

DeKalb County

Unified Development Ordinance

Foreword

Table of Contents

**DeKalb County
Unified Development
Ordinance**

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Table of Contents

	Page #
Article One: Ordinance Foundation	
1.01 Title.....	1-2
1.02 Unified Development Ordinance.....	1-2
1.03 Defined Words.....	1-2
1.04 Authority.....	1-2
1.05 Ordinance Jurisdiction.....	1-2
1.06 Purpose.....	1-2
1.07 Applicability.....	1-3
1.08 Severability.....	1-3
1.09 Interpretation.....	1-3
1.10 Repealer.....	1-4
1.11 Transition Rules.....	1-4
1.12 Administrative Officer.....	1-4
1.13 Saving Provision.....	1-4
1.14 Establishment of Standard Districts.....	1-5
1.15 Establishment of Overlay Districts.....	1-6
1.16 Establishment of Planned Unit Development District.....	1-6
1.17 District Land Uses.....	1-6
1.18 Unlisted or Questionable Land Uses.....	1-6
1.19 Establishing Building Lots.....	1-6
1.20 Official Zoning Map.....	1-7
1.21 Official Zoning Map; Location.....	1-7
1.22 Official Zoning Map; Zoning District Boundaries.....	1-7
1.23 Official Zoning Map; Regular Revisions.....	1-7
1.24 Official Zoning Map; Standards.....	1-7
1.25 Official Zoning Map; Overlay District Applicability.....	1-7
1.26 Summary of Powers and Duties of the County Commissioners.....	1-8
1.27 Summary of Powers and Duties of the Plan Commission.....	1-8
1.28 Summary of Duties of the Board of Zoning Appeals.....	1-9
1.29 Summary of Duties of the Zoning Administrator.....	1-9
1.30 Summary of Duties of the Floodplain Standards Variance and Appeals Board.....	1-9
1.31 Summary of Duties of the Floodplain Administrator.....	1-10
1.32 Plan Commission Certification.....	1-11
1.33 Adoption/Effective Date.....	1-12
Article Two: Zoning Districts	
2.01 OP District Intent, Permitted Uses and Special Exception Uses.....	2-2
2.02 OP District Development Standards.....	2-3
2.03 A1 District Intent, Permitted Uses, and Special Exception Uses.....	2-4
2.04 A1 District Development Standards.....	2-5
2.05 A2 District Intent, Permitted Uses, and Special Exception Uses.....	2-6
2.06 A2 District Development Standards.....	2-7
2.07 A3 District Intent, Permitted Uses, and Special Exception Uses.....	2-8
2.08 A3 District Development Standards.....	2-9
2.09 A4 District Intent, Permitted Uses, and Special Exception Uses.....	2-10
2.10 A4 District Development Standards.....	2-11
2.11 RE District Intent, Permitted Uses, and Special Exception Uses.....	2-12
2.12 RE District Development Standards.....	2-13
2.13 R1 District Intent, Permitted Uses, and Special Exception Uses.....	2-14
2.14 R1 District Development Standards.....	2-15
2.15 R2 District Intent, Permitted Uses, and Special Exception Uses.....	2-16
2.16 R2 District Development Standards.....	2-17
2.17 R3 District Intent, Permitted Uses, and Special Exception Uses.....	2-18
2.18 R3 District Development Standards.....	2-19
2.19 M1 District Intent, Permitted Uses, and Special Exception Uses.....	2-20
2.20 M1 District Development Standards.....	2-21
2.21 M2 District Intent, Permitted Uses, and Special Exception Uses.....	2-22

Table of Contents (continued)

2.22	M2 District Development Standards	2-23
2.23	MP District Intent, Permitted Uses, and Special Exception Uses	2-24
2.24	MP District Development Standards	2-25
2.25	IN District Intent, Permitted Uses, and Special Exception Uses	2-26
2.26	IN District Development Standards	2-27
2.27	C1 District Intent, Permitted Uses, and Special Exception Uses	2-28
2.28	C1 District Development Standards	2-29
2.29	C2 District Intent, Permitted Uses, and Special Exception Uses	2-30
2.30	C2 District Development Standards	2-31
2.31	C3 District Intent, Permitted Uses, and Special Exception Uses	2-32
2.32	C3 District Development Standards	2-33
2.33	C4 District Intent, Permitted Uses, and Special Exception Uses	2-34
2.34	C4 District Development Standards	2-35
2.35	I1 District Intent, Permitted Uses, and Special Exception Uses	2-36
2.36	I1 District Development Standards	2-37
2.37	I2 District Intent, Permitted Uses, and Special Exception Uses	2-38
2.38	I2 District Development Standards	2-39
2.39	I3 District Intent, Permitted Uses, and Special Exception Uses	2-40
2.40	I3 District Development Standards	2-41
2.41	HI District Intent, Permitted Uses, and Special Exception Uses	2-42
2.42	HI District Development Standards	2-43
2.43	AP1 District Intent, Permitted Uses, and Special Exception Uses	2-44
2.44	AP1 District Development Standards	2-45
2.45	AP2 District Intent, Permitted Uses, and Special Exception Uses	2-46
2.46	AP2 District Development Standards	2-47
2.47	AP3 District Intent, Permitted Uses, and Special Exception Uses	2-48
2.48	AP3 District Development Standards	2-49
	Appropriate Adjacent Districts Matrix	2-50
Article Three: Overlay Districts		
3.01	WPO District Intent, Effect on Uses, and Development Standards	3-2
3.02	Applicability	3-3
3.03	Establishment of Wellhead Protection Zone	3-3
3.04	Additional Development Standards	3-3
3.05	Airport Compatibility Overlay District Intent, Effect of Uses, and Development Standards	3-6
3.06	Applicability	3-7
3.07	Establishment of Airport Compatibility Area	3-7
3.08	Additional Restrictions for Each Sub-area	3-8
3.09	Commercial Solar Energy Systems Overlay District	3-15
3.10	Applicability	3-16
3.11	Conflict with Other Ordinances	3-16
3.12	Establishment of the Commercial Solar Energy Systems Area	3-16
3.13	Additional Development Standards	3-16
Article Four: Planned Unit Developments		
4.01	PUD District Intent, Regulations, and Prerequisites	4-2
4.02	General	4-3
4.03	Origination of Proposals	4-3
4.04	Rules of Procedure	4-3
4.05	Limitation of Revisions to the Unified Development Ordinance	4-3
4.06	Designation of Permanent Open Space	4-4
Article Five: Development Standards		
5.01	How to Use This Article	5-2
5.02	Icon Legend	5-3
5.03	AS-01: Accessory Structure; Open Space and Parks and Agricultural Districts	5-4
5.04	AS-02: Accessory Structure; Residential Estate District	5-4
5.05	AS-03: Accessory Structure; Single-family Residential Districts	5-5

Table of Contents (continued)

5.06	AS-04: Accessory Structure; Multiple-family Residential Districts	5-5
5.07	AS-05: Accessory Structure; Manufactured Home Park District.....	5-6
5.08	AS-06: Accessory Structure; Institutional and Commercial Districts.....	5-6
5.09	DH-01: Dependent Housing; General	5-7
5.10	ED-01: Entrance and Drive; General.....	5-8
5.10	ED-02: Entrance and Drive; Manufactured Home Park District.....	5-9
5.11	EN-01: Environmental; General.....	5-10
5.12	FW-01: Fence and Wall; Agricultural Districts	5-11
5.13	FW-02: Fence and Wall; Agricultural Districts	5-11
5.14	FW-03: Fence and Wall; Rural Estate District	5-12
5.15	FW-04: Fence and Wall; Residential Districts.....	5-13
5.16	FW-05: Fence and Wall; Institutional, Commercial, and Airport Commercial Districts	5-13
5.17	FW-06: Fence and Wall; Industrial, High Impact, and Airport Districts.....	5-14
5.18	FW-07: Fence and Wall; Open Space and Parks District	5-14
5.19	FR-01: Fireworks Retail; General	5-15
5.20	FA-01: Floor Area; General.....	5-16
5.21	HT-01: Height; General.....	5-17
5.22	HO-01: Home Based Business; General	5-18
5.23	LA-01: Landscaping; General	5-21
5.24	LA-02: Landscaping; Parking Lots	5-22
5.25	LA-03: Landscaping; Buffer Yards; Multiple-family Residential, Institutional, Commercial, and Airport Commercial Districts	5-22
5.26	LA-04: Landscaping; Buffer Yards; Industrial and High Impact Districts.....	5-23
5.27	LA-05: Landscaping; Lot Plantings; Single-family Residential Districts.....	5-24
5.28	LA-06: Landscaping; Lot Plantings; Multiple-family Residential Districts	5-24
5.29	LA-07: Landscaping; Institutional, Commercial, Industrial, and Airport Commercial	5-24
5.30	LT-01: Lighting; General.....	5-25
5.31	LD-01: Loading; General	5-27
5.32	LO-01: Lot; General	5-28
5.33	OS-01: Outdoor Storage; Agricultural and Single-family Residential Districts	5-29
5.34	OS-02: Outdoor Storage; Multiple-family Residential and Manufactured Home Park Districts.....	5-29
5.35	OS-03: Outdoor Storage; Non-residential Districts.....	5-30
5.36	PK-01: Parking; Residential Districts	5-31
5.37	PK-02: Parking; Manufactured Home Park District.....	5-31
5.38	PK-03: Parking; Non-residential Districts.....	5-31
5.39	PK-04: Parking; Number of Off-Street Parking Spaces Required by Land Use.....	5-32
5.40	PF-01: Performance Standards	5-39
5.41	PI-01: Public Improvement; General.....	5-41
5.42	RP-01: Recreational Pond; General.....	5-42
5.43	SB-01: Setback; General	5-43
5.44	SW-01: Sewer and Water; General	5-44
5.45	SX-01: Sexually Oriented Business; Accessory Retail Business.....	5-45
5.46	SX-02: Sexually Oriented Business; Retail and Entertainment Business	5-46
5.47	SI-01: Sign; General	5-47
5.48	SI-02: Sign; Agricultural and Residential Districts	5-48
5.49	SI-03: Sign; Non-residential Districts	5-49
5.50	SE-01: Special Exception Use; General	5-51
5.51	SQ-01: Structure Quantity; General	5-52
5.52	TC-01: Telecommunications Facility; General	5-53
5.53	TU-01: Temporary Use and Structure; General.....	5-56
5.54	TU-02: Temporary Use and Structure; Agricultural and Rural Estate Districts.....	5-56
5.55	TU-03: Temporary Use and Structure; Residential Districts.....	5-56
5.56	TU-04: Temporary Use and Structure; Non-residential Districts.....	5-57
5.57	VC-01: Vision Clearance; General.....	5-58
5.58	WE-01: Wind Energy System.....	5-59

Table of Contents (continued)

Article Six: Subdivisions

6.01	Design Standards Overview	6-2
6.02	Prerequisite Zoning	6-3
6.03	Counservation Agriculture Subdivision Intent	6-4
6.04	Conservation Agriculture Subdivision Features	6-4
6.05	Conservation Agriculture Subdivision Standards and Effects on Development Standards	6-5
6.06	Minor Subdivision Intent.....	6-6
6.07	Minor Subdivision Features	6-6
6.08	Minor Subdivision Standards and Effects on Development Standards.....	6-7
6.09	Conventional Subdivision Intent.....	6-8
6.10	Conventional Subdivision Features.....	6-8
6.11	Conventional Subdivision Standards and Effects on Development Standards	6-9
6.12	Conservation Subdivision Intent	6-10
6.13	Conservation Subdivision Features	6-10
6.14	Conservation Subdivision Standards and Effects on Development Standards.....	6-11
6.15	Traditional Subdivision Intent	6-12
6.16	Traditional Subdivision Features.....	6-12
6.17	Traditional Subdivision Standards and Effects on Development Standards	6-13
6.18	Strip Commercial Subdivision Intent	6-14
6.19	Strip Commercial Subdivision Features.....	6-14
6.20	Strip Commercial Subdivision Standards and Effects on Development Standards	6-15
6.21	Commercial District Subdivision Intent.....	6-16
6.22	Commercial District Subdivision Features.....	6-16
6.23	Commercial District Subdivision Standards and Effects on Development Standards.....	6-17
6.24	Industrial Park Subdivision Intent.....	6-18
6.25	Industrial Park Subdivision Features.....	6-18
6.26	Industrial Park Subdivision Standards and Effects on Development Standards	6-19

Article Seven: Design Standards

7.01	Using This Section.....	7-2
7.02	Purpose of Design Standards	7-2
7.03	Icon Key	7-2
7.04	AC-01: Residential Access Street Standards.....	7-3
7.05	AC-02: Commercial Access Street Standards	7-4
7.06	AL-01: General Residential Neighborhood Alley Standards	7-5
7.07	AL-02: Traditional Neighborhood Alley Standards	7-5
7.08	AM-01: Residential Neighborhood Anti-monotony Standards	7-6
7.09	CN-01: Residential Common Area Standards	7-7
7.10	CN-02: Commercial and Industrial Common Area Standards	7-7
7.11	CR-01: Residential Conservation Standards	7-8
7.12	CR-02: Commercial and Industrial Conservation Standards	7-10
7.13	CY-01: General Construction Surety Standards	7-12
7.14	CE-01: General Covenant Standards	7-13
7.15	DD-01: General Dedication of Public Improvement Standards.....	7-17
7.16	DA-01: Residential Development Amenity Standards	7-18
7.17	DA-02: Commercial Development Amenity Standards	7-19
7.18	DN-01: General Development Name Standards	7-21
7.19	EA-01: General Easement Standards	7-22
7.20	EF-01: General Entryway Feature Standards	7-23
7.21	EC-01: General Erosion Control Standards	7-24
7.22	LT-01: Residential Lot Standards	7-25
7.23	LT-02: Commercial Lot Standards	7-25
7.24	MY-01: General Maintenance Surety Standards	7-26
7.25	MU-01: General Mixed Use Standards	7-27
7.26	MM-01: General Monument and Marker Standards	7-28
7.27	OG-01: Commercial and Industrial On-street Parking Standards.....	7-29
7.28	OG-02: On-street Parking with Significant Bump-Out Standards	7-29
7.29	OP-01: Residential Open Space Standards	7-30

Table of Contents (continued)

7.30	OP-02: Commercial and Industrial Open Space Standards	7-31
7.31	PN-01: General Pedestrian Network Standards	7-33
7.32	PN-02: Conservation Residential Pedestrian Network Standards	7-34
7.33	PN-03: Commercial Pedestrian Network Standards	7-35
7.34	PL-01: Residential Perimeter Landscaping Standards	7-36
7.35	PL-02: Commercial and Industrial Perimeter Landscaping Standards	7-37
7.36	PQ-01: General Prerequisite Standards	7-38
7.37	RT-01: General Retention Pond Standards	7-39
7.38	SM-01: General Storm Water Standards	7-40
7.39	SR-01: Residential Street and Right-of-Way Standards	7-41
7.40	SR-02: Commercial and Industrial Street and Right-of-Way Standards	7-43
7.41	SL-01: Residential Street Lighting Standards	7-45
7.42	SL-02: Conservation Residential Street Lighting Standards	7-45
7.43	SL-03: Traditional Street Lighting Standards	7-46
7.44	SL-04: Commercial Street Lighting Standards	7-46
7.45	SN-01: General Street Name Standards	7-47
7.46	SS-01: Residential Street Sign Standards	7-48
7.47	SS-02: Commercial and Industrial Street Sign Standards	7-49
7.48	UT-01: Conservation Utility Standards	7-50
7.49	UT-02: General Utility Standards	7-50
7.50	WS-01: General Warning Siren Standards	7-52
Article Eight: Nonconforming Lots, Structures, and Uses		
8.01	Intent.....	8-2
8.02	Transitional Rule	8-2
8.03	Distinction Btwn Conforming, Illegal Nonconforming, Legal Nonconforming and Change to Conform ..	8-2
8.04	Illegal Nonconforming Structure, Use, and Lot	8-4
8.05	Legal Nonconforming Structure.....	8-3
8.06	Legal Nonconforming Lot	8-6
8.07	Legal Nonconforming Use	8-7
Article Nine: Processes, Permits, and Fees		
9.01	General Petition Information.....	9-2
9.02	Schedule of Fees.....	9-2
9.03	Administrative Appeal.....	9-3
9.04	Administrative Interpretation	9-5
9.05	Amendment to Ordinance Text.....	9-6
9.06	Amendment to Zoning Map	9-8
9.07	Design Standards Waiver.....	9-10
9.08	Development Plan	9-12
9.09	Development Standards Variance.....	9-16
9.10	Easements.....	9-18
9.11	Floodplain Standards Appeal.....	9-23
9.12	Floodplain Standards Variance	9-25
9.13	Improvement Location Permit.....	9-29
9.14	Maintenance Surety	9-31
9.15	Performance Surety	9-33
9.16	Preliminary Plan	9-35
9.17	Final Plan.....	9-39
9.18	Questionable Land Use Determination.....	9-43
9.19	Sign Permit	9-45
9.20	Special Exception	9-46
9.21	Storm Water Drainage Plan	9-49
9.22	General Subdivision Control Information	9-51
9.23	Primary Plat.....	9-52
9.24	Secondary Plat or Replat	9-58
9.25	Plat Vacation.....	9-63
9.26	Surety Release	9-66

Table of Contents (continued)

9.27 Temporary Use Permit.....	9-67
9.28 Use Variance.....	9-68
9.29 Zoning Compliance Permit.....	9-70
Article Ten: Enforcement and Penalties	
10.01 Actionable Violations	10-2
10.02 Enforcement Official	10-2
10.03 Discovery of Violations	10-2
10.04 Inspection of Property	10-2
10.05 Responsibility for Violations	10-2
10.06 New Permits at Location Where a Violation Exists	10-2
10.07 Enforcement Options.....	10-3
10.08 Request to Stop Work	10-3
10.09 Stop Work Order.....	10-4
10.10 Enforcing a Violation as a Common Nuisance.....	10-4
10.11 Request to Remedy.....	10-4
10.12 Invoke a Legal, Equitable, or Special Remedy	10-5
10.13 Enforce a Condition, Covenant, or Commitment.....	10-5
10.14 Request a Prohibitory or Permanent Injunction to Restrain.....	10-6
10.15 Request a Mandatory Injunction to Remove a Structure.....	10-6
10.16 Impose a Fine for Violation	10-7
10.17 Invoke a Fine for Violation.....	10-7
10.18 Other Remedy.....	10-7
Article Eleven: Definitions	
11.01 General	11-2
11.02 Defined Words	11-2
Appendix A: Land Use Matrix	

UDO Amendments

UDO NUMBER	DESCRIPTION	DATE APPROVED BY COMMISSIONERS
1	Permit Residential Uses in A1	September 20, 2010
2	Revise Matrix for Residential Land Uses	September 20, 2010
4	Various Misspellings, General Errors	October 25, 2010
11	Addition of 5.61 Wind Energy Systems Ordinance	January 30, 2012
17	Revision to 5.61 Wind Energy System - tower height	February 13, 2013
22	Fee Schedule Update	June 24, 2013
29	Permit Confined Feeding Operations	August 3, 2015
33	Revision to 9.14 Maintenance Surety	February 1, 2016
36	Revision to 9.08 Development Plan, (D) Exemptions	February 27, 2017
37	Revision to 9.20 Special Exceptions (G)8: Cause for Failed Approval	February 27, 2017
38	Removal of 5.20 Floodplain Standards (see stand alone ordinance) and revisions to related sections	February 27, 2017
43	Revision of 9.22 - 9.25: Subdivision Standards, Article 11: Definitions, Section 1.19: Establishing Buildable Lots, Article 2: Zoning Districts & Regulations, Article 6: Subdivisions	November 27, 2017
45	Revision of Article 2 Setbacks Standards Revision of Section 5.43 (B): Minimum Front Yard Setback	April 30, 2018
46	Revision of Section 5.09: Entrance & Drive Standards	April 30, 2018
47	Addition of Personal Storage Buildings	July 30, 2018
48	Revision to 1.19: Establishing Buildable Lots	July 30, 2018
62	Addition of Covenant Standards for Winter Maintenance	March 2, 2020
63	Revision to 9.01: General Petition Information	March 2, 2020
73	Text Addition to Article 3: Commercial Solar Energy Systems Overlay District	October 11, 2021
73	Revision to Definitions for Commercial Solar Energy Systems Overlay District text	October 11, 2021
73	Revision to Fee Schedule for Commercial Solar Energy Systems Overlay District text	October 11, 2021
76	Revision to Telecommunication Facilities RE: Broadband Ready designation	January 31, 2022
77	Revisions to Airport Overlay Compatibility Area	January 31, 2022
78	Revisions to Outdoor Advertising Sign Development Standards	July 18, 2022
79	Addition of Dependent Housing to Development Standards & Definitions	July 18, 2022
83	Revisions to Commercial Solar Energy Systems Overlay District text	February 27, 2023
84	A1 & A2 District Uses & Standards; Minor Sub. revisions & addition of Conservation Ag Sub.	July 17, 2023
85	Revisions to Art. 9: Schedule of Fees & Deletion of Appendix B: Fee Schedule	July 17, 2023

Article

01

Ordinance Foundation

DeKalb County Unified Development Ordinance

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Basic Provisions

1.01 Title

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

1.02 Unified Development Ordinance

The DeKalb County Zoning Ordinance, Subdivision Control Ordinance, and other ordinances adopted under the Zoning or Subdivision Control Ordinance enabling legislation (i.e. flood plain management ordinances) have been combined into one document for the purpose of maintaining consistency, shortening the overall length of the county's development ordinances, and to improve user-friendliness for the end users. Article 1, 7, 8, 9, 10, and 11 are shared by or combine components of both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

1.03 Defined Words

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

1.04 Authority

The Unified Development Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana.

1.05 Ordinance Jurisdiction

This Unified Development Ordinance applies to all land within the county limits of DeKalb County, Indiana, excluding the legally established planning jurisdiction of the cities and towns within DeKalb County. The Unified Development Ordinance shall also apply to the Town of Corunna.

1.06 Purpose

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

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

Basic Provisions

1.07 Applicability

No buildings, structures, land or uses thereof shall be altered, erected, constructed, moved, demolished, divided, or maintained except in accordance with the provisions of the Unified Development Ordinance.

1.08 Severability

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

1.09 Interpretation

- A. Minimum Requirements: The provisions of the Unified Development Ordinance are the minimum requirements necessary to achieve the purpose of this ordinance. See *Section 1.06: Purpose*.
- B. Conflicts or Inconsistency:
 1. *Internal*. If two or more provisions of the Unified Development Ordinance are in conflict or are inconsistent with one another, then the most restrictive provision shall apply, unless otherwise specifically stated within the Unified Development Ordinance.
 2. *Federal, State and Local*:
 - a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or Federal code or regulation, or other County ordinance or regulation, the provision of this Ordinance shall apply.
 - b. Whenever a provision of any State or Federal code or regulation, or other County ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or Federal code or regulation, or other County ordinance or regulation shall apply.
 3. *Other*: Whenever a private covenant, contract, commitment, agreement, or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of this Ordinance, the more restrictive provision shall apply. This Section shall not be interpreted to mean that DeKalb County is obligated to enforce the provisions of private covenants, contracts, commitments, agreements, or other similar regulations.
- C. Text: If the meaning or implication of any drawing, table, figure, title or section heading differs from the meaning or implication of ordinance text, the text of this Unified Development Ordinance shall apply.
- D. Time Frame: Any time frames stated within the Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. However, if a time frame ends on a Saturday, Sunday or holiday on which the County offices are closed, the time frame will be extended to the end of the next business day unless specifically stated within this Unified Development Ordinance.
- E. Delegation of Authority: If a provision of the Unified Development Ordinance requires the Zoning Administrator or other County officer to perform an act or duty, that provision shall also include designated subordinates unless specified otherwise.
- F. Mandatory and Permissive Terms: The words "shall," or "must" are always mandatory and "may" or "should" are always permissive.
- G. Words Used: If words used in the Unified Development Ordinance are not defined in *Article 11: Definitions* they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Ordinance shall be construed to have the meaning defined by appropriate lexicon or current and common dictionary.
- H. Tense: If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless in context, it clearly indicates a single tense.
- I. Singular/Plural Form: If words are used in singular form, the plural form shall apply and vice versa, unless in context, it clearly indicates the contrary.
- J. Conjunctions: "And" shall be construed to include all connected items in a series and "or" shall be construed to include one or more of the items in a series, unless in context it clearly indicates the contrary.

Basic Provisions

1.10 Repealer

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

- A. The DeKalb County Zoning Ordinance of 1964, Ordinance No. 1, as amended;
- B. The DeKalb County Improvement Location Permit Ordinance of 1964, Ordinance No. 2, as amended;
- C. The DeKalb County Subdivision Control Ordinance of 1964, Ordinance No. 4, as amended;
- D. The DeKalb County Official Zoning Map of 1964, as amended;
- E. The DeKalb County Development Plan Ordinance of 1992, Ordinance No. 242, as amended; and
- F. The DeKalb County Highway Plan, Ordinance No. 3, as amended.

1.11 Transition Rules

- A. Plan Commission: Any application that has been filed with the Plan Commission and is full and complete prior to the effective date of the Unified Development Ordinance shall be regulated by the terms and conditions of the Ordinance that was in place at the time of filing. However the Unified Development Ordinance shall determine administrative procedures after the effective date of the Unified Development Ordinance and the amount of fees owed after adoption of the Unified Development Ordinance.
- B. Board of Zoning Appeals: Any application (*e.g.* special exception, use variance, development standards variance) that has been filed with the Board of Zoning Appeals and is full and complete prior to the effective date of the Unified Development Ordinance, shall be regulated by the terms and conditions of the Ordinance that was in place at the time of filing, provided that:
 1. The application is still required by the terms of this Unified Development Ordinance; or,
 2. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- C. Development Plans: All Development Plans shall meet the requirements of this Unified Development Ordinance unless:
 1. An Improvement Location Permit and/or Building Permit was legally issued and is still valid, or
 2. A parcel was approved as a buildable lot prior to the effective date of this Unified Development Ordinance.
- D. Subdivisions:
 1. A Secondary Plat approved prior to the effective date of this Unified Development Ordinance, even though not yet recorded, shall remain in full force and effect, subject to applicable expiration provisions. Secondary Plats may be recorded as approved.
 2. Applicants who secured a Primary Plat approval before adoption of the Unified Development Ordinance shall be entitled to approval of a Secondary Plat consistent with the preliminary Primary Plat. Such lots shall be subject to use and development standards of the Unified Development Ordinance.
 3. A full and complete application for Primary Plat approval conforming to all applicable regulations in effect at the time of application shall be entitled to review and shall be required to meet the provisions of the Unified Development Ordinance.

1.12 Administrative Officer

The Zoning Administrator shall have the primary responsibility for administration and enforcement (or coordination of enforcement) of this Unified Development Ordinance.

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, subdivision, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

Zoning Districts

1.14 Establishment of Standard Zoning Districts

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

Zoning District Abbreviation	Zoning District Name	Zoning District Purpose
OP	Open Space and Parks	This district is established for open space, parks, trails and recreational areas.
A1	Conservation Agricultural	This district is established for the protection of agricultural areas and buildings associated with agricultural production.
A2	Agricultural	This district is established for agricultural areas and buildings associated with agricultural production; also allows for some small infusion of non-agricultural single-family detached homes in areas where impact on agriculture and rural character is minimal.
A3	High Intensity Agricultural	This district is established for high intensity agricultural operations and/or for special agricultural operations likely to have a significant adverse impact on surrounding non-agricultural uses.
A4	Agricultural Business	This district is established for business and industrial uses directly related to agriculture and compatible with location in rural/agricultural areas.
RE	Rural Estate	This district is established for single-family detached homes in a rural or country setting.
R1	Low Density Residential	This district is established for single-family detached homes with medium to large sized lots.
R2	Medium Density Residential	This district is established for single-family detached homes with small to medium sized lots.
R3	Village Residential	This district is established for existing older, single-family detached and limited multiple-family residential lots found in small unincorporated towns or villages.
M1	Multiple-Family Residential	This district is established for small-scale, two and three-family housing units.
M2	Multiple-Family Residential	This district is established for apartment complexes, row houses, and townhouses.
MP	Manufactured Home Park	This district is established for leased lot developments which typically lease dwelling sites for single-wide and double-wide manufactured homes.
IN	Institutional	This district is established for institutional and municipal owned lands for public purpose and use.
C1	Village Commercial	This district is established for existing business uses in small unincorporated towns or villages.
C2	Neighborhood Commercial	This district is established for the provision of small scale retail goods and services required for regular or daily convenience of nearby neighborhoods and agricultural areas.
C3	General Commercial	This district is established for a wide variety of retail, business, service, entertainment and eating establishments.
C4	Highway Commercial	This district is established for commercial uses that are closely related to the special needs of the travelling public, interstate commerce, trucking and, in general, vehicular traffic along interstates and major state highways.
I1	Industrial/Business Park	This district is established for a mixture of office and low intensity industrial uses.
I2	Low Intensity Industrial	This district is established for low intensity industrial uses and light manufacturing facilities.
I3	High Intensity Industrial	This district is established for high intensity industrial uses and heavy manufacturing facilities.
HI	High Impact	This district is established for uses that typically have a high impact to the community.
AP1	Airport, Non-Municipal	This district is established for privately-owned aviation uses and associated facilities.
AP2	Airport, Municipal	This district is established for municipally owned and managed aviation uses and associated facilities.
AP3	Airport Business	This district is established for business and/or industrial uses related to aviation and compatible with location in areas near an airport.

