - a. The minimum front setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
    - b. When 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 average setback rule as defined in *Article 11: Definitions* to determine the applicable front yard setback. The average setback rule does not apply to street yards.
  2. *Minimum Side Yard Setback*: The minimum side setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
  3. *Minimum Rear Yard Setback*: The minimum rear setback shall be as per each two-page layout in *Article 02: Zoning Districts*.
  4. *Minimum Lake Yard Setback*:
    - a. The minimum lake yard setback shall be per each two-page layout in *Article 02: Zoning Districts*.
    - b. In the Lake Residential district, the minimum lake yard setback or established building setback as defined in *Article 11: Definitions* shall apply, whichever results in a greater setback from the lake. The established building setback rule does not apply to rear yards.
  5. *Minimum Street Yard Setback*: The minimum street yard setback shall be per each two-page layout in *Article 02: Zoning Districts*.
- B. Measurements:
1. *Front Yard or Street Yard*: All setbacks shall be measured from the property line or edge of pavement to the nearest point on the foundation, whichever results in a greater setback.
  2. *Side Yard*: All setbacks shall be measured perpendicularly from the side property line to the nearest point on the foundation.
  3. *Rear Yard*: All setbacks shall be measured perpendicularly from the rear property line to the nearest point on the foundation.
  4. *Lake Yard*: All setbacks shall be measured perpendicularly from the water's edge to the nearest point on the foundation. **Building Projection**: If any floor in a building projects beyond the foundation, the measurements shall be to the facade of that projection.
- C. Lake and Environmental Feature Setback: All buildings shall maintain a twenty-five (25) foot setback from a lake, delineation of a wetland, or delineation of a floodplain.
1. *Exemptions*: The following uses are exempt from the lake and environmental feature setback if it is a recreational apparatus; is also allowed by the Indiana Department of Natural Resources, and/or the Army Corp of Engineers; and does not detract from the beauty, integrity, and visibility of the lake and does not endanger the health, safety, and general welfare:
    - a. Boat docks,
    - b. Fishing piers,
    - c. Decks,
    - d. Park benches,
    - e. Picnic tables, and
    - f. Retaining or "sea" walls.

## 5.66 SB-02: Setback Exceptions Standards

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



The following standards apply:

- A. **Exceptions:** The following types of structures or features are exempt or partially exempt from the setback standard as stated:
1. **Signs:** Signs are exempt from the required setbacks, but shall abide by the sign standards in *Section 5.70: General Sign Standards through 5.76: Institutional, General Business, and Industrial Sign Standards*.
  2. **Telecommunication Towers:** Telecommunication towers are exempt from the required setbacks, but shall abide by *Section 5.79: Telecommunication Facility Standards*.
  3. **Architectural Features:** Cornices, eaves, sills, canopies, gutters, meters, vents, electrical drops, window wells, or similar features shall be permitted to encroach into a required front yard, side yard, and/or rear yard setback, but not more than three (3) feet. However, these items shall never be closer than three (3) feet to the property line.
  4. **Architectural Finishes:** Siding, masonry veneer, trim, casing, or similar finishes shall be permitted to encroach into a required front yard, side yard, and/or rear yard setback, but not more than six (6) inches.
  5. **Awnings:** Awnings shall be permitted to encroach into a required front yard, side yard, and/or rear yard setback not more than four (4) feet, but shall not be closer than three (3) feet to the property line.
  6. **Chimneys:** Chimneys shall be permitted to encroach into a required setback not more than two (2) feet. However, chimneys shall never be closer than three (3) feet to the property line.
  7. **Fences:** Fences shall be exempt from the required setbacks, but shall abide by the fence standards in *Section 5.20: General Fence Standards through Section 5.26: Industrial and High Impact Fence Standards*.
  8. **Driveways:** Driveways are exempt from the required setbacks, but shall abide by the side yard setbacks established in *Sections 5.14: General Driveway Standards through 5.18: Nonresidential Driveway Standards*.
  9. **Parking Lots:** In commercial and institutional zoning districts, parking lots may encroach into the front yard, street yard, side yard, and rear yard setbacks for a primary structure by the following amounts:
    - a. **Front Yard or Street Yard:** Parking lots may project into a front yard or street yard and shall maintain a minimum setback of ten (10) feet from the property line.
    - b. **Side Yard:** Parking lots may project into a side yard and shall maintain a minimum setback of five (5) feet from the property line.
    - c. **Rear Yard:** Parking lots may project into a rear yard and shall maintain a minimum setback of five (5) feet from the property line.
  10. **Utility Poles, Lines, Junction Boxes and Irrigation Boxes:** Utility poles, lines, junction boxes and irrigation boxes shall be exempt from the setbacks in this section.
  11. **Trash Receptacles:** Trash receptacles shall meet the setback standards in *Section 5.84: General Trash Receptacle Standards through Section 5.85: Lake Area Trash Receptacle Standards*.
  12. **Stairs, Decks, Platforms or Landings:** A stairway, deck, elevated deck, platform, or landing which does not extend above the level of the floor elevation of the first floor of the primary structure shall be permitted to extend into a required front yard, street yard, side yard, and/or rear yard setback by not more than four (4) feet. However, these structures shall never be closer than five (5) feet to the side property line or ten (10) feet to the front or rear property line.
  13. **Patios:** Patios are exempt from the side yard setback standards. However, patios shall be three (3) feet from any property line.
  14. **Sidewalk:** Any public sidewalk shall be exempt from the setback standards. However, any private sidewalks that are perpendicular to a property line and that connects to a right-of-way or adjacent property shall have no setback requirements.
  15. **Playset:** Playsets shall be permitted to extend into the required rear yard setback and side yard setback by fifty percent (50%).

## 5.67 SB-03: Lake Residential Setback Standards

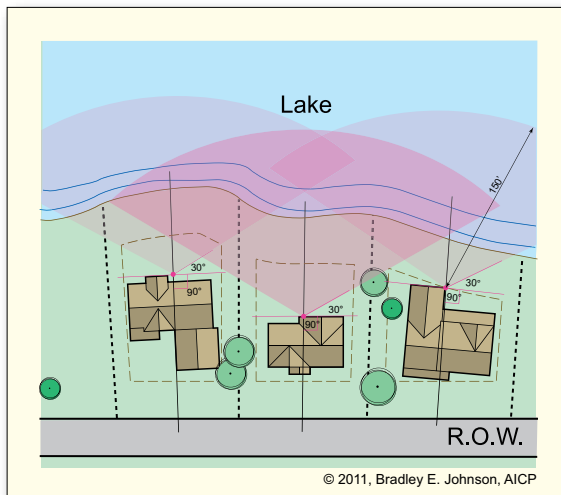
This Setback Standards (SB) section applies to the following zoning district:



The following standards apply:

- A. **Exceptions:** The following types of structures or features are exempt or partially exempt from the setback standard as stated:
1. **Signs:** Signs are exempt from the required setbacks, but shall abide by the sign standards in *Section 5.73: Single-family Residential Sign Standards*.
  2. **Architectural Features:** Cornices, eaves, sills, canopies, gutters, meters, vents, electrical drops, window wells, or similar features shall be permitted to encroach into a required street yard, side yard, and/or lake yard setback, but not more than three (3) feet. However, these items shall never be closer than three (3) feet to the property line.
  3. **Architectural Finishes:** Siding, masonry veneer, trim, casing, or similar finishes shall be permitted to encroach into a required street yard, side yard, lake yard and/or rear yard setback, but not more than six (6) inches.
  4. **Awnings:** Awnings shall be permitted to encroach into a required street yard, side yard, lake yard and/or rear yard setback not more than four (4) feet, but shall not be closer than three (3) feet to the property line.
  5. **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.
  6. **Fences:** Fences shall be exempt from the required setbacks, but shall abide by all applicable Fence Standards.
  7. **Retaining Walls:** Retaining walls shall be exempt from the required setbacks, but shall abide by all applicable Retaining Wall Standards.
  8. **Sea Walls:** Sea walls shall be exempt from the required setbacks.
  9. **Driveways:** Driveways are exempt from the required setback, but shall abide by the side yard setbacks established in *Section 5.17: Lake Residential Driveway Standards*.
  10. **Utility Poles, Lines, Junction Boxes and Irrigation Boxes:** Utility poles, lines, junction boxes and irrigation boxes shall be exempt from the required setbacks.
  11. **Trash Receptacles:** Trash receptacles shall meet the setback standards in *Section 5.85: Lake Area Trash Receptacle Standards*.
  12. **Decks:** Decks, Platforms, Patios, or Landings: A deck, elevated deck, platform, patio, or landing which does not extend above the level of the floor elevation of the first floor of the primary structure shall be permitted to extend into a required front yard, street yard, side yard, and/or rear yard setback by not more than four (4) feet. However, these structures shall never be closer than five (5) feet to the side property line, ten (10) feet to the front property line, or twenty-five (25) feet to the lake edge.
  13. **Patios:** Patios are exempt from the side yard setback standards. However, patios shall be at least three (3) feet from any property line.
  14. **Stairs:** A standard set of stairs (typical rise/run) shall be permitted to extend into a required side yard setback. However, they shall never be closer than five (5) feet to the side property line or ten (10) feet to the lake edge.
  15. **Sidewalk:** Any private sidewalk or public sidewalk shall be exempt from the setback standards.
  16. **Playsets:** Playsets shall be permitted to extend into the required lake yard setback, but shall not be closer than thirty (30) feet to the lake edge.
- B. **Clear Side Yard:** Under all circumstances, at least one (1) side yard shall be maintained free of obstacles. The clear area shall be at least four (4) feet wide and maintain ten (10) feet of clear height above ground level continuously on the "clean" side yard. The exceptions listed in *Section 5.67(A): Exceptions* shall not supersede this requirement.

- C. Viewshed: Under no circumstance shall any of the following improvements on a lot obscure the horizontally protected viewshed of an adjacent lot:
1. *Primary Structure*: New or modified primary structure or room addition,
  2. *Accessory Structure*: New, modified, or relocated accessory structure, including an elevated deck, porch, or playset,
  3. *Evergreen Trees or Shrubs*: Planting of one (1) or more evergreen trees, or evergreen or dense shrubs,
  4. *Fence or Wall*: New or modified fence, screening, or retaining wall, or
  5. *Architectural Feature*: New or modified architectural feature.
- D. Horizontally Protected Viewshed: The horizontally protected viewshed shall be established as follows:
1. *Centerline*: Establish a lot centerline.
  2. *Building Setback*: Determine the lake yard established building setback (90° of the established centerline).
  3. *30° Setback Axis*: From the intersection point of the lot centerline and the lake yard established building setback, all areas thirty degree (30°) or greater off the lake yard building setback axis shall be protected for a distance of 150 feet.
  4. *Illustration*: See illustration below:





## 5.68 SW-01: Sewer and Water Standards

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



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 is as follows.
    - a. Required: Connection to the municipal sanitary sewer system shall be required.
    - b. Required Where Available: Connection to the municipal sanitary sewer system shall be required when access to the municipal sanitary sewer system is available within 300 feet or less of the property line.
    - c. Not Required: Connection to the municipal sanitary sewer system is not required.
  2. *Septic Permit*:
    - a. Soil Test: In order to obtain a septic permit in Noble County the property owner must first hire a certified soil scientist that will perform a series of on-site soil tests with results sent to the home owner and the Noble County Health Department.
    - b. Meeting with Noble County Health Department: Upon receipt of the soil test the property owner may set up a time to purchase a permit which is good for one (1) year.
    - c. New Home Construction: If the permit is for the construction of a new home the prospective builder is required to own two (2) acres of land but if the permit is for a preexisting septic system in need of repair there is no property size requirement.
  3. *Private Wells*: Shall meet all standards of the Noble County Health Department.
    - a. Location: Must be a minimum of fifty (50) feet from any portion of a septic system.



## 5.69 SX-01: Sexually Oriented Business Standards

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



The following standards apply:

### A. Applicability

1. *Accessory Retail Business*: Any business with at least five percent (5%) but less than thirty percent (30%) of either:
  - its annual gross revenue derived from sexually oriented merchandise; or
  - its stock in trade (e.g. quantity of sexually oriented merchandise); or
  - its gross floor area devoted to the sale, rental, or display of sexually oriented merchandise shall abide by the regulations in *Section 5.69(B)*.
2. *Retail Business*: Any business with at least thirty percent (30%) of either:
  - its annual gross revenue derived from sexually oriented merchandise; or
  - its stock in trade (e.g. quantity of sexually oriented merchandise); or
  - its gross floor area devoted to the sale, rental, or display of sexually oriented merchandise shall abide by the regulations in *Section 5.69(C)*.
3. *Entertainment Business*: Any sexually oriented entertainment business shall be regulated by *Section 5.69(D)*.

### B. Sexually Oriented Accessory Retail Business Standards: Access to any person under the age of eighteen (18) shall be restricted to the entire business or to a separate room containing all of the sexually oriented merchandise.

1. *Restricting Access to the Entire Business*: If restricting access to the entire business, then the business:
  - a. *Age Restriction*: Shall not be open to any person under the age of eighteen (18).
  - b. *Warning Sign*: Shall install and maintain a sign that communicates that persons under eighteen (18) are not permitted inside by law. Said sign shall be one-half (½) square foot in area and located on each entrance door or within two (2) feet of each entrance door.
  - c. *Display*: Shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall either:
    - i. be covered from the inside with an opaque and aesthetically neutral material, or
    - ii. be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass), or
    - iii. be maintained with non-explicit displays.Any sexually oriented merchandise or material, on display within the store, shall also be screened so they are not visible to persons looking at window displays.
2. *Restricting Access to a Separate Room*: If restricting access to a separate room or section, then the room or section:
  - a. *Age Restriction*: Shall not be open to any person under the age of eighteen (18).
  - b. *Warning Sign*: Shall install and maintain a sign one-quarter (¼) square foot in area on each door leading into the room within one (1) foot of the door knob or handle that communicates that persons under eighteen (18) are not permitted inside by law.
  - c. *Physical Separation*: Shall be physically and visually separated from the remainder of the business by an opaque wall made from durable material, reaching at least eight (8) feet high or to the ceiling, which ever is less. All doors leading into the room from public spaces shall be self-closing and latching doors.
  - d. *Location*: Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
  - e. *Access Management*: The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter such a room.
  - f. *Display*: Shall not display sexually oriented merchandise or material in any storefront windows or area outside the separate room.

C. Sexually Oriented Retail Business Standards:

1. *Location:* The business shall not be located within 750 feet of an institutional zoning district (IS), parks and recreation district (PR), a place of worship, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, or another sexually oriented entertainment business; or be located within 200 feet of a residential zoning district (RR, SR, LR, MR, and MP). The distance shall be measured in a straight line from the property line of the sexually oriented retail business to the property line of the above listed land uses or zoning districts.
2. *Age Restriction:* The business shall not be open to any person under the age of eighteen (18).
3. *Warning Sign:* The business shall install and maintain a sign one-half (½) square foot in area on each entrance door or within two (2) feet of each entrance door that communicates that persons under eighteen (18) are not permitted inside by law.
4. *Access Management:* The business shall have access managed by electronic device, key, or other means to provide assurance that persons under age eighteen (18) or the general public will not easily or accidentally enter the business.
5. *Display:* The business shall not display sexually oriented merchandise or material in storefront windows. Any existing windows shall be covered from the inside with opaque material, or the glass shall be textured to obscure vision into the business (e.g. bathroom glass), or be maintained with non-explicit displays. If non-explicit displays are utilized, then sexually oriented merchandise or material on display within the store shall also be screened so they are not visible to persons looking at window displays.
6. *Services:* The business shall not offer on-site entertainment.

D. Sexually Oriented Entertainment Business Standards:

1. *Location:* The business shall not locate within 750 feet of the institutional zoning district (IS), parks and recreation district (PR), a place of worship, school (P-12), park, plaza, playground, day-care, child care institution, library, nature center, community center, public swimming pool, museum, sexually oriented retail business, or another sexually oriented entertainment business; or be located within 200 feet of a residential zoning district (RR, SR, LR, MR, and MP). The distance shall be measured in a straight line from the property line of the sexually oriented entertainment business to the property line of the above listed land uses or zoning districts.
2. *Age Restriction:* The business shall not be open to any person under the age of eighteen (18).
3. *Access Management:* The business shall have access managed by personnel who check each patron's State issued identification prior to admittance, or other equally secure means to provide assurance that persons under age eighteen (18) will not enter such business.
4. *Warning Sign:* Shall install and maintain a sign one-half (½) square foot in area on each entrance door or within two (2) feet of each entrance door that communicates that persons under eighteen (18) are not permitted inside by law.
5. *Display:* Any exterior windows shall be covered from the inside with an opaque and aesthetically neutral material, or the glass shall be replaced with textured glass or similar to completely obscure vision into the business (e.g. bathroom glass).
6. *Services:* The business shall offer sexually oriented entertainment only in rooms or spaces with a minimum floor area of 1,000 square feet. Such rooms or spaces shall not be subdivided by temporary or permanent walls, dividers, or the like.

## 5.70 SI-01: General Sign Standards

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



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. *Zoning Compliance Permit*: A Zoning Compliance Permit shall be required for all signs located, erected, constructed, reconstructed, moved, or altered unless otherwise allowed in the sign regulations.
  2. *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 a Zoning Compliance Permit. For example, a sign proposed within a county legal drain easement shall obtain written approval from the County Drainage Board before applying for a Zoning Compliance Permit.
- C. Cross Reference:
  1. *Home Businesses*: Signs associated with a home business shall be exempt from the Sign Standards section, but shall comply with the standards in *Sections 5.30: Type 1 Home Business Standards* and *5.31: Type 2 Home Business Standards*.
  2. *Lighting Standards*: When illumination of signs is permitted by this Sign Standards section, all illumination and lighting associated with signs shall meet the glare, light trespass, and other standards in *Section 5.40: Lighting Standards*.
  3. *Vision Clearance*: Signs shall meet all vision clearance standards in *Section 5.87: Vision Clearance Standards*.
- D. Exempt: The following items are not considered signs as described and shall be exempt from the Sign Standards and exempt from obtaining a Zoning Compliance Permit.
  1. *Flags*: A flag, pennant, or insignia of any nation, state, municipality, or other political unit.
  2. *Outdoor Scoreboard*: An outdoor scoreboard used in conjunction with a legally-established sport field.
  3. *Addresses*: Posting of a street address on a mailbox, building, or other prominent location to provide adequate property identification.
  4. *Cottage Name*: Posting the name of a cottage as long as it is less than or equal to three (3) square feet in area.
  5. *Public Safety Message*: Posting of a public safety or private property message provided that cumulatively all such posting does not exceed 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.")
  6. *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," and "No Deliveries.")
  7. *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.
  8. *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 scoreboard inside a gymnasium, a wall clock inside a restaurant with a branded logo, and a large framed image of a product sold on-site mounted on the wall of a retail store.)
  9. *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.)
  10. *Religious Symbols*: Religious incorporated into the architecture on places of worship or other structures occupied by religious organizations.
  11. *Holiday Decorations*: Holiday decorations provided they convey no commercial message.
  12. *Murals*: Murals provided they convey no commercial message.
  13. *Postings*: Postings on a permanent display board sign.
  14. *Political Signs*: Posting of any number of political signs each six (6) square feet or less in area.

## E. Prohibited Signs:

### 1. *Types:*

- a. **Animated:** Signs that gain attention using animation shall not be permitted, including 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.
  - iii. Signs that have blinking, flashing, or fluttering lights; or changing light intensity, brightness, or color; or give such illusion.
- 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. Any obscene content, indecent content, or profane words that are disallowed by the FCC to be broadcast on public television or radio shall not be permitted on a sign. The same tests for determining an FCC violation shall be applicable in determining a zoning violation for a sign's content.
- 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. Location:

### 1. *Prohibited:* Signs regardless of type, shall not be permitted in any of the following locations:

- a. **Right-of-way:** Signs shall not be permitted in any right-of-way unless authorized by the Town Council.
- b. **Poles:** Signs shall not be permitted on any traffic control device, street sign, construction sign, or utility pole.
- c. **Fences:** Signs shall not be permitted on any fence.
- d. **Trees:** Signs shall not be permitted to be attached to any tree, shrub, or other natural object.
- e. **Benches:** Signs shall not be permitted to be attached to or integrated into any bench or outdoor seating.
- f. **Towers:** Signs shall not be permitted to be attached to or integrated into any telecommunication antennae, telecommunication tower, television antennae, or similar towers.
- g. **Roofs:** Signs shall not be permitted to be attached to or be perceived to be attached to the roof of a structure. This provision includes signs integrated into the roofing material. However, roof signs in the Agriculture District (AG), are permitted as long as they are integrated into the roofing material.
- h. **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.
- i. **Obstructs Circulation:** Signs that obstruct or interfere with internal or external safe movement of vehicular or pedestrian traffic shall not be permitted.
- j. **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.

### 2. *Exceptions:* A placard identifying sponsorship of a fence or a bench shall be permitted.

- ## 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.

## 5.71 SI-02: Conservation and Parks and Recreation Sign Standards

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

CO PR

The following standards apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Permit Required
Wall Sign	See Section 5.71(C): Wall Sign	Yes
Ground Sign	See Section 5.71(D): Ground Sign	Yes
Standard Temporary Sign	See Section 5.71(E): Standard Temporary Sign	No
Special Temporary Sign	See Section 5.71(F): Special Temporary Sign	Yes

### B. Cumulative Cap for All Permanent Signs

Sign Regulation	
The maximum sign area of all permitted permanent signs in combination on a site shall be:	30 square feet

### C. Wall Sign

Sign Regulation	
Maximum Quantity	1
Maximum Sign Area	20 square feet
Cumulative Cap	Counts toward cumulative cap
Maximum Projection From Building	4 inches
Illumination	The wall sign may be illuminated by externally-mounted lights
Consistency of Signs	not applicable

### D. Ground Sign

Sign Regulation	Single-tenant Building
Maximum Quantity	1
Maximum Sign Area	30 square feet in sign area per side
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the permanent ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 50% of the sign area may be changeable copy
Height Above Ground	6 feet maximum
Location	A ground sign shall be located a minimum of 10 feet from any existing or proposed right-of-way, edge of pavement, and property lines
Landscaping	Landscaping shall be installed around the base of a ground sign as follows: Quantity: At least 1 shrub per 3 lineal feet of ground sign base, circumference; shall be installed Location: All required plants shall be located within 5 feet of the ground sign base Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides
Illumination	A ground sign may be illuminated by externally-mounted ground lights

## E. Standard Temporary Signs

Sign Regulation	
Permitted Temporary Sign Types	Yard signs
Maximum Quantity	2 per lot as long as the 2 signs are at least 80 feet apart from one another
Maximum Sign Area	12 square feet for single-sided signs, or 12 square feet per side for double-sided signs
Height Above Ground	5 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Standard temporary signs shall not be illuminated
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 30 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists

## F. Special Temporary Signs

Sign Regulation	
Permitted Temporary Sign Forms	Yard signs, banners, posters, yard signs, portable A-frame signs, and the like
Maximum Quantity	1 per lot
Maximum Sign Area	32 square feet
Height Above Ground	15 feet maximum
Location	At least 10 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Special temporary signs shall not be illuminated
Duration	The use of special temporary signs shall not exceed 30 total days in any calendar year

## 5.72 SI-03: Agricultural Sign Standards

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

**AG**

The following standards apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Permit Required
Wall Sign	See Section 5.72(C): Wall Sign	Yes
Yard Sign	See Section 5.72(D): Yard Sign	Yes
Standard Temporary Sign	See Section 5.72(E): Standard Temporary Sign	No
Special Temporary Sign	See Section 5.72(F): Special Temporary Sign	Yes
Temporary Marker Sign	See Section 5.72(G): Temporary Marker Sign	Yes

### B. Cumulative Cap for All Permanent Signs

Sign Regulation	
The maximum sign area of all permitted permanent signs in combination on a site shall be:	40 square feet

### C. Wall Sign

Sign Regulation	
Maximum Quantity	1
Maximum Sign Area	25 square feet
Cumulative Cap	Counts toward cumulative cap
Maximum Projection From Building	4 inches
Illumination	Wall signs shall not be illuminated

### D. Yard Sign

Sign Regulation	
Maximum Quantity	1
Maximum Sign Area	15 square feet
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	not permitted
Height above Ground	4 feet maximum
Location	At least 10 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Yard signs shall not be illuminated



## E. Standard Temporary Signs

Sign Regulation	
Permitted Temporary Sign Types	Yard signs
Maximum Quantity	2 per lot as long as the 2 signs are at least 80 feet apart from one another
Maximum Sign Area	9 square feet for single-sided signs, or 9 square feet per side for double-sided signs
Height Above Ground	5 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Standard temporary signs shall not be illuminated
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 5 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists

## F. Special Temporary Signs

Sign Regulation	
Permitted Temporary Sign Forms	Yard signs, banners, posters, portable A-frame signs, and the like
Maximum Quantity	1 per lot with a primary structure or temporary use
Maximum Sign Area	32 square feet
Height Above Ground	15 feet maximum
Location	At least 10 feet from any edge of pavement or property line; whichever is greater
Illumination	Special temporary signs shall not be illuminated
Duration	A special temporary sign may stay in place for 7 continuous days, but no lot shall have a special temporary signs for more than 14 total days in any calendar year

## G. Temporary Marker Signs

Sign Regulation	
Prerequisite	Temporary marker signs shall only be permitted on a lot with planted crops
Permitted Temporary Sign Types	Yard signs (e.g. seed signs)
Maximum Quantity	1 per 5 rows of planted crops
Maximum Sign Area	2 square feet
Height Above Ground	8 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Temporary marker signs shall not be illuminated
Duration	A temporary marker sign may stay in place for the duration of the temporary event (e.g. planting through harvest). All temporary marker signs shall be taken down within 15 days after the temporary marker sign's purpose no longer exists.



## 5.73 SI-04: Single-family Residential Sign Standards

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



The following standards apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Permit Required
Standard Temporary Sign	See Section 5.73(B): Standard Temporary Sign	No

### B. Standard Temporary Signs

Sign Regulation	
Permitted Temporary Sign Types	Yard signs
Maximum Quantity	a. 1 standard temporary sign shall be permitted for lots with frontage on 1 street. b. 2 standard temporary signs shall be permitted for lots with frontage on 2 or more streets if they have a minimum of 300 feet of combined street frontage, or if they have a lake yard. c. However, no 2 standard temporary signs shall be closer than 80 feet to one another.
Maximum Sign Area	9 square feet for single-sided signs, or 9 square feet per side for double-sided signs
Height Above Ground	5 feet maximum
Location	At least 5 feet from any edge of pavement or property line; whichever is greater
Illumination	Standard temporary signs shall not be illuminated
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 5 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists

## 5.74 SI-05: Multiple-family and Manufactured Home Park Residential Sign Standards

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



The following standards apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Permit Required
Entry Feature Sign	See Section 5.74(B): Entry Feature Sign	Yes
Standard Temporary Sign	See Section 5.74(C): Standard Temporary Sign	No
Special Temporary Sign	See Section 5.74(D): Special Temporary Sign	Yes

### B. Entry Feature Sign

Sign Regulation	
Prerequisite	Entry feature signs shall be permitted for a development with at least twenty (20) dwelling units or dwelling sites
Permitted Sign Type	Double-sided ground sign
Maximum Quantity	1 ground sign shall be permitted per development. An additional 1 ground sign shall be permitted if: a. The development has a second vehicular entrance onto a public street; and b. The development has at least 1,000 lineal feet of combined frontage
Maximum Sign Area	25 square feet
Height above Ground	6 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Materials	The entry feature sign shall be wood, stone, metal, masonry, or other similar and durable materials
Landscaping	Landscaping around the entry feature sign is required
Illumination	An entry feature sign may be illuminated by external ground-mounted lighting
Maintenance	The entry feature sign shall be maintained by the property owner, an owners association, or similar legal entity

### C. Standard Temporary Signs

Sign Regulation	Per Development	Per Dwelling Site (MP District)
Permitted Temporary Sign Types	Yard signs	
Maximum Quantity	2 per development	1 per dwelling site in MP district
Maximum Sign Area	9 square feet for single-sided signs, or 9 square feet per side for double-sided signs	
Height Above Ground	5 feet maximum	
Location	At least 5 feet from any edge of pavement or property line; whichever is greater	
Illumination	Standard temporary signs shall not be illuminated	
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 5 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists	

### D. Special Temporary Signs

Sign Regulation	
Permitted Temporary Sign Forms	Yard signs, banners, posters, portable A-frame signs, and the like
Maximum Quantity	1 per development
Maximum Sign Area	32 square feet
Height Above Ground	15 feet maximum
Location	At least 10 feet from any edge of pavement or property line; whichever is greater
Illumination	Special temporary signs shall not be illuminated
Duration	The use of special temporary signs shall not exceed 30 total days in any calendar year

## 5.75 SI-06: Central Business Sign Standards

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

**CB**

The following standards shall apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Single-tenant Building	Multiple-tenant Building	Permit Required
Wall Sign	See Section 5.75(C): Wall Sign	Permitted	Permitted	Yes
Projecting Sign Sign	See Section 5.75(D): Projecting Sign	Permitted	Permitted	Yes
Awning Sign	See Section 5.75(E): Awning Sign	Permitted	Permitted	Yes
Window Sign	See Section 5.75(F): Window Sign	Permitted	Permitted	No
Display Board Sign	See Section 5.75(G): Display Board Sign	Permitted	Permitted	Yes
Standard Temporary Sign	See Section 5.75(H): Standard Temporary Sign	Permitted	Permitted	No
Special Temporary Sign	See Section 5.75(I): Special Temporary Sign	Permitted	Permitted	Yes

### B. Cumulative Cap for All Permanent Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
The maximum number of permanent signs per site shall be:	3	3
The maximum sign area of all permitted permanent signs in combination on a site shall be:	1-1/2 square feet per every lineal foot of front facade or 70 square feet; whichever is less Businesses located along State Road 9: 60 square feet All Other Businesses: 40 square feet	1-1/2 square feet per every lineal foot of front facade or 70 square feet; whichever is less

### C. Wall Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 per facade, not to exceed 2	1 per tenant space
Maximum Sign Area	1 square foot per linear foot of front facade; maximum of 60 square feet; per wall sign	1 square foot per linear foot of front facade; maximum of 40 square feet; per wall sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the wall sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages	
Changeable Copy Ratio	Up to 50% of the sign area of any single wall sign may be changeable copy	Up to 50% of the sign area of any single tenant's wall sign may be changeable copy
Height Above Ground	15 feet maximum	15 feet maximum
Maximum Projection From Building	8 inches	8 inches
Illumination	Wall signs may be illuminated internally or by externally-mounted lights	
Consistency of Signs	Not applicable	All wall signs within the development shall be consistent in type (e.g. reverse channel or box) and be mounted consistently on the facade of the building in order to create a uniform appearance.

### D. Projecting Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	2; minimum of 20 feet apart
Maximum Sign Area	10 square feet	10 square feet per sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	Not applicable	Not applicable
Changeable Copy Ratio	Not applicable	Not applicable
Height Above Ground	8 feet minimum; 12 feet maximum	8 feet minimum; 12 feet maximum
Maximum Projection From Building	36 inches; however, under no circumstances shall a projecting sign project over a driveway or street	
Illumination	Wall signs may be illuminated by externally-mounted lights	

## E. Awning Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2	1 per tenant
Maximum Sign Area	20 square feet total; per awning sign	20 square feet per tenant; per awning sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Height Above Ground	Shall be no more than 12 feet or less than 9 feet above the ground, measured to the bottom edge of the awning structure	Shall be no more than 12 feet or less than 9 feet above the ground, measured to the bottom edge of the awning structure
Maximum Projection From Building	6 feet	6 feet
Illumination	Awning signs may be illuminate with externally-mounted lights, but shall not be illuminated with backlighting	

## F. Window Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1 window sign is permitted on each facade, maximum of 3 per building	1 window sign is permitted on each facade, maximum of 3 per building
Maximum Sign Area	20 square feet in area or 30% of the window's glass area, whichever is less; per window sign	20 square feet in area or 30% of the window's glass area, whichever is less; per window sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Height Above Ground	5 feet maximum	5 feet maximum

## G. Display Board Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	1	1 per tenant
Maximum Sign Area	10 square feet	10 square feet per tenant
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Height Above Ground	8 feet maximum	8 feet maximum
Design	The display board sign shall be framed with wood, metal, or other durable material and be permanently attached to the 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	
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	

## H. Standard Temporary Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Permitted Temporary Sign Forms	Sandwich board, yard sign, or a window panel	Sandwich board, yard sign, or a window panel
Maximum Quantity	2 per lot as long as the 2 signs are at least 80 feet apart from one another	1 per tenant
Maximum Sign Area	9 square feet for single-sided signs, or 9 square feet per side for double-sided signs; per standard temporary sign	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	5 feet maximum, or 8 feet maximum if in a first floor window	
Location	Provide at least 4 feet of clear sidewalk width and at least 1 foot away from the curb face	
Illumination	Standard temporary signs shall not be illuminated	
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 5 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists	

## I. Special Temporary Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Permitted Temporary Sign Forms	Inflatable signs, banners, posters, yard signs, window panels, search lights, and sandwich boards	Inflatable signs, banners, posters, yard signs, window panels, search lights, and sandwich boards
Maximum Quantity	1 per lot	1 per tenant
Maximum Sign Area	40 square feet	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	15 feet maximum	
Location	Provide at least 4 feet of clear sidewalk width and at least 1 foot away from the curb face	
Illumination	Special temporary signs shall not be illuminated	
Duration	The use of special temporary signs shall not exceed 30 total days in any calendar year	

## 5.76 SI-07: Institutional, General Business, and Industrial Sign Standards

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



The following standards apply:

### A. Permitted Sign Types

Sign Types	Specific Regulations	Single-tenant Building	Multiple-tenant Building	Permit Required
Wall Sign	See Section 5.76(C): Wall Sign	Permitted	Permitted	Yes
Ground Sign	See Section 5.76(D): Ground Sign	Permitted	Not Permitted	Yes
Gateway Sign	See Section 5.76(E): Gateway Sign	Not Permitted	Permitted	Yes
Pole Sign	See Section 5.76(F): Pole Sign	Permitted	Not Permitted	Yes
Awning Sign	See Section 5.76(G): Awning Sign	Permitted	Permitted	Yes
Standard Temporary Sign	See Section 5.76(H): Standard Temporary Sign	Permitted	Permitted	No
Special Temporary Sign	See Section 5.76(I): Special Temporary Sign	Permitted	Permitted	Yes

### B. Cumulative Cap for All Permanent Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
The maximum number of permanent signs per site shall be:	3	1 wall sign, ground sign, or awning sign; plus 1 window sign, menu sign, or display board
The maximum sign area of all permitted permanent signs in combination on a site shall be:	2 square feet per every lineal foot of front facade or 80 square feet; whichever is less 60 square feet per business use	2 square feet per lineal foot of front facade; however, no single tenant's signs shall exceed 40 square feet

### C. Wall Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per side of building; not to exceed 3 total	1 per tenant space
Maximum Sign Area	2 square feet per lineal foot of front facade; maximum of 60 square feet	2 square feet per lineal foot of front facade; maximum of 40 square feet
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Changeable Copy	Up to 40% of the sign area of any single sign may be changeable copy	Not permitted
Maximum Projection From Building	12 inches	12 inches
Illumination	Wall signs may be illuminated internally or externally	
Consistency of Signs	not applicable	All wall signs within the development shall be consistent in type (e.g. reverse channel or box) and be mounted consistently on the facade of the building in order to create a uniform appearance

## D. Ground Sign

Sign Regulation	Single-tenant Building
<b>The following standards do not apply to multiple-tenant buildings</b>	
Maximum Quantity	1
Maximum Sign Area	1 square foot per lineal foot of front facade; maximum 40 square feet
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the ground sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 60% of the sign area of any single sign may be changeable copy, but no single sign shall exceed 20 square feet of changeable copy
Height Above Ground	7 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or front property line; whichever is greater; 20 feet from side property line
Landscaping	Landscaping shall be installed around the base of a ground sign as follows: a. Quantity: At least 1 shrub per 2 lineal feet of ground sign base shall be installed b. Location: All required plants shall be located within 5 feet of the ground sign base c. Double-sided Ground Signs: Any double-sided ground sign shall have landscaping on both sides
Illumination	A ground sign may be illuminated internally or by externally-mounted ground lighting

## E. Gateway Sign

Sign Regulation	Multiple-tenant Building
<b>The following standards do not apply to single-tenant buildings</b>	
Prerequisite	Gateway signs shall be permitted for multiple-tenant buildings that have a minimum of four (4) tenants and a minimum of 8,000 square feet of main floor area
Maximum Quantity	1
Maximum Sign Area	1 square foot per lineal foot front facade; maximum of 60 square feet
Cumulative Cap	Counts toward cumulative cap
Maximum Tenant Sign Area	15 square feet
Changeable Copy	If changeable copy is used, it shall be integrated into the gateway sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 40% of the sign area of any gateway sign may be changeable copy, but no single sign shall exceed 50 square feet of changeable copy
Height above Ground	8 feet maximum
Location	At least 5 feet from any proposed right-of-way, edge of pavement, or front property line; whichever is greater; 20 feet from side property line
Landscaping	All landscaping shall be installed around the base of a gateway sign as follows: a. Quantity: At least 1 shrub per 2 lineal feet of gateway sign base shall be installed b. Location: All required plants shall be located within 5 feet of the gateway sign base c. Double-sided Gateway Signs: Any double-sided gateway sign shall have landscaping on both sides
Illumination	A gateway sign may be illuminated internally

## F. Pole Sign

Sign Regulation	Single-tenant Building
Maximum Quantity	1
Maximum Sign Area	30 square feet
Cumulative Cap	Counts toward cumulative cap
Changeable Copy	If changeable copy is used, it shall be integrated into the permanent pole sign and shall only include cyclical or static messages, regardless if the sign is capable of flashing messages
Changeable Copy Ratio	Up to 50% of the sign area of any single sign may be changeable copy
Height Above Ground	Pole signs shall be at least 15 feet above the ground, but no part of the sign shall exceed 25 feet above the ground
Location	Pole signs shall be at least 10 feet from any proposed right-of-way, edge of pavement, or property line; whichever is greater
Illumination	Pole signs may be illuminated internally or by externally-mounted lights

## G. Awning Sign

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Maximum Quantity	2 per building	1 per tenant
Maximum Sign Area	20 square feet total; per awning sign	20 square feet per tenant; per awning sign
Cumulative Cap	Counts toward cumulative cap	Counts toward cumulative cap
Maximum Projection From Building	6 feet	6 feet
Illumination	Awning signs may be illuminated internally or externally	

## H. Standard Temporary Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Permitted Temporary Sign Forms	Sandwich board, yard sign, or a window panel	
Maximum Quantity	2 per lot as long as the 2 signs are at least 80 feet apart from one another	1 per tenant
Maximum Sign Area	12 square feet for single-sided signs, or 12 square feet per side for double-sided signs	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	6 feet maximum, or 8 feet maximum if in a first floor window	
Location	At least 5 feet from any edge of pavement or front property line; whichever is greater; at least 10 feet from side and rear property lines	
Illumination	Standard temporary signs shall not be illuminated	
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 30 days prior to the temporary event. All standard temporary signs shall be taken down within 7 days after the standard temporary sign's purpose no longer exists	

## I. Special Temporary Signs

Sign Regulation	Single-tenant Building	Multiple-tenant Building
Permitted Temporary Sign Forms	Inflatable signs, banners, posters, yard signs, window panels, search lights, and sandwich boards	
Maximum Quantity	1 per lot	1 per development
Maximum Sign Area	40 square feet	
Cumulative Cap	Does not count toward cumulative cap	
Height Above Ground	15 feet maximum	
Location	At least 5 feet from any edge of pavement or front property line; whichever is greater; at least 10 feet from side and rear property lines	
Illumination	Special temporary signs shall not be illuminated	
Duration	The use of special temporary signs shall not exceed 30 total days in any calendar year	



## 5.77 SE-01: Special Exception Standards

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



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.

5.78 SC-01: Structure Standards

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



The following standards apply:

A. Applicability:

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

## 5.79 TC-01: Telecommunication Facility Standards

This Telecommunication Facility Standards (TC) section applies to the following zoning district:

**IS**

The following standards apply:

- A. Permits: A Zoning Compliance 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 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 fifty percent (50%) of 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 fifty percent (50%) of the tower height, including all antennas and attachments.
    - c. Telecommunication towers shall not be located between the 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.
- C. Design:
  1. *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 *Section 5.29: 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 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 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 and/or a registered, professional engineer to determine compliance with the original construction standards.
  - 2. *Investigation*: The Zoning Administrator and their appointed or designated representative 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 will be sent in accordance with *Article 10: Enforcement* 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 Town may remove the tower and bill the property owner for the costs of removal and cleanup of the site.

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

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



The following standards apply.

- A. Cross Reference: See Sections 5.70: *General Sign Standards through Section 5.76: Institutional, General Business, and Industrial Sign Standards* for temporary sign standards.
- B. Permits: A Temporary Zoning Compliance 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 barbecues, fish fries, and car washes shall be permitted and shall be exempt from obtaining a Temporary Zoning Compliance Permit if the duration of the event is less than forty-eight (48) hours over a three (3) day period, followed by at least three (3) days of no events.
  2. *Garage and Yard Sales*: Garage and yard sales shall be permitted and shall be exempt from obtaining a Temporary Zoning Compliance Permit, but must obtain a Garage Sale Permit. Garage sales are limited to three (3) times per calendar year for no more than four (4) consecutive days.
  3. *Roadside Sales*: The roadside sale of goods shall be permitted in the SR District only if the following conditions are met:
    - a. *Duration*: The roadside sale shall not exceed three (3) months per calendar year.
    - b. *Sales Stand*: The sales stand shall be portable or seasonal construction, shall comply with the provisions of Section 5.87: *Vision Clearance Standards*, and shall be removed so as to observe the setback line for accessory structures when not in use.
    - c. *Parking*: The roadside sale shall be arranged so that parking does not block any right-of-way.
  4. *Portable Storage Unit*: A Portable Storage Unit (e.g. PODS) units shall be permitted and shall be exempt from obtaining a Temporary Zoning Compliance Permit, but shall not be located outdoors for more than fourteen (14) consecutive days, three (3) times per calendar year. Portable storage units are also permitted during a construction project, but for no more than one (1) year, unless petitioned for and allowed by the Zoning Administrator to extend its use.
- D. Termination: Temporary uses shall be terminated and structures removed at the end of the permitted event period.

## 5.81 TU-02: Agricultural and Rural Estate Temporary Use and Structure 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*: Eighty percent (80%) of the produce offered for sale shall be grown on the same lot the where the roadside sale is located.
  2. *Duration*: The roadside sale shall not exceed six (6) months per calendar year.
  3. *Sales Stand*: The sales stand shall be portable or seasonal construction, shall comply with the provisions of Section 5.87: *Vision Clearance Standards*, and shall be removed so as to observe the setback line for accessory structures when not in use.
  4. *Parking*: The roadside sale shall be arranged so that parking does not block any right-of-way.

## 5.82 TU-03: Residential Temporary Use and Structure 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 Zoning Compliance 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 *Sections 5.48: General Parking Standards through Section 5.53: Nonresidential Parking Standards* for the applicable district.

## 5.83 TU-04: Nonresidential Temporary Use and Structure Standards

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



The following standards apply:

- A. **Farmer's Market:** Farmer's markets shall be permitted and exempt from obtaining a Temporary Zoning Compliance Permit provided the following standards are met:
1. *Duration:* The farmer's 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 farmer's market shall consist of vendors transporting produce and products to the site of the farmer's 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 farmer's market. The required parking spaces shall be within 600 feet of the farmer's market and may include on street parking spaces and public parking lots.
- B. **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 Zoning Compliance 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 Zoning Compliance 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 must comply with all requirements of applicable State laws.

## 5.84 TR-01: General Trash Receptacle Standards

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



The following standards apply:

- A. **Applicability:** Any outdoor trash receptacle, dumpster, compactor, or similar container placed after the effective date of this Unified Development Ordinance.
  1. **Exemptions:** Dumpsters or similar containers temporarily placed (e.g. for a construction projects) shall be exempt from the standards in this section during the time the project has a building permit, provided they adhere to the following construction project trash receptacle time frame allowance.
    - a. **Time Frame Allowance:** Construction project dumpsters shall be permitted for a maximum of six (6) consecutive months. The Zoning Administrator may grant an appropriate extension of time if a reasonable cause for the extension is presented.
- B. **Design:**
  1. **Screening:**
    - a. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be screened on three sides by a fence that is at least one (1) foot higher than the container it surrounds and shall be constructed with wood, brick, masonry, PVC, or stone.
    - b. Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be screened by a gate on the remaining side.
    - c. The screening of outdoor trash receptacles, dumpsters, compactors, or similar containers shall meet the location and setback requirements in *Sections 5.20: General Fence Standards through Section 5.26: Industrial and High Impact Fence Standards*.
  2. **Surface Materials:** Outdoor trash receptacles, dumpsters, compactors, or similar containers shall be placed on a paved surface, including the approach.
- C. **Setbacks:**
  1. **Side Yard:** Trash receptacles may project into a side yard setback for a primary structure and shall maintain a minimum setback of five (5) feet from the property line.
  2. **Rear Yard:** Trash receptacles may project into a rear yard setback for a primary structure and shall maintain a minimum setback of five (5) feet from the property line.
  3. **Front Yard:** Trash receptacles are not permitted in a front yard.
- D. **Maintenance:** All trash receptacles and screening associated with trash receptacles shall be properly maintained and kept in good condition.

## 5.85 TR-02: Lake Area Trash Receptacle Standards

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



The following standards apply:

- A. Applicability: Any trash receptacle placed after the Unified Development Ordinance effective date.
- B. Permitted: Any trash receptacle  $\leq$  110 gallons. Any trash receptacle greater than 110 gallons shall not be permitted with the following exception.
  - 1. *Exemptions*: Dumpsters or similar containers temporarily placed (e.g. construction projects) shall be exempt from the standards in this section.
- C. Design:
  - 1. *Screening*:
    - a. Outdoor trash receptacles  $\leq$  110 gallons shall not be required to be screened.
    - b. Exempt trash receptacles shall not be required to be screened.
- D. Setbacks:
  - 1. *Street Yard*: Trash receptacles are permitted to be located in a street yard, but shall be at least three (3) feet from the edge of pavement and out of the public right-of-way.
  - 2. *Side Yard*: Trash receptacles are permitted to be located in a side yard.
  - 3. *Lake Yard*: Trash receptacles are not permitted in a lake yard.
- E. Maintenance: All trash receptacles and screening associated with trash receptacles shall be properly maintained and kept in good condition.



## 5.86 UT-01: Utility Standards

This Utility Standards (UT) section applies to the following zoning districts:



The following standards apply:

- A. Applicability: Any property on which an improvement is being made that meets any of the following descriptions shall be required to meet the Utility Standards in this section:
  1. *Relocated Utility Service*: An on-site improvement (e.g. a room addition) requires a Zoning Compliance Permit and results in:
    - a. Relocating the point at which the utility enters the structure (e.g. the meter base is moved), and/or
    - b. Relocating the point at which the service originates (e.g. the utility connection comes from a different telephone pole);
  2. *Upgraded Utility Service*: An on-site improvement (e.g. a room addition) requires a Zoning Compliance Permit and results in upgrading the utility service (e.g. upgrading from 100 amp service to a 200 amp service) even if the points of connection do not change;
  3. *New Construction*: The on-site improvement is a new primary structure; or
  4. *New Addition*: The on-site improvement is an addition to an existing primary structure adding at least twenty-five percent (25%) more square feet of enclosed space (e.g. adding a second floor to a one-story home or adding an attached two (2) car garage to a existing 1,000 square foot cottage).
- B. Electrical Service: All electrical service to new construction, shall be provided to the primary structure utilizing underground lines.
- C. Telephone Service: All telephone service may be provided to the primary structure utilizing underground lines or wireless technology. The use of underground lines or wireless technology is preferred.
- D. Cable Television: All cable services may be provided to the primary structure utilizing underground lines or wireless technology. The use of underground lines or wireless technology is preferred.

## 5.87 VC-01: Vision Clearance Standards

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

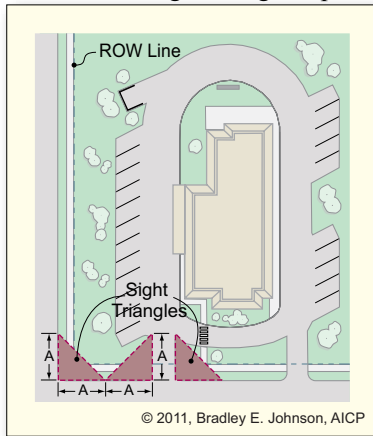


The following standards apply:

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.

1. *Horizontal Area:*

- Arterial/Highway Streets:** The vision clearance triangle leg lengths shall be forty (40) 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.
- 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.
- Driveways:** The vision clearance triangle leg lengths shall be five (5) feet as measured along the edge of pavement for driveways. However, the vision clearance triangle leg lengths shall be three (3) feet as measured along the edge of pavement for driveways in the Lake Residential (LR) District.



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

**Article**

**06**

## Subdivision Types

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*Town of Rome City  
Unified Development  
Ordinance*

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# Simple Subdivision (SS)

## 6.01 Simple Subdivision Intent

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

**Land Use**

- As per base zoning district

**Applicability**

- Lot splits creating up to 3 lots (i.e. going from 1 parent tract to 2 or to 3 total lots)

**Subdivision Process:**

- Simple Subdivisions primarily utilize the Minor Subdivision of Land process (See *Section 9:07: Subdivision of Land; Minor*). However, more complex subdivisions or parent tracts that have previously been split using the minor subdivision process may be required to use the Major Subdivision of Land process.

**Pedestrian Network**

- Public sidewalks along perimeter streets when sidewalks exist on neighboring or nearby lots

**Vehicular Network**

- Assure separation of driveways

**Site Feature Preservation**

- Strive to save existing quality environmental features

## 6.02 Simple Subdivision Prerequisites

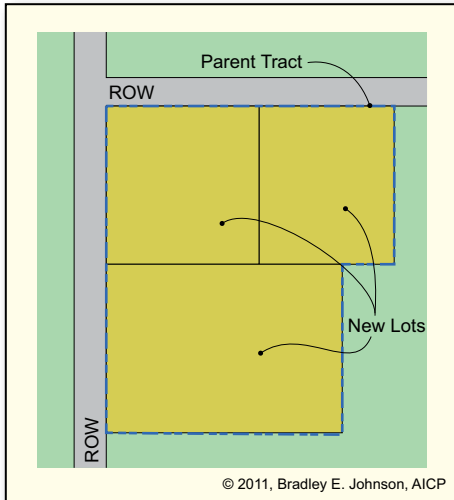
**Base Zoning**

- CO, PR, AG, RR, SR, LR, MR, IS, CB, GB, EI, and HI

**Minimum Parent Tract**

- no minimum

## 6.03 Simple Subdivision Standards

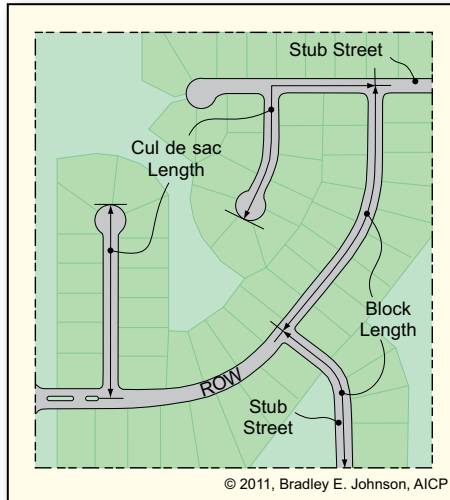


### Required Open Space

- 0%

### Minimum Perimeter Landscaping

- not applicable



### Minimum Block Length

- not applicable

### Maximum Block Length

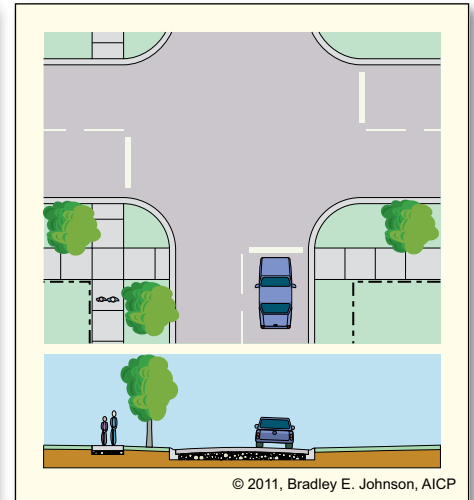
- not applicable

### Minimum Cul-de-sac Length

- not applicable

### Maximum Cul-de-sac Length

- not applicable



### Minimum ROW on Internal Streets

- not applicable

### Design Speed

- not applicable

### Minimum Street Width

- not applicable

### Curb

- not applicable

### On-street Parking

- not applicable

### Sidewalk Requirements

- As per Section 7.16: Pedestrian Network Standards

### Minimum Sidewalk Width

- 5 feet when adjacent to a local street
- 5 feet when adjacent to a collector street
- 6 feet when adjacent to an arterial street

## Additional Design Standards that Apply

<b>Dedication of Public Improvement</b>	
• DD-01 .....	7-3
<b>Development Name</b>	
• DN-01 .....	7-4
<b>Easement</b>	
• EA-01 .....	7-5
<b>Erosion Control</b>	
• EC-01 .....	7-8
<b>Flood Hazard</b>	
• FH-01 .....	7-9
<b>Lot Establishment</b>	
• LE-01 .....	7-10
• LE-02 .....	7-10

<b>Monument Marker</b>	
• MM-01 .....	7-11
<b>Pedestrian Network</b>	
• PN-01 .....	7-15
<b>Perimeter Landscaping</b>	
• PL-01 .....	7-16
<b>Prerequisite</b>	
• PQ-01 .....	7-17
<b>Storm Water</b>	
• SM-01 .....	7-18

# Standard Subdivision (ST)

## 6.04 Standard Subdivision Intent

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

**Land Use**

- 100% residential

**Applicability**

- Residential subdivisions of all sizes that may or may not require new streets

**Subdivision Process:**

- Standard Subdivisions primarily utilize the Major Subdivision of Land process (See *Section 9:08: Subdivision of Land; Major*). However, simpler subdivisions may qualify for the Minor Subdivision of Land process.

**Pedestrian Network**

- Safe and efficient pedestrian circulation within the subdivision
- Safe and efficient pedestrian accessibility to perimeter streets

**Vehicular Network**

- Connectivity to adjacent development, adjacent undeveloped lots, and the existing street network
- Large radius corners and curves

**Site Feature Preservation**

- Strive to save existing quality environmental features

## 6.05 Standard Subdivision Prerequisites

**Base Zoning**

- AG, RR, SR, LR, and MR

**Minimum Parent Tract**

- not applicable

## 6.06 Standard Subdivision Standards

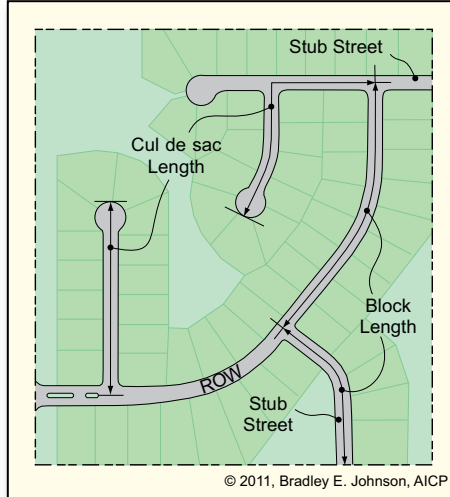


### Required Open Space

- 10%

### Minimum Perimeter Landscaping

- 15 feet along perimeter streets and shall be established as common area or landscape easement



### Minimum Block Length

- 400 feet

### Maximum Block Length

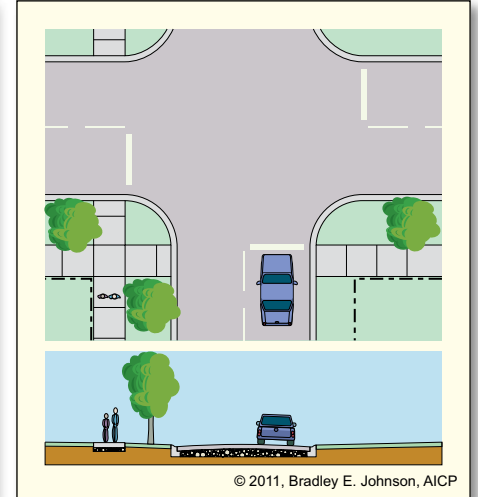
- 1,320 feet

### Minimum Cul-de-sac Length

- 140 feet

### Maximum Cul-de-sac Length

- 500 feet



### Minimum ROW on Internal Streets

- 50 feet

### Design Speed

- 20 to 30 mph

### Minimum Street Width

- 24 feet; plus 7 feet per parking lane

### Curb

- rolled or vertical curb required; not required in subdivisions with 1 acre or larger lots

### On-street Parking

- not required

### Minimum Tree Plot Width

- 5 feet along interior local streets

### Sidewalk Requirements

- As per Section 7.16: Pedestrian Network Standards

### Minimum Sidewalk Width

- 5 feet when adjacent to a local street
- 5 feet when adjacent to a collector street
- 6 feet when adjacent to an arterial street

### Additional Design Standards that Apply

<b>Dedication of Public Improvement</b>	<b>Monument Marker</b>	<b>Street and Access</b>
• DD-01 ..... 7-3	• MM-01 ..... 7-11	• SA-01 ..... 7-20
	• MM-02 ..... 7-11	• SA-02 ..... 7-22
<b>Development Name</b>	<b>Open Space</b>	<b>Street Sign</b>
• DN-01 ..... 7-4	• OP-01 ..... 7-12	• SG-01 ..... 7-23
<b>Easement</b>	<b>Owners' Association</b>	<b>Street Lighting</b>
• EA-01 ..... 7-5	• OA-01 ..... 7-13	• SL-01 ..... 7-24
<b>Entryway Feature</b>	<b>Pedestrian Network</b>	<b>Surety</b>
• EF-01 ..... 7-7	• PN-01 ..... 7-15	• SY-01 ..... 7-25
<b>Erosion Control</b>	<b>Perimeter Landscaping</b>	<b>Utility</b>
• EC-01 ..... 7-8	• PL-01 ..... 7-16	• UE-01 ..... 7-27
<b>Flood Hazard</b>	<b>Prerequisite</b>	
• FH-01 ..... 7-9	• PQ-01 ..... 7-17	
<b>Lot Establishment</b>	<b>Storm Water</b>	
• LE-01 ..... 7-10	• SM-01 ..... 7-18	
• LE-02 ..... 7-10		

# Non-residential Subdivision (NS)

## 6.07 Non-residential Subdivision Intent

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

**Land Use**

- 100% nonresidential
- Primarily commercial or industrial uses

**Applicability**

- Commercial or industrial subdivisions containing any number of lots with or without new streets

**Subdivision Process:**

- Standard Subdivisions primarily utilize the Major Subdivision of Land process (See *Section 9:08: Subdivision of Land; Major*). However, simpler subdivisions may qualify for the Minor Subdivision of Land process.