Zoning Districts

1.15 Establishment of Overlay Districts

- A. The overlay districts as noted below have been established to:
 1. Add development standards;
 2. Reduce development standards;
 3. Add uses;
 4. Reduce uses; or
 5. Any combination of the above.
- B. For the purpose of this Unified Development Ordinance, DeKalb County has established the following overlay districts for the general purposes as stated:

Wellhead Protection Overlay (WPO): This district is established to promote the public health, safety and welfare of the county by protecting the groundwater supply.

Airport Compatibility Overlay (ACO): This district is established to protect the health safety and welfare of the county by limiting the negative effects of the airport on adjoining land uses.

Commercial Solar Energy Systems Overlay (CSES): This district is intended to establish standards for the safety and compatibility for the occupants of the land in the immediate vicinity of a Commercial Solar Energy System (Solar Farm) by setting development standards that supplement or supersede the underlying Zoning District. This overlay district does not regulate small scale, private solar panels on residential or agricultural land and/or structures that is not sold commercially to a utility but rather is used for personal energy consumption.

1.16 Establishment of Planned Unit Development District

The provisions of this Unified Development Ordinance allow certain zoning districts to be rezoned for a planned unit development (PUD). See *Article 04: Planned Unit Development Districts*. A Planned unit development may be petitioned for in the following districts:



1.17 District Land Uses

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

1.18 Unlisted or Questionable Land Uses

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

- A. **Questionable Land Use Interpretation:** The Zoning Administrator may determine that an unlisted or questionable use may be permitted if it is significantly similar to another use that is permitted by right or as a special exception use in the zoning district. See *Section 9.04: Administrative Interpretation*.
- B. **Administrative Appeal:** The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals following the process established in *Section 9.03: Administrative Appeal*.
- C. **Limitation of Interpretation:** Under no circumstance shall this interpretation be construed as a use variance.

1.19 Establishing Buildable Lots

No structure shall be permitted on a lot unless the lot:

- A. Resulted from a legal subdivision of land approved by the Plan Commission, or
- B. Was legally established prior to January 1, 2009 but is not the result of a split of a platted lot not approved by the Plan Commission
- C. Is otherwise allowed by recorded covenants and/or restrictions of a platted subdivision which was approved by the Plan Commission

Official Zoning Map

1.20 Official Zoning Map

The map labeled “Official Zoning Map” on the County's GIS and maintained by the DeKalb County Plan Commission is hereby included as part of the Unified Development Ordinance and is to function as the means to identify a zoning district for each parcel in the County. The zoning map shall be formally known as the “Official Zoning Map” and it may be cited and referred to as the “DeKalb County Zoning Map” or the “Zoning Map.”

1.21 Official Zoning Map; Location

The Official Zoning Map will be located on the County's GIS and maintained by the DeKalb County Plan Commission.

1.22 Official Zoning Map; Zoning District Boundaries

The zoning district boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in the Unified Development Ordinance shall be used to identify the zoning districts on the map.

1.23 Official Zoning Map; Regular Revisions

The Official Zoning Map shall be formally revised on the County's GIS as changes are made (i.e. rezonings, planned developments, annexations), or as the Zoning Administrator or Plan Commission determines necessary. During the time it takes for each revision to be made electronically, hand drawn lines and text on a printout of the previous Official Zoning Map will be appropriate to note zoning district changes. Revisions may be made at any time to correct drafting or clerical errors and omissions in the map.

1.24 Official Zoning Map; Standards

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

- A. Streets: Zoning district boundaries shown within or parallel to the lines of streets, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected street, easement, or right-of-way.
- B. Section Lines: Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or County corporation lines shall be construed as following or paralleling such lines.
- C. Water: Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other moving bodies of water shall be construed to follow such centerlines.
- D. Vacated: Whenever any 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 exceptions apply:
 1. 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.
 2. In cases of vacations in Spencerville and Corunna, the adjoining zoning district within the same plat shall be extended automatically to include all of the vacated area.
- E. Interpretation: 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 the Unified Development Ordinance.

1.25 Official Zoning Map; Overlay District Applicability

The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. Labeling: An overlay district shall be noted on the Official Zoning Map with a hatch or textured pattern and be noted as such on the map legend.
- B. Fully Covered: A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in *Article 03: Overlay Districts*.
- C. Partially Covered: A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

Powers and Duties

1.26 Summary of Powers and Duties of the County Commissioners

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

A. Duties:

1. Adopt, reject, or propose amendments to the DeKalb County Comprehensive Plan, Sub-area Plans, or Unified Development Ordinance that has been certified and submitted by the Plan Commission.
2. Adopt, reject, or amend proposals to amend or partially repeal the text of the DeKalb County Comprehensive Plan, Sub-area Plans, or Unified Development Ordinance that have been certified and submitted by the Plan Commission.
3. Adopt, reject, or amend proposals to amend the Official Zoning Map submitted with or without favorable recommendation by the Plan Commission.
4. Adopt, reject, or amend a fee schedule that has been proposed or amended and submitted by the Plan Commission
5. Other duties as permitted by Indiana State Code.

B. Powers:

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

1.27 Summary of Powers and Duties of the Plan Commission

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

A. Duties:

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

Powers and Duties

16. Other duties as permitted by Indiana State Code.

B. Powers:

1. Hire, remove, and determine job descriptions for support staff with the Plan Commission Office.
2. Establish advisory committees as necessary made up of County officials and the general public.
3. Seek funding assistance through grant programs as necessary.
4. Distribute copies or summaries of the DeKalb County Comprehensive Plan or Unified Development Ordinance to the general public and development community.
5. Determine the compensation for support staff and members as provided within the budget submission to County Council.
6. Other powers as permitted by Indiana State Code.

1.28 Summary of Duties of the Board of Zoning Appeals

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

A. Duties:

1. Hear appeals of decisions made by the Zoning Administrator in his/her administration of the Unified Development Ordinance.
2. Hear and approve or deny all applications for special exceptions, development standards variances, and use variances based on the provisions of the Unified Development Ordinance and Indiana State Code.
3. Discharge the duties of the Floodplain Standards Variance and Appeals Board as noted in *Section 1.30 Summary of Duties of the Floodplain Standards Variance and Appeals Board*.
4. Other duties as permitted by Indiana State Code.

1.29 Summary of Duties of the Zoning Administrator

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

A. Duties:

1. Assist the public in understanding the Unified Development Ordinance, land use, and related County ordinances, plans and policies.
2. Review applications regarding the use of land, structures, and the construction of structures.
3. Provide staff assistance to the Board of Zoning Appeals and the Plan Commission.
4. Keep records of the Unified Development Ordinance, including all maps, amendments, special exception, variance and planned unit development approvals and denials, interpretations, and decisions rendered, together with relevant background files and materials.
5. Discharge the duties of the Floodplain Administrator as noted in *Section 1.31: Summary of Duties of the Floodplain Administrator*.
6. Comply with the job description established by the Plan Commission.

1.30 Summary of Duties of the Floodplain Standards Variance and Appeals Board

The duties of the Floodplain Standards Variance and Appeals Board are described below. Duties should be interpreted as activities that are obligations.

A. Duties:

1. *Appeals:* The Floodplain Standards Variance and Appeals Board shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of the Ordinance for Flood Hazard Areas for DeKalb County .
2. *Variances:* The Floodplain Standards Variance and Appeals Board shall hear and decide Floodplain Standards Variance petitions of the requirements of the Ordinance for Flood Hazard Areas for DeKalb County.

Powers and Duties

1.31 Summary of Duties of the Floodplain Administrator

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

A. Duties:

1. *Enforcement:* The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of the Ordinance for Flood Hazard Areas for DeKalb County.
2. *Interpretations:* The Floodplain Administrator is further authorized to render interpretations of the Ordinance for Flood Hazard Areas for DeKalb County that are consistent with its spirit and purpose.
3. Review all Floodplain Development Permits to assure that the permit requirements of the Unified Development Ordinance have been satisfied;
4. Inspect and inventory damaged structures in Special Flood Hazard Areas (SFHA) and complete substantial damage determinations;
5. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to the Ordinance for Flood Hazard Areas for DeKalb County and maintain a record of such authorization (either copy of the actual Permit for Construction in a Floodway or floodplain analysis/regulatory assessment);
6. Ensure that all necessary federal or State permits have been received prior to issuance of the local Floodplain Development Permit. Copies of such federal or State permits are to be maintained on file with the Floodplain Development Permit;
7. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency;
8. Maintain for public inspection and furnish upon request local Floodplain Development Permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of Indiana Department of Natural Resources (DNR) permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to the Ordinance for Flood Hazard Areas for DeKalb County;
9. Utilize and enforce all LOMR or Physical Map Revisions (PMR) issued by the Federal Emergency Management Agency for the currently effective SFHA maps of the community;
10. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
11. Verify and keep a record on file of the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with the Ordinance for Flood Hazard Areas for DeKalb County;
12. Verify and keep a record on file of the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with the Ordinance for Flood Hazard Areas for DeKalb County;
13. Review certified plans and specifications for compliance; and
14. *Stop Work Orders:*
 - a. Upon notice from the Floodplain Administrator, work on any building, structure or premises that is being done contrary to the provisions of the Ordinance for Flood Hazard Areas for DeKalb County shall immediately cease.
 - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

Certification

1.32 Plan Commission Certification

This Unified Development Ordinance was certified for adoption on the 6th day of June, 2008 by the DeKalb Plan Commission after holding a legally announced public hearing. This Unified Development Ordinance was certified and validated by the following Plan Commission members vote.

Signatures:

THE PLAN COMMISSION OF DEKALB COUNTY, INDIANA

AYE

NAY

_____	Dan Crow, Member	_____
_____	Tim Griffin, Member	_____
_____	Larry Moughler, Member	_____
_____	William C. Ort, Member	_____
_____	James Pepple, Member	_____
_____	Edison Shippy, Member	_____
_____	Mark Strong, Member	_____
_____	Jerry Yoder, Member	_____
_____	Dave Holloway, Member	_____

Attest:

Joyce Shopp, Plan Commission Secretary,
DeKalb County, Indiana

Date: _____

***FOR COPIES OF SIGNITURE PAGES PLEASE CONTACT
THE PLAN COMMISSION OFFICE***

1.33 Adoption/Effective Date

The Unified Development Ordinance shall become effect 30 days after its passage by the County Commissioners. Adopted by the County Commissioners of DeKalb County, Indiana on this ____ day of _____, 2008.

Signatures:

THE COUNTY COMMISSIONERS OF DEKALB COUNTY, INDIANA

AYE

NAY

William C. Ort,
President

Connie R. Miles,
Vice President

Don Kaufman,
Member

Attest:

John Fetters, DeKalb County Auditor, Indiana

Date: _____

***FOR COPIES OF SIGNITURE PAGES PLEASE CONTACT
THE PLAN COMMISSION OFFICE***



Article

02

Zoning Districts

DeKalb County Unified Development Ordinance

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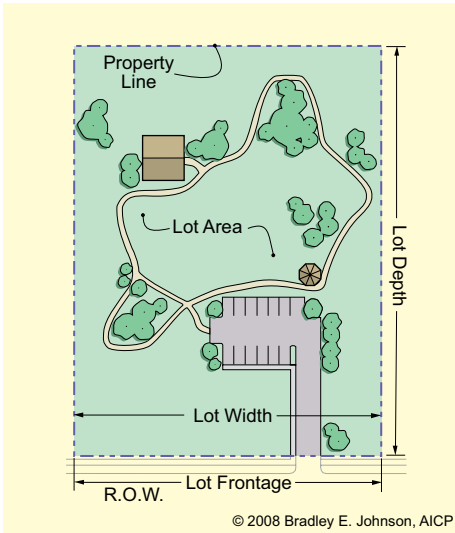
Open Space and Parks (OP) District

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

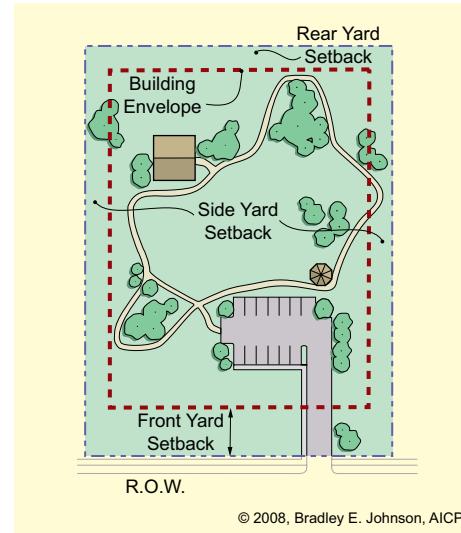
District Intent	Permitted Uses	Special Exception Uses
<p>The OP (Open Space and Parks) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • public parks, open space, playgrounds, ball fields, recreational areas, natural areas and passive recreation areas <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new parks and open space • spot zoning • buffer district <p>Development Standards</p> <ul style="list-style-type: none"> • promote high quality recreational and natural areas for public use <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • all zoning districts <p>Plan Commission</p> <ul style="list-style-type: none"> • both large and small tracts of land should be preserved for recreational uses • environmentally sensitive land within developments should be protected through the use of open space zoning <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • strive to protect the integrity of these natural areas 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • driving range • golf course • skate park • sports field • swimming pool <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • community center • park, public • parking lot, public • pool, public 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • camp ground • paintball facility (indoor and outdoor) • stadium <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • outdoor theater

Open Space and Parks (OP) District

2.02 OP District Development Standards



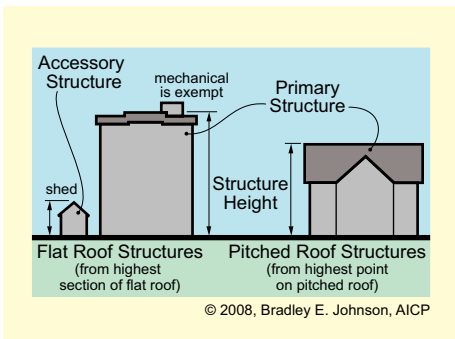
- Minimum Lot Area:**
- n/a
- Minimum Lot Width:**
- 120 feet
- Minimum Lot Frontage:**
- 120 feet



- Minimum Front Yard Setback:**
- 40 feet for accessory structure
- Minimum Side Yard Setback:**
- 15 feet for accessory structure
- Minimum Rear Yard Setback:**
- 15 feet for accessory structure



- Maximum Impervious Surface Coverage:**
- 50% of the lot area



- Maximum Structure Height:**
- 40 feet for primary structure
 - 30 feet for accessory structure

Additional Development Standards that Apply	
Accessory Structure (AS)	Public Improvement (PI)
• AS-01 Page 5-4	• PI-01 Page 5-41
Entrance and Drive (ED)	Recreational Pond (RP)
• ED-01 Page 5-8	• RP-01 Page 5-42
Environmental (EN)	Setback (SB)
• EN-01 Page 5-10	• SB-01 Page 5-43
Fences and Walls (FW)	Sewer and Water (SW)
• FW-07 Page 5-14	• SW-01 Page 5-44
Floor Area (FA)	Sign (SI)
• FA-01 Page 5-16	• SI-01 Page 5-47
Height (HT)	• SI-03 Page 5-49
• HT-01 Page 5-17	Special Exception Use (SE)
Landscaping (LA)	• SE-01 Page 5-51
• LA-01 Page 5-21	Structure Quantity (SQ)
Lighting (LT)	• SQ-01 Page 5-52
• LT-01 Page 5-25	Temporary Uses (TU)
Lot (LO)	• TU-01 Page 5-56
• LO-01 Page 5-28	Vision Clearance (VC)
Outdoor Storage (OS)	• VC-01 Page 5-58
• OS-03 Page 5-30	
Parking (PK)	
• PK-04 Page 5-32	

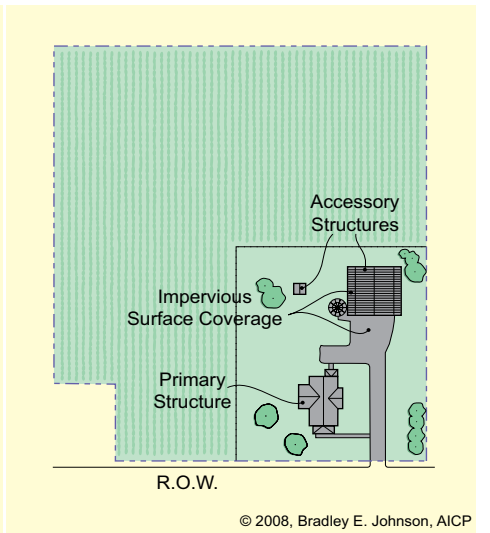
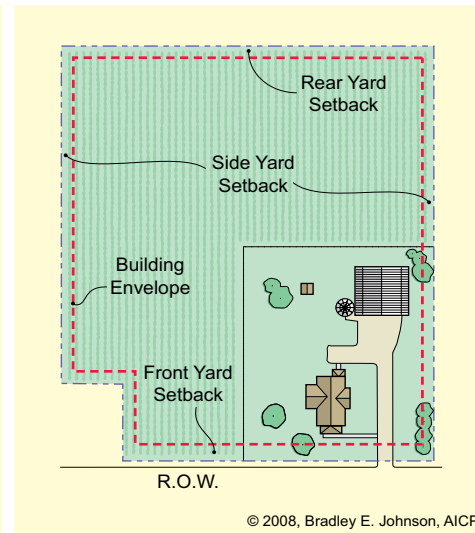
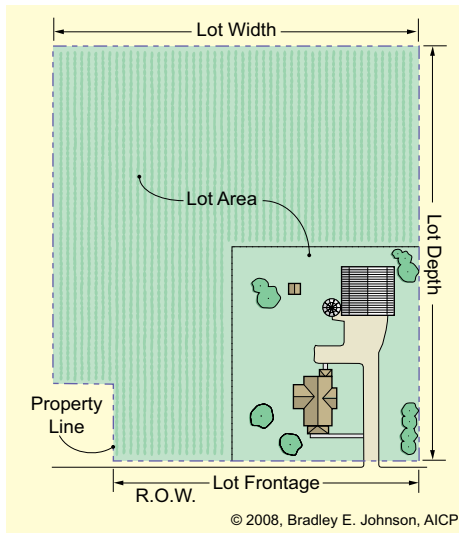
Conservation Agricultural (A1) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The A1 (Conservation Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agricultural operations <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for strict development standards to maximize protection of agricultural practices <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, IN, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments • strive to protect these areas from residential, commercial, and industrial encroachment <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • aggressively protect the integrity of these agricultural areas 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • confined feeding operation - up to two (2) times Indiana Department of Environmental Management CAFO numbers • orchard • raising of farm animals • sale of agricultural product • storage buildings: agricultural • storage of agricultural product • tree farm <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • farmstead • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • dependent housing <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • stable, commercial <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • home enterprise • home workshop <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • gravel/sand processing • wind energy system <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single family • fair housing facility (small)

Conservation Agricultural (A1) District

2.04 A1 District Development Standards



Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way and recorded easements)
- 1 acre if connected to municipal sanitary sewer

Minimum Lot Width:

- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

- 40 feet if the lot or lots are designed to conserve land used for agricultural crop production

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

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

Minimum Rear Yard Setback:

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

Maximum Impervious Surface Coverage:

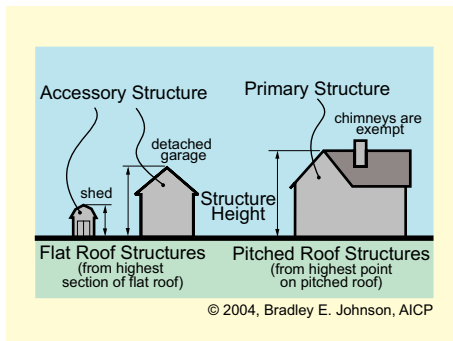
- 15% of the lot area

Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One



Maximum Structure Height:

- 40 feet for the primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply

Accessory Structure (AS)	Lot (LO)
• AS-01 Page 5-4	• LO-01 Page 5-28
Dependent Housing (DH)	Parking (PK)
• DH-01 Page 5-7	• PK-04 Page 5-32
Entrance and Drive (ED)	Public Improvement (PI)
• ED-01 Page 5-8	• PI-01 Page 5-41
Environmental (EN)	Recreational Pond (RP)
• EN-01 Page 5-10	• RP-01 Page 5-42
Fences and Walls (FW)	Setback (SB)
• FW-01 Page 5-11	• SB-01 Page 5-43
Floor Area (FA)	Sewer and Water (SW)
• FA-01 Page 5-16	• SW-01 Page 5-44
Height (HT)	Sign (SI)
• HT-01 Page 5-17	• SI-01 Page 5-47
Home Based Bus. (HO)	• SI-02 Page 5-48
• HO-01 Page 5-18	Special Exception Use (SE)
Landscaping (LA)	• SE-01 Page 5-51
• LA-01 Page 5-21	Structure Quantity (SQ)
Lighting (LT)	• SQ-01 Page 5-52
• LT-01 Page 5-25	

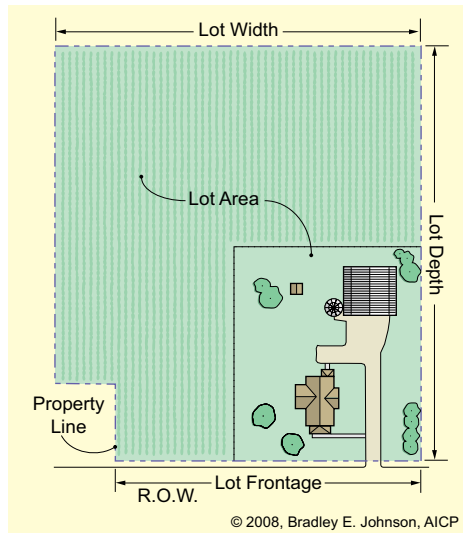
Agricultural (A2) District

2.05 A2 District Intent, Permitted Uses, and Special Exception Uses

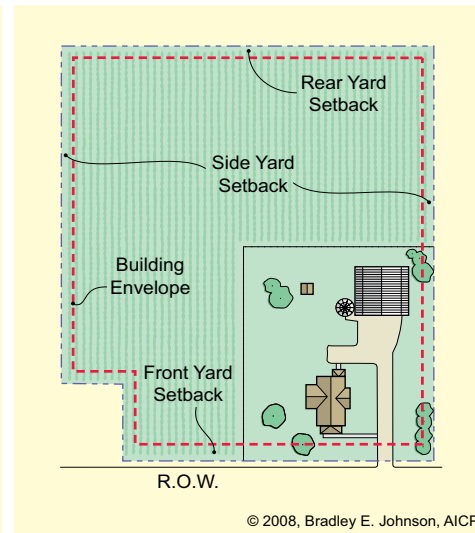
District Intent	Permitted Uses	Special Exception Uses
<p>The A2 (Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • agriculture operations, ag-businesses (year-round), and year-round sales of produce and products <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing agricultural land <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for reasonable development standards to maximize protection of agricultural practices <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, RE, R1, R2, R3, M1, M2, IN, C1, I1, I2, I3, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing agricultural areas and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • confined feeding operation - up to two (2) times Indiana Department of Environmental Management CAFO numbers • orchard • raising of farm animals • storage buildings: agricultural • storage of agricultural product • tree farm <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • farmstead • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) • dependent housing • home enterprise • home workshop <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • sale of agricultural product • stable, commercial <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • camp ground • day care, adult • day care, child • kennel (small) • peer counseling center (non-profit) <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • composting facility • gravel/sand processing • wind energy system <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • airport, private • cemetery/mausoleum <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

Agricultural (A2) District

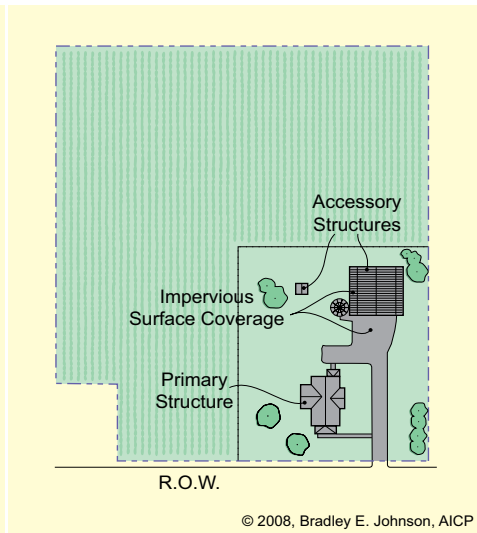
2.06 A2 District Development Standards



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Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way and recorded easements)
- 1 acre if connected to municipal sanitary sewer

Minimum Lot Width:

- 160 feet

Minimum Lot Frontage:

- 120 feet

OR

- 40 feet if the lot or lots are designed to conserve land used for agricultural crop production

Minimum Front Yard Setback:

- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

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

Minimum Rear Yard Setback:

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

Maximum Impervious Surface Coverage:

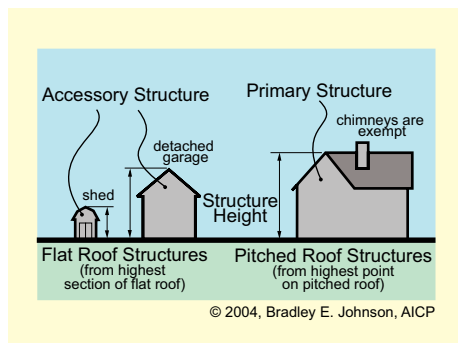
- 20% of the lot area

Minimum Dwelling Size:

- 1,200 square feet

Maximum Primary Structures:

- One



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Maximum Structure Height:

- 40 feet for the primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply

<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-01 Page 5-4 Dependent Housing (DH) <ul style="list-style-type: none"> • DH-01 Page 5-7 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-01 Page 5-11 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01 Page 5-18 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-29 Parking (PK) <ul style="list-style-type: none"> • PK-04 Page 5-42 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 Special Exception Use (SE) 	<ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-02 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58
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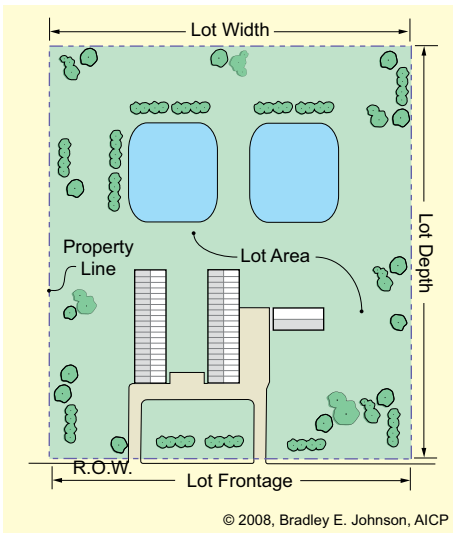
High Intensity Agricultural (A3) District