**Pedestrian Network**

- Safe movement to primary structures from public streets
- Safe movement between primary structures
- Sidewalks along collector and arterial streets

**Vehicular Network**

- Connectivity to adjacent lots
- Adequate accessibility for deliveries
- Minimal driveway cuts

**Site Feature Preservation**

- Strive to save quality existing environmental features

## 6.08 Non-residential Subdivision Prerequisites

**Base Zoning**

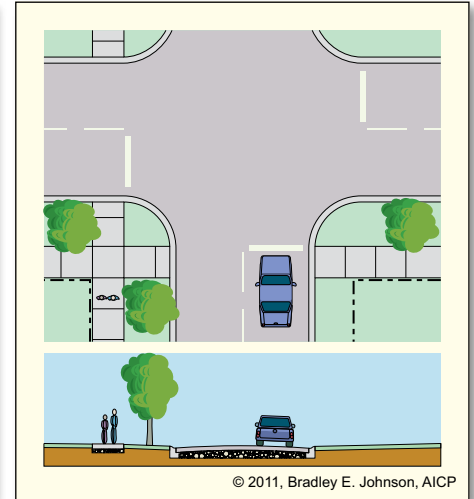
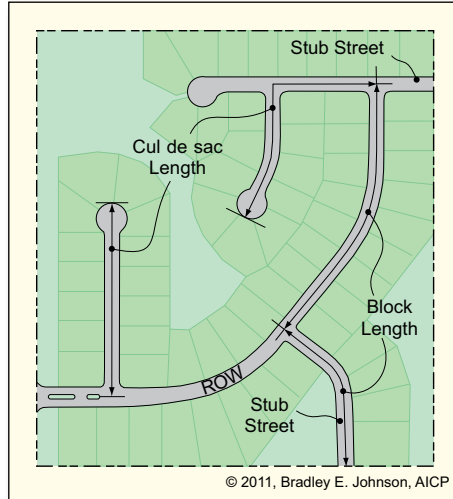
- CB, GB, and EI

**Minimum Parent Tract**

- 2 acres (87,120 square feet)



## 6.09 Non-residential Subdivision Standards



### Required Open Space

- 0%

### Minimum Perimeter Landscaping

- 10 feet along perimeter streets and shall be established as common area or landscape easement
- 0 feet if abutting a GB, EI, or HI District
- 20 feet along all other property lines and shall be established as common area or landscape easement

### Minimum Block Length

- 400 feet

### Maximum Block Length

- 1,760 feet

### Minimum Cul-de-sac Length

- 140 feet

### Maximum Cul-de-sac Length

- 1000 feet

### Minimum ROW on Internal Streets

- 56 feet

### Design Speed

- 20 to 35 mph

### Minimum Street Width

- 24 feet

### On-street Parking

- not permitted

### Minimum Tree Plot Width

- 5 feet along interior local streets

### Sidewalk Requirements

- As per Section 7.16: Pedestrian Network Standards

### Minimum Sidewalk Width

- 5 feet when adjacent to a local street
- 5 feet when adjacent to a collector street
- 6 feet when adjacent to an arterial street

### Additional Design Standards that Apply

<b>Dedication of Public Improvement</b>	<b>Monument Marker</b>	<b>Street and Access</b>
• DD-01 ..... 7-3	• MM-01 ..... 7-11	• SA-01 ..... 7-20
	• MM-02 ..... 7-11	• SA-02 ..... 7-22
<b>Development Name</b>	<b>Owners' Association</b>	<b>Street Sign</b>
• DN-01 ..... 7-4	• OA-01 ..... 7-13	• SG-01 ..... 7-23
<b>Easement</b>	<b>Pedestrian Network</b>	<b>Street Lighting</b>
• EA-01 ..... 7-5	• PN-01 ..... 7-15	• SL-02 ..... 7-24
<b>Entryway Feature</b>	<b>Perimeter Landscaping</b>	<b>Surety</b>
• EF-01 ..... 7-7	• PL-01 ..... 7-16	• SY-01 ..... 7-25
<b>Erosion Control</b>	<b>Prerequisite</b>	<b>Utility</b>
• EC-01 ..... 7-8	• PQ-01 ..... 7-17	• UE-01 ..... 7-27
<b>Flood Hazard</b>	<b>Storm Water</b>	
• FH-01 ..... 7-9	• SM-01 ..... 7-18	
<b>Lot Establishment</b>		
• LE-01 ..... 7-10		
• LE-02 ..... 7-10		



**Article**

**07**

## Design Standards

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Town of Rome City  
Unified Development  
Ordinance

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## 7.01 Using This Section




The following pages contain the design standards for site and infrastructure improvements associated with subdivisions. Each section represents the regulations for a specific category. There are two (2) ways to determine which design standards apply to a specific type of petition. They are:

- 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 subdivision type 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 represent a subdivision type. These icons note that the design standards written in that section applies to that subdivision type.

## 7.02 Purpose of Design Standards

- A. **Intent:** It is the purpose of *Article 07: Design Standards* to establish and define the minimum design standards required for each subdivision type.

## 7.03 Icon Key

-  - Simple Subdivision
-  - Standard Subdivision
-  - Non-residential Subdivision

Section Name	Page Number	Section Name	Page Number
Dedication of Public Improvement Standards (DD)	7-3	Pedestrian Network Standards (PN)	7-15
Development Name Standards (DN)	7-4	Perimeter Landscaping Standards (PL)	7-16
Easement Standards (EA)	7-5	Prerequisite Standards (PQ)	7-17
Entryway Feature Standards (EF)	7-7	Storm Water Standards (SM)	7-18
Erosion Control Standards (EC)	7-8	Street and Access Standards (SA)	7-20
Flood Hazard Standards (FH)	7-9	Street Sign Standards (SG)	7-23
Lot Establishment Standards (LE)	7-10	Street Lighting Standards (SL)	7-24
Monument and Marker Standards (MM)	7-11	Surety Standards (SY)	7-25
Open Space Standards (OP)	7-12	Utility Establishment Standards (UE)	7-27
Owners' Association Standards (OA)	7-13		

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

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



- A. Project Applicability: All rights-of-way on an approved secondary plat (subdivisions) shall be considered dedicated upon approval by the Plan Commission.
  - 1. *Streets and Sidewalks*: The intent of the Town is to take ownership of streets and public sidewalks located within the rights-of-way that have been constructed to meet or exceed the *Town of Rome City Construction Standards*. The Town, however, may choose not to take ownership of specialty access improvements, including but not limited to alleys, access roads, driving aisles, unusual on-street parking, cul-de-sacs, or eyebrows.
  - 2. *Other Facilities*: Other infrastructure or facilities may, at the election of the Town Council, be dedicated to the Town. These facilities may include parks, open space, retention ponds, drainage facilities, utilities, street lighting, or other facilities in which the Town may have interest. If dedicated and accepted, the operation and maintenance cost shall be transferred to the Town.
- B. Maintenance Surety: A maintenance surety may be required by the Town at the time of dedication. See *Section 7.25: Surety Standards*.

## 7.05 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 Noble County. The applicant shall contact the County Assessor with the proposed root name and provide the Town of Rome City Zoning Administrator with a statement of approval.
  - 2. *Suffix Name*: Deviations in suffix names (e.g. Place, Woods, or Glen) shall not constitute a unique name (e.g. if Preston Place exists, the name Preston Woods shall not be permitted). However, the Plan Commission may authorize names that vary by suffix in large developments with subdistricts.
- 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 name the development prior to final approval.

## 7.06 EA-01: Easement Standards

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



### A. Cross Reference:

1. *Private Street Easements:* For details concerning private street easements, see *Section 7.21: Private Street and Access Standards.*
2. *Utility Easements:* For details concerning utility easements, see *Section 7.26: Utility Establishment Standards..*
3. *Drainage Easements:* For details concerning drainage easements, see *Section 7.19: Storm Water Standards.*

### B. Cross-access Easements:

1. *Instrument Specifications:* When required by this Unified Development Ordinance or when desired by the applicant, 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 shall grant the general public the right to utilize the easement for purpose of accessing adjoining parking lots.
  - c. The cross access easement shall prohibit any person from parking vehicles within the easement.
  - d. The cross access easement shall prohibit any person, including the property owner, from placing any obstruction within the easement.
  - e. The cross access easement 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 shall be enforceable by the owners of each associated property, the Town, and any other specially affected persons identified in the cross-access easement.
  - g. The cross access easement shall provide for modification or termination in a manner specified in this Unified Development Ordinance.
  - h. The cross access easement shall be cross referenced to the most recently recorded deeds and/or plats of the associated properties.
  - i. The cross access easement shall include a metes and bounds description and a graphic exhibit of the easement.
2. *Cross-access Easement Certificate:*
  - a. When a secondary plat 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 Town may enforce the provisions of the easement. [ ] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in this 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 shall be clearly separate from the Declaration of Covenants.

## C. General Easements:

1. *Instrument Specifications:* When an easement is required by this 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 (e.g. the general public, Town, 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 Town.
  - f. Provide for modification in the manner stipulated in this 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 and a graphic exhibit 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 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 twenty (20) or more lots off of internal streets shall be required to establish an entryway feature. Residential developments with five (5) to nineteen (19) lots off of internal streets may establish an entryway feature. Residential developments with four (4) or less lots off of internal streets shall not be permitted to have an entryway feature. Under no circumstances shall a residential development have an entryway feature if lots do not gain access from internal streets.
2. *Non-residential*: Non-residential developments with five (5) or more lots off of internal streets shall be required to establish an entryway feature. Non-residential developments that have four (4) or less lots off of internal streets may establish an entryway feature. Under no circumstances shall a non-residential development have an entryway feature if lots do not gain access from internal streets.

### B. Location: Entryway features shall be located near a vehicular entrance into the 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. Applicable residential developments with fifty (50) or less lots shall be permitted one (1) entryway feature. The text portion of the entryway feature shall not exceed twenty (20) square feet in area.
- b. Applicable residential developments with fifty one (51) or more lots shall be permitted one (1) entryway feature for the primary entrance, and one (1) entryway feature for one (1) secondary entrance. The text portion of the primary entrance's entryway feature shall not exceed thirty (30) square feet; the identification portion of the secondary entrance's entryway feature shall not exceed fifteen (15) square feet.

#### 2. *Non-residential*: Applicable non-residential developments shall be permitted one (1) entryway feature. The identification portion of the entryway feature shall not exceed twenty (20) square feet in area.

### D. Landscaping: Landscaping material shall be used to enhance the entryway feature.

## 7.08 EC-01: Erosion Control Standards

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



### A. Permits:

1. *Site Improvement Permit*: No changes shall be made in the contour of the land, nor shall grading, or excavating begin until an Erosion and Sedimentation Control Plan has been reviewed and a Site Improvement Permit has been issued by the Zoning Administrator.
2. *Rule 5 Permit*: Any development over one (1) acre of land shall be required to submit an Erosion and Sediment Control Plan to the Town, obtain a Rule 5 Permit from the Indiana Department of Environmental Management, and be reviewed by the Indiana Department of Environmental Management. A copy of the submittal for approval shall be held in the office of the Zoning Administrator.

### B. Off-site Sedimentation: Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the applicant to remove sedimentation from all adjoining surfaces, adjoining right-of-way (e.g. streets), drainage systems, and watercourses, and to repair any damage and clean roadways upon completion. This work shall be done at the applicant's expense.

### C. Fill Material: All structural fill material shall be compacted to meet the specifications of the *Town of Rome City Construction Standards*.

1. *Off-site Fill Material*: Off-site fill material shall be free of environmentally hazardous materials. The applicant shall ensure that fill material hauled from an off-site location is free of environmental contaminants. The source of fill material shall be identified prior to application for a Site Improvement Permit. The Zoning Administrator may request the applicant have testing performed on representative samples of the fill material to determine if environmentally hazardous materials are present.
2. *Organic Material*: Detrimental amounts of organic material shall not be permitted in structural fill material.
3. *Irreducible Material*: No rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in structural fill unless included and approved as part of the Site Improvement Permit.

### D. Health, Safety and Welfare: If the Zoning Administrator determines that any existing excavation work, slope created, or fill to be dangerous or hazardous, the property owner or the owner's agent shall be notified in writing and shall, within thirty (30) days, repair or eliminate the hazard.

### E. Sedimentation into Bodies of Water: Any work being done around drainage systems, watercourses, and lakes shall take appropriate measures to prevent sedimentation from entering those bodies of water. A plan shall be submitted to the Zoning Administrator prior to construction or excavation.

## 7.09 FH-01: Flood Hazard Standards

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



A. Cross Reference: See the *Town of Rome City Flood Hazard Area Ordinance*.

## 7.10 LE-01: Lot Establishment Standards for Subdivisions Without Internal Streets

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



- A. Applicability: Subdivisions without internal streets shall meet the following standards.
- B. General:
  - 1. *Shape*: The shape, location, and orientation of lots within a development shall be appropriate for the structures and uses proposed, and permitted in the applicable zoning district.
  - 2. *Consistent with Subdivision Intent*: Lots shall be consistent with the intent of the subdivision as indicated in *Article 06: Subdivision Types*.
  - 3. *Minimum Lot Area*: Lot sizes shall meet the minimum lot area standard as required by the applicable zoning district in *Article 02: Zoning Districts*.
  - 4. *Minimum Lot Width*: Lot widths shall meet the minimum lot width standard as required by the applicable zoning district in *Article 02: Zoning Districts*.
  - 5. *Minimum Driveway Separation*: Lots shall be established in a manner that allows conformance to the minimum driveway standards and driveway separation from intersections.
- C. Lot Design: Lots shall meet the following conditions.
  - 1. *Lot Lines*: Lots shall have lot lines that are within ten degrees (10°) of a right angle to any adjacent street.
  - 2. *Corner Lots*: Corner lots smaller than 20,000 square feet shall be at least twenty percent (20%) larger than the minimum lot area required for the applicable zoning district.
  - 3. *Through Lots*: Through lots with access to two (2) streets are not permitted.

## 7.11 LE-02: Lot Establishment Standards for Subdivisions With Internal Streets

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



- A. Applicability: Subdivisions with internal streets shall meet the following standards.
- B. General:
  - 1. *Shape*: The shape, location, and orientation of lots within a development shall be appropriate for the structures and uses proposed, and permitted in the applicable zoning district.
  - 2. *Consistent with Subdivision Intent*: Lots shall be consistent with the intent of the subdivision as indicated in *Article 06: Subdivision Types*.
  - 3. *Minimum Lot Area*: Lot sizes shall meet the minimum lot area standard as required by the applicable zoning district in *Article 02: Zoning Districts*.
  - 4. *Minimum Lot Width*: Lot widths shall meet the minimum lot width standard as required by the applicable zoning district in *Article 02: Zoning Districts*.
  - 5. *Minimum Driveway Separation*: Lots shall be established in a manner that allows conformance to the minimum driveway standards and driveway separation from intersections.
- C. Lot Design: Lots shall meet the following conditions.
  - 1. *Interior Street Frontage*:
    - a. *Residential Lots*: At least ninety percent (90%) of the lots shall be laid out to front interior streets, which may include frontage streets.
    - b. *Non-residential Lots*: At least sixty percent (60%) of the lots shall be laid out to front interior streets, which may include frontage streets.
  - 2. *Lot Lines*: Lots shall have lot lines that are within ten degrees (10°) of a right angle to the street the lot fronts.
  - 3. *Corner Lots*: Corner lots smaller than 20,000 square feet shall be at least twenty percent (20%) larger than the minimum lot area required for the applicable zoning district. This shall include lots at the corner of a development entrance and a perimeter street.
  - 4. *Through Lots*: Through lots are discouraged, and shall only be permitted if the lot does not establish access to both frontages.
  - 5. *Lot Number Signs*: Upon Secondary Plat approval, the applicant shall install lot number signs, clearly visible from the road, on each lot.

# Monument and Marker Standards (MM)

## 7.12 MM-01: General Monument and Marker Standards

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



- A. Applicability: Any new subdivision of land, combining of lots, or alteration to lot boundaries shall meet the following standards.
- B. Corner Pins: All new lots shall have its corners identified by metal corner stakes driven into the ground or otherwise permanently anchored to the ground. Said corner stakes shall be placed or confirmed to be in place by a licensed surveyor after final grading and site improvements are completed.

## 7.13 MM-02: Monument and Marker Standards for Subdivisions With Internal Streets

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



- A. Applicability: Any new subdivision with internal streets shall meet the following standards.
- B. Installation of Monuments and Markers: All monument and marker improvements shall be installed per *865 IAC 1-12-18* and the *Town of Rome City's Construction Standards*.
- C. Centerline Monuments: Monuments conforming to *865 IAC 1-12* shall be set on street center lines at the beginning and end of curves and at the intersection of center lines.
- D. Reporting: Upon completion of the development, as-built drawings shall be submitted showing where monuments and markers were placed. This shall be accompanied by an affidavit by the surveyor 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. Two (2) hard copies and one (1) electronic copy in .pdf (portable document format) of the as-built drawings shall be submitted to the Town of Rome City Zoning Administrator within ninety (90) days after completion of the development.

## 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*.
- B. Ownership: Open space areas shall retain private ownership whether that be a single land owner or an owners' association.
- C. Minimum Open Space: The minimum recreation area requirements from Section 7.14(D) shall be fully met and shall count 100% toward minimum open space requirements. The balance of area required for minimum open space shall be met by the following:
  1. *Conservation Areas*: Any required or committed preservation or 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 normal pool elevation 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 dry detention facility shall not exceed five (5) feet from top of bank.
    - c. Slopes within the detention facility shall not exceed a 4:1 ratio.
  4. *Required Perimeter Landscaping*: Fifty percent (50%) of the perimeter landscaping areas required in *Section 7.17: Perimeter Landscaping Standards*.
- D. Recreation Requirements: The minimum active and/or passive recreation area required shall be as indicated on the table below:

**Recreation Requirements**

Residential Development; Average Size of Lot	Percentage of Total Land in Subdivision to be Reserved for Recreation Purposes
50,001 square feet or greater	1.5%
40,001 to 50,000 square feet	2.5%
35,001 to 40,000 square feet	3%
25,001 to 35,000 square feet	3.5%
15,001 to 25,000 square feet	5%
15,000 square feet or less	8%

## 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 parking, amenity centers, private utilities, retention pond, or other common property or facilities 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 prior to selling the first lot.
  - 5. *Commitments or Conditions of Approval*: Any covenant language that resulted as a commitment or condition of approval shall be included in the declaration of 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, including 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 owners' 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, 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 Town shall not now or in the future, be obligated to accept the lights as public property. The Town 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 Town 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 Town 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 Town may make the improvements and assess each property for the project cost plus administration costs.

3. *Private Streets*: When private streets are installed, the Town shall not, now or in the future, be obligated to accept private streets as public property. The Town 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 Town may make the improvements and assess each property for the project cost plus administration costs.
  4. *Sidewalks*: When public sidewalks are installed outside of a right-of-way, the Town shall not, now or in the future, be obligated to accept the sidewalks as public property. The Town 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 public sidewalks, the Town may make the improvements and assess each property for the project cost plus administration costs.
  5. *Landscaping*: When landscaping 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. *Entryway Feature*: When an entryway feature is installed or constructed in a common area or easements, the owners' association shall be responsible for maintaining the entryway feature and any plant material and structures in good condition.
  7. *Right-of-way*: Once rights-of-way are platted, the Town obtains ownership of the area within the right-of-way and retains the right to reasonably remove any tree or shrub impeding necessary work to be performed by the Town and/or all public utilities, or other properly authorized users, regardless if the owners' association is assigned financial, maintenance, or replacement responsibility. However, Town 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 this Unified Development Ordinances and subject to *Article 10: Enforcement*.



## 7.16 PN-01: Pedestrian Network Standards

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



- A. Cross Reference: Public sidewalks improvements shall be constructed to meet or exceed the *Town of Rome City Construction Standards*.
- B. General Sidewalk Standards: Developments shall integrate a pedestrian network for safe pedestrian transportation and recreation.
  - 1. *Location*: To the extent possible, public sidewalks shall be located one (1) foot inside the right-of-way. If utility poles, trees, or other features complicate installation, then the public sidewalk may extend onto common areas or private property if a pedestrian easement is created and executed.
  - 2. *Tree Plot*: Public sidewalks shall be spaced away from the curb, or edge of pavement, to create a tree plot and to provide pedestrian separation from vehicles. The minimum tree plot width shall be as indicated on the two-page layout for each subdivision type in *Article 06: Subdivision Types*.
  - 3. *Width*: The minimum public sidewalk width shall be as indicated on the two-page layout for each subdivision type in *Article 06: Subdivision Types*.
- C. Subdivisions Without Internal Streets: Subdivisions without internal streets shall be required to install a sidewalk along the full width of street frontage (i.e. along the perimeter street), within the right-of-way. If adequate right-of-way does not exist to meet *Section 7.16(B): General Sidewalk Standards*, the developer or owner shall either dedicate enough right-of-way to accommodate the sidewalk or install the sidewalk fully or partially on their property.
- D. Subdivisions With Internal Streets: Subdivisions with internal streets shall be required to install a sidewalk along the full width of its frontage with a perimeter street and along both sides of all internal streets being created. All sidewalks shall be installed within the right-of-way. If adequate right-of-way does not exist along the perimeter street to meet *Section 7.16(B): General Sidewalk Standards*, the developer or owner shall either dedicate enough right-of-way to accommodate the sidewalk or install the sidewalk fully or partially on their property.
- E. Zoning Administrator Discretion: The zoning administrator may waive the requirement for sidewalks along perimeter streets when such a facility would not now or in the future serve the public need due to its location being remote or otherwise unnecessary.

## 7.17 PL-01: Perimeter Landscaping Standards

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



- A. Cross Reference: Perimeter landscaping may contribute to open space requirements; see *Section 7.14: Open Space Standards*.
- B. General: 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*.
- C. Ownership: Perimeter landscaping areas shall retain private ownership whether that be a single land owner or an owners' association.
- D. Landscaping Design:
  - 1. Size: Perimeter landscape areas shall extend the entire length of the street frontage.
  - 2. Plantings: A minimum of five (5) trees and five (5) shrubs shall be planted per 100 linear feet of frontage with a perimeter street. Plantings should be a maximum of fifty percent (50%) evergreen, and grouping of the plantings is encouraged to imitate natural vegetation.
  - 3. Fencing or Mounding: Fencing, walls, and/or mounding may be integrated with the required plantings if the following conditions are met:
    - a. Perimeter fences and walls shall be high quality; constructed of masonry, stone, wood, or metal; and be at least twenty-four (24) inches in height, but not over sixty (60) inches in height.
    - b. Mounds may be combined with plantings and fencing. If used, mounds shall be a maximum of eight (8) feet in height with a side slope not to exceed a ratio of three horizontal units to one vertical units (3:1 ratio). Mounds shall have natural undulation. Continuous mounds shall not be permitted (i.e. levee-like mounds).

## 7.18 PQ-01: Prerequisite Standards

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



- A. General: Any prerequisite listed for a particular type of subdivision in *Article 06: Subdivision Types* shall be applicable to any application for development.
  - 1. *Base Zoning*: The prerequisite zoning district of the parent tract shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*. To qualify for a subdivision type, the applicable zoning district of the parent tract shall be consistent with one (1) of the zoning districts listed as a "base zoning" district. If a parent tract is in multiple zoning districts, each of the parent tract's zoning districts must be listed.
  - 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*.

## 7.19 SM-01 Storm Water Standards

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



- A. Applicability: Subdivisions shall provide for the collection and management of all storm and surface water drainage.
- B. Cross Reference:
  - 1. *County Jurisdiction*: Developments outside of the Town's corporate limits and developments accessing a county legal drain shall meet or exceed the standards of Noble County per the Noble County Surveyor's Office.
  - 2. *Town Jurisdiction*: Drainage facilities not applicable to County Jurisdiction requirements shall be constructed to meet or exceed the *Town of Rome City Construction Standards*.
- C. Existing Drainage Facilities:
  - 1. *Protection*: If any stream or surface drainage course is located in the area to be developed, an easement shall be established along the stream or surface drainage course that extends twenty (20) feet per side or as required by the Town of Rome City Engineer or the Noble County Surveyor. The applicant may propose re-routing the surface drainage course, but shall obtain approval from the Noble County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entities have jurisdiction.
  - 2. *Obstruction or Alterations*: The applicant shall not block, impede, or alter the flow of storm water in any ditch, swale, stream, tile, floodplain, floodway, or watercourse by constructing any structure, depositing any material or object, or by any other act without first obtaining approval from the Noble County Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Army Corps of Engineers, whichever entity has jurisdiction.
  - 3. *Restoration*: The applicant shall restore any ditch, swale, stream, tile, floodplain, floodway, or watercourse that is disturbed during development and return these areas/facilities to their original, equal, or better condition.
- D. Drainage Facility Requirements: A drainage system shall be provided to allow storm water from the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. Furthermore, a drainage system shall:
  - 1. *Storm Water Facilities*: Include the use of retention or detention facilities, underground mains, curbs on streets, inlets, underdrains, drainage swales (when soils permit), rain gardens, and other facilities considered good engineering and environmental practice.
  - 2. *Design and Construction*: Be designed and constructed in accordance with the *Town of Rome City Construction Standards* and with other provisions of the Unified Development Ordinance.
  - 3. *Performance*: Be durable, easily maintained, retard sedimentation, and retard erosion. It shall not endanger the public health and safety, or cause significant damage to property.
  - 4. *Capacity*: Be sufficient to accept and manage pre-development storm water (including from all upstream areas) plus post-development storm water after a 100-year storm event.
  - 5. *Additional Capacity*: Consider water runoff from future developments in undeveloped areas upstream which cannot reasonably be accommodated in the upstream area. The types of consideration should include, but need not be limited to, retention or detention systems, over-sizing with fifteen-year law cost recovery (if not a regulated drain), and granting of adequate easements for future construction. The type of future development shall be in accordance with the uses indicated in the *Town of Rome City Comprehensive Plan* or the use allowed by current zoning, whichever reflects the most intense use.
  - 6. *Peak Discharge Limit*: Be designed such that there will be no increase in the peak discharge runoff rate as a result of the proposed development unless the existing or improved downstream drainage facilities are adequate to accept:
    - a. The water runoff from the site after development;
    - b. The present water runoff from developed and undeveloped areas upstream; and
    - c. The present water runoff of downstream areas contributory to the downstream drainage facility beyond the limits of the site.
  - 7. *Low Point of Entry*: Be designed such that the low points of entry for all buildings is two (2) feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.

8. *Receiving Drain Restrictions:* If the receiving drain cannot handle a two-year pre-developed storm, the post-development discharge shall be limited to a pro rata share of the existing drain capacity. As an alternative, the developer may improve the downstream drain to an adequate outlet.
9. *Inspection:* Be inspected during construction by a registered professional engineer or a land surveyor, in the state, at the expense of the developer and certified as-builts shall be required in accordance with the Unified Development Ordinance.

## 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 or improved streets consistent with the *Town of Rome City Comprehensive Plan*.
- B. Cross Reference: All street improvements, private or public, shall be designed, constructed, and installed to meet or exceed the *Town of Rome City Construction Standards*. This includes, but is not 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 lots; shall provide access to the Town'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: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
    - b. Cul-de-sac Length: The minimum cul-de-sac length and maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
    - c. Right-of-way: The minimum right-of-way on local streets shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
    - d. Street Width: The minimum street width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*. Street width shall be determined by measuring from back of curb to back of curb or, when curb does not exist, from edge of pavement to edge of pavement.
    - e. Curb: Curb requirements shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivision Types*.
    - f. On-street Parking: On-street parking shall be as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivision Types*.
      - i. On-street parking shall meet the following criteria when it is included in a development.
        - [a] On-street parking installed on arterial streets shall be striped to indicate each parking space.
        - [b] On-street parking spaces shall be at least twenty (20) feet from an intersection unless the Zoning Administrator determines a greater distance is necessary.
    - g. Tree Plots: Tree plots shall be provided to meet or exceed the minimum tree plot width as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivision Types*.
  2. Prohibited Street Designs:
    - a. Permanent dead end streets shall not be permitted. Cul-de-sacs and stub streets are not considered dead end streets.
    - b. Eyebrow streets shall not be permitted.
  3. Grades: Streets shall be adjusted to the contour of the land to produce reasonable grades and produce usable lots.
  4. Gated Entrances: Developments may have gated entrances, but shall have apparatus installed such that emergency vehicles (e.g. fire truck, police car, or ambulance) can quickly and easily gain access to the development. Further, the gates shall be sized to allow the largest fire truck in service in the County to easily turn into the development.
  5. 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. Further, the center planting strip shall be outside the right-of-way and the responsibility of the owner's association to maintain.
  6. 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; and for a distance of forty (40) feet.
    - 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 100 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 shall be assigned by the Town of Rome City Plan Commission.
  3. *Approval Authority*: While street names proposed by the applicant shall be considered, the Plan Commission has authority to approve or deny any proposed street name.
  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*: 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.
- E. Additional Rights-of-way Required: When a development is adjacent to a street that does not have the minimum right-of-way established in the *Town of Rome City Comprehensive Plan*, the applicant shall dedicate land along that right-of-way to result in a half right-of-way consistent with the *Thoroughfare Plan Town of Rome City Comprehensive Plan*. If the applicant controls property on both side of the street, the full right-of-way shall be dedicated consistent with the *Thoroughfare Plan* in the *Town of Rome City 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. *Town Remedy*: The Town 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 Town in an amount equal to the cost of the land, cost for any condemnation on that land, and the cost to relocate any features.
  3. *Installation of Improvements*: The applicant shall then install the off-site street improvement to meet or exceed the *Town of Rome City Construction Standards*.
- F. Vehicular Access Limitations: Vehicular access (i.e. entrances) for the development shall be provided as follows:
1. *Small Developments*: Developments with less than fifty (50) lots shall have at least one (1) internal street connecting to a public perimeter street; and a maximum of two (2) connections to a public perimeter street. No internal street shall connect to the same external street, unless the two (2) connections are at least 1,000 feet from one another. Every effort should be made to connect one (1) internal street to an external arterial street or a collector street.
  2. *Large Developments*: Developments with fifty (50) lots or more shall have at least one (1) internal street connecting to a public perimeter street; and a maximum of three (3) connections to a public perimeter street. No internal street shall connect to the same external street, unless the two (2) connections are at least 1,000 feet from one another. At least one (1) internal street shall connect to an external arterial street or a collector street.



## 7.21 SA-02: Private Street and Access 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 this Unified Development Ordinance and the construction standards for public streets within the *Town of Rome City Construction Standards*.
- 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 commits and warrants on behalf of itself and all future owners of lots within this 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 in accordance with the terms and conditions set forth by the owners' association. 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 this Unified Development Ordinance, the *Town of Rome City Comprehensive Plan*, and the *Town of Rome City 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 the *Town of Rome City 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 Town, and any other specially affected persons entitled to enforce the easement.
    - h. Provide for modification or termination in the manner stipulated in this 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 and a graphic exhibit of the easement.
    - k. Be signed by a each property owner granting the easement and by an authorized representative of future lot owners accepting the easement.
  2. **Private Street Easement Certificate:**
    - a. When a Secondary Plat 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" 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 Town may enforce the provisions of the easement. [ ] is also entitled to enforce the provisions of the easement. The easement shall only be modified or vacated in the manner stipulated in this Unified Development Ordinance.*"
    - b. The dedication and acceptance of Private Street Easements 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.
    - 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 SG-01: Street Signs Standards

This Street Sign Standards (SG) Standards 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 about intersections, speed limits, and for identifying streets and addresses.
- B. Cross Reference: The Town'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. Cost: The petitioner is responsible for purchasing all street signs in consultation with the Town of Rome City Zoning Administrator.
- D. Public Safety Signs: The applicant shall coordinate with the Zoning Administrator before purchasing and installing any public safety related street sign (e.g. speed limit or stop signs). The Zoning Administrator 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.
- E. Street Name Signs: The applicant shall coordinate with the Zoning Administrator 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 Zoning Administrator shall make the final determination regarding the final location and height of each sign. All street name signs shall be installed prior to any building construction within the development. In the event that a street name sign(s) is damaged or stolen, the developer shall replace the sign(s) in a timely manner.

## 7.23 SL-01: Residential Street Lighting Standards

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



- A. Project Applicability: Street lights shall be installed in subdivisions at all internal intersections and development entrances.
- B. Ownership: Street lights and all associated fixtures shall remain private property and be the responsibility of the applicant or an owners' association. The Town shall not be responsible for any operation or maintenance costs associated with street lighting.
- C. Street Light System Design: The proposed street light system shall meet the following conditions:
  - 1. *Glare*: Street lights shall be shielded to prevent glare to drivers and to reduce light trespass onto neighboring properties.
  - 2. *Continuity*: Street lights shall be consistent in size, type, and scale throughout the entire development.
  - 3. *At Intersections*: The applicant shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development.
  - 4. *Height*: Street lights shall not exceed twenty-five (20) feet in height.

## 7.24 SL-02: Non-residential Street Lighting Standards

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



- A. Project Applicability: Street lights shall be installed in subdivisions at all internal intersections and development entrances.
- B. Ownership: Street lights and all associated fixtures shall remain private property and be the responsibility of the applicant or an owners' association. The Town shall not be responsible for any operation or maintenance costs associated with street lighting.
- C. Street Light System Design: The proposed street light system shall meet the following conditions:
  - 1. *Glare*: Street lights shall be shielded to prevent glare to drivers and to reduce light trespass onto any neighboring residential properties.
  - 2. *Continuity*: Street lights shall be consistent in size, type, and scale throughout the entire development.
  - 3. *At Intersections*: The applicant shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development.
  - 4. *Height*: Street lights shall not exceed thirty (30) feet in height.

## 7.25 SY-01: Surety Standards

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



- A. Exemption: A performance surety is not required when all public improvements have been completed prior to applying for Secondary Plat approval.
- B. Cross Reference: The procedure for each type of approval that may require a surety can be found in *Article 9: Processes*.
- C. Performance Surety: All applicants shall provide a Performance Surety for any public improvement that has not been completed prior to Secondary Plat approval, and is intended to be dedicated to the Town of Rome City, Noble County, or a public utility. All such facilities, any off-site improvements committed to by the applicant, and any off-site improvements required as a condition of approval shall be covered by the performance surety.
  1. Acceptable Surety: A bond or irrevocable letter of credit may be used as a performance surety. Nothing in this section shall in any way limit the ability of the Town to give consideration to other alternative forms of insuring the proper completion of public improvements.
  2. Timing: The performance surety shall be offered and accepted prior to Secondary Plat approval by the Plan Commission.
  3. Requirements: The surety shall:
    - a. Amount: Be in an amount equal to 110% of the cost to complete the yet to be completed portions of the public improvements. A cost estimate shall be provided by the applicant's engineer and/or general contractor. However, the cost estimate shall not be binding. All estimates shall be based on the requirements of the Unified Development Ordinance, Town of Rome City's Construction Standards, and subject to the Town's Consulting Engineer's review.
    - b. Appropriate Agency: Run to and be in favor of the Town of Rome City, Conservancy District, or Noble County Commissioners (i.e. when improvements are in the extraterritorial jurisdiction of the Town), or other agency to which the improvements are intended to be dedicated.
    - c. Timeframe: Generally specify the timeframe for completion of the improvements. Under no circumstances shall the initial timeframe exceed two (2) years.
    - d. Form: Be on a form approved by the Town Council.
  4. Determining Completion of Improvement: A performance surety shall not be released until all of the following have been accomplished:
    - a. The applicant shall submit in writing a request for release of the performance surety, provide a description of the public improvement completed, and provide an engineer's certification that the improvements were completed to all applicable requirements.
    - b. Final construction has been determined to be completed, inspected and approved by the Town's Consulting Engineer, Zoning Administrator, and any other applicable town or county agency. Any applicable inspecting agency shall certify that it has been inspected and meets all applicable standards.
    - c. At the election of the Town's Consulting Engineer or Zoning Administrator or any other applicable town or county agency, core borings, video inspection of drainage pipes, or other technical inspections may be conducted at the applicant's expense.
    - d. The Plat has been properly recorded and all as built drawings for the project are received.
  5. Release of Performance Surety: When a public improvement has been determined to be complete and a maintenance surety has been presented by the applicant and accepted by the appropriate agency, then the public agency to which the surety ran to and was in favor of shall release the performance surety.
  6. Expiration of Timeframe or Default: When a public improvement has been determined to not be constructed to the applicable standards or if the two (2) year timeframe expires, the Town Council shall either:
    - a. Require Correction: Require the applicant to install, construct, reconstruct, or resolve the issue within a prescribed timeframe; or
    - b. Extension: Give the applicant additional time to complete the improvement; or
    - c. Default: Declare the performance surety in default and utilize the funds from the surety to complete the public improvement.

- D. Maintenance Surety: When a public improvement is completed and prior to dedication, a maintenance surety shall be provided to assure that premature dilapidation, repair, or maintenance costs due to improper design, engineering, materials, or other defects are not the responsibility of a public agency.
1. *Acceptable Surety*: A bond or irrevocable letter of credit may be used as a maintenance surety. Nothing in this section shall in any way limit the ability of the Town to give consideration to other alternative forms of insuring the proper completion of public improvements.
  2. *Timing*: The maintenance surety shall be offered and accepted prior to issuance of any Zoning Compliance or Building Permit.
  3. *Requirements*: The surety shall:
    - a. *Amount*: Be in an amount equal to fifteen (15%) of the total cost of the public improvement. The actual cost of construction shall be provided by the applicant's engineer and/or general contractor and reviewed and agreed upon by the Zoning Administrator or the Town's Consulting Engineer.
    - b. *Appropriate Agency*: Run to and be in favor of the Town of Rome City, Noble County Commissioners (i.e. when improvements are in the extraterritorial jurisdiction of the Town), or other agency to which the public improvement was dedicated.
    - c. *Timeframe*: Be provided for a period of two (2) years from the date of dedication before qualifying for release. In the event the maintenance surety is not requested by the applicant to be released prior to the end of two (2) years, it shall be automatically renewed for an additional six (6) months. In the event the public improvement was determined to be prematurely dilapidated, in need of repair, or is not properly functioning; upon completion of the repair, a new maintenance surety for that portion of the public improvement shall be provided for a period of two (2) years.
    - d. *Form*: Be on a form approved by the Town Council.
  4. *Determining Completion of Improvement*: A maintenance surety shall not be released until all of the following have been accomplished:
    - a. The applicant shall submit in writing a request for release of the maintenance surety, provide a description of the condition of the public improvement, and provide an engineer's certification that the public improvement have not prematurely dilapidated, are not in need of repair, and are properly functioning.
    - b. The Town's Consulting Engineer, Zoning Administrator, and any other applicable town or county agency has inspected the public improvement and has certified that it meets all applicable standards.
    - c. At the election of the Town's Consulting Engineer or Zoning Administrator or any other applicable town or county agency, core borings, video inspection of drainage pipes, or other technical inspections may be conducted at the applicant's expense.
  5. *Release of Maintenance Surety*: When a public improvement has been determined to be in proper condition at the expiration of the maintenance surety timeframe, the public agency to which the surety ran to and was in favor of shall release the maintenance surety. The appropriate agency shall issue a certificate or write a letter to the applicant indicating full release of obligation and surety.
  6. *Expiration of Timeframe or Default*: When a public improvement has been determined to have prematurely dilapidated, be in need of repair, or to not be properly functioning by the Zoning Administrator, Town's Consulting Engineer, or the Town Council shall either:
    - a. *Require Correction*: Require the applicant to install, construct, reconstruct, or resolve the issue within a prescribed timeframe; or
    - b. *Default*: Declare the maintenance surety in default and utilize the funds from the surety to fix the public improvement.

## 7.26 UE-01: Utility Establishment Standards

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



- A. Applicability: The following standards apply to new developments.
- B. Location: All utilities (e.g. sewers, electricity, telephone and cable) shall be located in a right-of-way or within an area designated as a utility easement, except for laterals to buildings. The specific location of proposed utilities and any utility easements shall be approved by the Zoning Administrator and the Conservancy District prior to the final approval of any development and prior to any construction or installation.
- C. Under Ground: All utilities (e.g. sewers, electricity, telephone and cable) shall be located under ground throughout the development, including laterals to buildings.
- D. Construction:
  - 1. *Town Standards*: All utility improvements and utility infrastructure intended to be dedicated to and accepted by the Town shall be designed and installed to meet or exceed the *Town of Rome City Construction Standards*.
  - 2. *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 further work to continue.
- E. Up-sizing: The Town and the applicant shall consider up-sizing sanitary sewer utility infrastructure based on future development expectations of adjacent lots. Agreements concerning up-sizing utility infrastructure shall be in accordance with appropriate Indiana Statutes and executed prior to the start of installation of the utility infrastructure.



## Article

# 08

## Nonconformances

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Town of Rome City  
Unified Development  
Ordinance

## 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. Generally, structures, lots and uses are rendered legal nonconforming by an amendment to the zoning regulations or a zoning map change.

## 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 legal nonconforming use which is abandoned as described in *Section 8.06(C)(1): Abandonment of Use* shall be considered an illegal nonconforming use.
3. *Lot*: A lot established in violation of the zoning ordinance 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 this Unified Development Ordinance, but was legally established prior to the effective date of this Unified Development Ordinance shall be deemed a legal nonconforming structure.
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 this Unified Development Ordinance in the zoning district in which it is located, shall be deemed a legal nonconforming use.
3. *Lot*: A lot that does not meet one (1) or more lot standards of this Unified Development Ordinance, but was legally established and recorded prior to the effective date of this Unified Development Ordinance shall be deemed a legal nonconforming lot of record.

- C. Setback Exemption: Any primary structure or accessory structure that was legally established prior to December 01, 2011 and that has an established front setback, side setback, or rear setback less than the minimum required setback in this Unified Development Ordinance shall not be considered legal nonconforming. Said buildings shall be considered legal as they exist. New primary structures or accessory structures shall not be included in this exemption.

## 8.03 Illegal Nonconforming Structures, Uses, and Lots

An illegal structure, use, or lot is subject to the enforcement procedures and penalties authorized by this Unified Development Ordinance. The Enforcement of the zoning ordinance or subdivision control ordinance which was in place at the time the violation occurred shall no longer be in effect.



## 8.04 Legal Nonconforming Structures

The following provisions apply to legal nonconforming structures.

- A. **Legal Nonconforming Building Provisions:** The provisions for legal nonconforming buildings (e.g. primary structure, detached garage, storage building, etc.), 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 Relocating:* A legal nonconforming building may be relocated if, by moving the structure, it decreases the legal nonconformity or if the relocation renders the building in compliance with the current Unified Development Ordinance.
  4. *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 this Unified Development Ordinance.
- B. **Legal Nonconforming Structure Provisions:** The provisions for legal nonconforming structures (e.g. fences, signs, gazebo, driveway, etc.), excluding the subcategory of buildings, are as follows:
  1. *Structure Alteration:* A legal nonconforming structure shall be permitted to be altered as long as the nonconformity is decreased 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 reduces the sign's height and all other alterations are in compliance with the Unified Development Ordinance.
  2. *Structure Relocating:* A legal nonconforming structure may be relocated if, by moving the structure, it renders the structure in compliance with 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 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 or any other reason, is declared by an authorized official to be unsafe or condemned due to its physical condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired 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, 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 damaged by flood, resulting in a lost value greater than fifty percent (50%), or a loss of fifty percent (50%) or more of its physical structure, all reconstruction and replacement shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be permitted to rebuild or replace the structure that previously existed.

5. *Acts of God and Accidental Fire*: If a structure is severely damaged from an act of God (excluding flooding) or accidental fire resulting in a lost value greater than fifty percent (50%), or a loss of fifty percent (50%) or more of its physical structure, all reconstruction and replacement shall be required to meet the current Unified Development Ordinance. All other structures damaged by an act of God or accidental fire shall be permitted to rebuild or replace the structure that previously existed.
  6. *Zoning Administrator Discretion*: The Zoning Administrator may determine whether estimates or bids are necessary to make a determination..
- 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.

## 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 structure(s) and use(s) otherwise meet the current Unified Development Ordinance (e.g. setbacks, height, and permitted uses).
- 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 one (1) or more adjacent lots, and the owner uses those lots in combination for a duration of more than five (5) years, any of those lots that are legal nonconforming shall lose its legal nonconforming status. The combination of lots shall be regulated thereafter as one (1) lot. Therefore, no portion of lots used in combination shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by the applicable zoning district.
  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. The combination of lots shall be regulated thereafter as one (1) lot, even if the permanent structure is removed. Therefore, no portion of the lots used in combination shall be used or sold in a manner which diminishes compliance with the lot width and area requirements established by the applicable zoning district.

## 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 Buildings:* A legal nonconforming use shall be permitted to occupy or use any existing building.
2. *Utilizing Existing Structures:* A legal nonconforming use shall be permitted to utilize any existing structure.
3. *Utilizing Land:* Any legal nonconforming use shall be permitted to utilize areas on its lot that were in use at the time it became legal nonconforming. However, areas on a lot that were not utilized for the legal nonconforming use shall remain un-utilized, unless used for the purposes of a permitted use in compliance with the current Unified Development Ordinance.
4. *Increase in Nonconformity:* No legal nonconforming use shall be permitted to increase its nonconformity by adding additional nonconforming uses, changing to another nonconforming use, expanding the building it occupies, or expanding the land area it occupies. However, the number of customers, employees, products in stock, or amount of visits per day shall not constitute an increase in nonconformity.

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

1. *Abandonment of Use:* If a legal nonconforming use is abandoned or is discontinued for twelve (12) or more months, except when a government or legal action (e.g. foreclosure, trust or estate dispute, or seizure) impedes access to the premises, it shall lose its legal nonconforming status. Seasonal use of a business or cottage shall not constitute abandonment. 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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Town of Rome City  
Unified Development  
Ordinance

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# Introduction to Processes

## 9.01 Introduction to Processes

The following process are allowed.

- A. **Zoning Compliance Permit:** A project that involves constructing, installing, adding onto, altering, or relocating a building or structure for a permanent duration shall have the project reviewed for compliance with the Zoning Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued a Zoning Compliance Permit authorizing the project to begin. See *Section 9.02: Zoning Compliance Permit* for details about this process.
- B. **Special Exception Use:** An application for a Special Exception Use may be filed for a land use classified as a Special Exception Use in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a public hearing and procedural findings to determine whether the land use is appropriate for the specific lot named in the petition. See *Section 9.06: Special Exception* for details about this process.
- C. **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 public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Rome City Town Council for final action. Approval or denial is the full discretion of the Rome City Town Council. See *Section 9.13: Zoning Map Amendment* for details about this process.
- D. **Planned Development:** An elective approval process for developments that include one (1) or more of the following:

1. *Mixed Use:* Involve vertical or horizontal mixed-use,
2. *Unique Development:* Significantly unique development designs, or
3. *Unique Geological Features:* For land that has significantly unique geologic features.

This process allows the developer to write a unique ordinance that partially replaces the Unified Development Ordinance to allow greater development flexibility. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and Town Council, and approval or denial of the Ordinance is the full discretion of the Town Council. See *Section 9.05: Planned Development* for details about this process. This process section only applies to the following zoning districts:



- E. **Subdivision of Land:** An Application for Subdivision Plat to divide a lot in order to create additional buildable lots shall be required to be reviewed and approved by the Plan Commission. Divisions of a lot recorded at the Office of the Noble County Recorder without being approved by the Plan Commission or by an Administrative Subdivision shall not result in buildable lots. See *Section 9.07: Subdivision of Land; Minor*, *Section 9.08: Subdivision of Land; Major - Primary Plat*, or *Section 9.10: Subdivision of Land; Administrative* for applicability (i.e. there are limits on which zoning districts are permitted to use some of these processes) and applicable standards.
- F. **Processes for Relief from Regulations and Administrative Decisions:** This process section applies to all zoning districts, except a Planned Development District:
  1. *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 9.04: Administrative Appeal* for details about this process.
  2. *Variance from Development Standards:* An application for a Variance from Development Standards may be filed so that an applicable development standard may be partially or fully waived by the Board of Zoning Appeals. The Board of Zoning Appeals may grant a Variance from Development Standard upon making specific findings of fact, with or without commitments. See *Section 9.12: Variance* for details about this process.
  3. *Variance of Use:* An application for a Variance of Use may be filed so that a use that is not permitted in a district can be permitted by the Board of Zoning Appeals. The Board of Zoning Appeals may grant a Variance of Use upon making specific findings of fact, with or without conditions or commitments. See *Section 9.12: Variance* for details about this process.

## 9.02 Zoning Compliance Permit

- A. Applicability: A Zoning Compliance Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; and prior to permanent alteration to the land, except when the language in the ordinance clearly exempts the improvement.
- B. Exemption from Zoning Compliance Permit: This exemption is only from having to obtain a Zoning Compliance Permit. It is not an exemption from having to meet all applicable regulations in this Unified Development Ordinance. Any project exempt from having to acquire a Zoning Compliance Permit that is in violation of this Unified Development Ordinance is subject to *Article 10: Enforcement*. The following projects are exempt from having to obtain a Zoning Compliance Permit.
  - 1. *Small Structures*: An accessory structure that is not on a permanent foundation and that is less than 200 square feet in area is exempt from obtaining a Zoning Compliance Permit. This exemption does not apply to the Lake Residential (LR) District. All accessory structures in the LR District require a Zoning Compliance permit.
  - 2. *Flatwork*: Flatwork (e.g. poured patios, driveways, and on-site sidewalks) is exempt from obtaining a Zoning Compliance Permit if the project will cover less than 300 square feet. However, if the project would result in the overall site having more than 1500 square feet of flatwork, then a Zoning Compliance Permit would be required.
  - 3. *Sign Content Change*: Sign content may be changed without having to receive a Zoning Compliance Permit.
  - 4. *Type 1 Home Business*: Type 1 home businesses may commence without obtaining a Zoning Compliance Permit.
- C. Cross Reference:
  - 1. *Building Permit*: A Zoning Compliance Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with this Unified Development Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code.
  - 2. *Other Permits*: A Zoning Compliance Permit does not authorize compliance with any County, State or Federal Permits. It also does not authorize compliance with any other Town of Rome City Ordinance. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.
- D. Prerequisite: Any lot being used in combination with an adjacent lot shall first complete the Administrative Subdivision process, *Section 9.10: Subdivision of Land: Administrative*.
- E. Filing Requirements:
  - 1. *Application*: An application for a Zoning Compliance Permit shall be made on a form provided by the Zoning Administrator.
  - 2. *Required Information*: The required information for a Zoning Compliance Permit shall be as requested on the application form.
  - 3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Zoning Compliance Permit, when it is clearly not necessary for the proposed improvement. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Zoning Compliance Permit, when more information is clearly necessary to make a decision or review for compliance.
  - 4. *Deadline*: Applications for a Zoning Compliance Permit may be filed any time.
  - 5. *Fees*: Applicable fees shall be paid at the time the application for a Zoning Compliance Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission or Zoning Administrator to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.



## F. Permit Procedure:

1. *Substantially Complete Application:* An application for a Zoning Compliance 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 this Unified Development Ordinance. The Zoning Administrator may consult with any other person, department, or group to determine if the project complies with all of the provisions of this 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 this 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 this Unified Development Ordinance:* Because this Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of this 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 a Zoning Compliance Permit:* If the proposed project complies with this Unified Development Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Zoning Compliance Permit.
5. *Decision to Deny:* If the proposed project does not comply with this Unified Development Ordinance, the Zoning Administrator shall not issue a Zoning Compliance Permit. The Zoning Administrator shall internally document the reasons for not issuing a Zoning Compliance 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 this Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from this 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 this 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 Zoning Compliance Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

## G. 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 ninety (90) days from notification.
2. *Commencement:* After a Zoning Compliance Permit is issued, the project shall commence within a time frame consistent with IC 36-7-4-1109 or shall become null and void.
3. *Expiration:* After a Zoning Compliance Permit is issued, the project shall be completed within a time frame consistent with IC 36-7-4-1109 or shall become null and void.



- H. Modification After Issuance of a Zoning Compliance Permit: At the discretion of the Zoning Administrator, a Zoning Compliance 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 this Unified Development Ordinance, and then render a decision. If the proposed modification meets the provisions of this Unified Development Ordinance the Zoning Compliance Permit may be amended and filed. If denied to be considered or denied for non-compliance, the modification shall be disallowed.
- I. Occupancy: The owner of the property shall not occupy a new primary structure or addition to a primary structure until all lot grading has been completed, the building has been determined to meet building code, and all aspects of the improvement are completed. If one or more exterior elements of a project cannot be completed due to weather, a memorandum of understanding may be used to grant occupancy for a period not to exceed four (4) months.

## 9.03 Temporary Zoning Compliance Permit

- A. Applicability: A Temporary Zoning Compliance Permit shall be required prior to establishment of a temporary use of land or structure except when the language in the ordinance clearly exempts the improvement.
- B. Filing Requirements:
  - 1. *Application*: An application for a Temporary Zoning Compliance Permit shall be made on a form provided by the Zoning Administrator.
  - 2. *Required Information*: The required information for a Temporary Zoning Compliance Permit shall be as requested on the application form.
  - 3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Temporary Zoning Compliance Permit, when it is clearly not necessary for the proposed improvement. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Temporary Zoning Compliance Permit, when more information is clearly necessary to make a decision or review for compliance.
  - 4. *Deadline*: Applications for a Temporary Zoning Compliance Permit may be filed any time.
  - 5. *Fees*: The applicable fee shall be paid at the time the application for a Temporary Zoning Compliance Permit is filed. Fees shall include reimbursement for any cost borne by the Plan Commission or Zoning Administrator to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
- C. Permit Procedure:
  - 1. *Substantially Complete Application*: An application for a Temporary Zoning Compliance Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall 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 this Unified Development Ordinance. The Zoning Administrator may consult with any other person, department, or group to determine if the project complies with all of the provisions of this 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 this 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 this Unified Development Ordinance*: Because this Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of this 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 a Temporary Zoning Compliance Permit*: If the proposed project complies with this Unified Development Ordinance and, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Temporary Zoning Compliance Permit.

5. *Decision to Deny*: If the proposed project does not comply with this Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Zoning Compliance Permit. The Zoning Administrator shall internally document the reasons for not issuing a Temporary Zoning Compliance 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 this Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from this Unified Development Ordinance.
  6. *Allowance for Revision Prior to a Decision*: Not applicable.
  7. *Allowance for Revision After a Decision to Deny*: After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with this Unified Development Ordinance without terminating the process.
  8. *Pursuit of Relief*: After a decision to deny, the applicant may promptly pursue an administrative appeal or variance from development standards. During an appeal for relief, the application for Zoning Compliance Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- D. 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 thirty (30) days from notification.
  2. *Commencement*: After a Temporary Zoning Compliance Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
  3. *Permit Expiration*: A Temporary Zoning Compliance Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described in *Section 5.80: General Temporary Use and Structure Standards* and *Section 5.83: Nonresidential Temporary Use and Structure Standards*. The permitted dates shall be displayed on the Temporary Zoning Compliance Permit.
  4. *Extensions*: Not applicable.
- E. Modification After Issuance of a Temporary Zoning Compliance Permit: Not applicable.