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

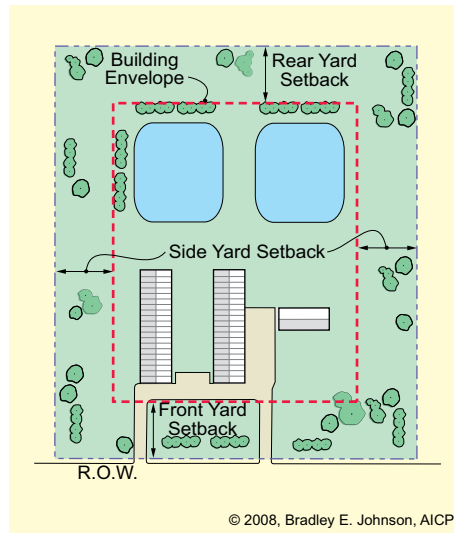
District Intent	Permitted Uses	Special Exception Uses
<p>The A3 (High Intensity Agricultural) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> intense agricultural operations such as confined feeding operations and commercial stables <p>Application of Zoning District</p> <ul style="list-style-type: none"> existing land spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> OP, A1, A2, A3, A4, I1, I2, I3, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> should use this zoning district for existing intense agricultural operations and cautiously for new intense agricultural operations <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> require significant buffering and separation from adjacent uses and environmental features be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> agricultural crop production confined feeding operation - up to two (2) times Indiana Department of Environmental Management CAFO numbers orchard raising of farm animals stroage buildings: agricultural storage of agricultural product tree farm <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> artificial lake (10 or more acres) <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> processing of agricultural production confined feeding operation - above two (2) times Indiana Department of Environmental Management CAFO numbers <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> wind energy system

High Intensity Agricultural (A3) District

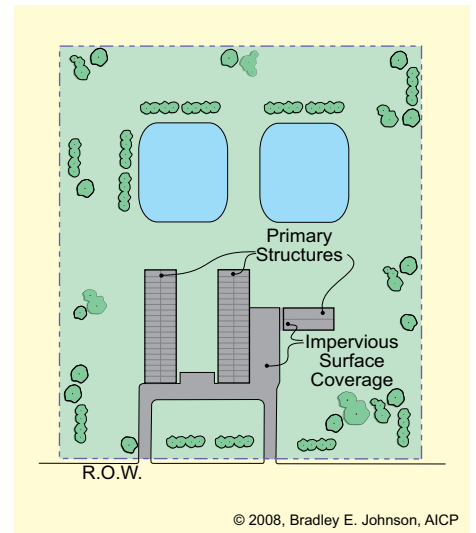
2.08 A3 District Development Standards



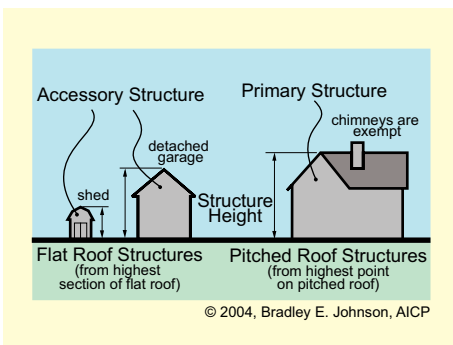
- Minimum Lot Area:**
 - 5 acres
- Minimum Lot Width:**
 - 400 feet
- Minimum Lot Frontage:**
 - 200 feet



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



- Maximum Impervious Surface Coverage:**
 - 40% of the lot area
- Minimum Dwelling Size:**
 - n/a
- Maximum Primary Structures:**
 - One



- Maximum Structure Height:**
 - 40 feet for the primary structure
 - 30 feet for accessory structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Outdoor Storage (OS)	Temporary Uses (TU)
• AS-01 Page 5-4	• OS-01 Page 5-29	• TU-01 Page 5-56
Entrance and Drive (ED)	Parking (PK)	Vision Clearance (VC)
• ED-01 Page 5-8	• PK-04 Page 5-32	• VC-01 Page 5-58
Environmental (EN)	Public Improvement (PI)	
• EN-01 Page 5-10	• PI-01 Page 5-41	
Fences and Walls (FW)	Recreational Pond (RP)	
• FW-02 Page 5-11	• RP-01 Page 5-42	
Floor Area (FA)	Setback (SB)	
• FA-01 Page 5-16	• SB-01 Page 5-43	
Height (HT)	Sewer and Water (SW)	
• HT-01 Page 5-17	• SW-01 Page 5-44	
Home Based Bus. (HO)	Sign (SI)	
• HO-01 Page 5-18	• SI-01 Page 5-47	
Landscaping (LA)	• SI-02 Page 5-48	
• LA-01 Page 5-21	Special Exception Use (SE)	
Lighting (LT)	• SE-01 Page 5-51	
• LT-01 Page 5-25	Structure Quantity (SQ)	
Lot (LO)	• SQ-01 Page 5-52	
• LO-01 Page 5-28		

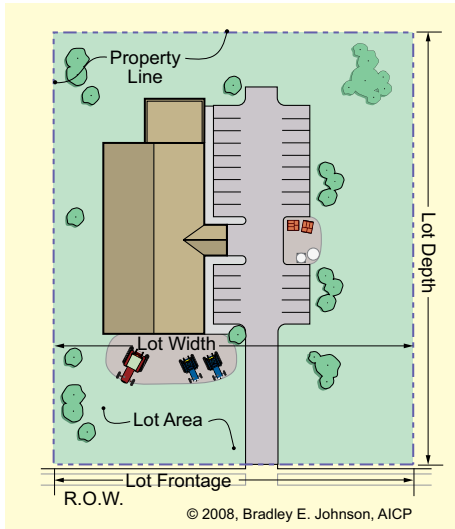
Agricultural Business (A4) District

2.09 A4 District Intent, Permitted Uses, and Special Exception Uses

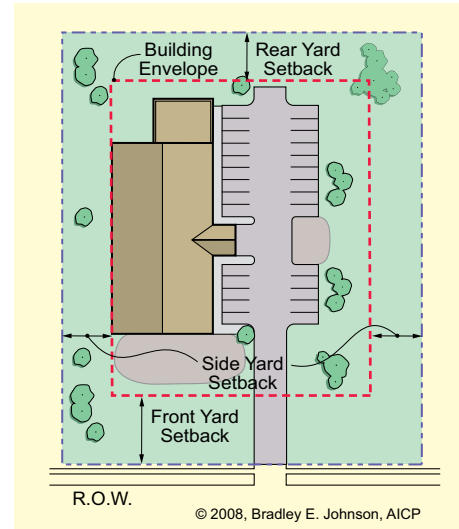
District Intent	Permitted Uses	Special Exception Uses
<p>The A4 (Agricultural Business) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • commercial and industrial uses directly related to agriculture and compatible with rural character <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, I1, I2, I3, HI, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should be utilized for agricultural uses and other business and industrial uses that are supportive of agricultural operations • careful consideration should be taken when reviewing any development that is in conflict with agricultural operations <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • require significant buffering and separation from adjacent uses and environmental features • be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • farm implement sales • grain elevator • orchard • raising of farm animals • stable, commercial • storage buildings: agricultural • storage of agricultural product • tree farm <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • farmers market • plant nursery <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • food production/processing • liquid fertilizer storage/distribution • storage tanks (nonhazardous) • warehouse • telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • storage buildings: private, non-accessory 	<p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> • processing of agricultural product <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • kennel (large - 10 or more animals) <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • outdoor storage • wind energy system

Agricultural Business (A4) District

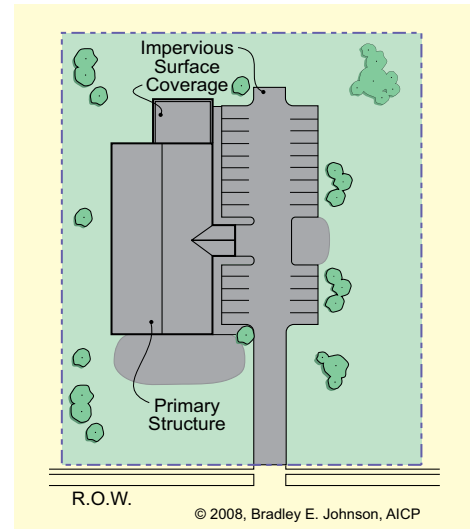
2.10 A4 District Development Standards



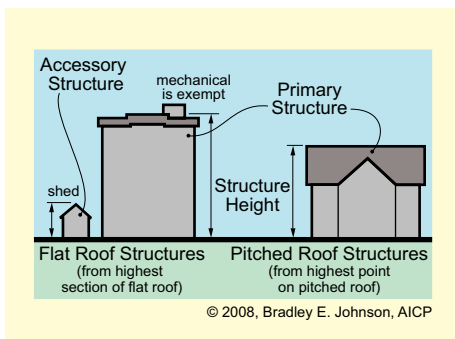
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 150 feet
- Minimum Lot Frontage:**
 - 120 feet



- Minimum Front Yard Setback:**
 - 50 feet for primary and accessory structures
- Minimum Side Yard Setback:**
 - 30 feet for primary structures
 - 10 feet for accessory structures
- Minimum Rear Yard Setback:**
 - 30 feet for primary structures
 - 10 feet for accessory structures



- Maximum Impervious Surface Coverage:**
 - 60% of the lot area
- Minimum Main Floor Area:**
 - n/a
- Maximum Primary Structures:**
 - One



- Maximum Structure Height:**
 - 40 feet for the primary structure
 - 30 feet for accessory structure

Additional Development Standards that Apply		
<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-06 Page 5-6 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-02 Page 5-11 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-29 	<ul style="list-style-type: none"> Parking (PK) <ul style="list-style-type: none"> • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 	<ul style="list-style-type: none"> • TU-02 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58

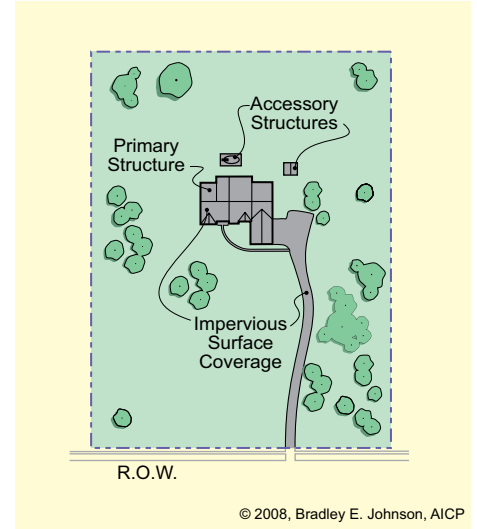
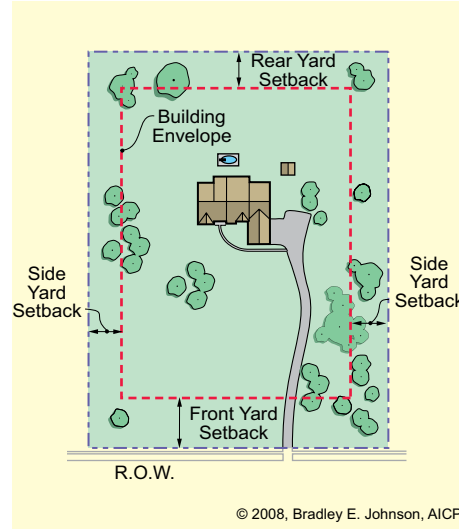
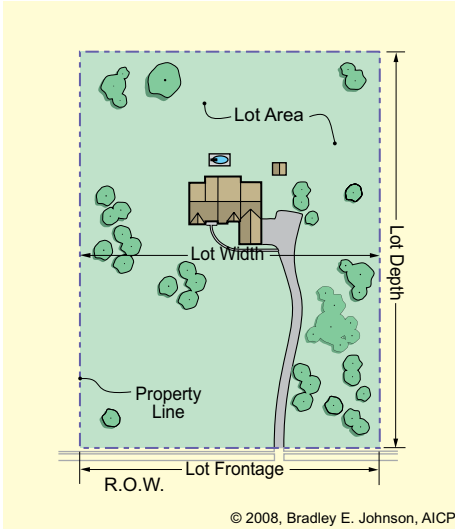
Rural Estate (RE) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The RE (Rural Estate) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> rural estates and hobby farming single-family detached homes medium to large sized homes large lots <p>Application of Zoning District</p> <ul style="list-style-type: none"> existing and new development small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> promote low-impact development in concert with farmland and other natural settings <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> OP, A1, A2, RE, R1, R2, and R3 <p>Plan Commission</p> <ul style="list-style-type: none"> should use this zoning district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> agricultural crop production orchard stroage buildings: agricultural tree farm <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> park, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> bed and breakfast child care, home dwelling, manufactured home dwelling, single-family fair housing facility (small) storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> artificial lake (10 or more acres) dependent housing home enterprise home workshop <p>Agricultural Special Exception Uses</p> <ul style="list-style-type: none"> raising of farm animals <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> airport, private police, fire or rescue station <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> day care, adult day care, child kennel (small - 9 or less animals)

Rural Estate (RE) District

2.12 RE District Development Standards



Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way and recorded easements)
- 1 acre if connected to municipal sanitary sewer

Minimum Lot Width:

- 150 feet

Minimum Lot Frontage:

- 30 feet

Minimum Front Yard Setback:

- 50 feet for primary and accessory structure

Minimum Side Yard Setback:

- 35 feet for primary structure
- 10 feet for accessory structure

Minimum Rear Yard Setback:

- 35 feet for primary structure
- 10 feet for accessory structure

Maximum Impervious Surface Coverage:

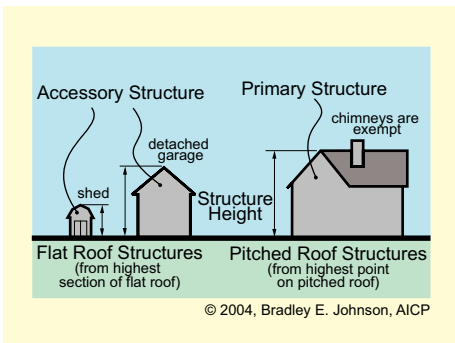
- 25% of the lot area

Minimum Dwelling Size:

- 1,600 square feet

Maximum Primary Structures:

- One



Maximum Structure Height:

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

Additional Development Standards that Apply

<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-02 Page 5-4 Dependent Housing (DH) <ul style="list-style-type: none"> • DH-01 Page 5-7 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-03..... Page 5-12 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01..... Page 5-18 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-05..... Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-29 Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01..... Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01..... Page 5-47 • SI-02..... Page 5-48 Special Exception Use 	<ul style="list-style-type: none"> (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-02 Page 5-56 • TU-03 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58
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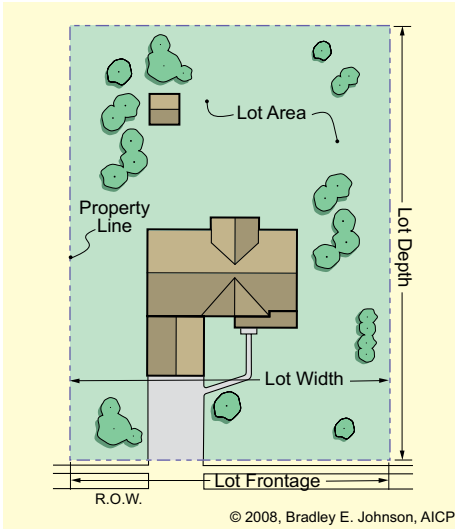
Low Density Residential (R1) District

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

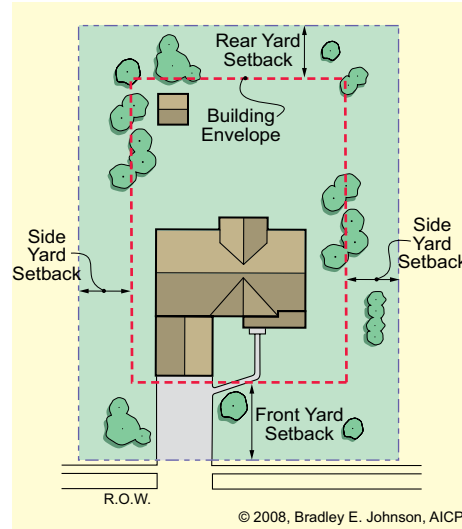
District Intent	Permitted Uses	Special Exception Uses
<p>The R1 (Low Density Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • medium to large sized homes • large lots <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, RE, R1, R2, R3, M1, and IN <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) • dependent housing • home enterprise • home workshop <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • kennel (commercial) • peer counseling facility (non-profit) • police, fire or rescue station • school (P-12) <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast

Low Density Residential (R1) District

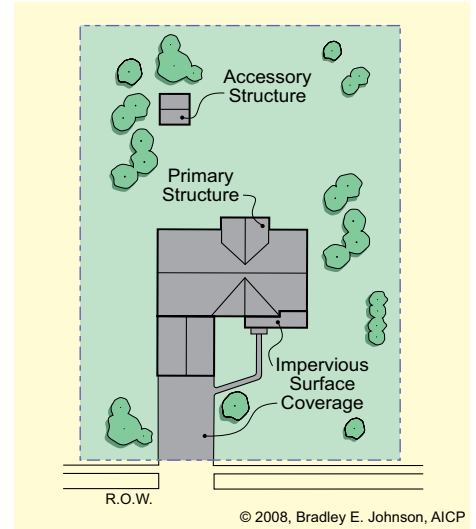
2.14 R1 District Development Standards



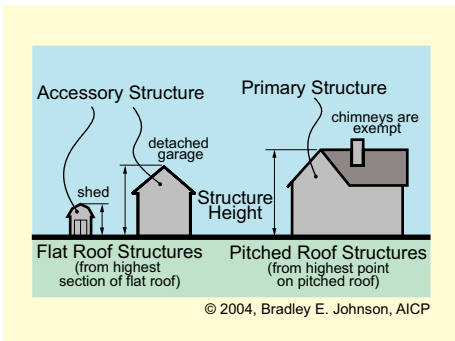
- Minimum Lot Area:**
- 2 net acres (not including any dedicated rights-of-way and recorded easements) or 15,000 square feet with municipal sanitary sewer
- Minimum Lot Width:**
- 200 feet or 100 feet with sanitary sewer
- Minimum Lot Frontage:**
- 80 feet



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



- Maximum Impervious Surface Coverage:**
- 35% of the lot area
- Minimum Dwelling Size:**
- 1,500 square feet
- Maximum Primary Structures:**
- One



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

Additional Development Standards that Apply

<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-03 Page 5-5 Dependent Housing (DH) <ul style="list-style-type: none"> • DH-01 Page 5-7 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-04 Page 5-13 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01 Page 5-18 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-05 Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-01 Page 5-29 Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 Special Exception Use (SE) 	<ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-03 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58
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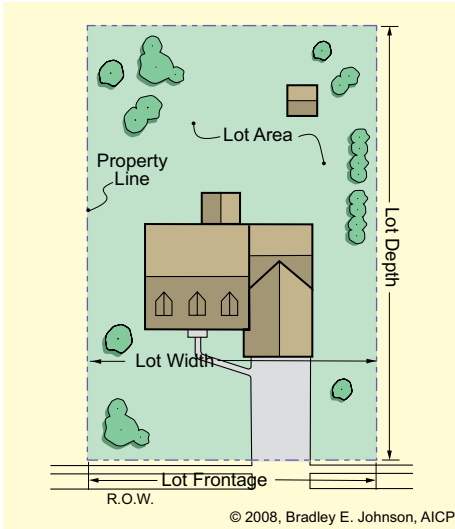
Medium Density Residential (R2) District

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

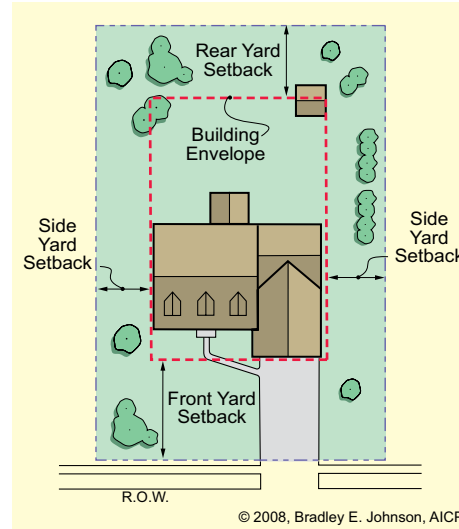
District Intent	Permitted Uses	Special Exception Uses
<p>The R2 (Medium Density Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • medium sized homes • medium lots <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to large area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, RE, R1, R2, R3, M1, M2, MP, IN, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for the majority of new residential development within the County. <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • bed and breakfast • child care, home • dwelling, manufactured home • dwelling, multiple-family (2 or 3 units) • dwelling, single-family • fair housing facility (small) • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) • dependent housing • home enterprise • home workshop <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • peer counseling facility (non-profit) • police, fire or rescue station • school (P-12)

Medium Density Residential (R2) District

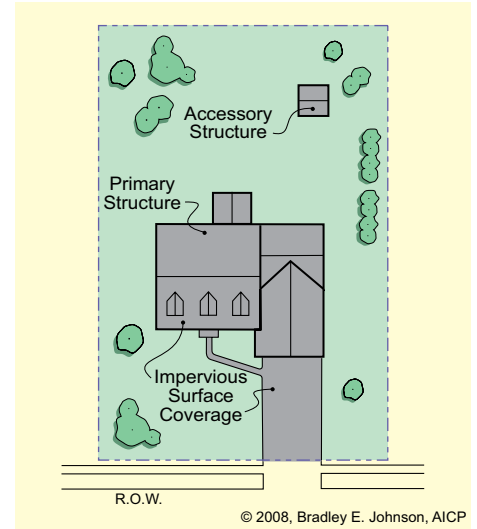
2.16 R2 District Development Standards



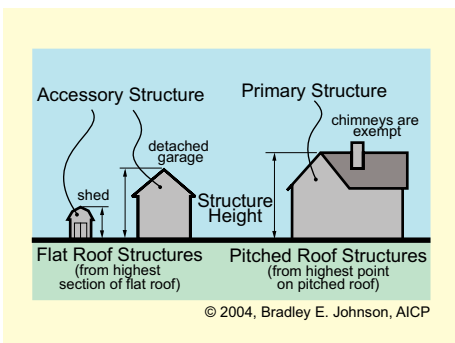
- Minimum Lot Area:**
- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 12,000 square feet with municipal sanitary sewer
- Minimum Lot Width:**
- 200 feet or 80 feet with sanitary sewer
- Minimum Lot Frontage:**
- 60 feet



- Minimum Front Yard Setback:**
- 30 feet for primary and accessory structures
- Minimum Side Yard Setback:**
- 12 feet for primary structures
 - 10 for accessory structures
- Minimum Rear Yard Setback:**
- 20 feet for primary structures
 - 10 for accessory structures



- Maximum Impervious Surface Coverage:**
- 40% of the lot area
- Minimum Dwelling Size:**
- 1,200 square feet
- Maximum Primary Structures:**
- One



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

Additional Development Standards that Apply		
Accessory Structure (AS)	Lot (LO)	• SE-01 Page 5-51
• AS-03 Page 5-5	• LO-01 Page 5-28	Structure Quantity (SQ)
Dependent Housing (DH)	Outdoor Storage (OS)	• SQ-01 Page 5-52
• DH-01 Page 5-7	• OS-01 Page 5-29	Temporary Uses (TU)
Entrance and Drive (ED)	Parking (PK)	• TU-01 Page 5-56
• ED-01 Page 5-8	• PK-01 Page 5-31	• TU-03 Page 5-56
Environmental (EN)	• PK-04 Page 5-32	Vision Clearance (VC)
• EN-01 Page 5-10	Public Improvement (PI)	• VC-01 Page 5-58
Fences and Walls (FW)	• PI-01 Page 5-44	
• FW-04 Page 5-13	Recreational Pond (RP)	
Floor Area (FA)	• RP-01 Page 5-42	
• FA-01 Page 5-16	Setback (SB)	
Height (HT)	• SB-01 Page 5-43	
• HT-01 Page 5-17	Sewer and Water (SW)	
Home Based Bus. (HO)	• SW-01 Page 5-44	
• HO-01 Page 5-18	Sign (SI)	
Landscaping (LA)	• SI-01 Page 5-47	
• LA-01 Page 5-21	• SI-02 Page 5-48	
• LA-05 Page 5-24	Special Exception Use (SE)	
Lighting (LT)		
• LT-01 Page 5-25		

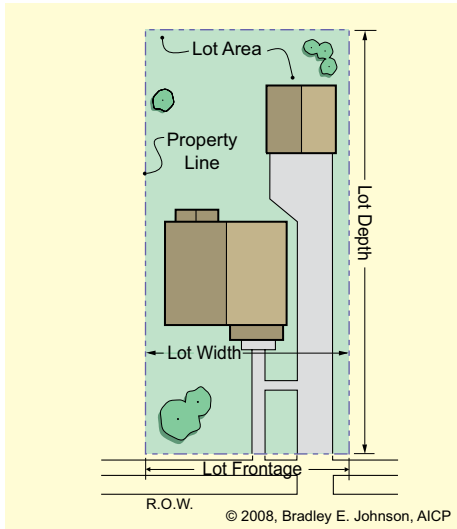
Village Residential (R3) District

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

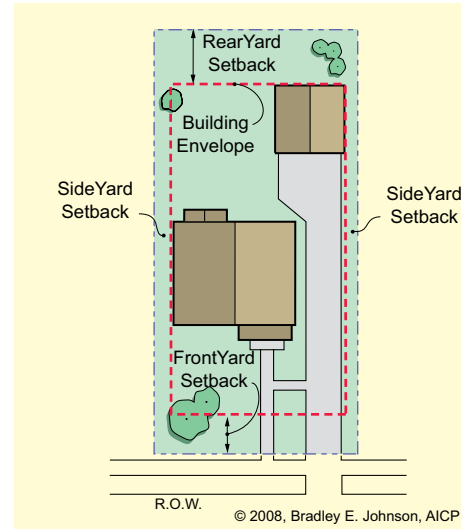
District Intent	Permitted Uses	Special Exception Uses
<p>The R3 (Village Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • single-family detached homes • multiple-family residential • small to medium lots <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning • lots located in unincorporated towns or villages • lots located in small incorporated towns or villages under the jurisdiction of the DeKalb County Plan Commission <p>Development Standards</p> <ul style="list-style-type: none"> • promote low-impact development in concert with a natural setting <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, RE, R1, R2, R3, M1, M2, MP, IN, C1, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • expansion of this zoning district should maintain the character of the existing residential lots within the unincorporated areas and incorporated areas under their jurisdiction <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, single-family • fair housing facility (small) • storage buildings: private, non-accessory 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • dependent housing • home workshop <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station • school (P-12) <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • bed and breakfast • dwelling, multiple-family (2 or 3 units)

Village Residential (R3) District

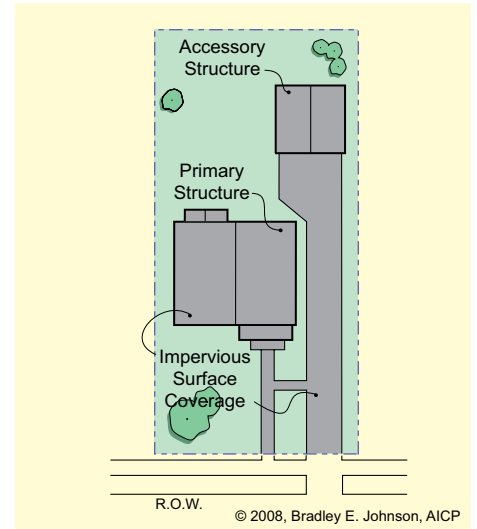
2.18 R3 District Development Standards



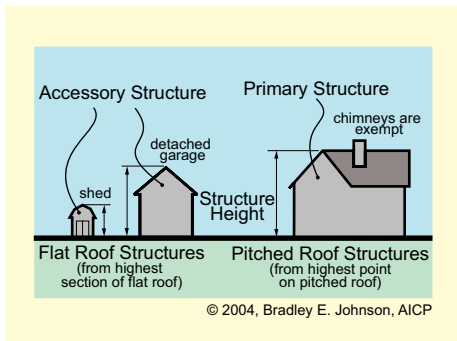
- Minimum Lot Area:**
 - 6500 square feet
- Minimum Lot Width:**
 - 60 feet
- Minimum Lot Frontage:**
 - 50 feet
- Sewer and Water:**
 - Municipal sewer hookup required



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



- Maximum Impervious Surface Coverage:**
 - 65% of the lot area
- Minimum Dwelling Size:**
 - 1,000 square feet
- Maximum Primary Structures:**
 - One