## 9.04 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. *Petition*: A Petition for an Administrative Appeal shall be made on a form provided by the Zoning Administrator.
  2. *Required Information*: The required information for an Administrative Appeal shall be as requested on the application form.
  3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for an Administrative Appeal, when it is clearly not necessary for the appeal of a decision, interpretation, order determination, or action. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for an Administrative Appeal, when more information is clearly necessary for the appeal of a decision, interpretation, order determination, or action..
  4. *Deadline*: A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within ninety (90) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
  5. *Suspension of Work*: 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.
  6. *Fees*: The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.
- C. Appeal Procedure:
  1. *Substantially Complete Petition*: A petition 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 petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
  2. *Assignment*: Once a petition for an 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 petitioner, 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*: Public notice may be sent by the Zoning Administrator for an additional cost, or by the petitioner. If the petitioner chooses to have the Zoning Administrator send the notice, the Zoning Administrator is responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. If the petitioner chooses to send the notice, he/she shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The petitioner shall also be responsible for returning proof of public notice to the Zoning Administrator at least five (5) 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 petitioner for an 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 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 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.

## 9.05 Planned Development

- A. **General:** There are three (3) steps for completing a Planned Development approval process. These steps are explained in detail in the following Sections:
  1. *Section 9.05(B): Planned Development District Ordinance and Establishment Plan,*
  2. *Section 9.05(C): Planned Development Detailed Plan, and*
  3. *Section 9.05(D): Planned Development Final Plan.*
- B. **Planned Development District Ordinance and Establishment Plan:**
  1. *The purpose of the Planned Development District Ordinance is to:*
    - a. Designate, or rezone, a lot as a Planned Development District.
    - b. Specify uses or a range of uses permitted in the Planned Development District.
    - c. Specify development requirements in the Planned Development District.
    - d. Specify the plan documentation and supporting documentation that may be required.
    - e. Specify any limitation applicable to the Planned Development District.
    - f. Meet the requirements of *IC 36-7-4-1500 et seq.*
  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, and the like.
  3. *Project Applicability:* Proposals for new Planned Developments shall meet the standards of this Section.
  4. *Prerequisites:*
    - a. **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.
    - b. **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.
    - c. **Base Zoning:** The property shall be zoned AG, RR, SR, GB, or EI prior to applying for a Planned Development. See Base Zoning District Prerequisites chart below.

**Base Zoning District Prerequisites**

Classification	Permitted Base Zoning District(s)	Minimum Area Required
Residential	RR, SR, or MR	3 acres
Commercial	CB or GB	4 acres in which more than 80% of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.
Industrial	EI	5 acres in which more than 80% of the interior floor area of all buildings to be included in the development is to be used for industrial or manufacturing purposes.
Recreational	Any district which is approved by the Rome City Plan Commission.	5 acres

6. **Filing Requirements:**
  - a. **Application:** An application for a Planned Development District Ordinance and Establishment Plan shall be made on a form provided by the Zoning Administrator.
  - b. **Required Information:** The required information for a Planned Development District Ordinance and Establishment Plan shall be as requested on the application form.
  - c. **Submittal Discretion:** The Zoning Administrator may waive any of the requirements requested on the application form for a Planned Development District Ordinance and Establishment Plan, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Planned Development District Ordinance and Establishment Plan, when more information is clearly necessary for the proposed development.
  - d. **Deadline:** Eight (8) hard copies of the Application for a Planned Development District Ordinance and Establishment Plan; eight (8) hard copies of all supporting information; one (1) digital copy of the

Application for a Planned Development District Ordinance and Establishment Plan and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format (if available) shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.

- e. Fees: 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 or Zoning Administrator to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
7. *Formal Procedure:*
- a. 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.
  - b. 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 Plan Commission legal counsel and applicable agencies and departments. 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. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development and information from any other agencies that reviewed the Planned Development. A copy of such report shall be made available to the applicant and all remonstrators.
  - c. 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.
    - i. 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.
    - ii. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
    - iii. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
  - d. 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.
  - e. Public Hearing: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
  - f. Review: At their regularly scheduled public meeting, the Plan Commission shall review:
    - i. Application for a Planned Development.
    - ii. Planned Development District Ordinance draft.
    - iii. Establishment Plan.
    - iv. *The Town of Rome City Comprehensive Plan.*
    - v. Current conditions and the character of current structures and uses in the area.
    - vi. The most desirable use for which the land in the area is adapted.
    - vii. The conservation of property values throughout the jurisdiction.
    - viii. Responsible development and growth.
    - ix. The testimony of the applicant.
    - x. Relevant evidence presented by other persons.
    - xi. The limitations, standards, and requirements of *Article 04: Planned Development District.*
    - xii. Any applicable provisions of this Unified Development Ordinance.
    - xiii. The Zoning Administrator's report or any other documents provided by other departments or agencies.
    - xiv. Any other additional information as may be required by the Plan Commission to evaluate the application.



- g. Decision: The Plan Commission shall take final action or continue the Application for a Planned Development to a defined future meeting date.
- i. Final Action: The Plan Commission shall certify and forward the Application for a Planned Development to the Town Council with:
  - [a] A favorable recommendation.
  - [b] A favorable recommendation and with recommendations for commitments and/or conditions.
  - [c] An unfavorable recommendation.
  - [d] No recommendation.
- ii. 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 Town Council receives the certified versions of the Planned Development District Ordinance and Establishment Plan.
- h. Commitments and Conditions: In conjunction with its recommendation to the Town Council, 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 Town Council's 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 proceeding with Step 2 and filing a Planned Development Detailed Plan.
- 8. *Duration*: If Step 2, a Planned Development Detailed Plan, has not been filed within a time frame consistent with IC 36-7-4-1109 from the date the Town Council approved the Planned Development District Ordinance and the Establishment Plan, the approval expires and a new Application for a Planned Development shall be submitted.
- 9. *Modification*:
  - a. Planned Development District Ordinance: An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.11: Text Amendment*.
  - b. Establishment Plan: Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed 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.
  - c. 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 Town Council made at a public hearing.
- C. Planned Development Detailed Plan:
  - 1. *Purpose and Intent*: The Planned Development Detailed 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.
  - 2. *Project Applicability*: Proposals for new Planned Developments shall meet the standards of this Section.
  - 3. *Prerequisites*:
    - a. Planned Development District Ordinance and Establishment Plan: The Planned Development District Ordinance and Establishment Plan shall be approved by the Town Council prior to submitting a Planned Development Detailed Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Noble County Recorder.
  - 4. *Filing Requirements*:
    - a. Application: An application for a Planned Development Detailed Plan shall be made on a form provided by the Zoning Administrator.
    - b. Required Information: The required information for a Planned Development Detailed Plan shall be as requested on the application form.

- c. Submittal Discretion: The Zoning Administrator may waive any of the requirements requested on the application form for a Planned Development Detailed Plan, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Planned Development Detailed Plan, when more information is clearly necessary for the proposed development.
  - d. Deadline: Eight (8) hard copies of the Application for a Planned Development Detailed Plan; eight (8) 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 (if available) shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
  - e. Checkpoint Agencies: One (1) hard copy and one (1) digital copy the Application for a Planned Development Detailed Plan, all supporting information, and any drawings should be submitted to checkpoint agencies for review and comment twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission. The checkpoint agencies include the following:
    - i. Design Review Board;
    - ii. Police Department;
    - iii. Fire Department;
    - iv. Parks and Recreation Department;
    - v. School Corporation (including bus route coordinator);
    - vi. County Soil and Water Conservation District;
    - vii. County Health Department;
    - viii. Noble County Surveyor/Town Engineer;
    - ix. Noble County Commissioners;
    - x. Town of Rome City Street Superintendent;
    - xi. County Highway Department;
    - xii. Town of Rome City Utilities Superintendent;
    - xiii. Utilities: Gas, electric, cable and telephone providers;
    - xiv. Indiana Department of Natural Resources (only in the Lake Residential District); and
    - xv. Indiana Department of Environmental Management (only in the Lake Residential District).
  - f. Fees: Applicable fees shall be paid at the time when the Planned Development Detailed Plan is filed. Fees shall include reimbursement for any cost borne by the Plan Commission or Zoning Administrator to hire a professional engineer, professional planner, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
5. *Formal Procedure:*
- a. Assignment: A Planned Development Detailed 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 Plan was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
  - b. Internal Review: Upon assignment of a case number and hearing date, the applicable agencies will be notified of the proposed Planned Development Detailed Plan and asked to review and comment. 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 Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development Detailed Plan and information from the other agencies that have reviewed the Planned Development Detailed Plan. A copy of such report shall be made available to the applicant and all remonstrators.
  - c. Public Notice: The following public notice standards apply to a Planned Development Detailed Plan. All costs associated with providing public notice shall be borne by the applicant.
    - i. 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.
    - ii. The Zoning Administrator shall prepare a legal notice to be published in a newspaper of general circulation a minimum of ten (10) days before the public hearing.



- iii. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
- d. 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.
- e. Public Hearing: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
- f. Review: At their regularly scheduled public meeting, the Plan Commission shall review:
  - i. The original Application for a Planned Development.
  - ii. Approved Planned Development District Ordinance.
  - iii. Approved Establishment Plan.
  - iv. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development build out, and a landscape plan.
  - v. The testimony of the applicant.
  - vi. Information presented in writing or verbally by the Zoning Administrator or applicable departments and agencies.
  - vii. Input from the public during the public hearing.
  - viii. Any applicable requirements of the *Town of Rome City Construction Standards*.
  - ix. The limitations, standards, and requirements of *Article 04: Planned Development District*.
  - x. Any applicable provisions of this Unified Development Ordinance.
  - xi. The Zoning Administrator's report or any other documents provided by other departments or agencies.
  - xii. Any other additional information as may be required by the Plan Commission to evaluate the application.
- g. Decision: The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Plan to a defined future meeting date.
  - i. 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, this Unified Development Ordinance, or *Town of Rome City Construction Standards* with which there is not compliance.
    - [a] The Planned Development Detailed Plan is consistent with the *Town of Rome City Comprehensive Plan*.
    - [b] The Planned Development Detailed Plan is consistent with *Article 04: Planned Development District*.
    - [c] The Planned Development Detailed Plan satisfies the development standards of the approved Planned Development District Ordinance.
    - [d] The Planned Development Detailed Plan satisfies the construction requirements of the *Town of Rome City Construction Standards*.
  - ii. Final Action: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Planned Development Detailed 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 Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Plan.
  - iii. The findings and final decision shall be signed by the President of the Plan Commission.
  - iv. The Zoning Administrator shall provide the applicant a copy of the final decision.
- 6. Duration: An approved Planned Development Detailed Plan shall be valid for a time frame consistent with *IC 36-7-4-1109* from the date the Plan Commission granted approval. If development of the project has not commenced within a time frame consistent with *IC 36-7-4-1109* the approval expires and a new Application for a Planned Development (District Ordinance and Establishment Plan) shall be required.

7. *Modification:*

- a. **Minor Amendments:** A minor amendment to an approved Planned Development Detailed 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.
- b. **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 Plan.

D. Planned Development Final Plan

1. *Purpose and Intent:* The Planned Development Final 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.
2. *Project Applicability:* Proposals for new Planned Developments shall meet the standards of this Section.
3. *Prerequisites:*
  - a. **Planned Development Detailed Plan:** The Planned Development Detailed Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Plan. If Planned Development Detailed Plan approval included conditions, those conditions shall be recorded in the Office of the Noble County Recorder.
  - b. **Infrastructure:** A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Plan that are intended to be dedicated to the Town installed to meet the *Town of Rome City Construction Standards*, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.25: Surety Standards*.
4. *Filing Requirements:*
  - a. **Application:** An application for a Planned Development shall be made on a form provided by the Zoning Administrator.
  - b. **Required Information:** The required information for a Planned Development shall be as requested on the application form.
  - c. **Submittal Discretion:** The Zoning Administrator may waive any of the requirements requested on the application form for a Planned Development, when it is clearly not necessary for the proposed development. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Planned Development, when more information is clearly necessary for the proposed development.
  - d. **Deadline:** Planned Development Final Plan Approval shall be requested within a time frame consistent with *IC 36-7-4-1109* from the date the Plan Commission approved the Planned Development Detailed Plan.
  - e. **Fees:** 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 or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
5. *Formal Procedure:*
  - a. **Assignment:** The Zoning Administrator shall review the letter requesting Planned Development Final 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 Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the request for Planned Development Final 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.


- b. **Review:** The petitioner shall provide the letter requesting Planned Development Final Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the *Town of Rome City 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 shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. The petitioner will then submit proof of the provided letter and comments or concerns to the Zoning Administrator. If the Zoning Administrator determines that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
  - c. **Public Notice:** Notice and public hearing shall not be required for Planned Development Final Plan.
  - d. **Decision:** Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, approve with conditions, or deny Planned Development Final Plan.
6. **Duration:** An approved Planned Development Final 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 it becomes null and void. One (1) copy of all recorded documents and drawings, and proof of its recording shall be submitted to the Zoning Administrator for the Town's records.

## 9.06 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. The use may 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 a form provided by the Zoning Administrator.
  - 2. *Required Information*: The required information for a Special Exception shall be as requested on the application form.
  - 3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Special Exception, when it is clearly not necessary for the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Special Exception, when more information is clearly necessary to make a decision or review for compliance.
  - 4. *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.
  - 5. *Fees*: 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 or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
- 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 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. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Special Exception and/or information from other departments that have reviewed the Application for a Special Exception. 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 Board of Zoning Appeals 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 Board of Zoning Appeals shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - 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 this Unified Development Ordinance.
  - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
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 following 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 *Town of Rome City 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 is in harmony with nearby and adjacent environmental features and Sylvan Lake.
    - v. The proposed Special Exception will not alter the character of the district; and
    - vi. 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 (at the cost of the applicant) in the Office of the Noble County Recorder. One (1) copy of all recorded documents and drawings, and proof of its recording shall be submitted to the Zoning Administrator for the Town's records. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interested 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 a time frame consistent with *IC 36-7-4-1109* from 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.

## 9.07 Subdivision of Land; Minor

- 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 plat, or the portion of the plat, shall be vacated in accordance with *IC 36-7-3-10* and *IC 36-7-3-11*. Then, the property shall be platted using the Minor or Major Subdivision Plat process.
  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. Disqualifications: 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 three (3) or more total lots (i.e. splitting one lot into three),
    - c. Divisions of land that result in new or modified easements,
    - d. A subdivision that requires waivers from the applicable design standards, or
    - e. Common area as required in *Article 06: Subdivision Types* or *Article 07: Design Standards*; excluding a shared driveway.
- D. Primary Plat Filing Requirements:
1. Application: An application for a Minor Subdivision Primary Plat shall be made on a form provided by the Zoning Administrator.
  2. Required Information: The required information for a Minor Subdivision Primary Plat shall be as requested on the application form.
  3. Submittal Discretion: The Zoning Administrator may waive any of the requirements requested on the application form for a Minor Subdivision Primary Plat, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Minor Subdivision Primary Plat, when more information is clearly necessary to review for compliance.
  4. Deadline: Eight (8) hard copies of the application for a Minor Subdivision Primary Plat; eight (8) 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 (if available) shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
  5. Fees: The applicable fees from the Town of Rome City's 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. Technical expertise necessary to review a Minor Subdivision Primary Plat for which the Town of Rome City may not have adequate proficiency, can constitute hiring a professional consultant to conduct the review, or portions thereof, at the expense of the applicant and as per the Town of Rome City's fee schedule.




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 prepare a legal notice to be published in a newspaper of general circulation a minimum of ten (10) days before the public hearing. 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.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
  - a. The application, supporting information, and the Site Plan for a Minor Subdivision Primary Plat,
  - b. Testimony of the applicant,
  - c. Information presented in writing or verbally by the Zoning Administrator,
  - d. Input from the public during the public hearing,
  - e. Applicable provisions of this Unified Development Ordinance, and
  - f. 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 *Town of Rome City Comprehensive Plan*.
    - ii. The subdivision of land satisfies the standards of *Article 06: Subdivision Types*.
    - iii. The subdivision of land satisfies the standards of *Article 07: 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 format (if available) 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) hard copy of the recorded package, one(1) electronic copy in .pdf (portable document format), and proof of its recording shall be submitted to the Zoning Administrator for the Town's records.
  - 1. *Secondary Plat*: Four (4) signed hard copies and one (1) signed mylar copy (on 18 inch by 24 inch paper) of the approved Secondary Plat shall be delivered to the Noble County Recorder for recording.
  - 2. *Other Required Documents*: Four (4) hard copies of any other required documents (e.g. covenants, easement agreements, commitments) shall be delivered to the Noble County Recorder for recording.
- H. Zoning Compliance Permits: No building permit shall be issued until proof of recording has been demonstrated.



## 9.08 Subdivision of Land; Major - 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 to determine compliance with the provisions of this Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.
- B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property 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 plat or the portion of the plat shall be vacated in accordance with IC 36-7-3-10 and IC 36-7-3-11. Then, the property shall be platted using the Primary Plat process in this section and the Secondary Plat process in Section 9.09: *Subdivision of Land; Major - Secondary Plat*.
  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 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. Primary Plat Filing Requirements:
1. Application: An application for a Major Subdivision Primary Plat shall be made on a form provided by the Zoning Administrator.
  2. Required Information: The required information for a Major Subdivision Primary Plat shall be as requested on the application form.
  3. Submittal Discretion: The Zoning Administrator may waive any of the requirements requested on the application form for a Major Subdivision Primary Plat, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Major Subdivision Primary Plat, when more information is clearly necessary to review for compliance.
  4. Deadline: Eight (8) hard copies of the Application for Primary Plat; eight (8) 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 (if available) shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
  5. Fees: 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 or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
- 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-eight (28) 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 applicable agencies and departments will 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. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the other agencies and departments that have reviewed the subdivision of land. 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 prepare a legal notice to be published in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
  - c. The Zoning Administrator or petitioner may 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 or other applicable agencies or departments.
  - e. Input from the public during the public hearing.
  - f. Any applicable provisions of this Unified Development Ordinance.
  - g. Any applicable requirements of the *Town of Rome City Construction Standards*.
  - 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 this Unified Development Ordinance or *Town of Rome City Construction Standards* with which there is not compliance or the manner in which the project is not consistent with the *Town of Rome City Comprehensive Plan*.
    - i. The subdivision of land is consistent with the *Town of Rome City 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 this Unified Development Ordinance.
    - v. The subdivision of land satisfies the construction requirements of the *Town of Rome City 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 a time frame consistent with IC 36-7-4-1109 from the date the Plan Commission granted approval.
- G. Modification:
  - 1. *Minor Amendments*: Minor amendment to an approved Primary Plat which does 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 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 the number of lots, or 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 Primary Plat.

## 9.09 Subdivision of Land; Major - 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: Proposals for new subdivisions of land 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 the *Town of Rome City Construction Standards*, or the applicant shall have posted a performance surety for the cost of the infrastructure improvements that complies with *Section 7.25: Surety Standards*.
- D. Filing Requirements:
  1. *Application*: An application for a Major Subdivision Secondary Plat shall be made on a form provided by the Zoning Administrator.
  2. *Required Information*: The required information for a Major Subdivision Secondary Plat shall be as requested on the application form.
  3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Major Subdivision Secondary Plat, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Major Subdivision Secondary Plat, when more information is clearly necessary to review for compliance.
  4. *Deadline*: Eight (8) hard copies of the letter requesting Secondary Plat; eight (8) 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 (if available) shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
  5. *Fees*: 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 or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
- 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 shall determine if the infrastructure improvements installed or proposed to be installed meet the *Town of Rome City Construction Standards* and if the improvements include adequate connection to existing and future systems. If applicable, each department 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, approve, 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 at a regularly scheduled public meeting and approve, approve with conditions, or deny Secondary Plat.

- F. **Recording:** One (1) hard copy of the approved Secondary Plat and any conditions, one (1) electronic copy in .pdf (portable document format), and proof of its recording shall be submitted to the Zoning Administrator for the Town's records.
1. **Secondary Plat:** Four (4) signed hard copies and one (1) signed mylar copy (on 18 inch by 24 inch paper) of the approved Secondary Plat shall be delivered to the Noble County Recorder for recording.
  2. **Other Documents:** Four (4) hard copies of any other required documents (e.g. covenants, easement agreements, commitments) shall be delivered to the Noble County Recorder for recording.
  3. **Duration:** The approved Secondary Plat 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.

## 9.10 Subdivision of Land; Administrative

- A. **Purpose and Intent:** An Administrative Subdivision shall provide the Town of Rome City with the opportunity to expedite adjustments to property lines when no new lots are created or when mergers of two (2) to five (5) lots are made into fewer buildable lots (e.g. merging two (2) lots into one (1) developable lot for the purpose of constructing across the middle of the lot where the property line used to be).
- 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 listed 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 be permitted in the following zoning districts:  

  2. **Applicable Actions:**
    - a. **Merging Common Ownership Lots:** The owner of two (2) to five (5) 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 (2) 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:** The owners of contiguous properties mutually agree to adjust a lot line separating their two (2) properties due to survey errors or when the owners mutually desire an adjustment; as long as the adjustment 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%).
- 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(s):** Under the actions listed in *Section: 9.17(B)(2)(a)* and *Section 9.17(B)(2)(b)*, pre-existing driveway(s) established for the dissolved lots shall be vacated and removed, including the apron within the right-of-way.
  3. **Disqualifications:** An Administrative Subdivision that includes one (1) or more of the following **shall not** be permitted to utilize the Administrative Subdivision process:
    - a. A new or modified easement.
    - b. A platted subdivision that was platted on or after November 7, 1983.
- D. **Administrative Subdivision Filing Requirements:**
1. **Application:** An application for an Administrative Subdivision shall be made on a form provided by the Zoning Administrator.
  2. **Required Information:** The required information for an Administrative Subdivision shall be as requested on the application form.



3. *Submittal Discretion:* The Zoning Administrator may waive any of the requirements requested on the application form for an Administrative Subdivision, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for an Administrative Subdivision, when more information is clearly necessary to review for compliance.
  4. *Deadline:* Not applicable.
  5. *Submittal Material:* Three (3) hard copies of the application for an Administrative Subdivision, of all supporting information, and the site plan shall be submitted. If available one (1) digital copy of the supporting information in .pdf (portable document format) and one (1) digital copy of the site plan in .dwg file format shall be submitted.
  6. *Fees:* The applicable fees from the Town of Rome City's fee schedule shall be paid at the time the application for an Administrative Subdivision is filed. An application without the appropriate application fees shall not be considered substantially complete. When specific technical expertise is necessary, the Town of Rome City may hire a professional consultant to conduct portions of the review at the expense of the applicant and as per the Town of Rome City's fee schedule.
- E. Procedure and Approval:
1. *Review of Material:* An application for an Administrative Subdivision, which is determined to be complete and in proper form shall be reviewed by the Zoning Administrator. If the application complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards listed in *Section 9.17(B)* and *Section 9.17(C)*, each copy of the application shall be approved and signed by the Zoning Administrator.
  2. *Acceptance:* An application for an Administrative Subdivision which has been approved and signed by the Zoning Administrator shall be accepted by the Plan Commission. A signature by a member of the Plan Commission Executive Committee shall constitute acceptance by the Plan Commission.
  3. *Distribution:* A signed copy of the approved and accepted application for an Administrative Subdivision shall be retained for Town's records and two (2) copies conveyed to the applicant: one (1) for personal records and one (1) for recording in the Noble County Recorder's Office.
  4. *Report to Plan Commission:* At the first regularly scheduled Plan Commission meeting, the approval of any Administrative Subdivisions shall be reported.
  5. *Proof of Recording:* To officially complete the process the applicant shall record the Administrative Subdivision Application, site plan, and new deed with the Noble County Recorder's Office and provide proof to the Zoning Administrator.
  6. *Failure to Record:* If an approved Administrative Subdivision is 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 any failures to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the applicant, and shall clearly note failure to record in the Town's records.
- F. Zoning Compliance Permits: An zoning compliance permit shall not be issued until proof of recording has been provided.

## 9.11 Text Amendment

- A. Purpose and Intent: It may become necessary to amend the text of this Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of this Unified Development Ordinance. The Plan Commission shall make a recommendation to the Town Council concerning a proposal to amend the text of this Unified Development Ordinance. The Town Council has the power to approve or reject a proposal to amend the text of this Unified Development Ordinance.
- B. Project Applicability: Any proposal to add, remove, or alter a provision of this Unified Development Ordinance shall follow the process outlined in this Section.
- C. Prerequisites:
1. *Eligible Applicants:* Members of the Town Council or members of the Plan Commission shall initiate a proposal to amend the text of this Unified Development Ordinance. Persons who wish to propose an amendment to the text of this Unified Development Ordinance and who are not members of the Town Council or Plan Commission shall find a sponsor among the Town Council or the Plan Commission to introduce the proposal.
- D. Filing Requirements:
1. *Application:* A proposal for an amendment to the text of this Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the Town Council or the Plan Commission.

2. *Deadline:* A proposal for an amendment to the text of this 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 this 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 this Unified Development Ordinance to the applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of this Unified Development Ordinance will be heard.
  3. *Public Notice:* The following public notice standards apply for a proposal to amend the text of this 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 prepare a legal notice to be published 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. *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 this Unified Development Ordinance, the Plan Commission and the Town Council shall pay reasonable regard to:
    - a. The Rome City 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 this Unified Development Ordinance and forward the proposal to the Town of Rome City Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
  2. *Effective Date:*
    - a. Unless an amendment to the text of this 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; or the day on which it is filed in the Office of the Clerk Treasurer, whichever is later.

## 9.12 Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of this 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 this 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.
- D. Filing Requirements:
  1. *Application*: An application for a Variance shall be made on a form provided by the Zoning Administrator.
  2. *Required Information*: The required information for a Variance shall be as requested on the application form.
  3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Variance, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Variance, when more information is clearly necessary to make a decision.
  4. *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.
  5. *Fees*: 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 or Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.
- 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 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. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Variance and/or information from other departments that have reviewed the Application for a Variance. 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 Board of Zoning Appeals 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 Board of Zoning Appeals shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
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 this Unified Development Ordinance.
  - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
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 below listed 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 development standards variance will not be injurious to the public health, safety, morals and general welfare of the community.
    - ii. The use and value of the areas adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner.
    - iii. The strict application of the terms of the Unified Development Ordinance will result a practical difficulty.
    - iv. The requested variance is the minimum necessary to avoid the practical difficulty.
  - 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 use 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 use 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 use variance is sought.
    - v. The requested variance is the minimum necessary to resolve the hardship.
    - vi. The identified hardship was not caused by the existing or a previous owner.
    - vii. The approval does not interfere substantially with the *Town of Rome City 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 interested in the land.
  - ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.
- F. Recorded Documents: A copy of all documents recorded with the Noble County Recorder shall also be submitted to Rome City Town Hall.
- G. Mandatory Condition of Variance Approval:
  - 1. *Residential Side Yard Variances*: All side yard variances requested on Residential structures shall adhere to the Board of Zoning Appeals further restriction to include structures within five feet of a property line and/or adjoining residential structure to adhere to the Indiana Residential Code which has established a requirement of all variances granted for structures within three feet of a property line.
    - a. When a home is built closer than three feet to a property line, the exterior wall(s) shall be of one-hour fire resistive construction. One-hour fire resistive construction is basically one layer of 5/8" type "X" drywall applied to the interior side and the exterior side of the wall.
    - b. Projections such as overhangs may project into the space, but not closer than two feet to the property line and shall also be one-hour fire resistive from the underneath.
    - c. Openings are not permitted to be installed in an exterior wall that is required to be one-hour for resistive. This eliminates any egress windows and other openings such as vents, exhaust and similar items.
- H. 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 this Unified Development Ordinance.
  - 2. *Use Variance*: A use variance granted by the Board of Zoning Appeals may be subject to a commitment or condition for duration, but otherwise use variances shall run with the land until such time as:
    - a. The use is vacated for one (1) year consecutively;
    - b. The use conforms with the Unified Development Ordinance as written.
- I. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Board of Zoning Appeals at the next regular meeting of the Board of Zoning Appeals.
  - 1. *Development Standard Variance*: A modification to a development standards variance that alters the location, setbacks, massing, or roof lines of the primary structure shall require the approval of the Board of Zoning Appeals at a publicly noticed meeting. The Board of Zoning Appeals shall determine if the modification is significant enough to require re-filing for a new variance. At the discretion of the Zoning Administrator, a modification to a development standards variance that does not alter the location, setbacks, massing, or roof lines of the primary structure may be authorized by the Zoning Administrator or forwarded to the Board of Zoning Appeals for approval. Any modifications authorized by the Zoning Administrator shall be reported, in writing, to the Board of Zoning Appeals at its next regularly scheduled meeting.
  - 2. *Use Variance*: A modification to a use variance shall not be permitted.