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

Additional Development Standards that Apply		
Accessory Structure (AS)	Lot (LO)	• SE-01 Page 5-51
• AS-03 Page 5-5	• LO-01 Page 5-28	Structure Quantity (SQ)
Dependent Housing (DH)	Outdoor Storage (OS)	• SQ-01 Page 5-52
• DH-01 Page 5-7	• OS-01 Page 5-29	Temporary Uses (TU)
Entrance and Drive (ED)	Parking (PK)	• TU-01 Page 5-56
• ED-01 Page 5-8	• PK-01 Page 5-31	• TU-03 Page 5-56
Environmental (EN)	• PK-04 Page 5-32	Vision Clearance (VC)
• EN-01 Page 5-10	Public Improvement (PI)	• VC-01 Page 5-58
Fences and Walls (FW)	• PI-01 Page 5-41	
• FW-04 Page 5-13	Recreational Pond (RP)	
Floor Area (FA)	• RP-01 Page 5-44	
• FA-01 Page 5-16	Setback (SB)	
Height (HT)	• SB-01 Page 5-43	
• HT-01 Page 5-17	Sewer and Water (SW)	
Home Based Bus. (HO)	• SW-01 Page 5-44	
• HO-01 Page 5-18	Sign (SI)	
Landscaping (LA)	• SI-01 Page 5-47	
• LA-01 Page 5-21	• SI-02 Page 5-48	
• LA-05 Page 5-24	Special Exception Use (SE)	
Lighting (LT)		
• LT-01 Page 5-25		

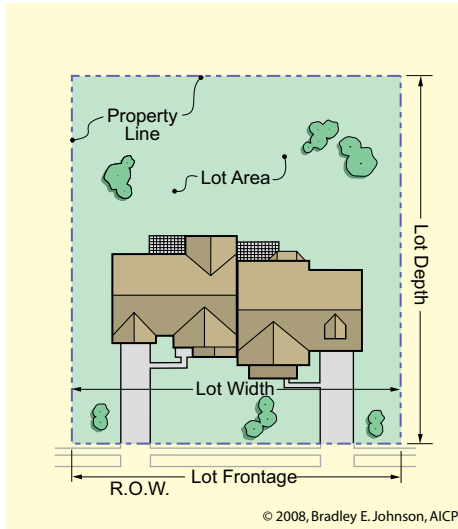
Multiple-family Residential (M1) District

2.19 M1 District Intent, Permitted Uses, and Special Exception Uses

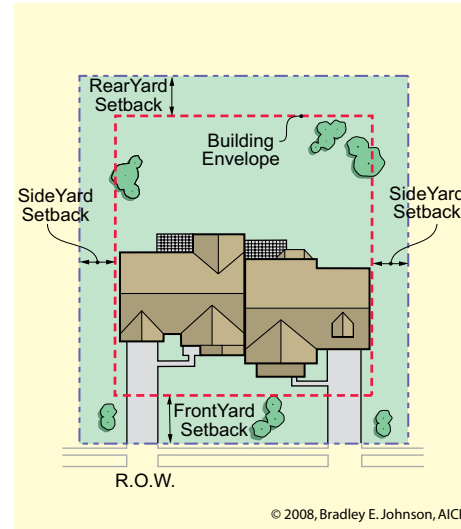
District Intent	Permitted Uses	Special Exception Uses
<p>The M1 (Multiple-Family Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • low to medium-density multiple-family residential • limited mixes of residential uses • one primary structure per lot • low intensity <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize multiple-family development requires more stringent development standards to protect the quality of life of tenants and the surrounding zoning districts <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, R1, R2, R3, M1, M2, MP, IN, C1, and C2 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments and carefully for new residential development that are located in close proximity to urban areas <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • assisted living facility • child care, home • dwelling, multiple-family (2 or 3 units) • fair housing facility (small) 	<p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station • school (P-12) <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single-family

Multiple-family Residential (M1) District

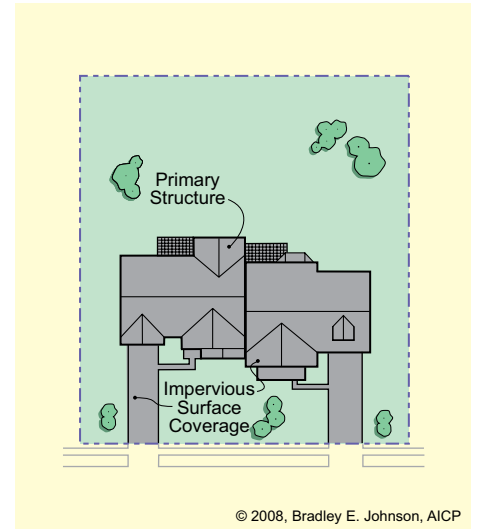
2.20 M1 District Development Standards



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Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 20,000 square feet with municipal sanitary sewer

Minimum Lot Width:

- 90 feet

Minimum Lot Frontage:

- 90 feet

Minimum Front Yard Setback:

- 30 feet for primary and accessory structures

Minimum Side Yard Setback:

- 20 feet for primary structures
- 10 for accessory structures

Minimum Rear Yard Setback:

- 20 feet for primary structures
- 10 for accessory structures

Maximum Impervious Surface Coverage:

- 50% of the lot area

Minimum Average Dwelling Unit Size:

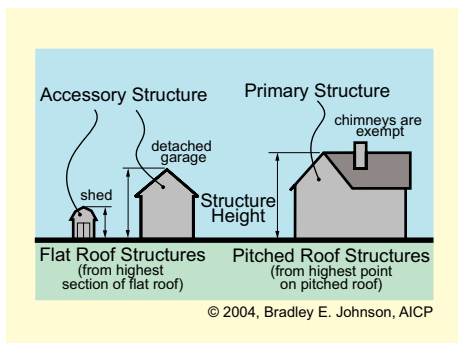
- 800 square feet

Maximum Density:

- 4 units per acre

Maximum Primary Structures:

- One per lot



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Maximum Structure Height:

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

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-04 Page 5-5 <p>Entrance and Drive (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-8 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-10 <p>Fences and Walls (FW)</p> <ul style="list-style-type: none"> • FW-04 Page 5-13 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-16 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-17 <p>Home Based Bus. (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-06 Page 5-23 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-25 	<p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-28 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-02 Page 5-29 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 Page 5-31 • PK-04 Page 5-32 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-41 <p>Recreational Pond (RP)</p> <ul style="list-style-type: none"> • RP-01 Page 5-42 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-43 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-44 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 <p>Special Exception Use</p>	<p>(SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-51 <p>Structure Quantity (SQ)</p> <ul style="list-style-type: none"> • SQ-01 Page 5-2 <p>Temporary Uses (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-03 Page 5-56 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-58
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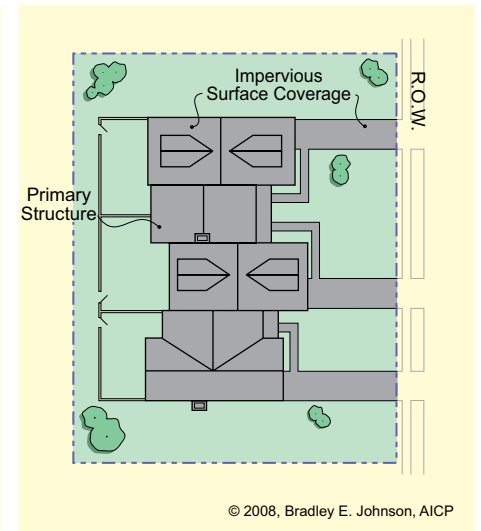
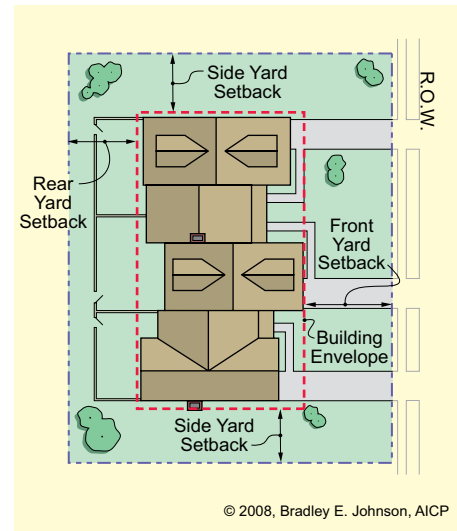
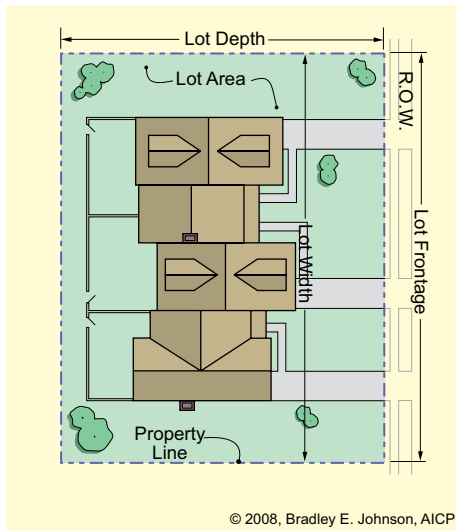
Multiple-family Residential (M2) District

2.21 M2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The M2 (Multiple-Family Residential) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • medium to high density multiple-family residential • limited mixes of residential uses • multiple primary structures per lot <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small area or spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize multiple-family development requires more stringent development standards to protect the quality of life of tenants and the surrounding zoning districts <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, R2, R3, M1, M2, MP, IN, C1, C2, and I1 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • assisted living facility • dwelling, multiple-family (2-15 units) • fair housing facility (small) • nursing home • retirement community <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • coin laundry <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility 	<p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • dwelling, manufactured home • dwelling, single-family • fair housing facility (large) <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • police, fire or rescue station • school (P-12)

Multiple-family Residential (M2) District

2.22 M2 District Development Standards



Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 1 acre with municipal sanitary sewer

Minimum Lot Width:

- 120 feet

Minimum Lot Frontage:

- 100 feet

Sewer and Water:

- Municipal water and sewer hookup required

Minimum Front Yard Setback:

- 35 feet for primary and accessory structures

Minimum Side Yard Setback:

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

Minimum Rear Yard Setback:

- 25 feet for primary structures
- 10 for accessory structures

Maximum Impervious Surface Coverage:

- 60% of the lot area

Minimum Average Dwelling Unit Size:

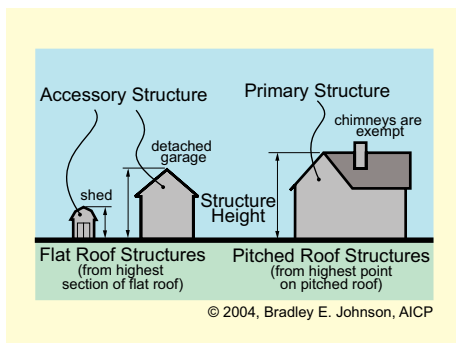
- 700 square feet

Maximum Density:

- 10 units per acre

Maximum Primary Structures:

- No limit



Maximum Structure Height:

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

Additional Development Standards that Apply

<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-04 Page 5-5 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-04 Page 5-13 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01 Page 5-18 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-03 Page 5-23 • LA-06 Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-02 Page 5-29 Parking (PK) <ul style="list-style-type: none"> • PK-01 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 Special Exception Use 	<ul style="list-style-type: none"> (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-03 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58
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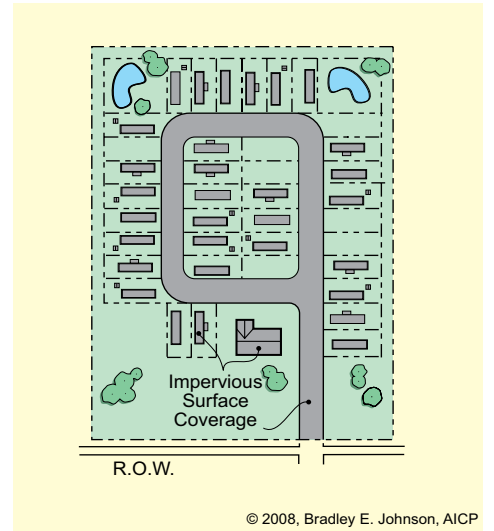
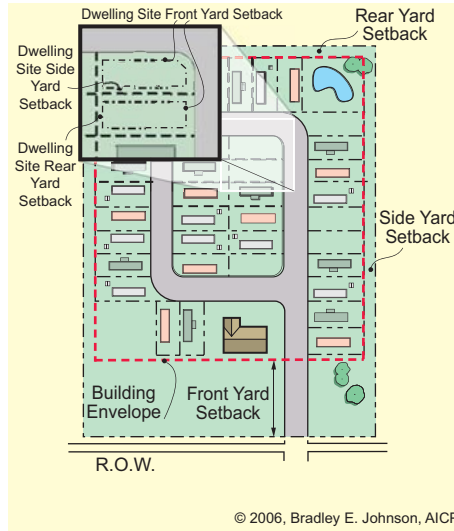
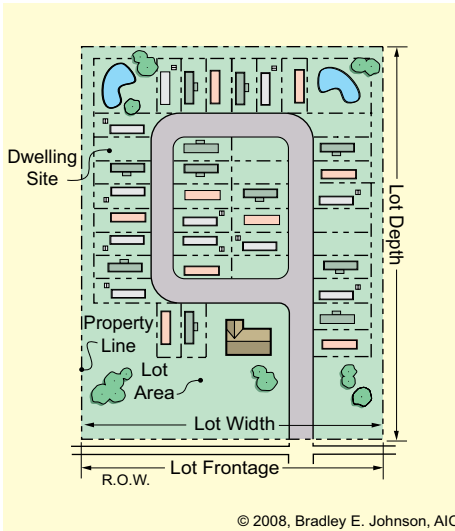
Manufactured Home Park (MP) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The MP (Manufactured Home Park) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • lease lot housing developments (typically mobile homes) • multiple primary structures per lot <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small area or spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize lease lot development requires more stringent development standards to protect the quality of life of tenants and the surrounding zoning districts • shall be in accordance with IC 16-41-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, State Board of Health requirements and the requirements of the Unified Development Ordinance <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, R2, R3, M1, M2, MP, IN, C1, C2, and C3 <p>Plan Commission</p> <ul style="list-style-type: none"> • should use this zoning district for existing developments and carefully for new residential development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • coin laundry • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • park, public • pool, public <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • child care, home • dwelling, manufactured home • dwelling, mobile home • dwelling, single-family • fair housing facility (small) • manufactured home park • mobile home park 	

Manufactured Home Park (MP) District

2.24 MP District Development Standards



Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 1 acre with municipal sanitary sewer

Minimum Lot Width:

- 200 feet

Minimum Lot Frontage:

- 120 feet

Minimum Front Yard Setback:

- 25 feet

Minimum Side Yard Setback:

- 20 feet

Minimum Rear Yard Setback:

- 20 feet

Sewer and Water:

- Municipal water and sewer hookup required

Minimum Dwelling Site Area:

- 4,000 square feet

Minimum Dwelling Site Width:

- 40 feet

Minimum Dwelling Site Front Yard Setback:

- 10 feet for primary and accessory structures

Minimum Dwelling Site Side Yard Setback:

- 8 feet for primary structures
- 3 feet for accessory structures

Minimum Dwelling Site Rear Yard Setback:

- 10 feet for primary structures
- 2 feet for accessory structures

Maximum Impervious Surface Coverage:

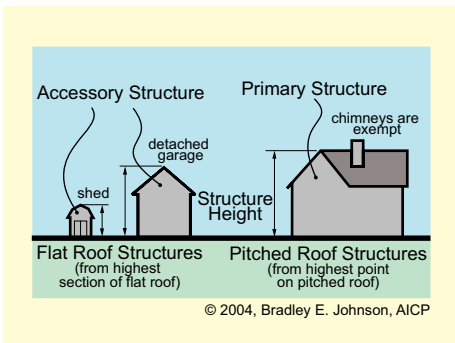
- 50% of the lot area

Minimum Dwelling Size:

- 720 square feet

Maximum Primary Structures:

- One per dwelling site



Maximum Structure Height:

- 30 feet for primary structure
- 15 feet for accessory structure

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-05 Page 5-6 <p>Entrance and Drive (ED)</p> <ul style="list-style-type: none"> • ED-01 Page 5-8 • ED-02 Page 5-9 <p>Environmental (EN)</p> <ul style="list-style-type: none"> • EN-01 Page 5-10 <p>Fences and Walls (FW)</p> <ul style="list-style-type: none"> • FW-04 Page 5-13 <p>Floor Area (FA)</p> <ul style="list-style-type: none"> • FA-01 Page 5-16 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 Page 5-17 <p>Home Based Bus. (HO)</p> <ul style="list-style-type: none"> • HO-01 Page 5-18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-03 Page 5-22 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 5-25 	<p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 Page 5-28 <p>Outdoor Storage (OS)</p> <ul style="list-style-type: none"> • OS-02 Page 5-29 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-02 Page 5-31 • PK-04 Page 5-32 <p>Public Improvement (PI)</p> <ul style="list-style-type: none"> • PI-01 Page 5-41 <p>Recreational Pond (RP)</p> <ul style="list-style-type: none"> • RP-01 Page 5-42 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 Page 5-43 <p>Sewer and Water (SW)</p> <ul style="list-style-type: none"> • SW-01 Page 5-44 <p>Sign (SI)</p> <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-02 Page 5-48 <p>Special Exception Use (SE)</p> <ul style="list-style-type: none"> • SE-01 Page 5-51 	<p>Structure Quantity (SQ)</p> <ul style="list-style-type: none"> • SQ-01 Page 5-52 <p>Temporary Uses (TU)</p> <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-03 Page 5-56 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 Page 5-58
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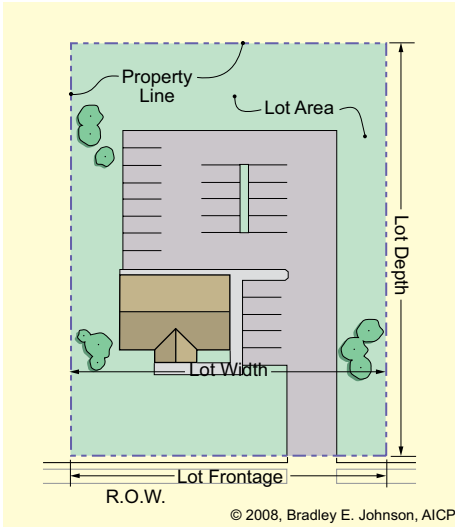
Institutional (IN) District

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

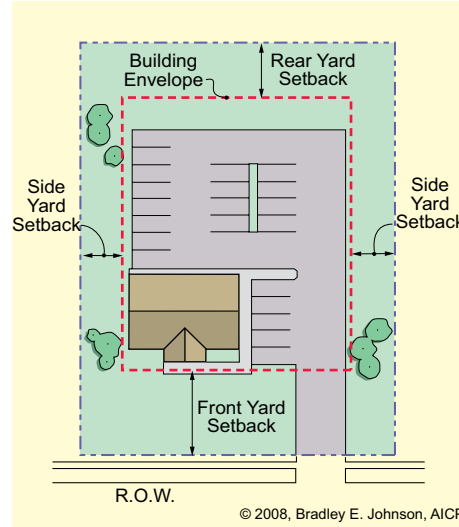
District Intent	Permitted Uses	Special Exception Uses
<p>The IN (Institutional) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • institutionally owned lands, including state and county facilities • multiple primary structures per lot <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • buffer district or transitional district • spot zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, R1, R2, R3, M1, M2, MP, IN, C1, C2, C3, and C4 <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for IN only after determining the proposed use is appropriate for the surrounding area • pay particular attention to the impacts related to size, traffic, access to customers, access to public utilities, and access to transportation facilities <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties, especially in regard to traffic generation • be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • dental clinic • emergency medical care clinic • funeral home or mortuary • medical clinic • optical clinic • rehabilitation clinic • service organization • swimming pool <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • utility facility, above-ground <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • cemetery/mausoleum • child care institution • church, temple or mosque • community center • government office • government operation (non-office) • hospital • jail • juvenile detention facility • library, public • museum • parking lot, public • police, fire or rescue station • pool, public • post office • prison • recycling collection point • school (P-12) • trade or business school • university or college <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • fair housing facility (large) • nursing home 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • peer counseling facility (non-profit) • outdoor theater <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • assisted living facility • retirement community <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • crematory <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • sewage treatment plant • water treatment plant

Institutional (IN) District

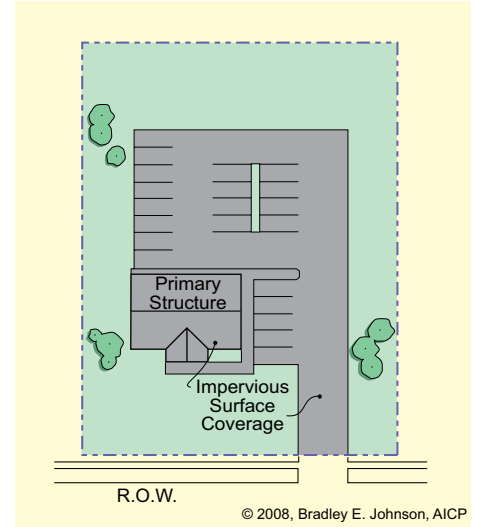
2.26 IN District Development Standards



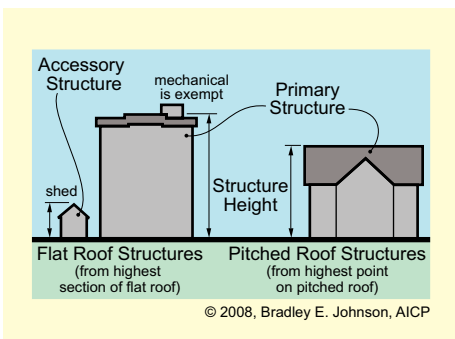
- Minimum Lot Area:**
- 2 net acres (not including any dedicated rights-of-way and recorded easements) or 10,000 square feet with municipal sanitary sewer
- Minimum Lot Width:**
- 80 feet
- Minimum Lot Frontage:**
- 60 feet



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



- Maximum Impervious Surface Coverage:**
- 70% of the lot area
- Minimum Main Floor Area:**
- 1,000 square feet
- Maximum Primary Structures:**
- No limit



- Maximum Structure Height:**
- 40 feet for primary structure
 - 20 feet for accessory structure

Additional Development Standards that Apply		
<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-06 Page 5-6 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fence and Wall (FW) <ul style="list-style-type: none"> • FW-05 Page 5-13 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-03 Page 5-22 • LA-07 Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-27 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-03 Page 5-30 Parking (PK) <ul style="list-style-type: none"> • PK-03 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-03 Page 5-49 Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 	<ul style="list-style-type: none"> Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Telecom. Facility (TC) <ul style="list-style-type: none"> • TC-01 Page 5-53 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-04 Page 5-57 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58

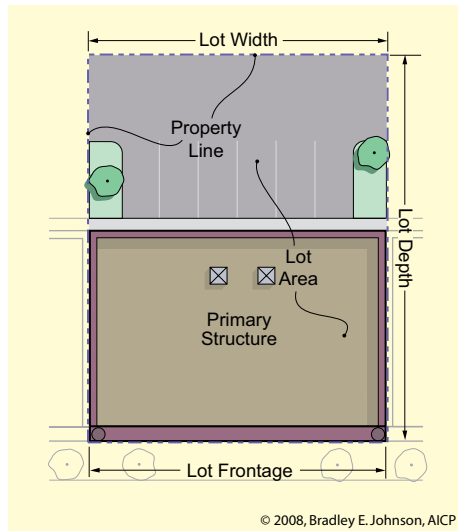
Village Commercial (C1) District

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

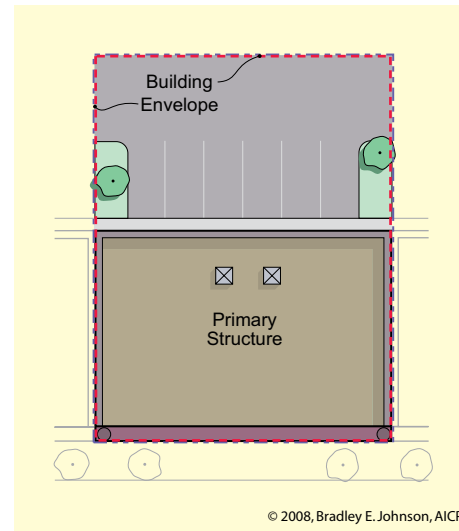
District Intent	Permitted Uses	Special Exception Uses
<p>The C1 (Village Commercial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • normal business uses • low impact uses <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing development in small unincorporated “towns” or “villages” <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A2, R3, M1, M2, MP, IN, C1, C2, C3, C4, and I1 <p>Plan Commission</p> <ul style="list-style-type: none"> • strive to use this zoning district only in the downtown area or its immediate surroundings • strive to minimize parking lots between buildings and instead encourage parking behind buildings and on the street • zone property for C1 only after determining the site is appropriate for any of the possible uses allowed in the zoning district <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Accessory Permitted Uses</p> <ul style="list-style-type: none"> • home based business <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile gas station • bank machine/ATM • barber/beauty shop • billiard/arcade room • coffee shop • coin laundry • delicatessen • emergency medical care clinic • farmers market • financial services office • grocery/supermarket, small • ice cream shop • insurance office • law office • low intensity retail • pet grooming/store • photographic studio • real estate office • restaurant • shoe repair • studio arts • tailor/pressing shop • tanning salon <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • child care institution • church, temple or mosque • community center • government office • government operation (non-office) • jail • juvenile detention facility • library, public • museum • park, public • parking lot, public • peer counseling facility (non-profit) • police, fire or rescue station • pool, public • post office • recycling collection point • school (P-12) • trade or business school • university or college <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • dwelling unit (upper floors) • lodging house 	<p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • bakery, small • day care, adult • day care, child • design services office <p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> • retirement community

Village Commercial (C1) District

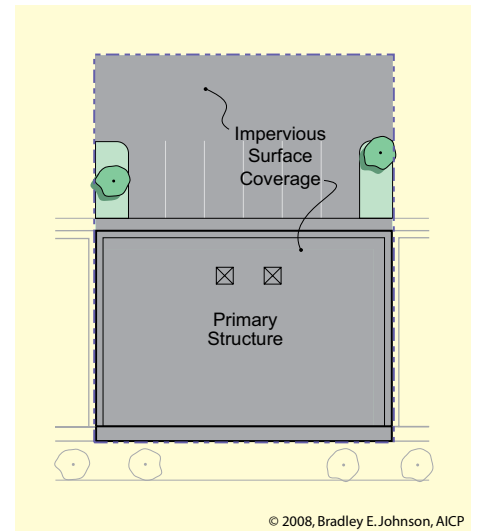
2.28 C1 District Development Standards



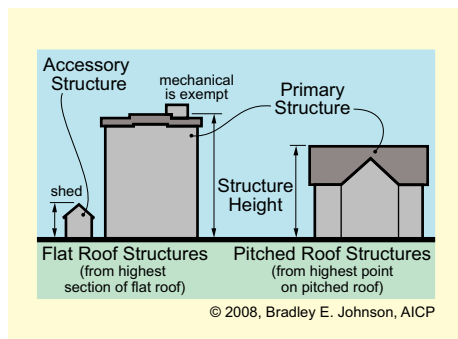
- Minimum Lot Area:**
 - 5,000 square feet
- Minimum Lot Width:**
 - 40 feet
- Minimum Lot Frontage:**
 - 40 feet
- Sewer and Water:**
 - Requires municipal sewer hookup



- Minimum Front Yard Setback:**
 - 0 feet
- Minimum Side Yard Setback:**
 - 0 feet
- Minimum Rear Yard Setback:**
 - 0 feet



- Maximum Impervious Surface Coverage:**
 - 100% of the lot area
- Minimum Main Floor Area:**
 - 1,000 square feet
- Maximum Main Floor Area:**
 - 10,000 square feet
- Maximum Primary Structures:**
 - One



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

Additional Development Standards that Apply		
<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-06 Page 5-6 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-05 Page 5-13 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Home Based Bus. (HO) <ul style="list-style-type: none"> • HO-01 Page 5-18 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-03 Page 5-22 • LA-07 Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 	<ul style="list-style-type: none"> Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-27 Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-03 Page 5-30 Parking (PK) <ul style="list-style-type: none"> • PK-03 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-03 Page 5-49 	<ul style="list-style-type: none"> Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-04 Page 5-57 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58

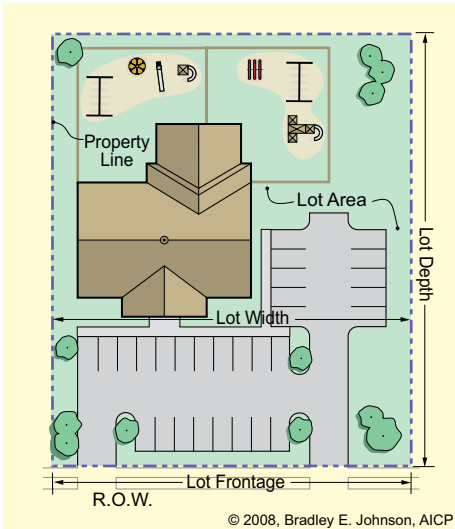
Neighborhood Commercial (C2) District

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

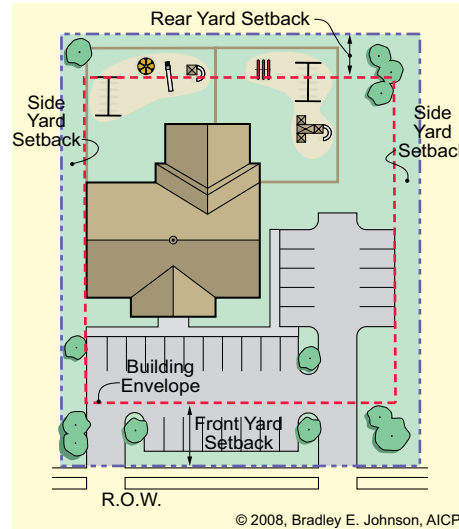
District Intent	Permitted Uses	Permitted Uses
<p>The C2 (Neighborhood Commercial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • uses associated with the shopping, service and family needs of adjacent or local residential areas • smaller shops or businesses serving a localized area <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality • shall generate low traffic levels • shall not create dirt, noise, glare, heat, odor, or electrical interference <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, R2, R3, M1, M2, MP, IN, C1, C2, C3, C4, and I1 <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for C2 only after determining the site is appropriate for any of the possible uses allowed in the zoning district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • farm implement sales <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile accessory installation • automobile gas station • automobile oil change facility • bakery • bank machine/ATM • banquet hall • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • cellular phone service • club or lodge • coffee shop • coin laundry • commercial training facility or school • construction trade office • day care, adult • day care, child • delicatessen • design services office • dry-cleaning service (drop-off) • dry-cleaning service (on-site) • emergency medical care clinic • farmers market • financial services office • fitness center/health club • general services office • health spa/day spa • furniture shop • grocery/supermarket • ice cream shop • low intensity retail • medical office • medium intensity retail • party/event store • pet grooming/store • photographic studio • plant nursery • print shop/copy center • quick cash/check cashing • recreation center/play center • restaurant • restaurant with drive-up window • shoe repair • shoe sales • skating rink (indoor use) • studio arts • tailor/pressing shop • tanning salon • movie theater • vehicle sales • video/dvd rental 	<p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • library, public • peer counseling facility (non-profit) • post office <p>Residential Permitted Uses</p> <ul style="list-style-type: none"> • lodging house <p>Special Exception Uses</p> <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • automobile wash • bakery (small) <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • child care institution • trade or business school

Neighborhood Commercial (C2) District

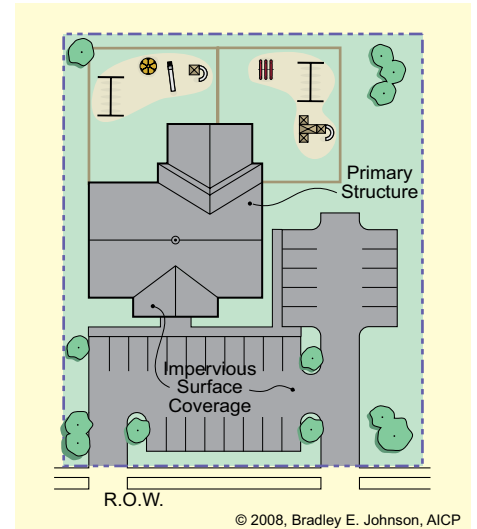
2.30 C2 District Development Standards



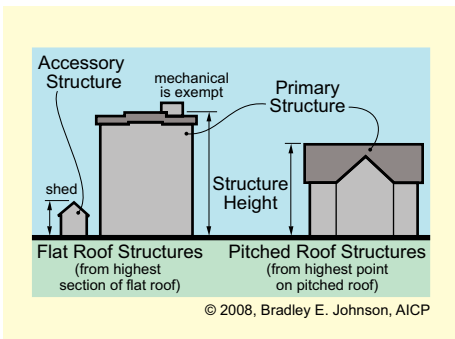
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 100 feet
- Minimum Lot Frontage:**
 - 80 feet
- Sewer and Water:**
 - Requires municipal sewer hookup



- Minimum Front Yard Setback:**
 - 35 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 and accessory structures



- Maximum Impervious Surface Coverage:**
 - 65% of the lot area
- Minimum Floor Area:**
 - 1,000 square feet
- Maximum Main Floor Area:**
 - 12,000 square feet
- Maximum Primary Structures:**
 - No limit



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

Additional Development Standards that Apply		
<ul style="list-style-type: none"> Accessory Structure (AS) <ul style="list-style-type: none"> • AS-06 Page 5-6 Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-05..... Page 5-13 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Landscaping (LA) <ul style="list-style-type: none"> • LA-01..... Page 5-21 • LA-02..... Page 5-22 • LA-03..... Page 5-22 • LA-07..... Page 5-24 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-27 	<ul style="list-style-type: none"> Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-03 Page 5-30 Parking (PK) <ul style="list-style-type: none"> • PK-03 Page 5-31 • PK-04 Page 5-32 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01..... Page 5-47 • SI-03..... Page 5-49 Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 	<ul style="list-style-type: none"> Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 • TU-04 Page 5-57 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58

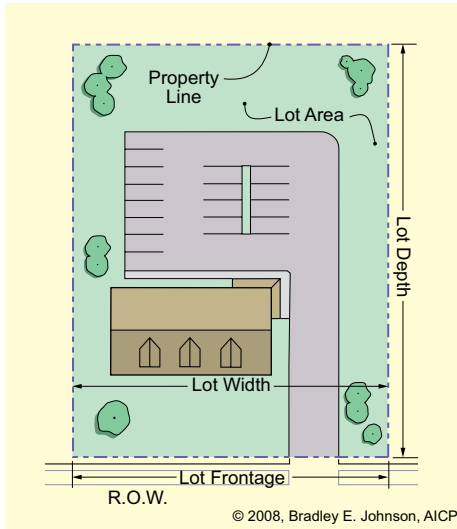
General Commercial (C3) District

2.31 C3 District Intent, Permitted Uses, and Special Exception Uses

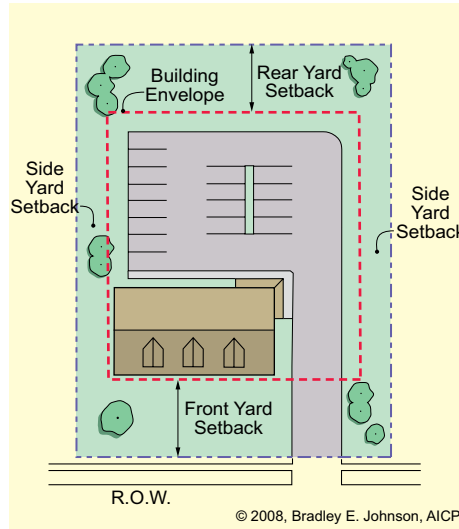
<p style="text-align: center;">District Intent</p> <p>The C3 (General Commercial District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> •uses are expected to serve the regional area for the commercial, business, and service needs of the larger area •moderate to high impact uses <p>Application of Zoning District</p> <ul style="list-style-type: none"> •existing and new development •small to medium area zoning •located or situated only along or adjacent to major or minor arterials and limited access interstates or interstates <p>Development Standards</p> <ul style="list-style-type: none"> •recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> •OP, MP, IN, C1, C2, C3, C4, I1, I2, and I3 <p>Plan Commission</p> <ul style="list-style-type: none"> •zone property for C3 only after determining the site is appropriate for any of the possible uses allowed in the zoning district •be very sensitive to the impacts of traffic generated by the site <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> •allow a special exception when it does not adversely affect adjacent properties •be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p style="text-align: center;">Permitted Uses</p> <p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> •agricultural crop production •farm implement sales <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> •art gallery •automobile oriented business •bakery, small •bank machine/ATM •banquet hall •bar/tavern •bowling alley •cellular phone service •club or lodge •coffee shop •coin laundry •commercial training facility or school •dance/night club •delicatessen •design services office •driving range •dry-cleaning service (drop-off) •dry-cleaning service (on-site) •emergency medical care clinic •farmers market •financial services office •fitness center/health club •flower shop •funeral home or mortuary •golf course •health spa/day spa •high intensity retail •hotel/motel •ice cream shop •insurance office •law office •kennel (large) •medical office •medium intensity retail •miniature golf •paintball facility (indoor only) •paintball facility (indoor and outdoor) •party/event store •pet grooming/store •photographic studio •plant nursery •print shop/copy center •quick cash/check cashing •recreation center/play center •restaurant •restaurant with drive-up window •sexually oriented accessory retail business •sexually oriented retail business •shoe repair •shoe store •skating rink (indoor use) •special handling retail 	<p style="text-align: center;">Permitted Uses</p> <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> •sports field •studio arts •tattoo/piercing parlor •movie theater •truck stop •video/dvd rental <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> •radio/TV station •telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> •hospital 	<p style="text-align: center;">Special Exception Uses</p> <p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> •artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> •amusement park •casino •outdoor theater •sexually oriented entertainment business <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> •trade or business school
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General Commercial (C3) District

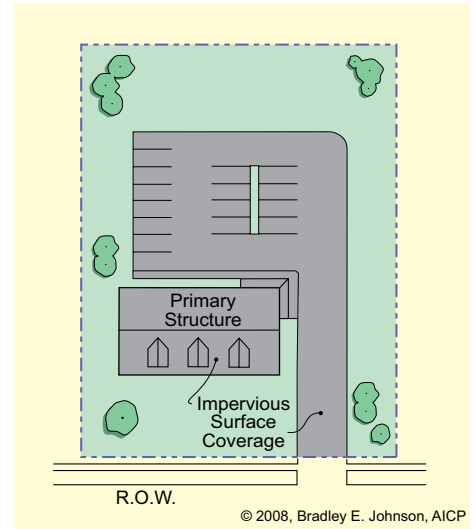
2.32 C3 District Development Standards



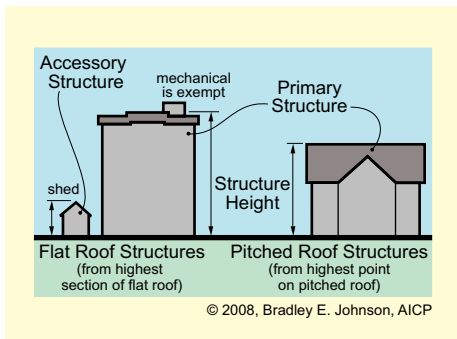
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 100 feet
- Minimum Lot Frontage:**
 - 80 feet
- Sewer and Water:**
 - Requires municipal sewer hookup



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



- Maximum Impervious Surface Coverage:**
 - 75% of the lot area
- Minimum Floor Area:**
 - 1,000 square feet
- Maximum Primary Structures:**
 - No limit



- Maximum Structure Height:**
 - 40 feet for primary structure
 - 20 feet for accessory structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Loading (LD)	Sign (SI)
• AS-06 Page 5-6	• LD-01 Page 5-27	• SI-01 Page 5-47
Entrance and Drive (ED)	Lot (LO)	• SI-03 Page 5-49
• ED-01 Page 5-8	• LO-01 Page 5-28	Special Exception Use (SE)
Environmental (EN)	Outdoor Storage (OS)	• SE-01 Page 5-51
• EN-01 Page 5-10	• OS-03 Page 5-30	Structure Quantity (SQ)
Fences and Walls (FW)	Parking (PK)	• SQ-01 Page 5-52
• FW-05 Page 5-13	• PK-03 Page 5-31	Temporary Uses (TU)
Fireworks Retail (FR)	• PK-04 Page 5-32	• TU-01 Page 5-56
• FR-01 Page 5-15	Public Improvement (PI)	• TU-04 Page 5-57
Floor Area (FA)	• PI-01 Page 5-41	Vision Clearance (VC)
• FA-01 Page 5-16	Recreational Pond (RP)	• VC-01 Page 5-58
Height (HT)	• RP-01 Page 5-42	
• HT-01 Page 5-17	Setback (SB)	
Landscaping (LA)	• SB-01 Page 5-43	
• LA-01 Page 5-21	Sewer and Water (SW)	
• LA-02 Page 5-22	• SW-01 Page 5-44	
• LA-03 Page 5-22	Sexually Oriented Bus. (SX)	
• LA-07 Page 5-24	• SX-01 Page 5-45	
Lighting (LT)	• SX-02 Page 5-46	
• LT-01 Page 5-25		

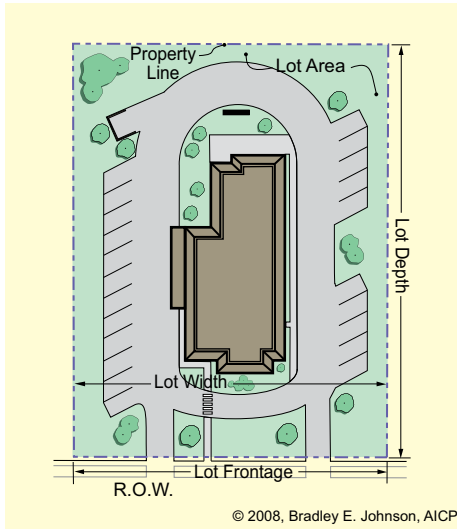
Highway Commercial (C4) District

2.33 C4 District Intent, Permitted Uses, and Special Exception Uses

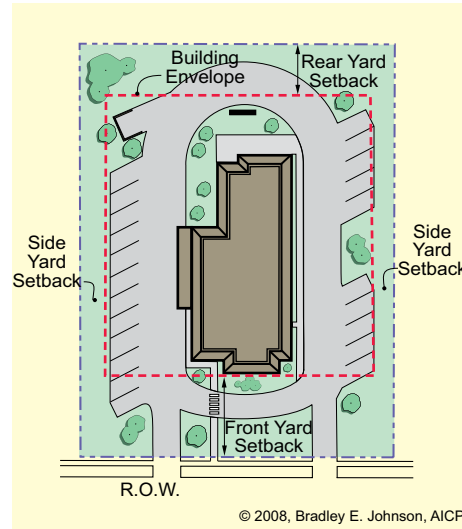
District Intent	Permitted Uses	Special Exception Uses
<p>The C4 (Highway Commercial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • commercial uses closely related to the special needs of the travelling public, interstate commerce, trucking, and in general, vehicular traffic along interstates and major state highways • provide specific areas for retail commercial uses that have unusually high incompatible features in relation to other commercial areas such as major outdoor uses including storage, display, and parking of materials or equipment essential to the operation or for sale • moderate to high impact uses <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning • located adjacent to the interstate system and major interchanges of the interstate system <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, IN, C1, C2, C3, C4, I1, I2, and I3 <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for C4 only after determining the site is appropriate for any of the possible uses allowed in the zoning district • be very sensitive to the impacts of traffic generated by the site <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • art gallery • automobile gas station • automobile repair/service station • bakery (small) • bank machine/ATM • convenience store • delicatessen • flower shop • hotel/motel • sexually oriented accessory retail business • truck stop • vehicle sales <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • telecommunication facility <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • hospital • post office 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • amusement park • auction park • camp ground • casino • outdoor theater • race track • stadium <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • trade or business school

Highway Commercial (C4) District

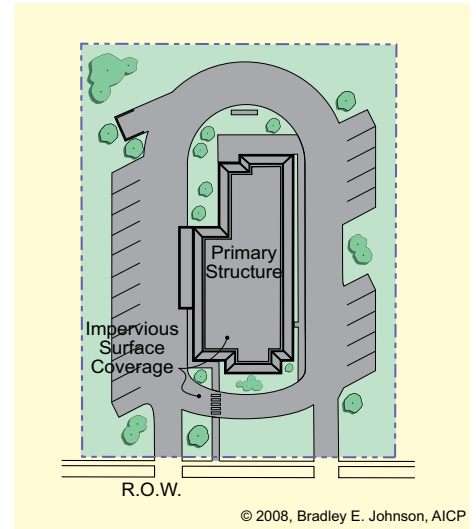
2.34 C4 District Development Standards



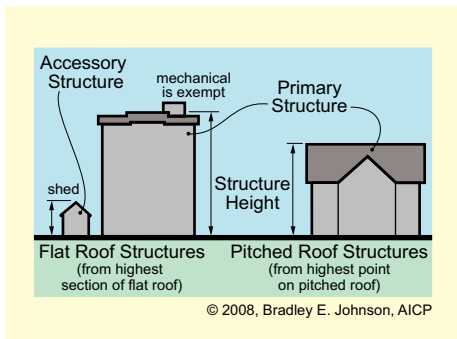
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 100 feet
- Minimum Lot Frontage:**
 - 80 feet
- Sewer and Water:**
 - Requires sanitary sewer



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



- Maximum Impervious Surface Coverage:**
 - 75% of the lot area
- Minimum Floor Area:**
 - 1,000 square feet
- Maximum Primary Structures:**
 - No limit



- Maximum Structure Height:**
 - 40 feet for primary structure
 - 20 feet for accessory structure

Additional Development Standards that Apply		
Accessory Structure (AS)	Lot (LO)	Special Exception Use (SE)
• AS-06 Page 5-6	• LO-01 Page 5-28	• SE-01 Page 5-51
Entrance and Drive (ED)	Outdoor Storage (OS)	Structure Quantity (SQ)
• ED-01 Page 5-8	• OS-03 Page 5-30	• SQ-01 Page 5-52
Environmental (EN)	Parking (PK)	Telecom. Facilities (TC)
• EN-01 Page 5-10	• PK-03 Page 5-31	• TC-01 Page 5-53
Fences and Walls (FW)	Public Improvement (PI)	Temporary Uses (TU)
• FW-05 Page 5-13	• PI-01 Page 5-41	• TU-01 Page 5-56
Floor Area (FA)	Recreational Pond (RP)	• TU-04 Page 5-57
• FA-01 Page 5-16	• RP-01 Page 5-42	• VC-01 Page 5-58
Height (HT)	Setback (SB)	
• HT-01 Page 5-17	• SB-01 Page 5-43	
Landscaping (LA)	Sewer and Water (SW)	
• LA-01 Page 5-21	• SW-01 Page 5-44	
• LA-02 Page 5-22	Sexually Oriented Bus. (SX)	
• LA-03 Page 5-22	• SX-01 Page 5-45	
• LA-07 Page 5-24	Sign (SI)	
Lighting (LT)	• SI-01 Page 5-47	
• LT-01 Page 5-25	• SI-03 Page 5-49	
Loading (LD)		
• LD-01 Page 5-27		

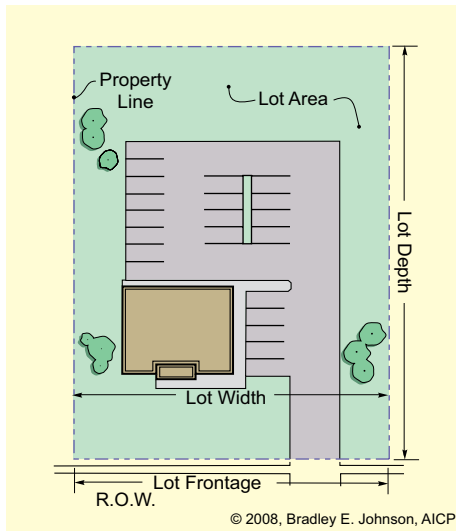
Industrial/Business Park (I1) District

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

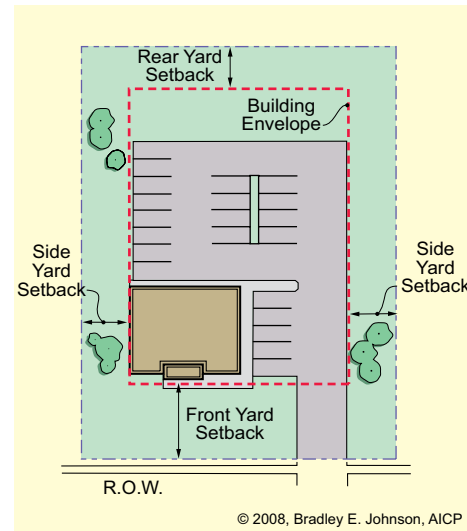
District Intent	Permitted Uses	Special Exception Uses
<p>The I1 (Industrial/Business Park) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • low to moderate-impact business park • light industrial uses which are totally enclosed within a structure. <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality • assure there are minimal negative effects on the natural environment <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A2, A3, A4, M2, C1, C2, C3, C4, I1, I2, and I3 <p>Plan Commission</p> <ul style="list-style-type: none"> • strive to use the I1 District to develop a contiguous area, or cluster, for commerce or job creation • should not encourage “spot zoning” with this zoning district • should strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, noise pollution, loading bay placement, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • cellular phone service • commercial training facility or school • construction trade office • design services office • emergency medical care clinic • financial services office • general services office <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • flex-space • research center • telecommunication facility • utility facility, above-ground • warehouse <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • government operation (non-office) 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • banquet hall • paintball facility (indoor only) • wind energy system <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • testing lab

Industrial/Business Park (I1) District

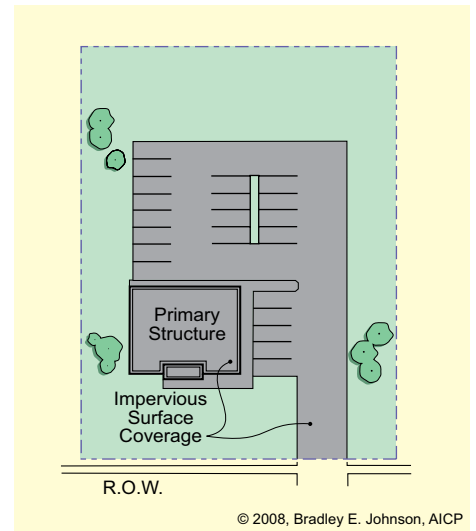
2.36 I1 District Development Standards



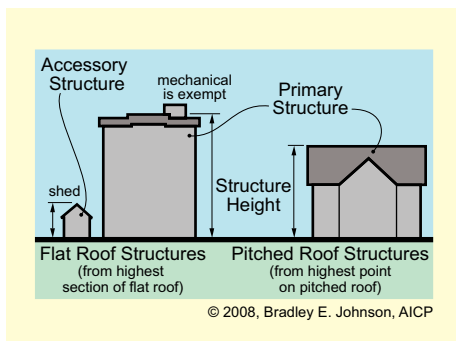
- Minimum Lot Area:**
- 20,000 square feet
- Minimum Lot Width:**
- 120 feet
- Minimum Lot Frontage:**
- 100 feet
- Sewer and Water:**
- Requires sanitary sewer



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



- Maximum Lot Coverage:**
- 70% of the lot area
- Maximum Primary Structures:**
- No limit



- Maximum Structure Height:**
- 60 feet for primary structure
 - 25 feet for accessory structure

Additional Development Standards that Apply

Entrance and Drive (ED)	Outdoor Storage (OS)	• SE-01 Page 5-51
• ED-01 Page 5-8	• OS-03 Page 5-30	Structure Quantity (SQ)
Environmental (EN)	Parking (PK)	• SQ-01 Page 5-52
• EN-01 Page 5-10	• PK-03 Page 5-31	Temporary Uses (TU)
Fences and Walls (FW)	• PK-04 Page 5-32	• TU-01 Page 5-56
• FW-06 Page 5-14	Performance Standards (PF)	• TU-04 Page 5-57
Floor Area (FA)	• PF-01 Page 5-39	Vision Clearance (VC)
• FA-01 Page 5-16	Public Improvement (PI)	• VC-01 Page 5-58
Height (HT)	• PI-01 Page 5-41	
• HT-01 Page 5-17	Recreational Pond (RP)	
Landscaping (LA)	• RP-01 Page 5-42	
• LA-01 Page 5-21	Setback (SB)	
• LA-02 Page 5-22	• SB-01 Page 5-43	
• LA-04 Page 5-23	Sewer and Water (SW)	
• LA-07 Page 5-24	• SW-01 Page 5-44	
Lighting (LT)	Sign (SI)	
• LT-01 Page 5-25	• SI-01 Page 5-47	
Loading (LD)	• SI-03 Page 5-49	
• LD-01 Page 5-27	Special Exception Use (SE)	
Lot (LO)		
• LO-01 Page 5-28		

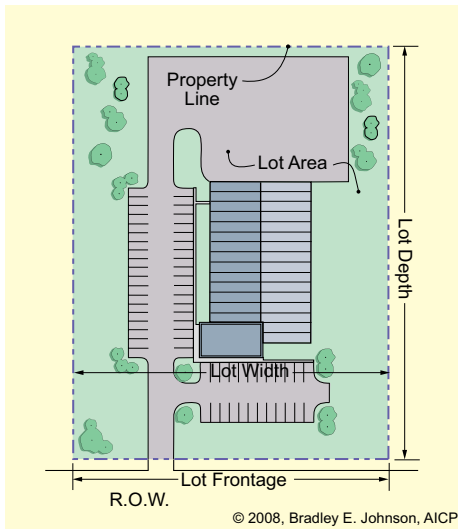
Low-Intensity Industrial (I2) District

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

District Intent	Permitted Uses	Special Exception Uses
<p>The I2 (Low-Intensity Industrial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • light industrial uses which are totally enclosed within a structure. • distribution operations <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality • assure there are minimal negative affects on the natural environment <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A2, A3, A4, C3, C4, I1, I2, and I3 <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for I2 only after determining the site is appropriate for any of the possible uses allowed in the zoning district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, noise pollution, loading bay placement, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • processing of agricultural product <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile gas station • sexually oriented retail business <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • flex-space • food production/processing • manufacturing, light • printing press facility • radio/TV station • research center • sign painting/fabrication • telecommunication facility • testing lab • telecommunication facility • tool and dye shop • utility facility, above-ground • warehouse • water treatment plant • welding <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • government operation (non-office) • recycling collection point 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • paintball facility (indoor only) <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • outdoor storage • storage tanks (nonhazardous) • wind energy system <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • trade or business school

Low-Intensity Industrial (I2) District

2.38 I2 District Development Standards



Minimum Lot Area:

- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 1 acre with municipal sanitary sewer

Minimum Lot Width:

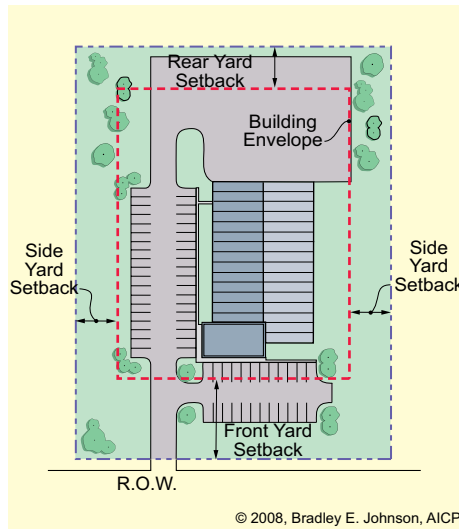
- 150 feet

Minimum Lot Frontage:

- 120 feet

Sewer and Water:

- Requires sanitary sewer



Minimum Front Yard Setback:

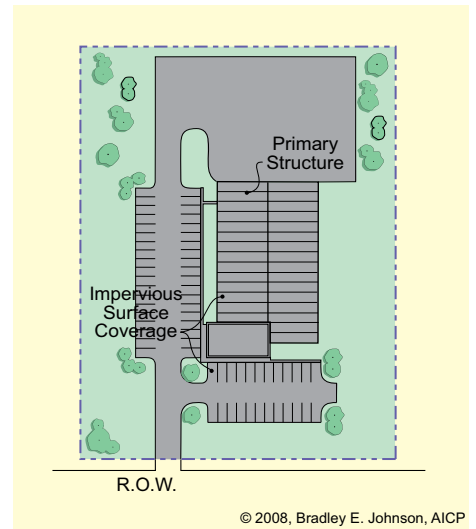
- 50 feet for primary and accessory structures