## 9.13 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 Town Council concerning a proposal to amend the Official Zoning Map. The Town Council has 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 Town Council 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 (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 Zoning Map Amendment shall be made on a form provided by the Zoning Administrator.
  - 2. *Required Information*: The required information for a Zoning Map Amendment shall be as requested on the application form.
  - 3. *Submittal Discretion*: The Zoning Administrator may waive any of the requirements requested on the application form for a Zoning Map Amendment, when it is clearly not relative to the application. Likewise, the Zoning Administrator may request additional information that is not requested on the application form for a Zoning Map Amendment, when more information is clearly necessary to make a decision.
  - 4. *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.
  - 5. *Fees*: 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 Zoning Administrator to hire a professional engineer, professional planner, attorney, or other professional technician necessary to subsidize the Zoning Administrator's capabilities for review of the application or proposed project.

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 other applicable agencies and departments. 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. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Rezoning and information from any other agency that reviewed the Application for a Rezoning. 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 prepare a legal notice to be published 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 this 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 *Town of Rome City 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 Town Council 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 Town Council makes 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 Town Council.

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

## Article

# 10

## Enforcement

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### Town of Rome City Unified Development Ordinance

## 10.01 Actionable Violations

It shall be an actionable violation of this Unified Development Ordinance to:

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by this Unified Development Ordinance without first being issued all permits and/or other approvals required by this Unified Development Ordinance;
- C. Exempt Permitted Structures: For structures that are exempt from needing a permit; construct, place, or modify a structure in a manner that is not expressly permitted by this Unified Development Ordinance;
- D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by this Unified Development Ordinance in the applicable zoning district; or by a use variance or other approval allowed under this Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by this Unified Development Ordinance without first being issued a permit and/or other approvals required by this Unified Development Ordinance;
- F. Non-compliance with Approvals: Fail to fully comply with procedural requirements, payment of fees, conditions, enforceable covenants, or commitments associated with any approval; or
- G. Other Violations: Otherwise fail to comply with any component of this Unified Development Ordinance.

## 10.02 Enforcement Official

Enforcement of this Unified Development Ordinance shall be conducted by an enforcement official as defined. When a type of enforcement action or role is assigned to a specific board, body or individual by Indiana Code or applicable rules of procedure, then that board, body, or individual shall participate as specified.

## 10.03 Discovery of Violations

An enforcement official may survey the jurisdiction or may investigate alleged violations in order to discover whether a violation occurred or exists.

## 10.04 Inspection of Property

- A. Standard Inspections: Inspections of property or structures may be conducted by the enforcement official at the property where the violation or alleged violation is located with permission from the violator at the time of the inspection; from a public right-of-way, from an adjacent body of water, or from an adjacent property with permission from its property owner. If requested, the enforcement official shall present identification and describe the purpose of the inspection.
- B. Denial of Access to Property: In the event the enforcement official is denied entry to a property or structure where there is a violation or alleged violation, the enforcement official may apply to a court of jurisdiction to secure a search warrant authorizing inspection of the property or structure.
- C. Surrender of Right to Deny Access: A property owner surrenders his right to deny an enforcement official access to his property or structure upon filing for any approval. Surrendering the right to deny access shall commence upon filing and shall cease upon the Zoning Administrator issuing a zoning compliance certificate or other required final inspection.

## 10.05 Responsibility for Violations

The owner or possessor (e.g. tenant or occupant) of the structure, land, and/or premises shall be liable for violations of this Unified Development Ordinance. If the possessor of the property or structure is determined to be liable for the violation, but fails to comply or otherwise cannot be sufficiently pursued, the owner shall be held liable for the violation.

## 10.06 Attorney's Fees:

If the Town of Rome City is required to utilize the services of the town's attorney or any other attorney in investigating an alleged violation of this Unified Development Ordinance, or enforcing the provisions of the Unified Development Ordinance before any board, commission, or court (including appeals), and the investigation results in a determination that a violation has occurred; or if the Board of Zoning Appeals, Plan Commission, or Town is successful in its enforcement of the Unified Development Ordinance by way of suit, appeal, or other appropriate proceeding; the owner, respondent, defendant, or party investigated for a violation shall pay the town's reasonable attorney's fees and all costs related to the investigation of the violation and/or the enforcement of the Unified Development Ordinance by the Town Council of the Town of Rome City or court of jurisdiction.



## 10.07 New Permits at Location Where a Violation Exists

When a violation or alleged violation of this Unified Development Ordinance has been identified on a property and notice of the violation or alleged violation has been conveyed in writing to the violator, any new filing for any approval shall be held by the Zoning Administrator until the violation or alleged violation is resolved. All other filings for an approval shall be processed as described in this Unified Development Ordinance.

## 10.08 Enforcement Options

When a violation or alleged violation exists and when it is determined that enforcement is necessary, the type of enforcement action will be at the discretion of the enforcement official and generally should reflect what is warranted by the evidence, severity of the violation or alleged violation, and history of violations on the same property or by the same violator. The following options, as described in subsequent sections, may be used to enforce this Unified Development Ordinance:

- Request to stop work;
- Stop work order;
- Request to remedy;
- Impose a fine for violations;
- Bring action to local court; or
- Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

## 10.09 Request to Stop Work

- A. Authority: The enforcement official may issue a request to stop work.
- B. Cause: A request to stop work may be issued for any violation or alleged violation of this Unified Development Ordinance when one (1) or more of the following statements apply:
  1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost to remedy the violation will likely increase;
  2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
  3. *Quantity of Violation*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
  4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.
- C. General Procedure:
  1. *Issue Notice*: The request to stop work (i.e. notice) shall, in writing, describe the violation or alleged violation and request the immediate cessation of work until the matter is resolved.
  2. *Post Notice*: The request to stop work shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
  3. *Effective*: The request to stop work shall become effective upon posting on the property.
  4. *Conditions*: An enforcement official may describe the conditions under which the request to stop work will be lifted on the notice. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official.
  5. *Agreement*: To lift a request to stop work, a memorandum of agreement identifying the process and steps necessary to resolve the violation shall be signed by the property owner and the enforcement official; or a court of jurisdiction shall rule on the matter; or the enforcement official shall rescind the request to stop work.
  6. *Failure to Abide*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he fails to abide by the request to stop work.
  7. *Refusal to Sign Terms*: An enforcement official may seek a court of jurisdiction to issue a temporary or preliminary injunction (i.e. stop work order) to the violator if he refuses to sign the terms of the memorandum of agreement, giving the enforcement official time necessary to pursue other enforcement options without furtherance of the violation or alleged violation.

## 10.10 Stop Work Order

- A. Authority: The enforcement official may seek a stop work order from a court of jurisdiction. A court of jurisdiction may issue a stop work order.
- B. Cause: A temporary or preliminary injunction may be issued when one or more of the following statements apply:
  - 1. *Cost to Remedy*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the cost, time, or challenge to remedy the violation will likely increase;
  - 2. *Non-compliance*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the violation will likely escalate in non-compliance;
  - 3. *Quantity of Violations*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the number of violations will likely increase; or
  - 4. *Public Risk*: The violation or alleged violation is in regard to an active project, such that if work is not stopped, the continuance will put the health, safety, or welfare of the public at risk.
- C. General Procedure:
  - 1. *Issue Notice*: Before or after filing with the court, the enforcement official shall mail a notice letter to the violator, the property address, and/or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  - 2. *Investigation*: Before or after filing with the court, the enforcement official shall make a reasonable attempt to investigate an alleged violation to determine if there is a violation.
  - 3. *Stop Work Order*: The enforcement official shall file for an action for temporary or preliminary injunction, or temporary restraining order (i.e. stop work order) in the court of jurisdiction to restrain a person from violating or further violating this Unified Development Ordinance.
  - 4. *Post Notice*: If the court grants the stop work order, the stop work order shall be posted in a conspicuous place on the property. A copy may also be delivered or mailed to the property owner, developer, builder, property manager, tenant, occupant, or other interested parties.
  - 5. *Effective*: The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
  - 6. *Conditions*: The court of jurisdiction may determine and describe the conditions and terms under which the stop work order will be lifted. Otherwise, it is the responsibility of the violator to schedule a meeting with the enforcement official and/or court of jurisdiction to resolve the violation.



## 10.11 Request to Remedy

- A. Authority: The enforcement official may initiate a request to remedy.
- B. Cause: A violation or alleged violation exists on a property.
- C. General Procedure:
  - 1. *Investigation*: Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
  - 2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
  - 3. *Time Frame*: The enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance; including a time frame of at least one (1) day but not more than twenty-one (21) days. The time frame granted shall be reasonably tied to the time necessary to remedy the violation (e.g. the time to remove an A-frame portable sign could be one day).
  - 4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
  - 5. *Timely Correction*: If corrective measures have not been initiated in a timely manner, or corrective measures are not effectively being conducted, or corrective measures are significantly behind schedule, or the violation remains after the time frame given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the time frame for remedy, the enforcement official shall not begin another enforcement option until the time frame has expired and a violation remains unresolved.
- D. Safety from Fines: The enforcement official shall not impose a fine to a violator if a request to remedy is the first enforcement action and the violation is remedied within the granted time frame.

## 10.12 Impose a Fine for Violation

- A. Authority: The enforcement official may impose a fine for violation as an independent enforcement action or concurrent to another enforcement action; except the "Invoke a Fine for Violation" or *Section 10.11: Request to Remedy*.
- B. Cause: A violation exists.
- C. General Procedure:
  - 1. *Collect Evidence*: Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
  - 2. *Issue Notice*: The enforcement official shall mail a notice letter to the violator or the property address (or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation. The notice letter shall also include the terms of the fine, including the fine amount and the date payment is due.
  - 3. *Time Frame*: If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there is not a violation or to bring the violation into compliance, including a time frame of at least one (1) day but not more than twenty-one (21) days. The time frame granted shall be reasonably tied to the necessary time to remedy the violation (e.g. the time to remove an A-frame portable sign in violation could be one day).
  - 4. *Time Frame Extension*: A time frame extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
  - 5. *Financial Liability*: The enforcement official may impose a fine in an amount not less than \$50.00 or higher than \$2,500 for the first violation and not less than \$50.00 or higher than \$7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like.
  - 6. *Appeals*: Fines imposed by the enforcement official may be appealed to the Board of Zoning Appeals.

## 10.13 Invoke a Legal, Equitable, or Special Remedy

### A. Authority:

1. *Court-imposed Remedy:* The Town may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a legal, equitable, or special remedy.
2. *Enforce Compliance:* The Town may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may enforce compliance with a condition, covenant, or commitment.
3. *Permanent Injunction:* The Town may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.
4. *Mandatory Injunction:* The Town may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a mandatory injunction against a violator.
5. *Court-imposed Fine:* The Town may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except "Imposing a Fine for Violation" or as stated in *Section 10.11: Request to Remedy*. A court of jurisdiction may issue a fine for violation.

### B. Cause:

1. A violation, alleged violation, or intent to violate exists on a property.
2. A condition, covenant, or commitment is not in compliance with terms of an approval.
3. A structure was constructed, modified or installed in violation or alleged violation.

### C. General Procedure:

1. *Issue Notice:* Before or after bringing an action to the court of jurisdiction, the Plan Commission shall mail a notice letter to the violator, the property address, or to the tax record address if mail is undeliverable to the property (e.g. a vacant site) describing the violation or alleged violation.
2. *Investigation:* Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to determine if there is a violation.
3. *Action:* The Town shall bring an action to the court of jurisdiction to invoke an action, special remedy, or penalty for a violation or alleged violation.
4. *Liability:* Any violator found liable for a violation shall be subject to any court-imposed action or penalty. The severity of the court ruling may consider the severity of the violation, impact to property values in the area, impact to quality of life in the area, impact to the health, safety and welfare of the public, repetitiveness of similar violations by the same violator, and/or the precedent that may be set by the ruling.
5. *Financial Liability:* A violator found liable for a violation shall be subject to a court-imposed fine in an amount not less than \$50.00 or higher than \$2,500 for the first violation and not less than \$50.00 or higher than \$7,500 for the second or subsequent violations. Each unique violation from the day it was confirmed as a violation is subject to a fine; and each new day the violation persists, excluding days granted to remedy the violation, shall constitute another fine. The fine for a violation shall be reasonably in proportion to the severity of the violation, repetitiveness of similar violations by the same violator, and the costs associated with enforcing, mitigating, administering, researching, inspecting the violation, court fees, legal fees, and the like; or as the court decides according to *IC 36-1-3-8*.

## 10.14 Other Remedy

Any action allowed by Indiana Code, common law, or other applicable State regulations may be used to force a violation to be in compliance with this Unified Development Ordinance, remedy, or compliance with the terms of an approval.

## Article

# 11

## Definitions

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Town of Rome City  
Unified Development  
Ordinance

## 11.01 General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in this 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 terms used in the Unified Development Ordinance shall have the following meanings:

**1/2 Story:** "See Story, Half."

**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.

**Accessory Dwelling (or Dwelling Unit):** A dwelling subordinate to a primary dwelling on the same lot. This use is typically referred to as a "Granny Flat" or "In-law Apartment."

**Accessory Structure:** Generally, 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 lot as the primary structure or use;
- Conforms to the setback, height, bulk, lot coverage, and other requirements of this Unified Development Ordinance unless otherwise provided for;
- Is separate from a primary structure (see note below);
- Is not designed for human occupancy as a dwelling or commercial use; and
- In the case of a telecommunications tower, antenna, or other radio or cellular communications or equipment, a subordinate structure detached from but located on the same site, the use of which is incidental and accessory to that of the primary telecommunications tower, antenna, or other radio or cellular communications equipment.

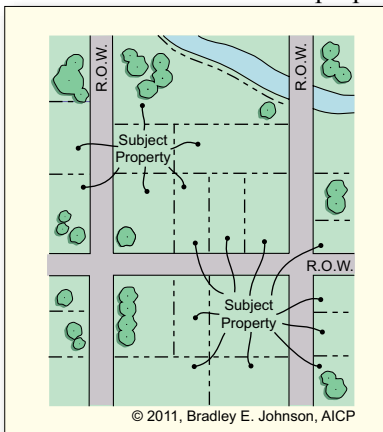
(Note: A roof, sidewalk, deck, unenclosed breezeway, enclosed breezeway without climate control, or the like connecting an accessory structure to a primary structure shall not result in the accessory structure being designated as a part of the primary structure.

**Accessory Structure, Recreation-based:** An accessory structure placed on a lot and used for recreation, entertainment and lounging (e.g. a swimming pool or deck). Recreation-based accessory structures do not include enclosed structures, partially enclosed structures, or portions thereof.

**Accessory Structure, Storage-based:** An accessory structure placed on a lot and used to store, keep, shelter or contain material items (e.g. a detached garage or carport). Generally, storage-based accessory structures are enclosed, roofed, or partially enclosed structures.

**Accessory Structure, Support-based:** An accessory structure placed on a lot and used to provide essential function to the overall development (e.g. maintenance facility, sales office, or laundry facility).

**Adjacent Property:** Any property adjacent to or directly diagonal to the subject property. Properties across a public right-of-way (ROW), access easement, drainage easement, or utility easement 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 AG district.

**Agriculture:** Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities. Agriculture shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

**Agriculture Structure:** A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm. An agriculture structure shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

**Alley:** A public right-of-way, other than a street or easement, that provides secondary access to abutting property.

**Animal, Exotic:** Animals raised and bred healthy and humanely 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 as defined. 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 are primarily pastured. Farm animals do not include outdoor pets, household pets, or exotic animals as defined. Examples of farm animals include: cows, horses, sheep, pigs, chickens, turkeys, emu, llamas, and goats.

**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 Zoning Administrator, Plan Commission, and/or Board of Zoning Appeals for approval of a project or for action on a matter regulated by the Unified Development Ordinance.

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

**ATM:** See "Automated Teller Machine."

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

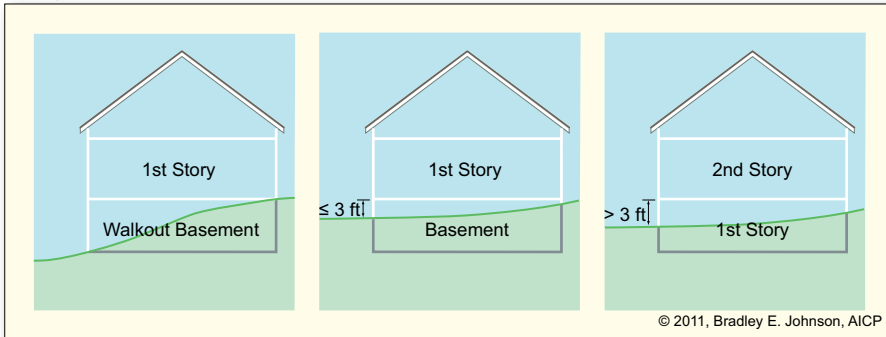
**Average Setback:** See "Setback, Average."

**Back Lot:** See "Lot, Non-Lake Front."

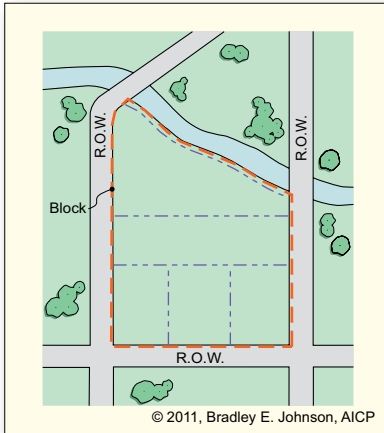
**Base Zoning District:** See "Underlying District."

**Basement:** An area within a building dominantly below the finished grade. Specifically, a basement shall have no more than ten percent (10%) of its perimeter greater than three (3) feet above grade; and no point along its perimeter shall be greater than five (5) feet above grade (measured vertically from the bottom of the floor joists of the floor above to the finished grade). Basements are not considered a story. (See graphic for Basement, Walkout)

**Basement, Walkout:** An area within a building with its perimeter (exterior) walls partially below finished grade, and having one quarter (1/4) or less of its perimeter (i.e. exterior) walls fully above finished grade allowing ingress and egress. To be considered a walkout basement it must have another habitable floor above it that also has ingress and egress at or near grade. Walkout basements are not considered a story when the "walkout" portion faces a lake yard or rear yard.



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

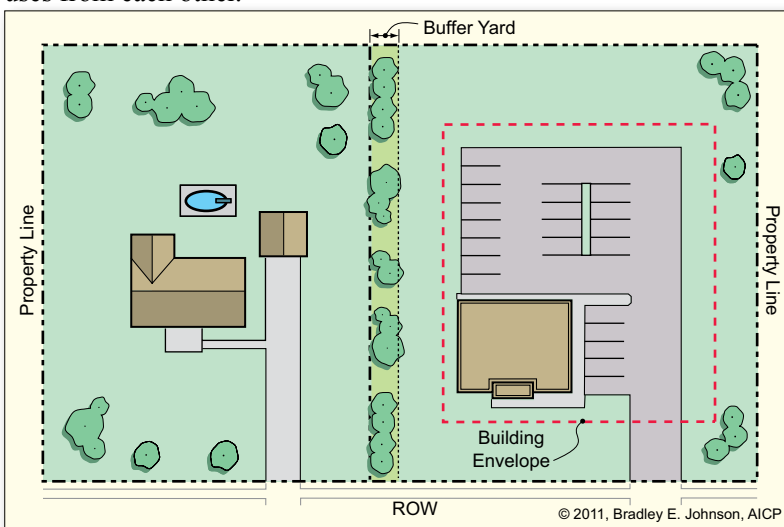


**Board:** See "Board of Zoning Appeals."

**Board of Zoning Appeals:** The Town of Rome City Board of Zoning Appeals or any division thereof.

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

**Buffer Yard:** An area adjacent to a front, side, and rear property lines intended to provide attractive spaces or natural features to (a) reduce the impacts of a proposed or existing use from the subject property, or (b) screen incompatible uses from each other.



**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. When a building has habitable spaces separated by walls or floors without openings, stairs or doorways connecting them, each habitable space shall be deemed as a separate building.

**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 Envelope:** See "Envelope, Building."

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

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

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

**Canopy Tree:** A deciduous tree that grows to at least forty (40) feet in height and that has a branch system (i.e. a canopy) that is round or oval in shape (e.g. red oak, tulip poplar, sycamore, or sugar maple). Conical or tubular shaped trees are not canopy trees.

**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*.

**Church:** See "Places of Worship."

**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.

**Co-location:** 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 District:** Refers to the CB and GB districts.

**Commercial Lake Access:** Allowing an unrelated person or organization, through verbal or written agreement, with or without payment, access to a lake shore, dock, or watercraft, for more than five (5) days in any calendar year. See *Section 5.34 Lake Front Access Standards*.

**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 *Town of Rome City Comprehensive Plan*. 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.

**Conservation Club:** A lot and structures owned by a not-for-profit organization with a mission to protect and conserve natural resources, primarily the land to which is owned by the conservation club. Conservation clubs shall not be inclusive of a shooting range.

**Corner Lot:** See "Lot, Corner."

**County:** Noble County, Indiana.



**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 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.

**Day Care Center**: See "Child Care Center."

**Demolition**: The complete or substantial removal or destruction of any structure including or excluding its foundation or portions thereof.

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

**Detached Structure**: A structure that has no structural connection with another structure.

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

**Developer**: The owner or legal representative of land proposed to be subdivided and used for residential or commercial development.

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

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

**District**: See "Zoning District."

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

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

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

**Drive, Private**: See "Street, Private."

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

**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, Manufactured Home**: A residential structure that is predominantly constructed in a factory. A manufactured home may either be a mobile home dwelling or a modular home dwelling depending on whether it complies with the applicable definition. A manufactured home dwelling does not include a trailer home dwelling.

**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 and Safety Standards.

**Dwelling, Modular Home**: A residential structure that is predominantly constructed in a factory and that is transported to the site in two (2) or more sections. A Modular Home Dwelling that complies with the definition for a Single-family Dwelling shall be considered a Single-family Dwelling.

**Dwelling, Multiple-family**: A residential building designed to be occupied by two (2) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Primary**: A building containing one (1) residential unit in which the owner of the property is the occupant.

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

**Dwelling, Single-family Attached**: A building with two (2) or more dwelling units attached by common wall and with each dwelling unit located on its own lot.

**Dwelling, Single-family Detached**: A detached residential dwelling unit designed to be occupied by one (1) family.



# Definitions - Envelope, Building

**Dwelling Site:** A site within a manufactured home park with required improvements and utilities, and that is leased for the long-term placement of a modular home dwelling and/or mobile home dwelling. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for a dwelling site.

**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, Trailer Home:** A transportable dwelling unit which is either:

- Less than eight (8) feet in width,
- Not built on a permanent foundation or tied down to permanent anchors, or
- Built prior to June 15, 1976 and does not bear a seal certifying that it was built in compliance with the Indiana Building Council standards, per Indiana Public Law 135, 1971.

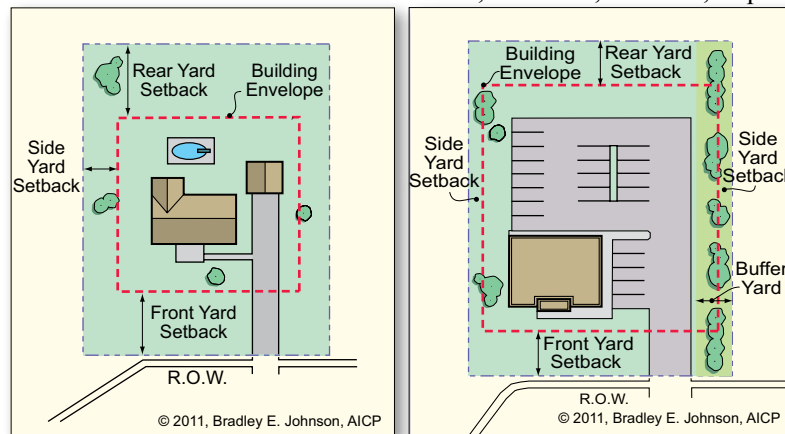
**Dwelling, Two-Family:** See "Dwelling, Multiple-family."

**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, modular home dwelling, and farmstead.

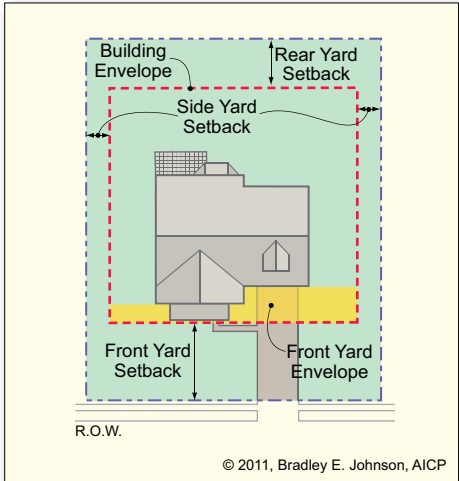
**Easement:** A grant by a property owner ("grantor") to specific persons, the general public, corporations, utilities, or others ("grantee" or "easement holder") for the purpose of providing services or access to the property.

**Enforcement Official:** The Zoning Administrator and his/her authorized representatives, the Plan Commission, the Board of Zoning Appeals, code officers, Town Manager, Building Inspector, Town Marshal, legal counsel for the Plan Commission, legal counsel for the Board of Zoning Appeals, legal counsel for the Town Council, or any other person charged with a full or partial role in the enforcement of the Rome City Unified Development Ordinance by Indiana Code, Board of Zoning Appeals Rules and Procedures or official vote, Plan Commission Rules and Procedures or official vote, or by the Rome City Unified Development Ordinance.

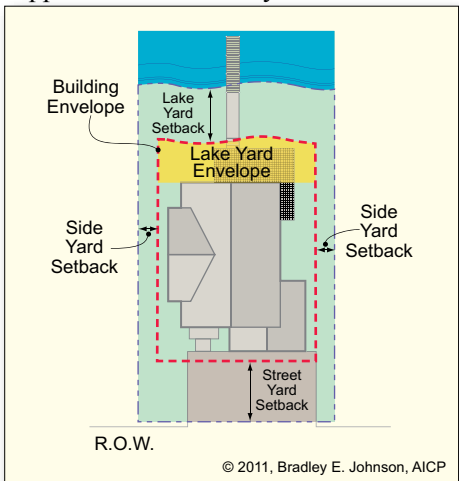
**Envelope, Building:** The setback lines applicable to the type of structure being regulated that establish an area on a lot in which that structure can be constructed, relocated, installed, or placed.



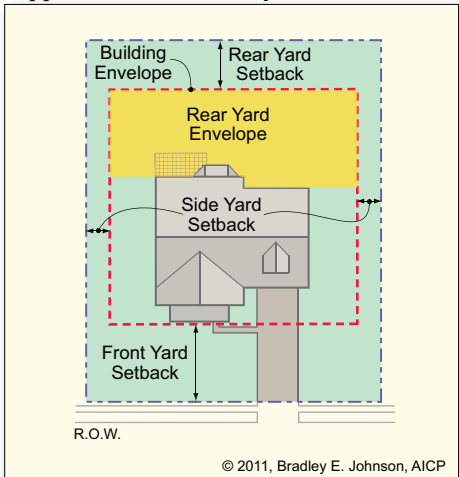
**Envelope, Front Yard:** The horizontal area from the front facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure.



**Envelope, Lake Yard:** The horizontal area from the lake-facing facade of a primary structure to the applicable lake yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure.

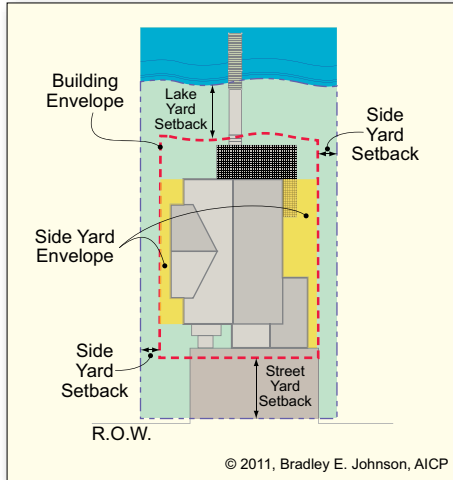


**Envelope, Rear Yard:** The horizontal area from the rear facade of a primary structure to the applicable rear yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure.