Minimum Side Yard Setback:

- 30 feet for primary and accessory structures

Minimum Rear Yard Setback:

- 30 feet for primary and accessory structures

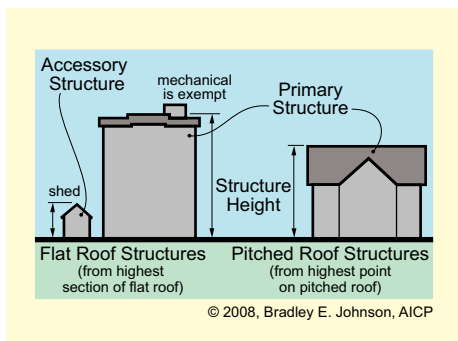


Maximum Lot Coverage:

- 75% of the lot area

Maximum Primary Structures:

- No limit



Maximum Structure Height:

- 60 feet for primary structure
- 30 feet for accessory structure

Additional Development Standards that Apply		
Entrance and Drive (ED)	Outdoor Storage (OS)	• SE-01 Page 5-51
• ED-01 Page 5-8	• OS-03 Page 5-30	Structure Quantity (SQ)
Environmental (EN)	Parking (PK)	• SQ-01 Page 5-52
• EN-01 Page 5-10	• PK-03 Page 5-31	Telecom. Facility (TC)
Fences and Walls (FW)	• PK-04 Page 5-32	• TC-01 Page 5-53
• FW-06 Page 5-14	Performance Standards (PF)	Temporary Uses (TU)
Floor Area (FA)	• PF-01 Page 5-39	• TU-01 Page 5-56
• FA-01 Page 5-16	Public Improvement (PI)	• TU-04 Page 5-57
Height (HT)	• PI-01 Page 5-41	Vision Clearance (VC)
• HT-01 Page 5-17	Recreational Pond (RP)	• VC-01 Page 5-58
Landscaping (LA)	• RP-01 Page 5-42	
• LA-01 Page 5-21	Setback (SB)	
• LA-02 Page 5-22	• SB-01 Page 5-43	
• LA-04 Page 5-23	Sewer and Water (SW)	
• LA-07 Page 5-24	• SW-01 Page 5-44	
Lighting (LT)	Sign (SI)	
• LT-01 Page 5-25	• SI-01 Page 5-47	
Loading (LD)	• SI-03 Page 5-49	
• LD-01 Page 5-27	Special Exception Use (SE)	
Lot (LO)		
• LO-01 Page 5-28		

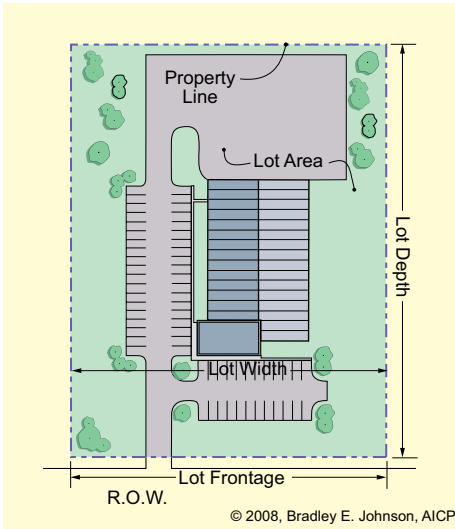
High-intensity Industrial (I3) District

2.39 I3 District Intent, Permitted Uses, and Special Exception Uses

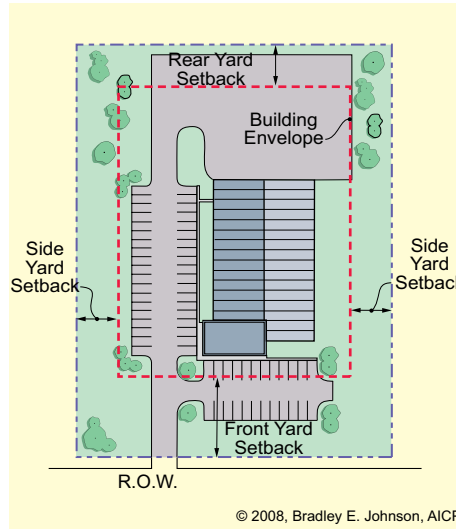
District Intent	Permitted Uses	Special Exception Uses
<p>The I3 (High-intensity Industrial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • high impact industrial • distribution operations <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality • assure there are minimal negative affects on the natural environment • minimize light, noise, water pollution, and air pollution <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A2, A3, A4, C3, C4, I1, I2, I3, and HI <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for I3 only after determining the site is appropriate for any of the possible uses allowed in the zoning district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • require significant buffering and separation from adjacent uses and environmental features • be very sensitive to the potential for light pollution, noise pollution, loading bay placement, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production • processing of agricultural product <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile gas station • sexually oriented accessory retail business • sexually oriented retail business <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • electrical generation plant • flex-space • food production/processing • gravel/sand processing • liquid fertilizer storage/distribution • manufacturing, heavy • manufacturing, light • outdoor storage • radio/TV station • recycling processing • research center • sewage treatment plant • sign painting/fabrication • storage tanks (nonhazardous) • telecommunication facility • testing lab • tool and dye shop • utility facility, above-ground • warehouse • water treatment plant • welding <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • government operation (non-office) • recycling collection point 	<p>Accessory Special Exception Uses</p> <ul style="list-style-type: none"> • artificial lake (10 or more acres) <p>Commercial Special Exception Uses</p> <ul style="list-style-type: none"> • race track • sexually oriented entertainment business <p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • incinerator • junk yard • rendering plant • sanitary landfill/refuse dump • scrap metal yard • storage tanks (hazardous) <p>Institutional Special Exception Uses</p> <ul style="list-style-type: none"> • trade or business school

High-intensity Industrial (I3) District

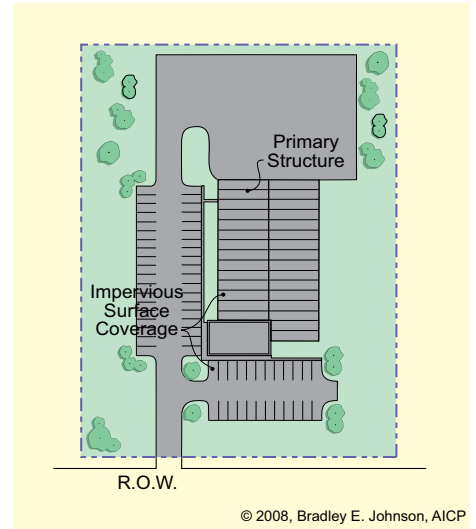
2.40 I3 District Development Standards



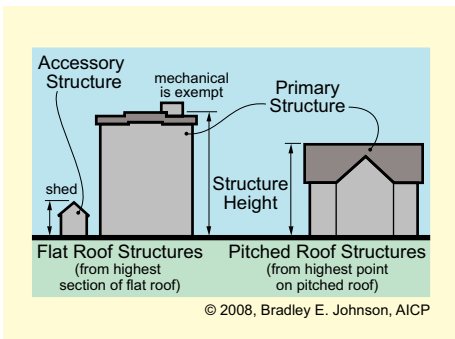
- Minimum Lot Area:**
- 2 net acres (not including any dedicated rights-of-way or recorded easements) or 1 acre with municipal sanitary sewer
- Minimum Lot Width:**
- 150 feet
- Minimum Lot Frontage:**
- 120 feet
- Sewer and Water:**
- Requires sanitary sewer



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



- Maximum Lot Coverage:**
- 80% of the lot area
- Maximum Primary Structures:**
- No limit



- Maximum Structure Height:**
- 80 feet for primary structure
 - 30 feet for accessory structure

Additional Development Standards that Apply		
Entrance and Drive (ED)	Outdoor Storage (OS)	• SI-03..... Page 5-49
• ED-01 Page 5-8	• OS-03..... Page 5-30	Special Exception Use (SE)
Environmental (EN)	Parking (PK)	• SE-01 Page 5-51
• EN-01 Page 5-10	• PK-03 Page 5-31	Structure Quantity (SQ)
Fences and Walls (FW)	• PK-04 Page 5-32	• SQ-01 Page 5-52
• FW-06..... Page 5-14	Performance Standards (PF)	Telecom. Facility (TC)
Floor Area (FA)	• PF-01 Page 5-39	• TC-01 Page 5-53
• FA-01 Page 5-16	Public Improvement (PI)	Temporary Uses (TU)
Height (HT)	• PI-01..... Page 5-41	• TU-01 Page 5-56
• HT-01 Page 5-17	Recreational Pond (RP)	• TU-04 Page 5-57
Landscaping (LA)	• RP-01 Page 5-42	Vision Clearance (VC)
• LA-01 Page 5-21	Setback (SB)	• VC-01 Page 5-58
• LA-02..... Page 5-22	• SB-01 Page 5-43	
• LA-04..... Page 5-23	Sewer and Water (SW)	
• LA-07..... Page 5-24	• SW-01 Page 5-44	
Lighting (LT)	Sexually Oriented Bus. (SX)	
• LT-01 Page 5-25	• SX-01 Page 5-45	
Loading (LD)	• SX-02 Page 5-46	
• LD-01 Page 5-27	Sign (SI)	
Lot (LO)	• SI-01..... Page 5-47	
• LO-01 Page 5-28		

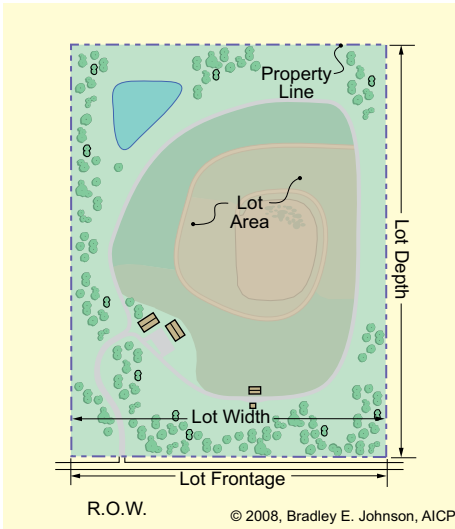
High Impact (HI) District

2.41 HI District Intent, Permitted Uses, and Special Exception Uses

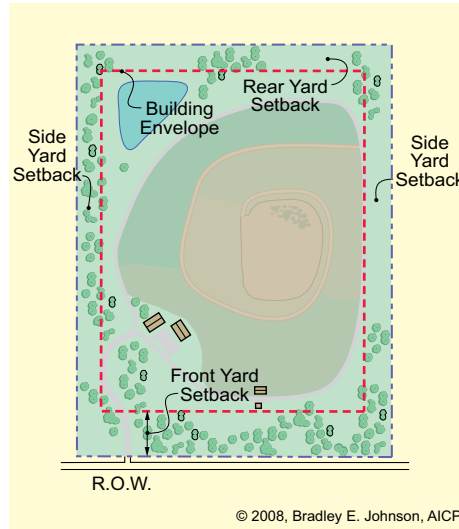
District Intent	Permitted Uses	Special Exception Uses
<p>The HI (High Impact) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • high impact uses <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality • minimize light, noise, water pollution, and air pollution <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A4, I3, HI, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • zone property for HI only after determining the site is appropriate for any of the possible uses allowed in the zoning district • be very sensitive to environmental protection <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • require significant buffering and separation from adjacent uses and environmental features • be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • bio-fuel production • rendering plant • manufacturing of hazardous products • petroleum refinement • processing of hazardous chemicals • solid waste landfill • recycling processing • telecommunication facility 	<p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • hazardous waste landfill • processing of hazardous waste • solid waste processing • storage of hazardous materials

High Impact (HI) District

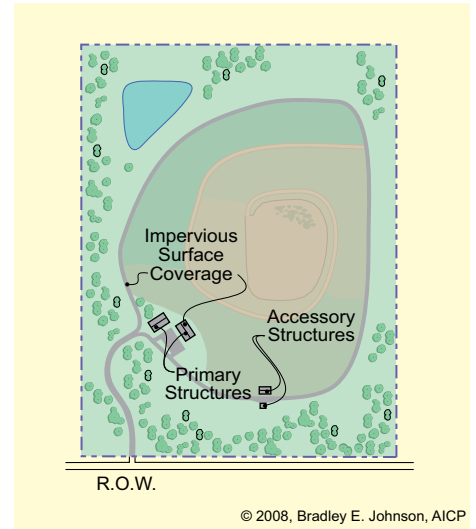
2.42 HI District Development Standards



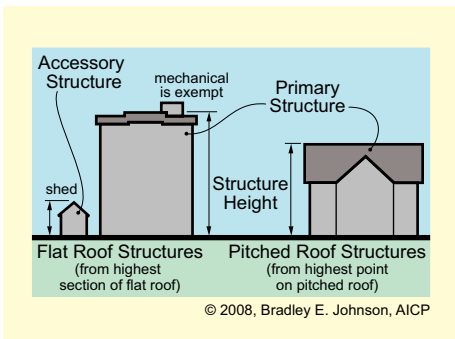
- Minimum Lot Area:**
 - 10 acres
- Minimum Lot Width:**
 - 500 feet
- Minimum Lot Frontage:**
 - 120 feet
- Sewer and Water:**
 - Requires sanitary sewer



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



- Maximum Impervious Surface Coverage:**
 - 65% of the Lot Area
- Maximum Primary Structures:**
 - No limit



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

Additional Development Standards that Apply

<ul style="list-style-type: none"> Entrance and Drive (ED) <ul style="list-style-type: none"> • ED-01 Page 5-8 Environmental (EN) <ul style="list-style-type: none"> • EN-01 Page 5-10 Fences and Walls (FW) <ul style="list-style-type: none"> • FW-06 Page 5-14 Floor Area (FA) <ul style="list-style-type: none"> • FA-01 Page 5-16 Height (HT) <ul style="list-style-type: none"> • HT-01 Page 5-17 Landscaping (LA) <ul style="list-style-type: none"> • LA-01 Page 5-21 • LA-02 Page 5-22 • LA-04 Page 5-23 Lighting (LT) <ul style="list-style-type: none"> • LT-01 Page 5-25 Loading (LD) <ul style="list-style-type: none"> • LD-01 Page 5-27 Lot (LO) <ul style="list-style-type: none"> • LO-01 Page 5-28 	<ul style="list-style-type: none"> Outdoor Storage (OS) <ul style="list-style-type: none"> • OS-03 Page 5-30 Parking (PK) <ul style="list-style-type: none"> • PK-03 Page 5-31 • PK-04 Page 5-32 Performance Standards (PF) <ul style="list-style-type: none"> • PF-01 Page 5-39 Public Improvement (PI) <ul style="list-style-type: none"> • PI-01 Page 5-41 Recreational Pond (RP) <ul style="list-style-type: none"> • RP-01 Page 5-42 Setback (SB) <ul style="list-style-type: none"> • SB-01 Page 5-43 Sewer and Water (SW) <ul style="list-style-type: none"> • SW-01 Page 5-44 Sign (SI) <ul style="list-style-type: none"> • SI-01 Page 5-47 • SI-03 Page 5-49 Special Exception Use (SE) <ul style="list-style-type: none"> • SE-01 Page 5-51 	<ul style="list-style-type: none"> Structure Quantity (SQ) <ul style="list-style-type: none"> • SQ-01 Page 5-52 Temporary Uses (TU) <ul style="list-style-type: none"> • TU-01 Page 5-56 Vision Clearance (VC) <ul style="list-style-type: none"> • VC-01 Page 5-58
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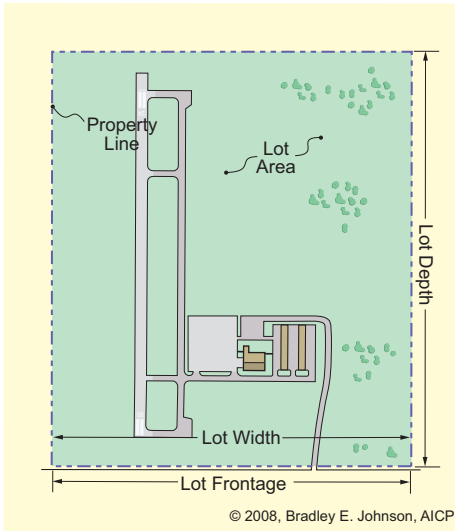
Airport, Non-municipal (AP1) District

2.43 AP1 District Intent, Permitted Uses, and Special Exception Uses

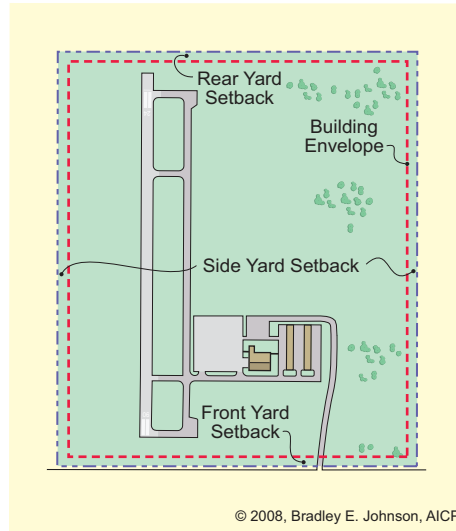
District Intent	Permitted Uses	Special Exception Uses
<p>The AP1 (Airport, Non-municipal) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> privately-owned aviation uses and associated facilities <p>Application of Zoning District</p> <ul style="list-style-type: none"> existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> OP, A1, A2, A3, A4, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> ensure development in the AP1 District is allowed to operate without having to limit its operations due to adjacent new development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> allow a special exception when it does not adversely affect adjacent properties be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> agricultural crop production <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> airport, public non-municipal airport, private cemetery, mausoleum parking lot, public police, fire or rescue station 	<p>Residential Special Exception Uses</p> <ul style="list-style-type: none"> dwelling, single-family

Airport, Non-municipal (AP1) District

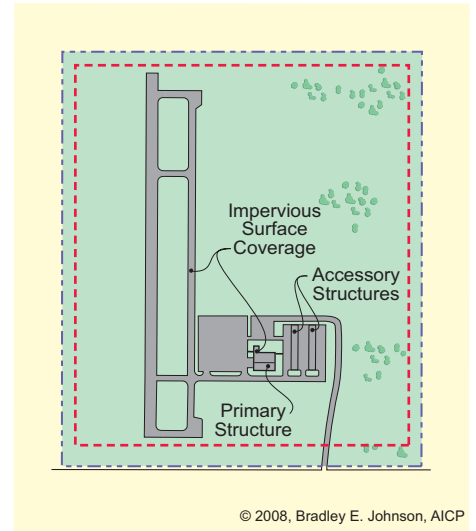
2.44 AP1 District Development Standards



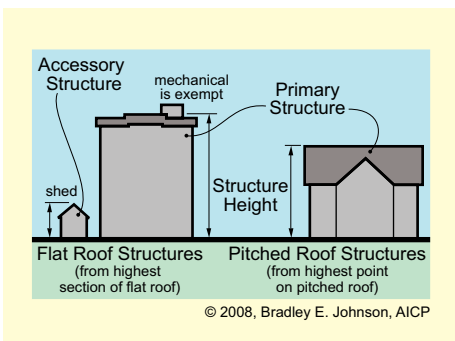
- Minimum Lot Area:**
- 15,000 square feet
- Minimum Lot Width:**
- 150 feet
- Minimum Lot Frontage:**
- 120 feet



- Minimum Front Yard Setback:**
- 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



- Maximum Impervious Surface Coverage:**
- 50% of the lot area
- Minimum Main Floor Area:**
- n/a
- Maximum Primary Structures:**
- One



- Maximum Structure Height:**
- 40 feet for primary structure
 - 40 feet for accessory structure

Additional Development Standards that Apply	
Entrance and Drive (ED)	Public Improvement (PI)
• ED-01 Page 5-8	• PI-01 Page 5-41
Environmental (EN)	Recreational Pond (RP)
• EN-01 Page 5-10	• RP-01 Page 5-42
Fences and Walls (FW)	Setback (SB)
• FW-06 Page 5-14	• SB-01 Page 5-43
Floor Area (FA)	Sewer and Water (SW)
• FA-01 Page 5-16	• SW-01 Page 5-44
Height (HT)	Sign (SI)
• HT-01 Page 5-17	• SI-01 Page 5-47
Landscaping (LA)	• SI-03 Page 5-49
• LA-01 Page 5-21	Special Exception Use (SE)
Loading (LD)	• SE-01 Page 5-51
• LD-01 Page 5-27	Structure Quantity (SQ)
Lot (LO)	• SQ-01 Page 5-52
• LO-01 Page 5-28	Temporary Uses (TU)
Outdoor Storage (OS)	• TU-01 Page 5-56
• OS-03 Page 5-30	Vision Clearance (VC)
Parking (PK)	• VC-01 Page 5-58
• PK-03 Page 5-31	
• PK-04 Page 5-32	

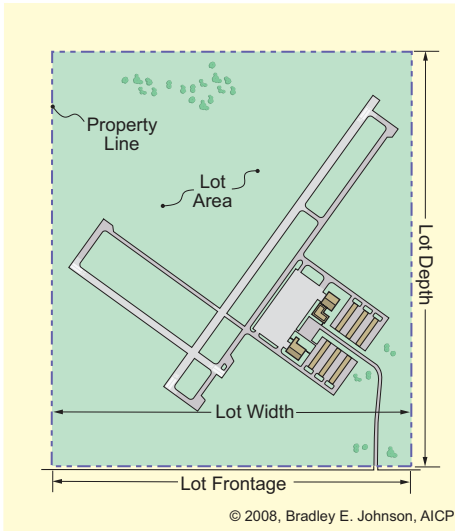
Airport, Municipal (AP2) District

2.45 AP2 District Intent, Permitted Uses, and Special Exception Uses

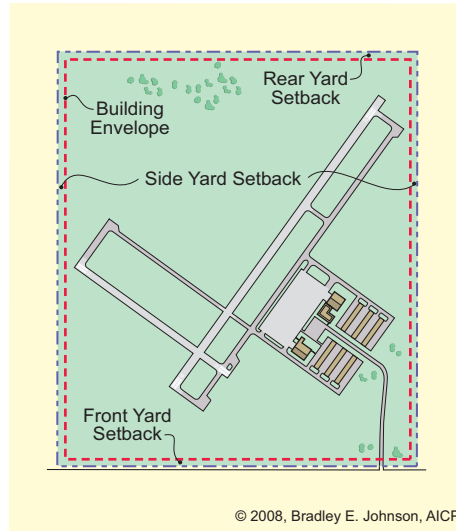
District Intent	Permitted Uses	Special Exception Uses
<p>The AP2 (Airport, Municipal) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • municipally owned and managed aviation uses and associated facilities <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, HI, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • ensure development in the AP2 District is allowed to operate without having to limit its operations due to adjacent new development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile rental • bank machine/ATM • coffee shop • delicatessen • ice cream shop <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • airport, public municipal • government operation (non-office) • heliport, municipal • parking lot, public • police, fire or rescue station 	

Airport, Municipal (AP2) District

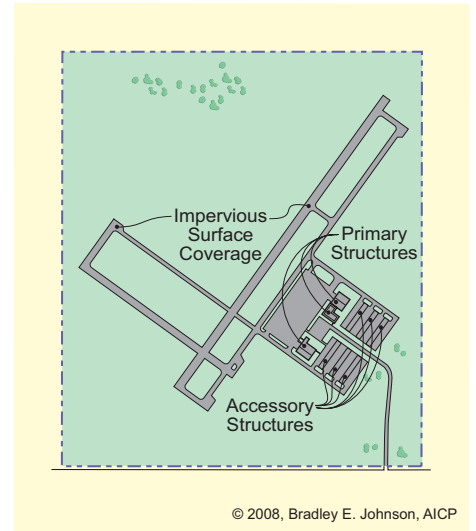
2.46 AP2 District Development Standards



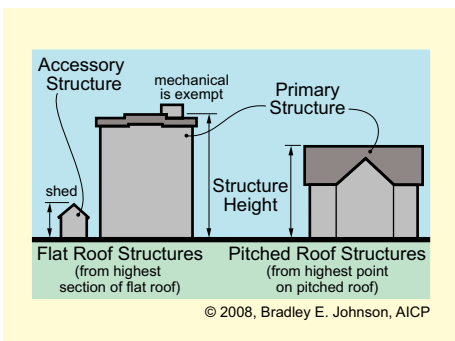
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 150 feet
- Minimum Lot Frontage:**
 - 120 feet
- Sewer and Water:**
 - Requires sanitary sewer



- Minimum Front Yard Setback:**
 - 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



- Maximum Impervious Surface Coverage:**
 - 80% of the lot area
- Minimum Main Floor Area:**
 - n/a
- Maximum Primary Structures:**
 - No limit



- Maximum Structure Height:**
 - 80 feet for primary structure
 - 40 feet for accessory structure

Additional Development Standards that Apply	
Entrance and Drive (ED)	Public Improvement (PI)
• ED-01 Page 5-8	• PI-01 Page 5-41
Environmental (EN)	Recreational Pond (RP)
• EN-01 Page 5-10	• RP-01 Page 5-42
Fences and Walls (FW)	Setback (SB)
• FW-06 Page 5-14	• SB-01 Page 5-43
Floor Area (FA)	Sewer and Water (SW)
• FA-01 Page 5-16	• SW-01 Page 5-44
Height (HT)	Sign (SI)
• HT-01 Page 5-17	• SI-01 Page 5-47
Landscaping (LA)	• SI-03 Page 5-49
• LA-01 Page 5-21	Special Exception Use (SE)
Loading (LD)	• SE-01 Page 5-51
• LD-01 Page 5-27	Structure Quantity (SQ)
Lot (LO)	• SQ-01 Page 5-52
• LO-01 Page 5-28	Temporary Uses (TU)
Outdoor Storage (OS)	• TU-01 Page 5-56
• OS-03 Page 5-30	Vision Clearance (VC)
Parking (PK)	• VC-01 Page 5-58
• PK-03 Page 5-31	
• PK-04 Page 5-32	

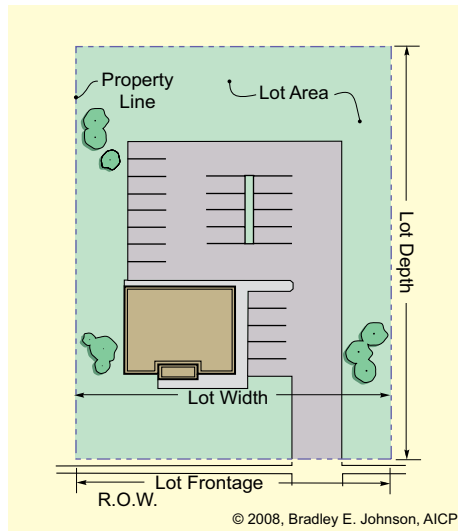
Airport Commercial (AP3) District

2.47 AP3 District Intent, Permitted Uses, and Special Exception Uses

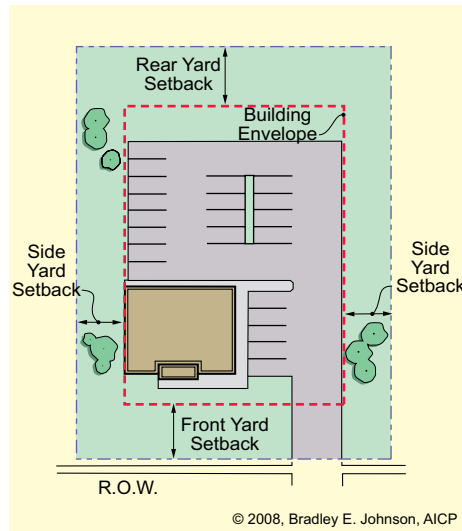
District Intent	Permitted Uses	Special Exception Uses
<p>The AP3 (Airport Commercial) District is intended to be used as follows:</p> <p>Use Type and Intensity</p> <ul style="list-style-type: none"> • commercial and industrial uses related to and compatible with aviation and near an airport <p>Application of Zoning District</p> <ul style="list-style-type: none"> • existing and new development • small to medium area zoning <p>Development Standards</p> <ul style="list-style-type: none"> • recognize the need for quality time, place, and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality <p>Appropriate Adjacent Zoning Districts</p> <ul style="list-style-type: none"> • OP, A1, A2, A3, A4, HI, AP1, AP2, and AP3 <p>Plan Commission</p> <ul style="list-style-type: none"> • ensure development in the AP3 District is allowed to operate without having to limit its operations due to adjacent new development <p>Board of Zoning Appeals</p> <ul style="list-style-type: none"> • allow a special exception when it does not adversely affect adjacent properties • be very sensitive to the potential for light pollution, noise pollution, and pedestrian and vehicular safety 	<p>Agricultural Permitted Uses</p> <ul style="list-style-type: none"> • agricultural crop production <p>Commercial Permitted Uses</p> <ul style="list-style-type: none"> • automobile rental • bank machine/ATM • coffee shop • delicatessen • hotel/motel • ice cream shop • restaurant • travel agency <p>Industrial Permitted Uses</p> <ul style="list-style-type: none"> • assembly • distribution facility • flex-space • manufacturing, light • research center • sign painting/fabrication • storage tanks (nonhazardous) • tool and dye shop • warehouse <p>Institutional Permitted Uses</p> <ul style="list-style-type: none"> • parking lot, public • police, fire or rescue station 	<p>Industrial Special Exception Uses</p> <ul style="list-style-type: none"> • manufacturing, heavy • outdoor storage • testing lab