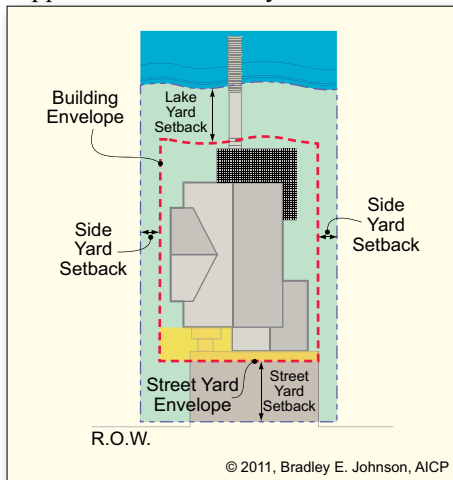


# Definitions - Fair Housing Facility (large)

**Envelope, Side Yard:** The horizontal area from the side facade of a primary structure to the applicable side yard setback, extending to the street yard envelope (or front yard envelope) and lake yard envelope (or rear yard envelope). This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure.



**Envelope, Street Yard:** The horizontal area from the street-facing facade of a primary structure to the applicable front yard setback, extending to the applicable side yard setbacks. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure.



**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:** See "Setback, Established Building."

**Eyebrow Street:** See "Street, Eyebrow."

**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*.

**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.

**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.

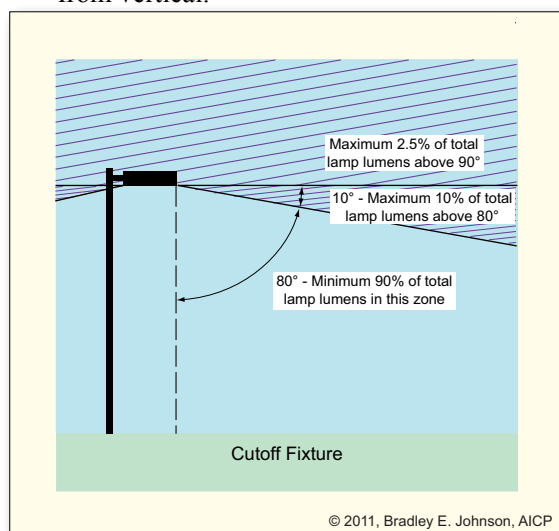
**FEMA:** United States Federal Emergency Management Agency.

**Fence:** A vertical structure used for containment, security, aesthetics, a landscape feature, and the like. Fences are inclusive of permanently affixed (e.g. posts cemented into the ground), temporarily affixed (e.g. staked to the ground) structures, and living material (e.g. a dense hedge row). Fence materials may include wood, composite wood, masonry, stone, metal, plastic, vinyl, wire, glass, or similar material; however, the Town of Rome City Unified Development Ordinance may restrict or require some forms and/or materials.

**Fence, Decorative:** A fence that is not primarily used for containment or security, and that is designed to be aesthetically appealing and integrated into the site's landscaping. Decorative fences cannot be continuous and shall not be more than eighty percent (80%) opaque. Decorative fence materials may include ornamental, pickets, or ornate metal.

**Fixture, Cutoff:** A luminaire that:

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

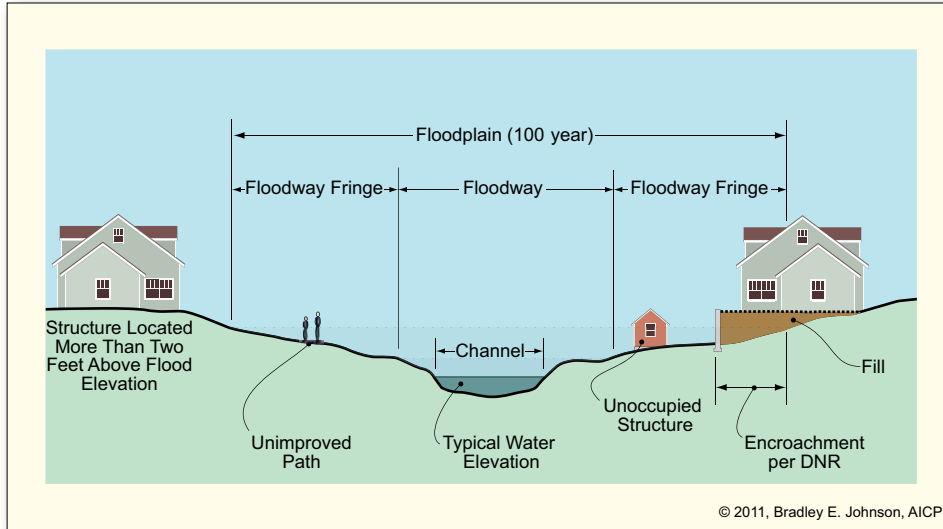


**Flatwork:** Generally, concrete, asphalt or pavers used for on-site sidewalks, patios, and driveways.

**Flood:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

# Definitions - Ground Floor Area

**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.



**Floodway Fringe:** Those portions of the floodplain lying outside the floodway.

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

**Floor:** See "Story."

**Floor Area:** In residential buildings, the cumulative square feet of finished indoor living space including bedrooms, bathrooms, kitchen living room and similar spaces, but not including covered porches or patios, garages, and storage only accessible from the exterior. In non-residential buildings, the cumulative square feet of indoor space, including offices, showroom, dining, storage and the like.

**Foundation:** The supporting member of a wall or structure. Pilings are considered a foundation.

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

**Front Yard:** See "Yard, Front."

**Frontage:** See "Lot Frontage."

**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. A detached garage shall always be considered an accessory structure. An attached garage shall always be considered part of a primary structure.

**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.

**GIS:** See "Geographic Information System (GIS)."

**Glare:** The blinding effect or decrease in visibility caused by a bright light or by viewing a lighting element (e.g. the bulb). Clinically, glare is the contrast-lowering effect of stray light in a visual scene that reduces a persons ability to see a desired target or direction. Glare is difficult to measure because it impacts each person differently based on age, eye health, anatomy, and eye color. For instance glare is particularly troublesome to persons with cataracts or that have had Lasik correction. Variations in impact include the amount of vision lost, the field-of-vision lost, and duration of recovery.

**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.

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

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

**Ground Level, Average:** The average of the ground elevation at the highest point and the lowest point along the structure's foundation. Artificial mounding or recessions shall not be used as the high or low elevation, especially attempts to manipulate the average ground level to the advantage of a property owner.

**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 applicable Indiana Code 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.

**Half Story:** See "Story, Half."

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

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historical Site:** Land, feature, or structure conserved to honor a person, event, culture, time period, or other significant historic element. Historic sites include ancillary museums, gift shops, parking facilities, and other site enhancements necessary to provide access to the site and to educate visitors.

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

**Home Business:** A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property and is clearly incidental and secondary to the use of the dwelling for residential purposes.

**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, building, or structure that fully or predominantly prevent absorption of stormwater into the ground. Examples include: driveways, homes, gravel parking lots, and outdoor basketball courts.

**Improved Lot:** See "Lot, Improved."

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

**Improvement Location Permit:** See "Zoning Compliance 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.

**Initial User:** The applicant, person, organization, or corporation that originally applies to the Town 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."

**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, County, or Town vehicle licensing or other laws or ordinances.

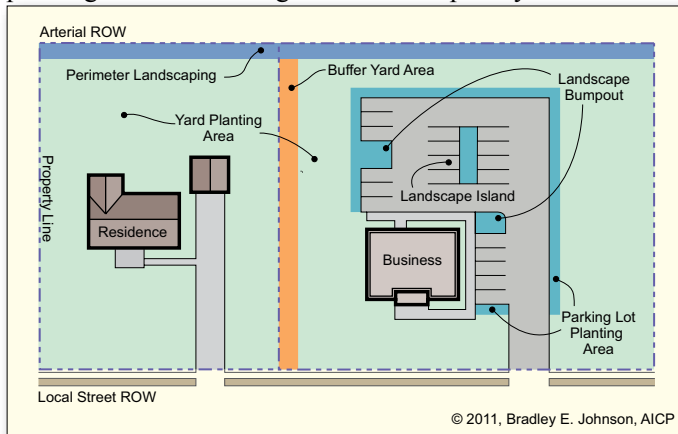
**Jurisdiction:** See "Planning Jurisdiction."

**Kitchen:** An indoor room with either: (1) a dishwasher, or (2) an oven, or (3) a refrigerator, sink, and cooking device (e.g. microwave, stove, or oven) within twenty (20) feet of one another when the distance between each feature is measured and added together (i.e. adding the distance from the refrigerator to the sink to the cooking device back to the refrigerator).

**Kitchen, Outdoor:** See "Outdoor Kitchen."

**Lake Front Access Point:** A common beach, and/or lake front recreational area or common area, or common easement for the purpose of non-lake front lots to gain access to a lake. Non-lake front lots could include: multi-family residential units, mobile home parks and campgrounds, and platted or exempt residential subdivisions in any zoning districts. NOTE: A graphic will be inserted in the next draft.

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



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

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

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

**Legal Nonconforming 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 Structure:** Any continuously occupied, lawfully established structure prior to the effective date of this 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 this Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located.

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

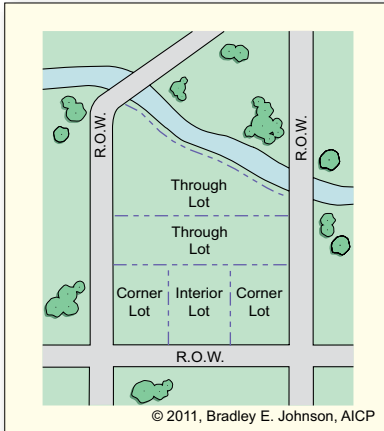
**Local Street:** See "Street, Local."

**LOMA:** Federal Emergency Management Agency Letter of Map Amendment.

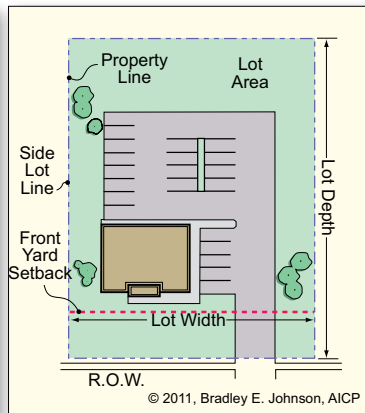
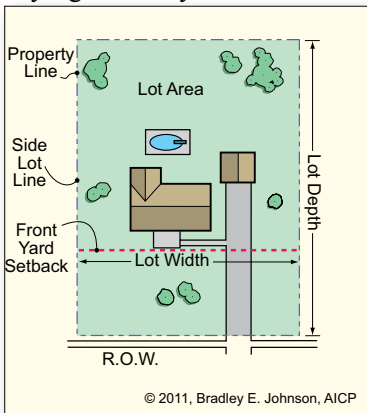
**LOMR:** Federal Emergency Management Agency Letter of Map Revision.



**Lot:** A piece, parcel, or tract of land designated by its owner or developer to be used, developed, or built upon as a unit under single or multiple ownership or control. There are generally three (3) types of lots identified in this Unified Development Ordinance: interior lots, corner lots, and through lots.

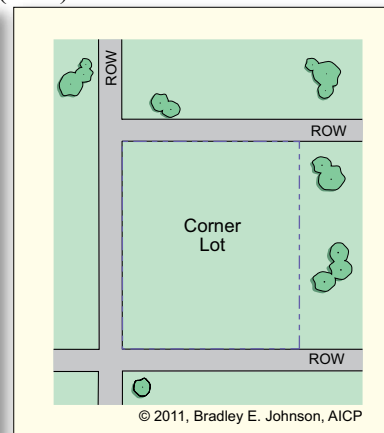
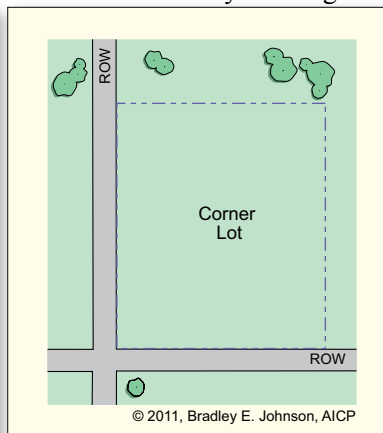
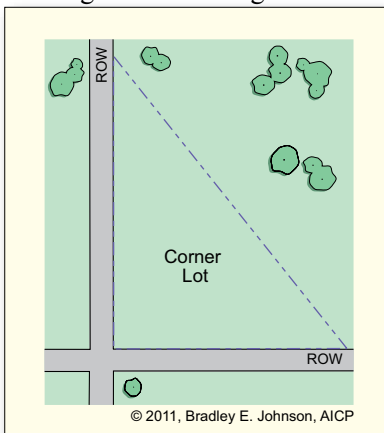


**Lot Area:** The area of a horizontal plane bounded by the front, side, and rear lot lines (i.e. property lines), excepting any right-of-way and area below water level.



**Lot, Buildable:** See "Lot, Improved."

**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 ( $135^\circ$ ).



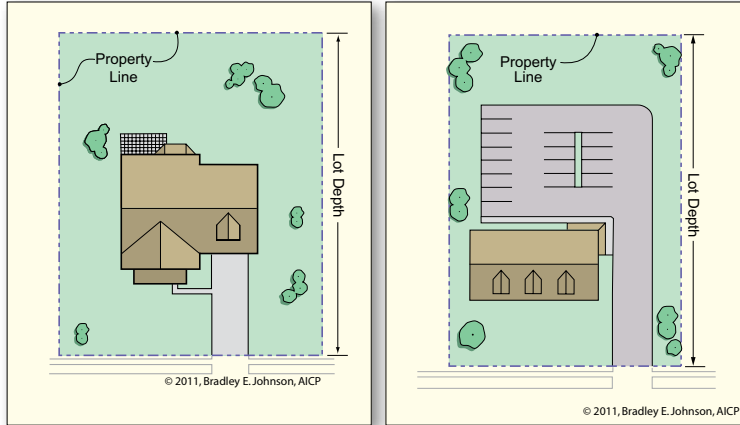
**Lot Coverage:** The cumulative area on a lot covered by structures, buildings, and other elements which do not, or do not substantively, allow water to permeate into the ground as regulated by the Unified Development Ordinance.

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



# Definitions - Lot Line, Front (corner lot)

**Lot Depth:** The horizontal distance between the front and rear lot lines.

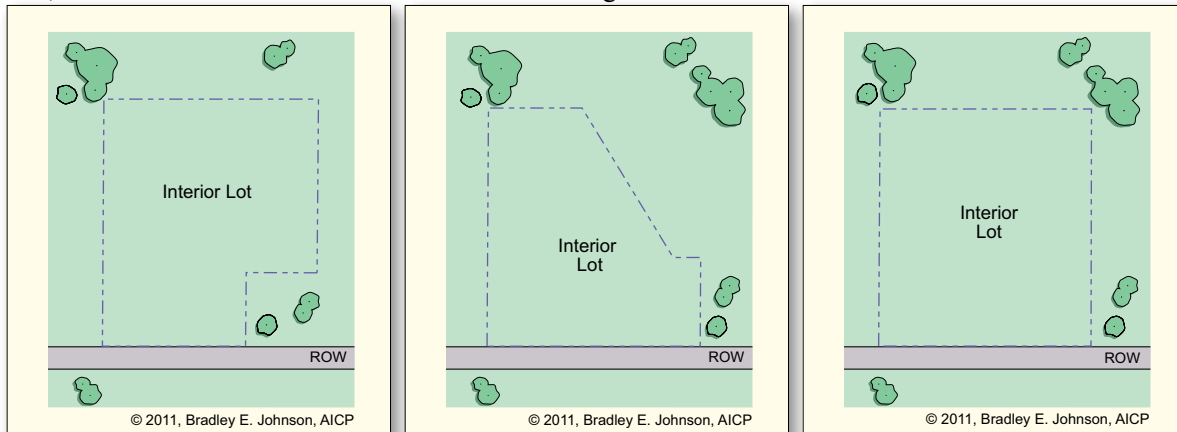


**Lot, Developed:** A lot with a primary structure or accessory structure with a permanent foundation.

**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.

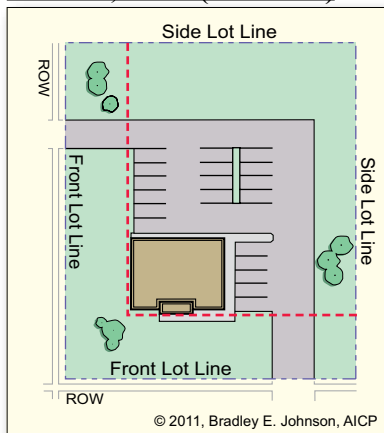
**Lot, Improved:** A lot upon which a structure may be constructed and occupied as a result of the fact that it was legally established, has frontage on and access to a public right-of-way, and allows minimum setback requirements and reasonable buildable space.

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

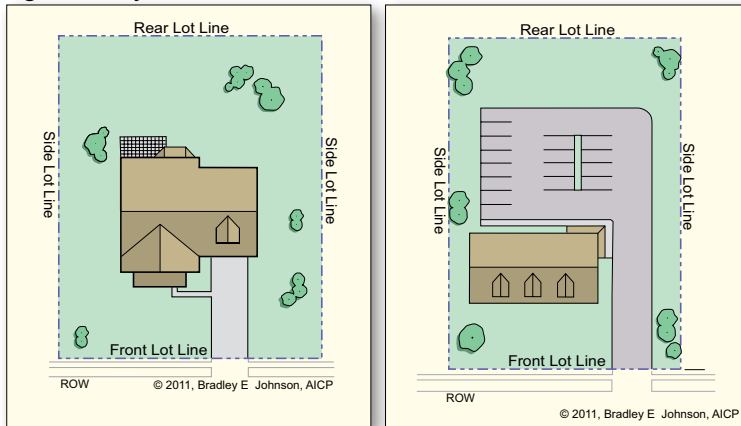


**Lot, Lake Front:** A lot adjacent to a lake, but not by easement, common property, or lake front access point.

**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.



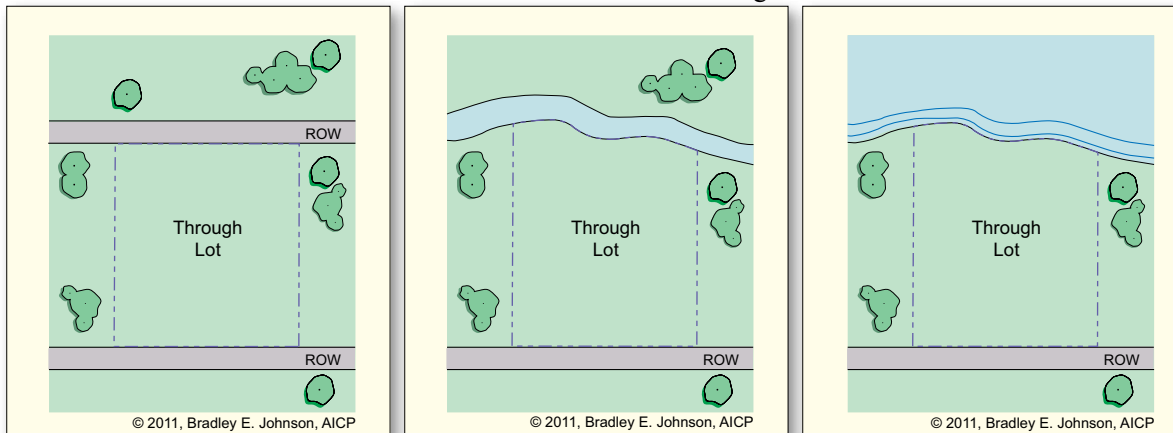
**Lot Line, Rear:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten (10) feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line (See graphic for "Lot Line, Front").

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

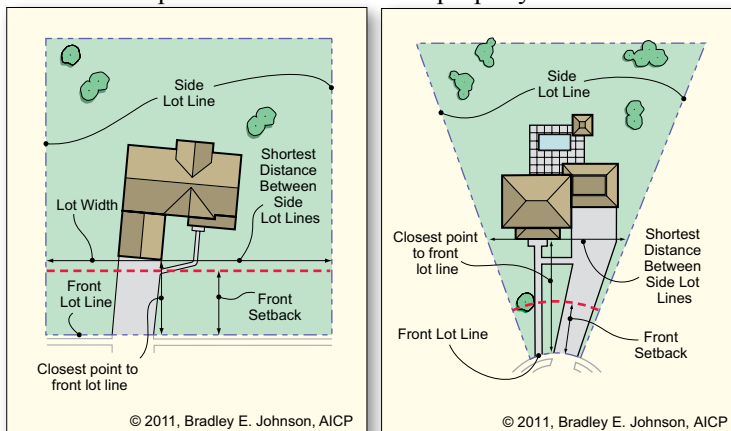
**Lot, Non-Lake Front:** A lot that is not a lake front lot, as defined.

**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 shortest distance between the side lot lines that intersects with the established footprint of the primary structure at a point closest to the front property line.



# Definitions - Master Plan

**Lowest Floor:** The lowest elevation described among the following:

1. The lowest floor of a building.
2. The basement floor.
3. The garage floor, if the garage is connected to the structure.
4. The first floor of a structure elevated on pilings or constructed on a slab or crawl space.
5. The floor level of an enclosure below an elevated structure where the walls of the following requirements are satisfied:
  - a. The walls are designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood water.
  - b. 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

**Lumens:** Unit of luminous flux in the International System of Units (SI) equal to one (1) 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 (1) lumen per square meter.

**Manufactured Home Park:** A lot 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 modular home dwellings, and shall include any street used or intended for use as part of the facilities. A manufactured home park does not include the retail sales of mobile home dwellings or modular home dwellings in which unoccupied units are parked for inspection or sale. Placement of a trailer home dwelling, recreational vehicle, or camper is not inclusive of the definition for manufactured home park.

**Marina:** A lake front facility that engages in at least one of the following activities:

- Provides docking space for more than eight (8) boats or other watercraft, or
- Provides servicing of boats and/or other watercraft.

A marina may also include one or more of the following ancillary uses:

- Provides storage for more than eight (8) boats or other watercraft,
- Sells petroleum products for the use in boats and/or other watercraft, or
- The sale of boats, watercraft, and fishing accessories, which may also include the sale of convenience items.

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

**Market Value:** The price at which a structure, building, lot, or combination thereof would be sold for at present day, based on two or more independent appraisals.

**Master Plan:** See "Comprehensive Plan."

**Materials Recycling (Type 1):** Low intensity materials recycling operations that meet the characteristics listed below in *Table 11-A: Features of Material Recycling Uses*.

**Materials Recycling (Type 2):** Medium intensity materials recycling operations that meet the characteristics listed below in *Table 11-A: Features of Material Recycling Uses*.

**Materials Recycling (Type 3):** High intensity materials recycling operations that meet the characteristics listed below in *Table 11-A: Features of Material Recycling Uses*.

**Table 11-A: Features of Material Recycling Uses**

Material Recycling Types	Defining Characteristics						
	Max. Heavy Vehicle Trips per Week (loads over 40,000 lbs GVW)	Outdoor Storage of Materials To Be Recycled	Outdoor Storage of Final Recycled Product	Height of Any Outdoor Storage	Percentage of Recycling Process Allowed to be Outdoors	Outdoor Grinders or Shredders	Hours of Operation
Type 1: Low Intensity	20 trips in and/or out	not allowed	up to 10% of lot area or 1/2 acre, whichever is more restrictive	no greater than 8 feet in height	none	not allowed	between 6 AM and 7 PM
Type 2: Moderate Intensity	60 trips in and/or out	up to 15% of lot area or 1/2 acre, whichever is more restrictive	up to 30% of lot area or 2 acres, whichever is more restrictive	no greater than 12 feet in height	up to 20%	not allowed	between 5 AM and 10 PM
Type 3: High Intensity	no limit	no limit	no limit	no limit	no limit	allowed	no limit

**Maximum Lot Coverage:** The greatest amount of impervious surfaces allowed to cover a lot as limited by this Unified Development Ordinance.

**Mining:** A land use involving the extraction of rock, sand, minerals, fossil fuel, or other raw material from the earth.

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

**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 MR district.

**Mural:** See "Sign, Mural."

**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 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-livable Space:** Space within or attached to a residential building not intended or designed for human living. An unfinished basement shall be considered livable space under all circumstances. An unfinished attic, crawl space, and garages shall always be non-livable space.

**Office, General:** A place of work which has very little impact on neighboring properties, traffic generation, and public safety; and that does not involve retail sales. For example, a lawyer's office, consultant's office, accountant's office, real estate office, and insurance agent's office.

**Official Zoning Map:** A single hard copy or electronic map (i.e. the county GIS system) that legally denotes the boundaries of zoning districts as they apply to the properties within the Town of Rome City's planning jurisdiction, kept up to date by the Plan Commission and the Zoning Administrator.

**Official Zoning Map Copies:** A map of the Town of Rome City 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 recreation 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 deciduous tree that does not grow to over thirty (30) feet in height at maturity. Ornamental trees typically are flowering trees.

**Outdoor Fireplace:** A gas or wood-burning structure that is located for use outdoors (e.g. integrated with outdoor living space) and that exceeds five (5) feet in height, measured to the top of the chimney.

**Outdoor Kitchen:** An outdoor facility used for food preparation that includes a permanent or semi-permanent grill and an oven, stove, refrigerator, and/or sink.

**Outdoor Storage:** See "Storage, Outdoor."

**Overlay District:** A mechanism for adding development standards, subtracting development standards, adding permitted or special exception land uses, or subtracting permitted or special exception land uses from a standard zoning district. Overlays districts function as an additional "layer" that impacts one (1) or more underlying zones that it is applied over.

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

**Parcel:** See "Lot."

**Parent Tract:** A lot of record as recorded on the effective date of this Unified Development Ordinance. Multiple pieces (lots) owned by one (1) person, persons in partnership, or a company and that are contiguous shall together be considered one (1) parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a business.

**Park and Recreation District:** Refers to the PR district.

**Park:** A lot available to the public for any type of passive and active recreation and is maintained and governed by the Town of Rome City.

**Parking, Required:** The minimum number of off-street parking spaces specified for a particular use or uses by this Unified Development Ordinance.

**Parking Space:** Space within a public or private parking area which can accommodate the storage of one (1) passenger automobile or small commercial vehicle.

**Passive Recreation:** See "Recreation, Passive."

**Patio:** A horizontal improved surface (e.g. concrete, paver blocks, or wood decking) no greater than six (6) inches above ground level.

**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 Surety:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner, or his/her surety to the Town of Rome City which guarantees that the subdivider will perform all actions required by the Town of Rome City regarding an approved plat or in other situations as stated forth in this 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 surety, 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.

**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.

**Pets, Household:** Domestic pets maintained healthy and humanely within the confines of the dwelling unit. Household pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Household pets do not include outdoor pets (as defined), farm animals (as defined), pigmy goats, potbelly pigs, or rabbits. Examples of household pets include: dogs, cats, mice, snakes, hamsters, ferrets, and birds.

**Pets, Outdoor:** Domestic pets maintained healthy and humanely within the confines of the lot. Outdoor pets includes hobby breeding of domestic animals as long as the frequency of breeding is limited to one (1) litter per year per household. Outdoor pets do not include farm animals (as defined), rabbits, mice, snakes, hamsters, ferrets, or birds. Examples of outdoor pets include: dogs and cats.

**Place of Worship:** Church, temple, mosque or other structure, outdoor or indoor, used for public worship, including ancillary educational, cultural, and social activities.

**Plan Commission:** A plan commission serving a single local government jurisdiction established as defined under *IC 36-7-1-2* (1983) as amended. The Town of Rome City 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 04: Planned Development District* of this Unified Development Ordinance. Generally a planned development consists of one (1) or more lots, controlled by a single landowner, 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 this Unified Development Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (e.g. dwellings built in innovative lot arrangements around common open space) and zero lot line housing (e.g. dwellings built immediately adjacent to lot lines) are possible as part of planned unit developments. A planned development requires approval through a zoning map amendment.

**Planning Director:** See "Zoning Administrator."

**Planning Jurisdiction:** The Town of Rome City, Indiana corporate limits and the contiguous unincorporated extra-territorial jurisdictional area over which the Town exercises planning and zoning authority.