Airport Commercial (AP3) District

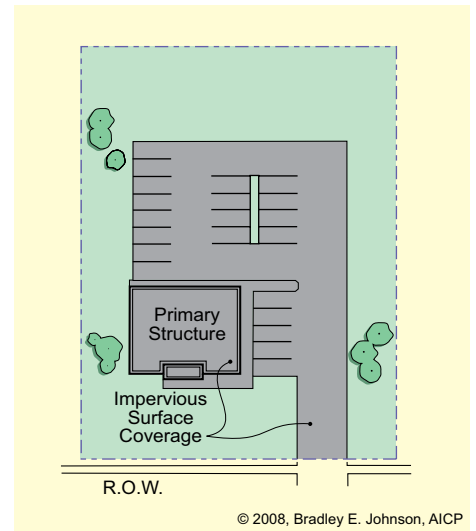
2.48 AP3 District Development Standards



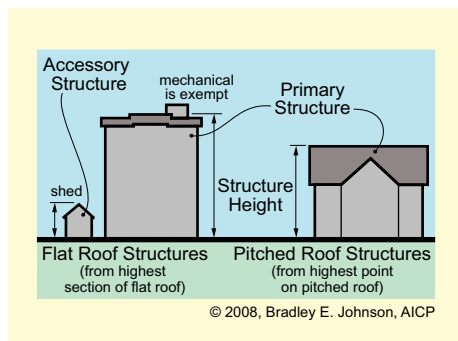
- Minimum Lot Area:**
 - 15,000 square feet
- Minimum Lot Width:**
 - 150 feet
- Minimum Lot Frontage:**
 - 120 feet
- Sewer and Water:**
 - Requires sanitary sewer



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



- Maximum Impervious Surface Coverage:**
 - 60% of the lot area
- Minimum Main Floor Area:**
 - 1,000 square feet
- Maximum Primary Structures:**
 - One if less than 5 acres, 2 if between 5 and 10 acres, and an absolute maximum of 3



- Maximum Structure Height:**
 - 40 feet for primary structure
 - 20 feet for accessory structure

Additional Development Standards that Apply		
Entrance and Drive (ED)	Outdoor Storage (OS)	• SQ-01 Page 5-52
• ED-01 Page 5-8	• OS-03 Page 5-30	Temporary Uses (TU)
Environmental (EN)	Parking (PK)	• TU-01 Page 5-56
• EN-01 Page 5-10	• PK-03 Page 5-31	Vision Clearance (VC)
Fences and Walls (FW)	• PK-04 Page 5-32	• VC-01 Page 5-58
• FW-05 Page 5-13	Public Improvement (PI)	
Floor Area (FA)	• PI-01 Page 5-41	
• FA-01 Page 5-16	Recreational Pond (RP)	
Height (HT)	• RP-01 Page 5-42	
• HT-01 Page 5-17	Setback (SB)	
Landscaping (LA)	• SB-01 Page 5-43	
• LA-01 Page 5-21	Sewer and Water (SW)	
• LA-03 Page 5-22	• SW-01 Page 5-44	
• LA-07 Page 5-24	Sign (SI)	
Lighting (LT)	• SI-01 Page 5-47	
• LT-01 Page 5-25	• SI-03 Page 5-49	
Loading (LD)	Special Exception Use (SE)	
• LD-01 Page 5-27	• SE-01 Page 5-51	
Lot (LO)	Structure Quality (SQ)	
• LO-01 Page 5-28		

Appropriate Adjacent Zoning District Matrix

	Open Space and Parks (OP)	Conservation Agricultural (A1)	Agricultural (A2)	High Intensity Agricultural (A3)	Agricultural Business (A4)	Rural Estate (RE)	Low Density Residential (R1)	Medium Density Residential (R2)	Village Residential (R3)	Multiple-Family Residential (M1)	Multiple-Family Residential (M2)	Manufactured Home Park (MP)	Institutional (IN)	Village Commercial (C1)	Neighborhood Commercial (C2)	General Commercial (C3)	Highway Commercial (C4)	Industrial/Business Park (I1)	Low-Intensity Industrial (I2)	High-Intensity Industrial (I3)	High Impact (HI)	Airport, Non-Municipal (AP1)	Airport, Municipal (AP2)	Airport Commercial (AP3)
Open Space and Parks (OP)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Conservation Agricultural (A1)	X	X	X	X	X	X	X	X	X	X	X		X									X	X	X
Agricultural (A2)	X	X	X	X	X	X	X	X	X	X	X		X	X				X	X	X		X	X	X
High Intensity Agricultural (A3)	X	X	X	X	X													X	X	X		X	X	X
Agricultural Business (A4)	X	X	X	X														X	X	X	X	X	X	X
Rural Estate (RE)	X	X	X			X	X	X	X															
Low Density Residential (R1)	X	X	X			X	X	X	X	X			X											
Medium Density Residential (R2)	X	X	X			X	X	X	X	X	X	X	X		X									
Village Residential (R3)	X	X	X			X	X	X	X	X	X	X	X	X	X									
Multiple-Family Residential (M1)	X	X	X				X	X	X	X	X	X	X	X	X									
Multiple-Family Residential (M2)	X	X	X					X	X	X	X	X	X	X				X						
Manufactured Home Park (MP)	X							X	X	X	X	X	X	X	X	X								
Institutional (IN)	X	X	X				X	X	X	X	X	X	X	X	X	X	X							
Village Commercial (C1)	X		X						X	X	X	X	X	X	X	X	X	X						
Neighborhood Commercial (C2)	X							X	X	X	X	X	X	X	X	X	X	X						
General Commercial (C3)	X											X	X	X	X	X	X	X	X	X				
Highway Commercial (C4)	X												X	X	X	X	X	X	X	X				
Industrial/Business Park (I1)	X		X	X	X						X			X	X	X	X	X	X	X				
Low-Intensity Industrial (I2)	X		X	X	X											X	X	X	X	X				
High-Intensity Industrial (I3)	X		X	X	X											X	X	X	X	X				
High Impact (HI)	X				X															X	X		X	X
Airport, Non-Municipal (AP1)	X	X	X	X	X																	X	X	X
Airport, Municipal (AP2)	X	X	X	X	X																	X	X	X
Airport Commercial (AP3)	X	X	X	X	X																	X	X	X

X = Appropriate Adjacent District

Article
03

Overlay Districts

**DeKalb County
Unified Development
Ordinance**

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Wellhead Protection Overlay (WPO) District

3.01 WPO District Intent, Effect on Uses, and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The Wellhead Protection Overlay District is intended to safeguard the public health, safety and welfare of the community and its water customers by protecting the community's groundwater supply against contamination from potential contamination sources.</p>	<p>The permitted uses and special exception uses within the Wellhead Protection Overlay District shall be those of the underlying zoning district with the elimination of the following uses:</p> <ul style="list-style-type: none"> • dry cleaning service/laundry • junk yard • gas station • bulk chemical storage • confined feeding operations 	<p>The development standards within the Wellhead Protection Overlay District shall be those of the underlying zoning district in addition to the standards listed in <i>Section 3.04: Additional Development Standards</i>.</p>

Wellhead Protection Overlay (WPO) District

3.02 Applicability

The following requirements apply to all land within the Wellhead Protection Zone, as defined in *Section 3.03 Establishment of Wellhead Protection Zone*, with the exceptions of single and multifamily residential land uses connected to municipal sanitary and storm sewers.

3.03 Establishment of Wellhead Protection Zone

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

3.04 Additional Development Standards

- A. New Storage Areas: The following criteria shall be applied to the storage of sources of potential contamination within the Wellhead Protection Zone:
1. A maximum of 1,000 total gallons of above ground storage of chemical liquids and/or petroleum.
 2. A maximum of 6,000 total gallons of water-soluble solids per container in any one containment area.
 3. No new underground storage tanks (USTs) are permitted.
- B. Above Ground Storage: The following criteria shall be applied to all above ground storage of liquids in excess of 80 gallons:
1. Secondary containment capable of containing 110% of the volume of the tank or tanks.
 2. Secondary containment constructed to meet one of the following:
 - a. Designed to prevent and control the escape of the contaminant(s) into ground water for a minimum of 72 hours before removal; or
 - b. Designed and built with an outer shell and a space between the tank wall and outer shell that allows and includes interstitial monitoring.
 3. The secondary containment structure shall be properly maintained and shall be free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardize the integrity of the structure.
 4. Secondary containment systems shall be designed so that the intrusion of precipitation is inhibited or that stormwater is removed to maintain system capacity.
- C. Existing Facilities: The following requirements shall apply to existing fuel dispensing facilities and associated underground storage tanks (USTs) which are to be replaced or upgraded:
1. All USTs shall be double walled.
 2. All USTs shall include release detection suitable for the site and facility.
 3. Connected piping must include release detection suitable for the site and facility.
- D. Transfer Area: The transfer area for bulk delivery of liquids shall be required to accommodate and contain a release that occurs during loading and unloading of a tank as follows:
1. The liquid transfer area shall be constructed in a manner to prevent a release in the transfer area from reaching the ground water.
 2. The portion of the liquid transfer area intended to contain releases shall be maintained so it is free of vegetation, cracks, open seams, open drains, siphons, or other openings that jeopardizes the integrity of the area.
- E. Excavation Activities: The following requirements shall apply to all excavation activities associated with the removal of sand and gravel materials:
1. If the extraction of sand and gravel involves the removal of materials below the normal groundwater level, the work shall be performed by means of a dragline, floating dredge, or an alternative "wet" excavation method.
 2. There shall be no de-watering of sites utilized for sand and gravel extraction.
 3. No form of solid waste or any other form of waste material of any kind, including but not limited to construction/demolition debris, shall be used on the site. Clean natural earth fill materials may be used without restriction as to origin or placement on-site.
 4. All fuels, oils, lubricants, hydraulic fluids, petroleum products, or other similar materials on site shall have appropriate secondary containment.

- F. Periodic Inspections: All industrial uses are subject to periodic inspection of chemical storage and processing facilities.
- G. Reporting of Spills: Any chemical spill of potential contaminants into the soil shall be reported to the County Health Department, Zoning Administrator and any other applicable agencies within 12 hour from the time of the spill.
- H. Periodic Testing: The Zoning Administrator may request testing of soils where chemical processing or storage is conducted. Frequency of testing shall occur at least every six months and more often at the discretion of the Zoning Administrator if the site fails a test or experiences a spill. Any requested testing by the Zoning Administrator shall be at the expense of the property owner.

Airport Compatibility Overlay (ACO) District

3.05 ACO District Intent, Effect on Uses, and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The Airport Compatibility Overlay District is intended to establish a standard of safety and compatibility for the occupants of land in the immediate vicinity of the DeKalb County Airport by regulating incompatible land uses and setting development standards that supplement or supercede the underlying zoning district.</p>	<p>The permitted uses and special exception uses allowed within the Airport Compatibility Overlay District shall be those of the underlying zoning district with the elimination of the uses listed in <i>Section 3.08: Additional Restrictions for Each Sub-area</i>.</p>	<p>The development standards within the Airport Compatibility Overlay District shall be those of the underlying zoning district in addition to the standards listed in <i>Section 3.08: Additional Restrictions for Each Sub-area</i>.</p>

Airport Compatibility Overlay (ACO) District

3.06 Applicability

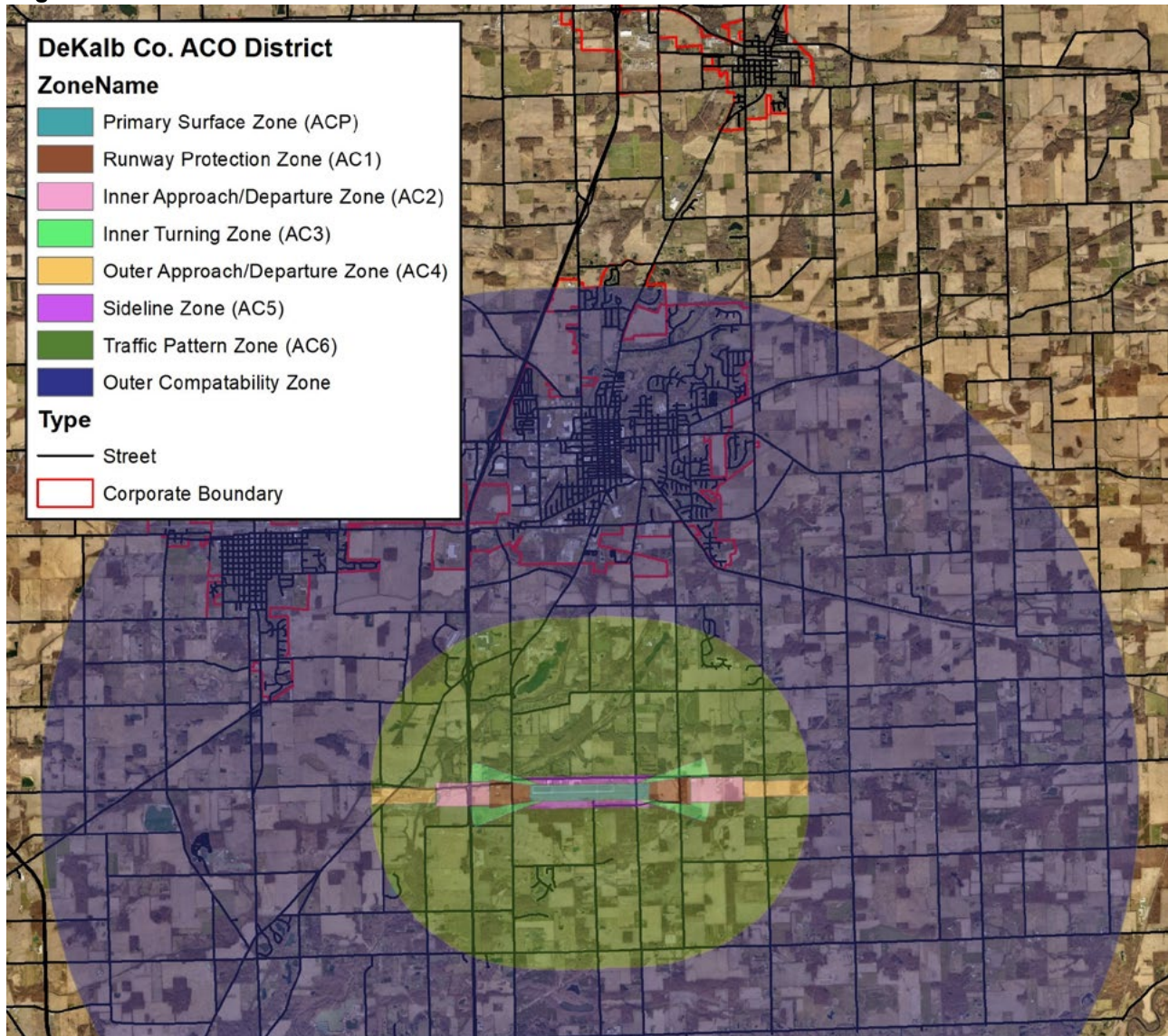
The following requirements apply to all land within the Airport Compatibility Overlay District, as defined in *Section 3.07: Establishment of Airport Compatibility Area*.

3.07 Establishment of Airport Compatibility Area

The airport compatibility area and subareas have been determined, established and drawn using information and regulations collated from FAA Advisory Circulars; FAA Land Use Planning Guides; the State of Indiana Tall Structures Act (IC 8-21-10); Aviation Compatible Land Use Planning Guides from the States of California, Oregon, Washington and Wisconsin; and the 2004 Land Use Report from the National Association of State Aviation Officials. Additional supportive information was collected from various other sources such as a University of California at Berkeley Transportation Institute study on the location of general aviation aircraft accidents in relation to the runway and the Aircraft Owner's and Pilot's Association's Guide to Airport Noise and Compatible Land Use.

Airport compatibility subareas ACP and AC1-AC6 are established as shown in Figure 3.1 (See DeKalb County Plan Commission for a full scale illustration). The outer limit for subarea AC7 is established 5 nautical miles from the edge of the airport property. The more restrictive zone shall take priority in those areas where zones from runway 9-27 and runway 4-22 overlap (with ACP being the most restrictive and AC7 being the least restrictive).

Figure 3.1



Airport Compatibility Overlay (ACO) District

3.08 Additional Restrictions for Each Sub-area

- A. Primary Surface Zone (ACP): The Primary Surface Zone encompasses the runway and immediate areas adjacent to the runway.
1. *Landscaping*. The landscaping in the Primary Surface Zone shall be designed and maintained to minimize its attractiveness to wildlife. The implementation of a turf grass management plan to address the types of grasses planted and maintenance of grassed areas shall be required as needed.
 2. *Open Space*. In accordance with FAA Standards, all undeveloped areas of the Primary Surface Zone shall be maintained free of objects except for objects required for air navigation or aircraft ground maneuvering purposes.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Primary Surface Zone.
 - a. all agricultural uses and structures,
 - b. all residential uses and structures,
 - c. all commercial uses and structures,
 - d. all industrial uses and structures,
 - e. golf courses,
 - f. hazardous material storage,
 - g. solid waste landfills,
 - h. trash transfer stations,
 - i. compost operations,
 - j. retention, detention, or recreational ponds,
 - k. wetlands,
 - l. wastewater treatment facilities, and
 - m. tall structures.
- B. Runway Protection Zone (AC1): The Runway Protection Zone is a very high risk area located at the beginning and end of the runway.
1. *Landscaping*. The landscaping in the Runway Protection Zone shall be designed and maintained to minimize its attractiveness to wildlife. The implementation of a turf grass management plan to address the types of grasses planted and maintenance of grassed areas shall be required as needed.
 2. *Open Space*. All undeveloped areas shall be maintained free of objects in accordance with FAA standards.
 3. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Runway Protection Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. non-residential uses shall be very low intensity with a maximum population intensity limit of zero (0) persons/acre average per site and shall be confined to the sides and outer end,
 - c. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - d. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - e. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - f. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - g. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds.
 4. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Runway Protection Zone.
 - a. raising of farm animals, tree farms, and orchards,
 - b. all residential uses and structures,
 - c. non-residential uses that are noise sensitive or are a low to very high intensity use,

Airport Compatibility Overlay (ACO) District

- d. new golf courses,
 - e. hazardous material storage,
 - f. new solid waste landfills,
 - g. trash transfer stations,
 - h. compost operations,
 - i. retention and recreational ponds,
 - j. new wetlands including mitigation efforts for airport projects,
 - k. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property, and
 - l. tall structures.
- C. Inner Approach/Departure Zone (AC2): The Inner Approach/Departure Zone is a high risk zone adjacent to the Runway Protection Zone at each end of the runway and is overflown by aircraft at low altitudes (typically only 200 to 400 feet above runway elevation).
1. *Open Space*. Maintain 25% to 30% of area as open space, especially along extended runway centerline.
 2. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Inner Approach/Departure Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. residential uses shall be allowed with an average density of no more than one dwelling unit per twenty (20) acres and, prior to issuance of a Zoning Compliance Permit, the developer shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - c. non-residential uses shall be low intensity with a population intensity limit of 25 persons/acre average per site (max multiplier x 2.0),
 - d. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - e. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - f. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - g. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - h. existing retention ponds should be eliminated or converted to dry detention ponds where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - i. existing recreational ponds should be eliminated where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - j. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Inner Approach/Departure Zone.
 - a. confined feeding operations,
 - b. aquaculture operations outside of totally enclosed buildings,
 - c. non-residential uses that are noise sensitive or are a medium to very high intensity use,
 - d. new golf courses,
 - e. hazardous material storage,
 - f. new solid waste landfills,
 - g. trash transfer stations,
 - h. compost operations,
 - i. new retention and recreational ponds,
 - j. new wetlands including mitigation efforts for airport projects,
 - k. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property, and
 - l. tall structures.

Airport Compatibility Overlay (ACO) District

- D. Inner Turning Zone (AC3): The Inner Turning Zone encompasses the area where arriving aircraft are turning from base to final approach legs and descending from the pattern altitude and where departing aircraft are transitioning from takeoff power settings and turning onto their en route heading.
1. *Open Space*. Maintain 15% to 20% of land as open space.
 2. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Inner Turning Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. residential uses shall be allowed with an average density of no more than one dwelling unit per five acres and, prior to issuance of a Zoning Compliance Permit, the developer shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - c. non-residential uses shall be medium to low intensity with a population intensity limit of 75 persons/acre average per site (max multiplier x 2.0),
 - d. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - e. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - f. compost operations shall not include food or other municipal solid waste,
 - g. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - h. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - i. existing retention ponds should be eliminated or converted to dry detention ponds where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - j. existing recreational ponds should be eliminated where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - k. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds,
 - l. the DeKalb County Airport shall be notified a minimum of 60 days prior to any Plan Commission or Board of Zoning Appeals hearing relating to approval of any new tall structure or an increase in height of an existing tall structure.
 - m. For tall structures not requiring a hearing before the Plan Commission or Board of Zoning Appeals, the DeKalb County Airport shall be notified a minimum of 60 days prior to the issuance of any permit for the construction of a new tall structure or to allow any increase in height of an existing tall structure. The DeKalb County Airport may, after their review, waive any or all of the remaining 60-day notification period by providing written notification of said waiver to the Plan Commission.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Inner Turning Zone.
 - a. confined feeding operations,
 - b. aquaculture operations outside of totally enclosed buildings,
 - c. non-residential uses that are noise sensitive or are a high to very high intensity use,
 - d. new golf courses,
 - e. hazardous material storage,
 - f. new solid waste landfills,
 - g. trash transfer stations,
 - h. new retention and recreational ponds,
 - i. new wetlands including mitigation efforts for airport projects, and
 - j. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property.

Airport Compatibility Overlay (ACO) District

- E. Outer Approach/Departure Zone (AC4): The Outer Approach/Departure Zone encompasses an area along the extended runway centerline where aircraft utilizing straight-in instrument approaches or other straight-in approaches/departures are typically operating below pattern altitudes.
1. *Open Space*. Maintain 15% to 20% of land as open space with emphasis along extended runway centerline.
 2. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Outer Approach/Departure Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. residential uses shall be allowed with an average density of no more than one dwelling unit per five acres and, prior to issuance of a Zoning Compliance Permit, the developer shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - c. non-residential uses shall be medium to low intensity with a population intensity limit of 75 persons/acre average per site (max multiplier x 3.0),
 - d. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - e. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - f. trash transfer stations, including all transport, processing and disposal, shall take place in a totally enclosed environment and all odor shall be controlled (not masked),
 - g. compost operations shall not include food or other municipal solid waste,
 - h. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - i. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - j. existing retention ponds should be eliminated or converted to dry detention ponds where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - k. existing recreational ponds should be eliminated where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - l. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds,
 - m. the DeKalb County Airport shall be notified a minimum of 60 days prior to any Plan Commission or Board of Zoning Appeals hearing relating to approval of any new tall structure or an increase in height of an existing tall structure.
 - n. For tall structures not requiring a hearing before the Plan Commission or Board of Zoning Appeals, the DeKalb County Airport shall be notified a minimum of 60 days prior to the issuance of any permit for the construction of a new tall structure or to allow any increase in height of an existing tall structure. The DeKalb County Airport may, after their review, waive any or all of the remaining 60-day notification period by providing written notification of said waiver to the Plan Commission.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Outer Approach/Departure Zone.
 - a. confined feeding operations,
 - b. aquaculture operations outside of totally enclosed buildings,
 - c. non-residential uses that are noise sensitive or are a high to very high intensity use,
 - d. new golf courses,
 - e. above-ground hazardous material storage,
 - f. new solid waste landfills,
 - g. new retention and recreational ponds,
 - h. new wetlands including mitigation efforts for airport projects, and
 - i. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property.

Airport Compatibility Overlay (ACO) District

- F. Sideline Zone (AC5): The Sideline Zone encompasses the close-in areas lateral to the runway where the primary risk is aircraft losing directional control on takeoff.
1. *Landscaping*. The landscaping in this zone shall be designed and maintained to minimize its attractiveness to wildlife. The implementation of a turf grass management plan to address types of grasses planted and maintenance of grassed areas shall be required as needed.
 2. *Open Space*. Maintain 25% to 30% of the land adjacent to runway ends and RPZ as open space.
 3. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Sideline Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. residential uses shall be allowed only if airport related, with an average density of no more than one dwelling unit per two acres and, prior to issuance of a Zoning Compliance Permit, the developer shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - c. non-residential uses shall be aviation-related facilities and shall be medium to low intensity with a population intensity limit of 100 persons/acre average per site (max multiplier x 2.0),
 - d. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - e. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - f. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - g. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - h. existing retention ponds shall be eliminated or converted to dry detention ponds where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - i. existing recreational ponds shall be eliminated where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - j. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds,
 - k. the DeKalb County Airport shall be notified a minimum of 60 days prior to any Plan Commission or Board of Zoning Appeals hearing relating to approval of any new tall structure or an increase in height of an existing tall structure.
 - l. For tall structures not requiring a hearing before the Plan Commission or Board of Zoning Appeals, the DeKalb County Airport shall be notified a minimum of 60 days prior to the issuance of any permit for the construction of a new tall structure or to allow any increase in height of an existing tall structure. The DeKalb County Airport may, after their review, waive any or all of the remaining 60-day notification period by providing written notification of said waiver to the Plan Commission.
 4. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Sideline Zone.
 - a. confined feeding operations,
 - b. aquaculture operations outside of totally enclosed buildings,
 - c. non-residential uses that are noise sensitive or are a high to very high intensity use,
 - d. new golf courses,
 - e. new solid waste landfills,
 - f. trash transfer stations,
 - g. compost operations,
 - h. new retention and recreational ponds,
 - i. new wetlands including mitigation efforts for airport projects, and
 - j. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property.