**Plan Commission Staff:** The Zoning Administrator and all employees of the Plan Commission of the Town 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.

**Playset:** a recreation based accessory structure designed for use by children that includes swings, slides, climbing apparatuses, platforms, forts, and the like.

**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.

**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.

**Primary Use:** See "Use, Primary."

**Principal Use:** See "Use, Primary."

**Private Street:** See "Street, Private."

**Prohibited Use:** A use that is not permitted under any circumstances.

**Public Improvements:** Any storm drainage facility, street, highway, parkway, public 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 public sidewalk.

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

**Public Street:** See "Street, Public."



# Definitions - Retail (Type 4) High Intensity

**Public Utility:** See "Utility, Public."

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

**Raising of Farm Animals:** Any livestock operation that falls outside the definition of Confined Feeding Operation.

**Rear Lot Line:** See "Lot Line, Rear."

**Rear Yard:** See "Yard, Rear."

**Recreation, Passive:** Activities like hiking, birding, studying nature, and picnicking. Areas designated for passive recreation may have trails and other miniscule man-made features such as markers, safety rails, steps, and trash receptacles.

**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 recreation, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle shall not be used as dwellings or long term habitable space on a lot not designated as a campground.

**Recycling Collection Point:** A facility where residential and small business recycling (e.g. newspaper and office paper, plastic and glass containers, and food and soda cans) is dropped off by the consumer for collection by a waste management operation.

**Registered Land Surveyor:** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Registered Professional Engineer:** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Residential District:** Refers to the RR, SR, and LR 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.

**Residential Unit:** Finished space for occupancy within a building, built according to the Residential Building Code, and having at least three (3) rooms (i.e. spaces divided by walls and interior doors) including one (1) bedroom with closet, one (1) full bathroom, and one (1) living space with a kitchen. Typically a studio unit or bunk house would not be considered a residential unit.

**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 this Unified Development Ordinance.

**Retail (Type 1) Very Low Intensity:** A very low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-B: Limits of Retail Uses* below. A very low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A very low intensity retail business shall not include business-to-business wholesale operations.

**Retail (Type 2) Low Intensity:** A low intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-B: Limits of Retail Uses* below. A low intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A low intensity retail business shall not include business-to-business wholesale operations.

**Retail (Type 3) Medium Intensity:** A medium intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-B: Limits of Retail Uses* below. A medium intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A medium intensity retail business shall not include business-to-business wholesale operations.

**Retail (Type 4) High Intensity:** A high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-B: Limits of Retail Uses* below. A high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A high intensity retail business shall not include business-to-business wholesale operations.

# Definitions - Retail (Type 5) Very High Intensity

**Retail (Type 5) Very High Intensity:** A very high intensity retail business that provides products to all or portions of the general public and that meets the applicable characteristics listed in *Table 11-B: Limits of Retail Uses* below. A very high intensity retail business also includes ancillary uses, customarily associated with the primary retail business. A very high intensity retail business shall not include business-to-business wholesale operations.

**Table 11-B: Limits of Retail Uses**

Retail Types	Defining Characteristics							
	Max. Vehicle per Day	Max. Retail Floor Area	Max. Outdoor Display of Merchandise	Max. Frequency of Dumpster Emptying	Outdoor Storage	Hours of Operation	Drive Through	Sexually Oriented Retail Sales
Type 1: Very Low Intensity	750	5,000 sq. ft.	2% of retail floor area or 50 square feet whichever is more restrictive	1 per week or use of residential service	not allowed	open between 5 AM and 9 PM	not allowed	not allowed
Type 2: Low Intensity	1,500	10,000 sq. ft.	5% of retail floor area or 200 square feet whichever is more restrictive	2 per week	not allowed	open between 5 AM and 10 PM	not allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive
Type 3: Medium Intensity	5,000	50,000 sq. ft.	10% of retail floor area or 400 square feet whichever is more restrictive	1 per day	not allowed	open between 5 AM and 11 PM	allowed	up to 100% of retail floor area or 100% of gross revenue
Type 4: High Intensity	15,000	100,000 sq. ft.	10% of retail floor area or 1,000 square feet whichever is more restrictive	1 per day or more	20% of retail floor area or 4,000 square feet whichever is more restrictive	no limit	allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive
Type 5: Very High Intensity	no limit	no limit	no limit	no limit	no limit	no limit	allowed	up to 2% of retail floor area or 2% of gross revenue whichever is more restrictive

**Retaining Wall:** A vertical or near-vertical structure used to prevent earth from eroding or advancing (i.e. able to resist the horizontal pressure of the high-side earth), or used to create tiers or otherwise relatively flat areas on the high-side and low-side of the structure.

**Right-of-way:** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. A 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-site.

**ROW:** See "Right-of-way."

**Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit or broadcasted signals from transmitting towers.

**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

**Secondary Plat:** See "Plat, Secondary."

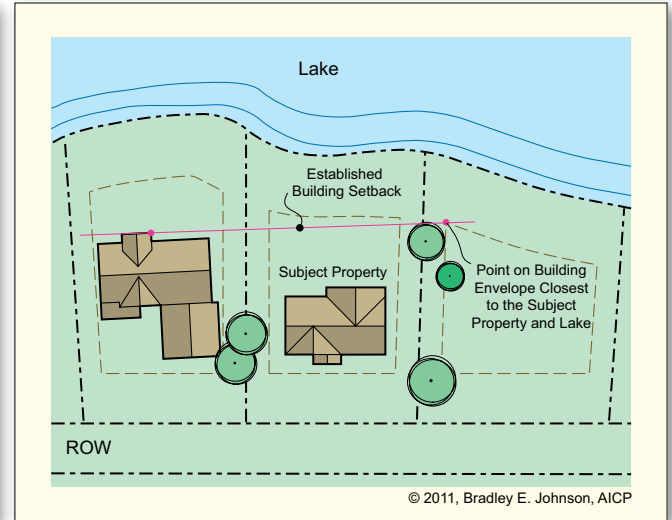
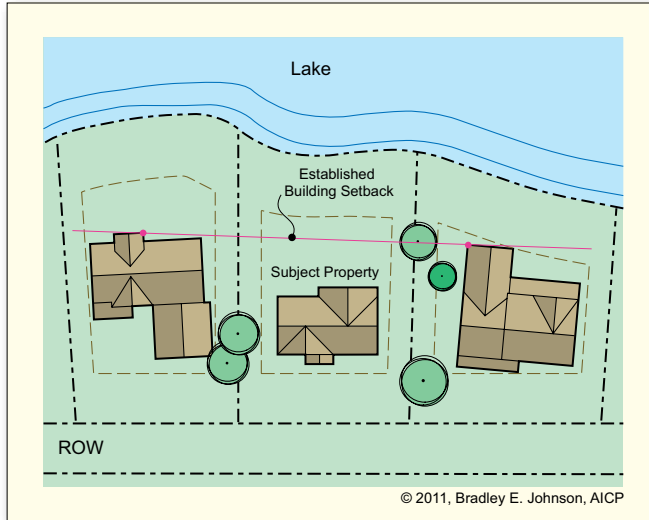
**Self-storage Warehouse:** A structure or group of structures containing multiple storage units of 400 square feet or less with individual access to each unit only for the storage and warehousing of personal property. Self-storage warehouse facilities shall not be inclusive of uses such as wholesaling, retailing, servicing, or repair of household or commercial goods.

**Setback:** A horizontal distance measured perpendicularly from the property line or edge of pavement, whichever results in a greater distance, resulting in an area that is restrictive of certain development and improvements.

**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 shall be used. Average setback shall not be used to determine setbacks in lake yards.



**Setback, Established Building:** A line drawn from the adjacent primary structure's on neighboring lots, across the subject property. The end points of the line shall be the point on each primary structure that creates a line closest to the lake. If a neighboring property does not have an existing structure, the end point shall be placed at the corner of the building envelope closest to the subject property and the lake.



**Setback, Tower:** The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

**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 with at least ten percent (10%) of its stock in trade or gross floor area devoted to the sale, rental, or display of sexually oriented materials. Or an establishment which advertises or holds itself in any forum as "XXX", "adult" or "sex", or which has stock in trade or floor area devoted to the sale, rental, or display of sexually oriented materials.

**Sexually Oriented Entertainment Business:** An establishment which regularly offers live entertainment, lingerie or nude modeling, presentation of motion pictures, or publications by any photographic, electronic, digital, magnetic or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating "Specified Sexual Activities" or "Specific Anatomical Areas"; or, offers massage therapy or body work (not including when performed by a licensed massage therapist); or, advertises or holds itself in any forum as "XXX", "adult", or "sex". This also includes businesses, clubs, organizations, or associations that organize or plan sex engagements or adult oriented entertainment with two (2) or more persons (e.g. swingers clubs or fetish clubs).

**Shrub:** A plant distinguished from a tree by having several or many woody stems projecting from the ground or a single stem with very low branches which keeps the head of the plant close to the ground (e.g. yew). Other characteristics include heights typically pruned to stay under six (6) feet, but never exceeding twelve (12) feet maturity (e.g. lilac, burning bush, peony, hydrangea, or spirea varieties). Shrubs also include perennial plants with a woody base, multiple-stems projecting from the ground, and which grow to a maximum height of ten (10) feet (e.g. butterfly bush). Shrubs may be deciduous or evergreens.

**Side Lot Line:** See "Lot Line, Side."

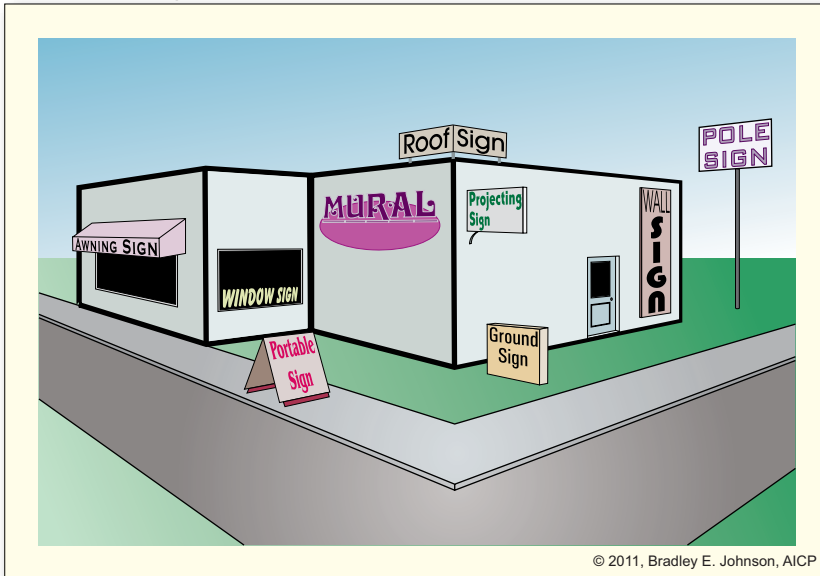
**Side Yard:** See "Yard, Side."

**Sidewalk:** A seamless asphalt trail, or concrete trail with saw-cut joints to maintain a smooth continuous surface.

**Sidewalk, Private:** On-site sidewalks in proportion with and customarily installed around a primary structure, to destinations on a lot, and linking the primary structure to the public right-of-way.

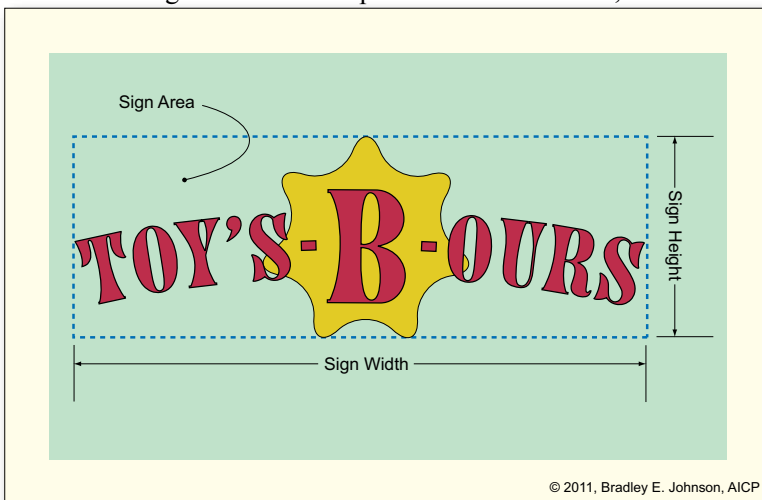
**Sidewalk, Public:** Off-site sidewalks, sidewalks placed in a right-of-way or easement and available for public access.

**Sign:** Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.



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**Sign Area:** The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction or symbolism of the sign.



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**Sign, Construction:** A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, subplot number, or other identifier of the contractor, subcontractor, and/or architect.

**Sign, Directional Device:** A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

**Sign, Display Board:** A permanent device used to post temporary signs (e.g. a permanently installed bulletin board).

**Sign, Entryway Feature:** A ground sign that identifies the entrance to a subdivision installed in common area and typically inclusive of hardscape, landscape, and other built features that portray the character of the subdivision.

**Sign Face:** The surface intended for the display of information on the sign.

**Sign, Flashing:** Any illuminated sign which exhibits changing light or color effects.

# Definitions - Site Plan(s)

**Sign, Gateway:** A sign in which the bottom edge of the sign structure is permanently affixed to the ground, typically taller than it is wide, used for multiple business, and located in close proximity to the main entrance into the business complex.



**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 or otherwise adhered to a wall, the ground, or a structure. A mural sign is regulated as a wall sign in this Unified Development Ordinance. (See graphic for "Sign")

**Sign, Permanent:** A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

**Sign, Pole:** A sign that is supported by one (1) 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, Roof:** A sign which is erected, constructed, and maintained above any portion of the roof. (See graphic for "Sign")

**Sign, Temporary:** An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**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, Wayfinding System:** A device that provides guidance to the public to prevent confusion and encourage efficient and safe directions to a destination.

**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.

**Sign, Yard:** An advertising device comprised of a metal frame and one (1) or more legs that are pressed into the ground.

**Site Plan(s):** The drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Unified Development Ordinance as a condition of approval.

**Special Exception:** The authorization of a use that is designated as such by the Unified Development 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.

**Specified Anatomical Area:** Less than completely and opaquely covered human genitals, pubic region, buttock, female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** Human genitals which are in a state of sexual stimulation or arousal; or, acts of human masturbation, sexual intercourse or sodomy; or, fondling or other erotic touching of human genitals, pubic regions, naked buttocks, or female breasts.

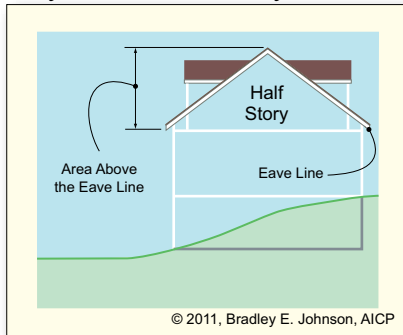
**State:** The State of Indiana.

**Stepping Stones:** A series of relatively flat stones used to convey persons, similar to a sidewalk, which have stones placed frequent enough to allow a normal walking gate while stepping on the stones, with a maximum stone "coverage" of sixty percent (60%) of the path. Each stepping stone shall not exceed two (2) square feet in area.

**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. A finished or unfinished basement is not considered a story.

**Story, Half:** A habitable space within a primary structure predominantly located under a sloping roof with a floor elevation no less than one (1) foot below the eave line. A half story must be internally accessible by stairs from the story below. A half story must have windows in gables or dormers.



**Street:** Any vehicular right-of-way that:

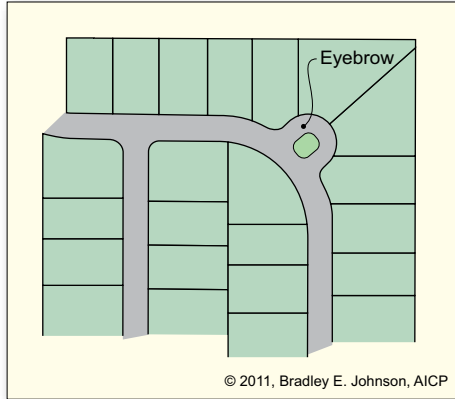
- Is an existing state, county, or municipal roadway;
- Is shown upon a plat approved pursuant to law;
- Is approved by other official action; or
- Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

**Street, Arterial:** A street with access control and that restrict parking, that conveys traffic over long distances or at high rates of speed. State and federal highways are considered primary arterials.

**Street, Collector:** A street that is generally designed to distribute traffic from arterial streets to local streets.

# Definitions - Temporary Use/Structure

**Street, 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.



**Street, Interior:** A street within a development that provides access to lots that do not have access to a perimeter street. The hierarchical classification is not relevant.

**Street, Local:** A street designed primarily to provide access to residential properties and neighborhood businesses, generally through traffic is discouraged.

**Street, Perimeter:** A pre-existing street that a new subdivision or development abuts.

**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 a public right-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.

**Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, and other similar items. Flatwork (e.g. sidewalks, driveways, and patios) shall not be considered a structure.

**Structure Coverage:** The cumulative area on a lot covered by buildings, attached and detached, with a permanent foundation. Also, any interior space of said buildings that projects away (e.g. cantilevered space) from a foundation shall count toward structural coverage.

**Structure Height:** The vertical distance measured from the average ground level to the highest point of the roof.

**Subdivision:** The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two (2) or more smaller lots into one (1) lot so that, either now or in the future, the subdivider can: transfer ownership, construct buildings, or establish a use other than vacant or create new building sites for leasehold, and as further defined in this Unified Development Ordinance.

**Surety:** Any form of security including a cash deposit, bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. All sureties shall be approved by the Town Council wherever a surety is required by this Unified Development Ordinance.

**Swimming Pool:** A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreation purposes. It may be above or below ground level, and shall be considered an accessory structure.

**Telecommunication Antenna:** See "Antenna."

**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."

**Thoroughfare**: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as public sidewalks, curbs, shoulders, and utility lines and mains.

**Thoroughfare Plan**: The official plan 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 *Town of Rome City Comprehensive Plan*.

**Through Lot**: See "Lot, Through."

**Tower**: See "Telecommunications Tower."

**Tower Setback**: See "Setback, Tower."

**Town Official**: A member of the Town Council, Plan Commission, Plan Commission staff, Board of Zoning Appeals, or an employee of the Town.

**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.

**Tree Plot**: That portion of a public right-of-way lying between the back face of the curb and the leading edge of the public sidewalk, not covered by paving, often used to plant street trees.

**Two-page Layout**: Two-page Layout refers to the two-page layout accompanying each zoning district in *Article 02: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

**Underlying District**: The zoning district of the subject lot which is or was in place:

- Prior to the approval of a planned development; or
- Prior to the effects of an overlay district.

**Use**: The purposes for which land or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**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 ninety (90) days with the intent to discontinue such use or structure upon the expiration of the time period. A lemonade stand shall not be regulated under this Unified Development Ordinance.

**Use Variance**: See "Variance, Use."

**Utility, Public**: Any person, firm, or corporation duly authorized to furnish under public regulation to the public: electricity, gas, steam, telephone, fiber optics, potable water, storm water sewers, or sanitary sewers.

**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 applicable development standards (e.g. height, bulk, or area) in the Unified Development Ordinance.

**Variance, Use**: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Unified Development Ordinance, to allow a land use that otherwise would not be permitted in the subject zoning district.

**Vehicle**: See "Motor Vehicle."

**Walk**: See "Sidewalk."

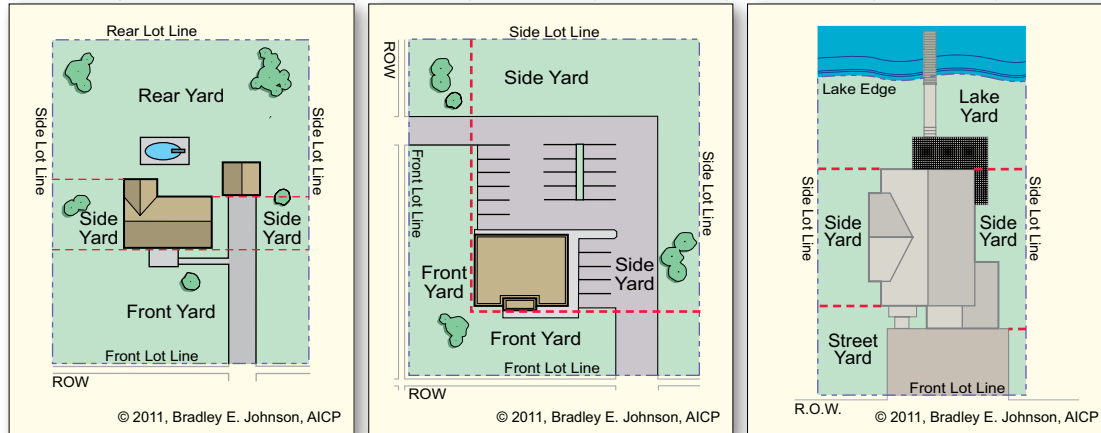
**Walk, Private**: See "Sidewalk, Private."

**Walk, Public**: See "Sidewalk, Public."

**Walkout Basement**: See "Basement, Walkout."



**Yard:** A generic term for side yard, rear yard, front yard, street yard, or lake yard; or any combination thereof.



**Yard, Front:** The horizontal space between the front facade(s) of a primary structure and the front lot line, extending to the side lot lines. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

**Yard, Lake:** The horizontal space between the facade(s) of a primary structure which face a lake and the lake's edge at normal elevation, extending perpendicularly to the side lot lines. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

**Yard, Rear:** The horizontal space between the rear facade(s) of a primary structure and the rear lot line, extending to the side lot lines of the lot. Corner lots do not have rear yards, rather they have two side yards. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

**Yard, Side:** The horizontal space between the side facade(s) of a primary structure and the side lot line, extending to the front yard (or street yard) and rear yard (or lake yard). This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (See graphic for "Yard").

**Yard, Street:** The horizontal space between the front facade(s) of a primary structure and the front lot line (or edge of pavement if the front property line extends into the roadway ), extending to the side lot lines. This definition also applies to the largest storage-based or support-based accessory structure with a permanent foundation on a lot without a primary structure (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 Compliance Permit:** A permit certifying that a proposed improvement meets all applicable standards regulated by the Unified Development Ordinance. A zoning compliance permit is synonymous with an Improvement Location Permit as utilized in *Indiana Code, Title 36-7-4*.

**Zoning District:** A classification established by the Unified Development Ordinance and used to apply specific zoning regulations to a geographic area. Districts are drawn on the Official Zoning Map.

**Zoning Map:** See "Official Zoning Map."





# Appendix

# A

## Land Use Matrix

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Town of Rome City  
Unified Development  
Ordinance

# Land Use Matrix

Agricultural Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
agricultural crop production			P										
agricultural crop production (organic)	P		P										
agricultural products, processing												S	
agricultural products, sale			P										
agricultural products, storage			P									S	
conservation club			P										
grain elevator												S	
hobby farming			P	P									
land conservation	P	P	P										
orchard			P										
plant nursery (retail)			P										
plant nursery (wholesale)			P										
raising of farm animals			P										
stable (private)			P	P									
tree farm			P										
P = Permitted S = Special Exception Blank fields indicate that the land use is not permitted. Unlisted land uses are not permitted.													

Commercial Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
animal grooming										P	P		
auction (indoor)											S		
atm, drive-up										P	P		
automobile oriented business (type 1)											P		
automobile oriented business (type 2)											S		
automobile oriented business (type 3)												P	
bakery										P	P		
bank										P	P		
banquet hall											S		
bar or tavern										P	P		
barber or beauty shop										P	P		
billiard hall or arcade											P		
bingo hall											P		
bowling alley											S		
broadcast studio											S	P	
brew pub											P		
car rental											S		
catering service											P		
club or lodge										P	P		
coffee shop										P	P		
coin laundry										P	P		
computer service										P	P		
copy center											P		
counseling center										P	P		
country club											S		
day care										P	P		
delicatessen										P	P		
design services										P	P		
P = Permitted S = Special Exception Blank fields indicate that the land use is not permitted. Unlisted land uses are not permitted.													

# Land Use Matrix

Commercial Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
donation collection point											S		
dry cleaning pickup and drop-off											P		
express shipping center											P		
exterminator												P	
farmers market		P							P	P	P		
funeral home											S		
gas station											P		
golf course		P											
hotel											S		
ice cream shop										P	P		
indoor storage										P			
marina											S		
media rental										P	P		
medical clinic										P	P		
mobile device dealer											P		
nail salon										P	P		
office, construction trade												P	
office, general										P	P	P	
office, medical										P	P		
party facility											P	S	
pharmacy											P		
photography studio											P		
printing, commercial											P	P	
real estate office										P	P		
recreation center (indoor)											P	S	
recreation center (outdoor)											S		
recreational vehicle sales											P		
rehabilitation clinic, medical											P		
repair shop, electronics										P	P		
repair shop, equipment										P	P		
repair shop, general										P	P		
restaurant										P	P	S	
restaurant, drive-in											S		
restaurant with drive-up window											P		
retail (type 1), very low intensity										P	P		
retail (type 2), low intensity										P	P		
retail (type 3), medium intensity										S	P		
retail (type 4), high intensity											S	P	
retail (type 5), very high intensity											S	P	
riding stable and trails		P											
seamstress/tailor										P	P		
self-storage warehouse											S	P	
shoe repair										P	P		
shooting range (outdoor)													P
software development												P	
spa										P	P		
sports field (indoor)												S	

P = Permitted S = Special Exception Blank fields indicate that the land use is not permitted. Unlisted land uses are not permitted.

# Land Use Matrix

Commercial Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
studio arts										P	P		
tanning salon										P	P		
tattoo/piercing parlor											P		
telecommunication exchange											S	P	
telecommunication facility									S				
theater, movie (indoor)											P		
title company										P	P		
tool/equipment rental (indoor)												P	
tool/equipment rental (outdoor)												P	
trade or business school												P	
travel agency										P	P		
veterinary clinic										P	P		
veterinary hospital											S	P	
wellness facility										P	P	S	
winery											S		
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Institutional Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
community center		P							P				
government office									P	P			
government operation (non-office)									P			P	
historical site	P												
hospice facility											S		
library									P				
jail													P
juvenile detention facility													P
municipal airport									S				
municipal heliport									S				
museum									P				
nature center	P	P											
nature preserve	P	P											
park		P											
parking lot (public)									P		P		
passive recreation	P												
place of worship									P		P		
police, fire, or rescue station									P				
post office									P				
prison													P
recycling collection point									P			P	
school (P-12)									P				
school (P-12), private											S		
sewage treatment plant									P				
swimming pool (public)		P											
transit station (local hub)									S				
water tower												P	
water treatment plant									P				
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# Land Use Matrix

Industrial Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
asphalt plant													P
assembly												P	
bio-diesel production												S	
bio-fuels production													P
blast furnace													P
bottling/canning												P	
brewery												P	
broadcast facility												S	
chemical manufacturing													P
coke oven													P
composting facility												P	
concrete plant													P
construction materials landfill													P
distribution facility												P	
electrical generation plant													P
explosives manufacturing													P
fireworks manufacturing													P
fleet vehicle storage												S	
food processing												S	
freight terminal												P	
incinerator													P
industrial park												P	
junk yard													P
liquid fertilizer distribution												S	
liquid fertilizer storage												P	
materials recycling (type 1)												P	
materials recycling (type 2)												S	P
materials recycling (type 3)													P
metal casting												S	
mining, rock or sand													P
outdoor storage												S	
petroleum processing													P
printer, industrial												P	
produce terminal												P	
rail yard													P
rendering plant													P
research center, general												P	
research center, medical												P	
rock crushing													P
sanitary landfill/refuse dump													P
saw mill													P
scrap metal yard													P
sign fabrication												P	
smelting													P
storage tanks (non-hazardous)												P	
storage tanks (hazardous)													P
telecommunication facility												S	
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# Land Use Matrix

Industrial Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
testing lab, electronics												P	
testing lab, materials												P	
tool and die shop												P	
transfer station												S	
utility facility, above ground												P	P
warehouse												P	
welding service												P	
wholesale business												P	
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Residential Uses	CO	PR	AG	RR	SR	LR	MR	MH	IS	CB	GB	EI	HI
bed and breakfast										S	P		
caretakers residence		S											
dwelling, manufactured home								P					
dwelling, multiple-family							P						
dwelling, single-family detached			P	P	P	P	S	S					
dwelling, two-family							P						
dwelling, upper floor (1 unit)										P	S		
dwelling, upper floor (multiple unit)										S			
fair housing facility (large)									S				
fair housing facility (small)			P	P	P	P	S						
lake front access point						S							
manufactured home park								P					
nursing home											P		
retirement community								S					
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