Airport Compatibility Overlay (ACO) District

- G. Traffic Pattern Zone (AC6): The Traffic Pattern Zone generally includes those portions of the regular traffic patterns and pattern entry routes not included in other zones.
1. *Open Space*. Open spaces to be maintained every $\frac{1}{4}$ to $\frac{1}{2}$ mile throughout the Traffic Pattern Zone.
 2. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Traffic Pattern Zone only under the limitations as noted below.
 - a. agricultural uses shall not create a wildlife hazard to aircraft,
 - b. residential uses shall be allowed at any density allowed by the underlying zoning district however prior to issuance of a Zoning Compliance Permit, the developer shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - c. non-residential uses shall be low to high intensity with a population intensity limit of one hundred fifty (150) persons/acre average per site (max multiplier x 3.0),
 - d. noise sensitive non-residential uses should be avoided however when permitted, prior to issuance of a Zoning Compliance Permit, they shall sign and record a noise sensitive use and a non-remonstrance waiver in the form(s) adopted by DeKalb County,
 - e. existing golf courses shall implement a wildlife management plan to minimize any wildlife hazards to aircraft and shall regularly monitor the implementation and effectiveness of the plan,
 - f. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - g. trash transfer stations, including all transport, processing and disposal, shall take place in a totally enclosed environment and all odor shall be controlled (not masked),
 - h. compost operations shall not include food or other municipal solid waste,
 - i. existing wetlands and associated wildlife activities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - j. existing wastewater treatment facilities shall be monitored for wildlife hazards to aircraft and any such hazards shall be addressed immediately,
 - k. existing retention ponds should be eliminated or converted to dry detention ponds where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - l. existing recreational ponds should be eliminated where possible however vegetation providing food and/or cover shall be eliminated around any remaining ponds,
 - m. existing and new detention ponds shall be designed to drain dry within 48 hours and vegetation providing food and/or cover shall be eliminated around ponds,
 - n. the DeKalb County Airport shall be notified a minimum of 60 days prior to any Plan Commission or Board of Zoning Appeals hearing relating to approval of any new tall structure or an increase in height of an existing tall structure.
 - o. For tall structures not requiring a hearing before the Plan Commission or Board of Zoning Appeals, the DeKalb County Airport shall be notified a minimum of 60 days prior to the issuance of any permit for the construction of a new tall structure or to allow any increase in height of an existing tall structure. The DeKalb County Airport may, after their review, waive any or all of the remaining 60-day notification period by providing written notification of said waiver to the Plan Commission.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Traffic Pattern Zone.
 - a. confined feeding operations,
 - b. aquaculture operations outside of totally enclosed buildings,
 - c. non-residential uses that are a very high intensity use,
 - d. new golf courses,
 - e. new solid waste landfills,
 - f. new retention and recreational ponds,
 - g. new wetlands including mitigation efforts for airport projects, and
 - h. new wastewater treatment facilities including the discharge of wastewater or sludge onto airport property.

Airport Compatibility Overlay (ACO) District

- H. Outer Compatibility Zone (AC7): The Outer Compatibility Zone encompasses an extended area beyond the Traffic Pattern Zone wherein certain uses can impact aviation safety while distant from the airport.
1. *Open Space*. No additional restrictions beyond the requirements of the underlying zoning district.
 2. *Limited Uses, Structures, and Materials*. The following uses, structures, and materials are allowed in the Outer Compatibility Zone only under the limitations as noted below.
 - a. No combination of agricultural uses, golf courses, retention/recreational ponds, detention ponds, wetlands, and/or wastewater treatment facilities shall collectively create a wildlife corridor through airport airspace,
 - b. existing solid waste landfills shall demonstrate their operations do not pose a wildlife hazard to aircraft and shall implement a management plan to eliminate any such hazards that do exist,
 - c. trash transfer stations, including all transport, processing and disposal, shall take place in a totally enclosed environment and all odor shall be controlled (not masked),
 - d. compost operations shall not include food or other municipal solid waste,
 - e. the DeKalb County Airport must be notified a minimum of 60 days prior to any Plan Commission or Board of Zoning Appeals hearing relating to approval of any new tall structure or an increase in height of an existing tall structure.
 - f. For tall structures not requiring a hearing before the Plan Commission or Board of Zoning Appeals, the DeKalb County Airport shall be notified a minimum of 60 days prior to the issuance of any permit for the construction of a new tall structure or to allow any increase in height of an existing tall structure. The DeKalb County Airport may, after their review, waive any or all of the remaining 60-day notification period by providing written notification of said waiver to the Plan Commission.
 3. *Prohibited Uses, Structures, and Materials*. The following uses, structures, and materials are prohibited from the Outer Compatibility Zone.
 - a. New solid waste landfills.

Commercial Solar Energy Systems Overlay District

3.09 CSES District Intent, Effect on Uses, and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The Commercial Solar Energy Systems Overlay District is intended to establish standards for the safety and compatibility for the occupants of the land in the immediate vicinity of a Commercial Solar Energy System (Solar Farm) by setting development standards that supplement or supersede the underlying Zoning District. This overlay district does not regulate small scale, private solar panels on residential or agricultural land and/or structures that is not sold commercially to a utility but rather is used for personal energy consumption.</p>	<p><i>The permitted uses and special exception uses within the Commercial Solar Energy Systems Overlay District shall be those of the underlying zoning district with the addition of the following uses:</i></p> <ul style="list-style-type: none"> • Commercial Solar Energy System (CSES) 	<p><i>The development standards within the Commercial Solar Energy Systems Overlay (CSES) District shall be those of the underlying zoning district in addition to the standards listed in Section 3.13: Additional Development Standards.</i></p>

Commercial Solar Energy Systems Overlay District

3.10 Applicability

The following requirements apply to all land within the Commercial Solar Energy Systems Overlay District, as defined in Section 3.12: Establishment of Commercial Solar Energy Systems Area. No applicant shall construct, operate, locate or enlarge a Commercial Solar Energy System within DeKalb County without first obtaining approval and must fully comply with the provisions of this ordinance.

3.11 Conflict with Other Ordinances

Nothing in this Commercial Solar Energy Systems Overlay (CSESO) District shall preempt other applicable state and federal laws or regulations. This ordinance and the regulations contained within shall not interfere with, abrogate or annul any other ordinance, rule or regulation, statute or provision of law. In the event that any provision of the regulations contained within this ordinance impose restrictions different from other ordinances, rules or regulations, statutes or provisions of the law, then the provisions that are more restrictive and/or impose a higher standard shall govern Commercial Solar Energy Systems.

3.12 Establishment of the Commercial Solar Energy Systems Area:

This Commercial Solar Energy Systems Overlay District provides for the implementation of commercial solar energy systems, which convert the power of the sun into the generation of electricity. Commercial Solar Energy Systems Overlay District shall be for areas in the County where solar power is converted into energy and sold for commercial purposes to a utility. These areas, once approved by the Plan Commission & adopted by the County Commissioners, will be mapped by the County's GIS division based off the maps and information provided by the applicant. The boundaries for the Commercial Solar Energy Systems Overlay (CSESO) District shall be shown on the official Zoning Map as a hatched, textured and/or colored pattern and noted on the map as CSESO. The total area in DeKalb County designated as a CSESO District shall not exceed 6,000 acres of owned or leased parcels.

3.13 Additional Development Standards:

- A. Base Zoning: To qualify for the CSESO, the base zoning shall be any zoning district, with the exception of OP (Open Space and Parks).
- B. Approval Process (Each process below requires a Public Hearing but may be held during the same meeting):
 1. Applicant files for Commercial Solar Energy Systems Overlay (CSESO) District.
 - a. Plan Commission Public Hearing with Recommendation to County Commissioners (favorable, non favorable, no recommendation)
 - b. County Commissioners decision (adopt, reject or amend proposal)
 2. Applicant files for Development Plan
 - a. In addition to those requirements in Section 9.08, the following items shall be required, reviewed and approved by the County Technical Review Group and the Plan Commission and shall not receive waivers:
 - i. Economic Development Agreement
 - ii. Road Usage & Repair Agreement
 - iii. Traffic Management Plan
 - iv. Decommissioning & Site Restoration Plan
 - v. Drainage Plan as approved by the Drainage Board
 - vi. Storm Water & Erosion Control Plan as approved by the Soil Water Conservation District and Indiana Department of Environmental Management.
 - vii. Visual Buffer, Vegetation/Landscape Plan & Setback Plan
 - viii. Site Plan
 - ix. Panel Location Plan
 - x. Fire Protection Plan approved by the local Fire Department or Fire District
 2. If a Development Plan has not received approval after a period of 3 years from the date the properties were approved to be part of the Overlay District, the properties shall be removed from the Overlay District.
 3. If after a period of 2 years from the Development Plan Approval the project has not begun construction, the property located within the overlay district shall be removed from the Overlay District. The Zoning Administrator shall approve an extension of 1 year, if requested by the CSES developer in writing.

Commercial Solar Energy Systems Overlay District

C. Findings of Fact for Overlay District:

1. CSES Overlay District Request: The Plan Commission shall make written findings concerning the recommendation for the project area to be included in the Overlay District after a public hearing. The commission may send a recommendation to the County Commissioners upon paying reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and character of structures and uses in the underlying zoning district;
 - c. The most desirable use for which the land is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
2. Development Plan: The Plan Commission shall make written findings concerning each decision to approve or disapprove a Development Plan after a public hearing. The commission may approve a development plan upon finding that
 - a. The development plan complies with applicable standards of the underlying district in which the project area is located.
 - b. The development plan complies with applicable provisions of the Unified Development Ordinance.
 - c. The development plan complies with all applicable provisions of the overlay district including other applicable overlay district(s) in which the project area is located.
 - d. The proposed development is appropriate to the site and its surroundings.
 - e. The proposed development is consistent with the DeKalb County Comprehensive Plan.

D. Submittal Requirement:

1. All CSES will be required to submit a complete Development Plan (Section 9.08) for Plan Commission review no less than ninety (90) days prior to public hearing.

E. Waivers:

1. The Plan Commission shall hear the request for waivers of standards only within this section during the Development Plan public hearing.

F. Decommissioning:

1. A project operator may not install or locate a CSES project unless the project operator submits as part of the Development Plan the Decommissioning and Site Restoration Plan including the recycling of as much of the solar panels and other equipment as reasonably possible, posts a surety bond and also a liability insurance policy naming DeKalb County as an additional insured as set forth in 3.13 F(d) below.
2. A Surety Bond must be equal to 125% of the decommissioning costs included in the Development Plan as calculated by a third party licensed or registered engineer or professional with suitable experience in the decommissioning of CSES, as agreed upon by project operator, Zoning Administrator & County Commissioners.
3. Bond must include allowing the County to recuperate from the bond the costs that incur to the extent the County takes part in the decommissioning of the CSES, updated by the Project Operator every five (5) years and adjusted as necessary to ensure sufficient funds are available to decommission the project. Bond adjustment must be submitted to the Zoning Administrator.
4. At the time after the decommissioning provisions have been filed with the Zoning Administrator and for the entire life of the CSES facility, the project operator shall:
 - a. Keep standard liability insurance with coverages in an amount not less than \$2,000,000.00 per person and \$1,000,000.00 per property damage occurrence, with \$5,000,000.00 in aggregate protection, naming DeKalb County, Indiana, a municipal body politic by and through its Board of County Commissioners as an additional insured, and
 - b. Pay premiums on such insurance policies as they become due and provide the Zoning Administrator with written proof of such insurance coverage annually and as the Zoning Administrator may reasonably request, and
 - c. Such policies of insurance shall be carried with a company or companies approved by the Zoning Administrator and legally authorized by the State of Indiana to engage in such business, and shall

- provide that the insurer may not cancel or materially change coverage without at least thirty (30) days prior written notice to the Zoning Administrator.
5. The project operator or owner shall not enter into any settlement of any insurance claim covered under the foregoing insurance policy or policies without the written consent of the Zoning Administrator to ensure that DeKalb County is protected.
 6. Change in CSES Operator or Owner:
 - a. The new operator or owner shall agree to any and all provisions of any and all prior owner requirements, including the bond or irrevocable letter of credit, and shall furnish the Zoning Administrator with a copy of the transfer or new bond or irrevocable letter of credit satisfactory to the Zoning Administrator before commencing business.
 - b. The prior operator or owner shall remain liable until being formally released by the Plan Commission.
 - c. Release of liability by the prior operator or owner by the Plan Commission shall only be approved when the new operator or owner provides a new bond or irrevocable letter of credit satisfactory to the Plan Commission.
 7. Project operator must provide to the Zoning Administrator a written notice of the project operator's intent to decommission a CSES no later than sixty (60) days before discontinuation of the facility.
 - a. All solar panels, structures, foundations, roads, gravel areas, cables and all product, materials or other items associated with the CSES project shall be removed. A final inspection of the CSES property by the Zoning Administrator shall allow for any and all bonds to be released upon written approval of the full decommissioning.
 - b. The ground shall be restored to a condition reasonably similar to its condition before the start of construction.
 - c. Decommissioning must be complete within 1 year of the start date, with the allowance of no more than a 6 month extension by the Zoning Administrator. If necessary, the Zoning Administrator, Plan Commission, County Surveyor, County Commissioners, and/or other County agencies as needed may engage with qualified contractors to:
 1. Enter the site
 2. Remove CSES project assets
 3. Sell assets removed
 4. Remediate the site
 5. May include proceedings to recover assets.
- G. Abandonment:
- a. A CSES is considered abandoned three hundred and sixty-five (365) days after the date on which the CSES last generated electricity.
 - b. In the event of a natural disaster, flood, tornado or any other natural disaster including an act of God, war, civil strife, a terrorist attack or similar unforeseen event under which the project operator has no control.
 - c. CSES operator must submit a letter of intent for decommission in writing to the Plan Commission.
 - d. Once a CSES is considered abandoned, decommissioning must follow 3.13 F(7)(a, b, c).
- H. Setbacks:
- a. Shall be measured to the edge of the CSES project area.
 - b. Participating Land Owners:
 1. Setbacks from a participating property owner's lease line: Shall be at the UDO minimum Development Standards per the underlying Zoning District when a Primary Structure is present on the parcel.
 2. Setbacks on same ownership parcels: Shall be at the UDO minimum Development Standards per the underlying Zoning District but a Recorded Commitment to Combine Parcels may allow the development to cross a same ownership property line.
 - a. A commitment shall be reviewed and approved at the public hearing for the Development Plan by the Plan Commission. Once approved, the Commitment shall be recorded in

- the Office of the DeKalb County Recorder and a copy must be given to the Zoning Administrator for the file.
- b. The Recorded Commitment to Combine Parcels can only be nullified when the CSES is no longer in use and has been fully decommissioned.
 3. Setbacks from neighboring, different ownership parcels or lease areas that are both participating land owners and are part of the CSES lease area shall be zero (0) feet.
 - c. Non-Participating Land Owners:
 1. Setbacks from Adjacent, Non-Participating Land Owners with Pre-Existing Residential Dwelling and Schools and Churches:
 - a. If on one side of property: CSES solar panels shall be at least 400 feet with a 30-foot-wide landscape buffer from the foundation of the primary structure as measured at the foundation to the edge of the CSES solar panels. Anything less than 600 feet requires a buffer.
 - b. If on two sides of the property: the CSES solar panels shall be at least 600 feet from the foundation of the primary structure as measured at the foundation to the edge of the CSES solar panels. No landscape buffer required.
 - c. If on three sides of the property: the CSES solar panels shall be at least 800 feet from the foundation of the primary structure as measured at the foundation to the edge of the CSES solar panels. No landscape buffer required.
 - d. If on all sides of the property: the CSES solar panels shall be at least 1000 feet including across the road from the foundation of the primary structure as measured at the foundation to the edge of the CSES solar panels. No landscape buffer required.
 - e. By written request from an adjacent, non-participating land owner with a pre-existing residential dwelling the setbacks may be reduced with a signed agreement between the CSES operator and non-participating land owner.
 - i. The CSES owner shall notify each adjacent, non-participating land owner with a pre-existing residential dwelling by certified mail of where to submit the written request and allow a minimum of 30 days from the date of certified mailing for written requests from adjacent, non-participating land owners to be received. Proof of the agreed upon request must be submitted to the Plan Commission as part of the Development Plan.
 - f. Setbacks from Adjacent, Non-Participating Land Owners of Commercial and Industrial Businesses: The CSES shall be at least 200 feet from the foundation of the primary structure of a non-participating, pre-existing commercial or industrial business, as measured at the foundation to the edge of the CSES panel, including across a roadway if applicable. No landscape buffer is required.
 - d. CSES Owned or Leased Property:
 1. All components of the CSES facility shall be at the UDO minimum Development Standards per the underlying Zoning District. If a setback mentioned in 3.13F is more than this standard, the greater of the 2 setbacks shall be used.
 2. Any equipment that create a potentially questionable sound level during normal operation shall meet the setback requirement of a non-participating, pre-existing residential dwelling, church, school or commercial business.
 - e. Exemptions to setback regulations for CSES Facility:
 1. Driveways, access roads, internal drives, landscaping, poles, wires necessary to connect the facility to an electric utility or between properties.
 - f. Setback Plan:
 1. A Setback Plan shall address the size of the setbacks from non-participating property owners, the size and placement of required landscape buffers, fence location and maintenance responsibility.
 2. These items shall be addressed for all setbacks between the CSES Development & all adjacent non-participating properties.

- I. Height Restrictions:
 - a. No part of a solar panel shall exceed 12 feet in height when oriented at the maximum tilt height.
- J. Visual Buffer & Landscaping:
 - a. Existing natural woods on a participating land owner property shall remain in its natural state if abutting a non-participating land owner, except as otherwise exempted by Indiana Code 36-7-4-1103.
 - b. Other landscape buffering may be required that may include berms and landscape material during Development Plan Approval by the Plan Commission.
 - c. Landscape buffers may include dirt berms, privacy fences and live plantings, unless otherwise required in this Ordinance. Berms shall be at a 6:1 ratio of berm height to landscape width to achieve a reasonable visual buffer. Berms shall also be planted to prevent soil erosion.
 - d. The landscape buffer will be considered in compliance when:
 - i. The buffer must run the length of the adjacent, non-participating property line contiguous to the CSES; and
 - e. The CSES owner has no responsibility to screen panels from view across property not owned by a non-participating property owner.
 - f. All buffer screening requirements of 3.13 H(c) and 3.13 J(d) and as required by the Plan Commission must be met prior to issuance of Certificate of Occupancy.
- K. Fences:
 - a. Location: Fences are required around the perimeter of a CSES project area and are not subject to setback requirements except as noted below.
 - 1. Fences shall not encroach on an existing right-of-way line along roadways. Any fence constructed forward of the proposed right-of-way line as noted in the Thoroughfare Plan shall be moved at the CSES Operator's expense if instructed to do so by the County Highway Superintendent.
 - 2. Fences shall only be placed in a drainage or utility easement with written permission from the DeKalb County Drainage Board or applicable easement holder.
 - b. Height:
 - 1. Opaque (privacy) fences shall not exceed six (6) feet in height.
 - 2. There is no height limit for transparent (chain link) fences.
 - c. Prohibitions: Razor wire fences are not permitted. Barbed wire is permitted.
 - d. Clearance:
 - 1. Transparent fences are permitted in the corner vision clearance. All other fences shall meet all vision clearance standards in Section 5.57: Vision Clearance; General.
 - e. No fence shall block vision of an existing driveway at the intersection of the road it exits onto. This shall follow the Vision Clearance Standards, Section 5.57.
 - f. Wildlife corridors shall be utilized and may be determined during the County Technical Review process and Plan Commission. Fences shall not obstruct wildlife corridors.
- L. Equipment:
 - a. All components necessary: solar panels, inverters, DC/AC disconnect, meters, wiring, racking, mounting, charge controllers, batteries, or any such equipment necessary for the CSES shall be new, commercially available and must be included in the Development Plan.
- M. Substation:
 - a. Any structure or equipment necessary for the substation for the CSES project shall meet minimum setback requirements per the Zoning District.
- N. Signage:
 - a. A standard metal sign shall be posted on the fence gate at the entrance of the CSES Facility that includes the CSES Owner Name, Facility Name, Emergency Contract Phone Number and physical Site address.

O. Nuisance Prevention:

- a. Noise Generating Equipment Setback: All Equipment shall meet the minimum underlying Zoning District setbacks for primary structures. Equipment that could create objectionable sounds during normal operations shall be located as far as practically possible away from any non-participating existing dwelling. Unless otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a CSES unless the project owner demonstrates to the Zoning Administrator that the CSES will operate so the sound attributed with the CSES will not exceed an hourly average sound level of fifty (50) A-Weighted decibels, as modeled at the outer wall of an existing dwelling located on an adjacent nonparticipating property or no less than 150 feet from any non-participating property line that does not include a residence. The requirement set forth in this section may be waived with respect to any one (1) CSES, subject to written notarized consent of the owner(s) of each adjacent nonparticipating property.
- b. Illumination: A CSES shall comply with the current ordinance under Commercial Lighting Standards. However, no light shall cross the adjacent nonparticipating line.
- c. Laydown Area/Temporary Storage: The area used for the receipt, temporary storage, and sometimes for the assembly of construction of equipment and other supplies. Laydown area must be located no less than 400 feet from any nonparticipating existing dwelling, church, school or commercial business and approved by Development Plan. When necessary smaller laydown Staging areas may be approved by Development Plan.
- d. Employee parking and equipment trucks shall not park alongside county roads, parking shall be as far from any nonparticipating existing dwelling and approved by the Development Plan.
- e. Office Site: Location and structure shall meet the minimum building requirements, current ordinance standards and approved by the Development Plan
- f. Dust Control: The CSES developer will be responsible for wetting out to lessen the amount of created dust during construction. Calcium chloride or similar dust control product shall be applied to any gravel county road that will be used during construction and must be approved by the DeKalb County Highway Superintendent.
- g. Glare: A CSES at no time shall create glare on any non-participating property line, structure or right-of-way. All CSES using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, including any public right-of-way. If the CSES project area is within any Airport Compatibility Overlay District, Glint and Glare Evaluation report shall be submitted with the Development Plan and approval from the Airport Board is required prior to Development Plan approval.
- h. Maximum Vibrations: Equipment which could create vibrations as part of a CSES shall be located centrally within the CSES to reduce potential impacts on nonparticipating properties.
- i. Interference with Reception: A CSES shall be constructed and operated so it does not interfere with television, internet, telecommunications, microwave, GPS, military defense radar, navigational or radio reception to neighboring areas.

P. Ground vegetation & landscaping:

- a. CSES project owner shall plant, establish and maintain for the life of the CSES native forbs and warm season grasses, mainly comprised of long-lived perennial species and shall be described in the Development Plan. The local Soil & Water Conservation District or wildlife biologist will review the selection for a final determination. A minimum score of 100, which meets the preliminary standards, on the "Indiana Solar Site Pollinator Habitat Planning Scorecard" is recommended.
- b. Provide site preparation and maintenance practices designed to control invasive species and noxious weeds to be included in the Development Plan.

Q. Maintenance, Repair and/or Replacement of CSES:

- a. CSES owner must maintain the facility in accord with the Site Plan, Permit and the ordinance. Maintenance shall include, but not limited to, painting, structural repairs and integrity of security measures including fencing. Any retrofit, replacement or refurbishment of equipment shall adhere

to all local, state and federal requirements. No damaged, broken or non-working parts of the CSES operation shall be stored on site.

R. Electric wires:

- a. Except otherwise allowed by Indiana Code 36-7-4-1109, cables located between inverter locations and project substations shall be located and maintained underground; buried at thirty-six (36) inches below grade or if necessitated by onsite conditions at a greater depth. The SES facility must conform to local, state and federal electrical code requirements. If located in a public right-of-way or county drainage easement the CSES would require written approval by DeKalb County Highway and DeKalb County Drainage Board.

S. Damage:

- a. Any damage to waterways, public/regulated drains or ditches, private or mutual drains, county tiles or any other item to regulate drainage caused by the construction, installation, maintenance and/or decommissioning and restoration of a CSES must be completely repaired by the CSES owner to the near original condition so as to not impede the natural flow of water. All repairs must be compliant and approved by the DeKalb County Drainage Board.
- b. Any damage to streets, county roads or highway infrastructure and/or public utilities caused by the construction, installation, maintenance and/or decommissioning and restoration must be completely repaired by the CSES owner to the near original condition. All repairs must be compliant and approved by the DeKalb County Highway Superintendent, Indiana Department of Transportation and/or County Commissioners.

T. Economic Development Agreement:

- a. Prior to approval of the Development Plan, an Economic Development Agreement must be approved by the DeKalb County Commissioners and DeKalb County Council addressing real and personal property assessment, taxation, land use, drainage agreements, maintenance agreements and other agreements as required and negotiated by the DeKalb County Commissioners, DeKalb County Council, DeKalb County Plan Commission, DeKalb County Zoning Administrator, DeKalb County DeKalb County Economic Development Partnership Director and CSES Operator. The Economic Development Agreement must be accepted by the DeKalb County Plan Commission at the time the Development Plan is approved.

U. As-Built Drawings:

- a. The CSES owner shall submit as-built drawings upon completion of construction of all development on the site to the satisfaction of Zoning Administrator, Plan Commission and/or County Commissioners and must be approved by the County Commissioners.

Article
04

Planned Unit Developments

**DeKalb County
Unified Development
Ordinance**

Planned Unit Development (PUD) Districts

4.01 PUD District Intent, Regulations and Prerequisites

District Intent	Regulations	Prerequisites
<p>The purpose of the Planned Unit Development (PUD) district is to provide flexible design and land use regulations for medium to large scale developments that cannot follow a standard zoning district's regulations due to:</p> <ul style="list-style-type: none"> • The interest in an integrated mixed use development; • The existence of unique geological or natural features; or • The interest in a timely unique and/or innovative development design. <p>Plan Commission Intent</p> <ul style="list-style-type: none"> • Any parcel that meets the prerequisites may be rezoned to a Planned Unit Development district after Plan Commission review and approval; and after the County Commissioners review and adopt the Planned Unit Development Ordinance in conformity with <i>Article 04: Planned Unit Developments</i> and the DeKalb County Comprehensive Plan. • Under no circumstances is the Plan Commission or County Commissioners required to rezone a property to a PUD. 	<p>Permitted Uses</p> <ul style="list-style-type: none"> • Dominantly in-line with previous standard zoning district; • Dominantly in-line with DeKalb County Comprehensive Plan; • Compatible with surrounding land uses and zoning districts; and • Flexible only to the extent permitted in <i>Article 04: Planned Unit Developments</i>. <p>Development Standards</p> <ul style="list-style-type: none"> • Generally in-line with standards of the original zoning district; • Dominantly in-line with DeKalb County Comprehensive Plan; • Compatible with surrounding land uses and zoning districts; and • Flexible only to the extent permitted in <i>Article 04: Planned Unit Developments</i>. <p>Design Standards</p> <ul style="list-style-type: none"> • Generally in compliance with all design standards; and • Flexible only to the extent permitted in <i>Article 04: Planned Unit Developments</i>. <p>Construction Standards</p> <ul style="list-style-type: none"> • Fully in compliance with the county's construction standards. 	<ul style="list-style-type: none"> • The area proposed for a Planned Unit Development shall be under single ownership or if multiple ownership, it shall be under control by a single developer. • The minimum gross area required for a Planned Unit Development is five acres.

Planned Unit Development (PUD) Districts

4.02 General

- A. Description: A Planned Unit Development is a special zoning district that can be applied for by a petitioner.
- B. Creation: The procedure for the creation of a Planned Unit Development shall be consistent with the process set forth in *Article 09: Processes, Permits, and Fees* of the Unified Development Ordinance.
- C. Regulations:
 - 1. The requirements of *Article 05: Development Standards* and *Article 07: Design Standards* of the Unified Development Ordinance shall apply to Planned Unit Developments unless alternate standards are deemed appropriate by the Plan Commission in order to accomplish the intent of the development. Any lessening of the required standards of the Unified Development Ordinance shall be directly linked to the intent of the Planned Unit Development to provide a mixed use development, provide a creative and unique design, or address unusual physical conditions.
 - 2. The Development Plan shall indicate the land use, location of all improvements, development standards, design standards, construction standards and other applicable specifications of the DeKalb County Code which shall govern the Planned Unit Development. If the Development Plan is silent or does not address a particular land use, development standard, design standard, construction standard or other specification of the DeKalb County Code, the standard of the underlying district or the applicable regulations shall apply.
- D. Maps: The boundaries of the Planned Unit Developments shall be designated on the Official Zoning Map.
- E. Open Space: Open space shall either be:
 - 1. Conveyed to a municipal or public corporation;
 - 2. Conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and tenants of the Planned Unit Development, or
 - 3. Conveyed to owners other than those specified in *Section 4.02(E)(1) Open Space* and *Section 4.02(E)(2) Open Space* and subject to restrictive covenants describing and guaranteeing the open space and its maintenance and improvement, running with the land for the benefit of residents of the Planned Unit Development or adjoining property owners and/or both.

4.03 Origination of Proposals

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

4.04 Rules of Procedure

All proceedings brought under *Article 04: Planned Unit Development Districts* are subject to the Rules of Procedure of the Plan Commission, unless stated otherwise. All applications that involve subdivision of a parcel shall also be subject to the subdivision procedures established by *Article 09: Processes, Permits, and Fees* of the Unified Development Ordinance.

4.05 Limitation of Revisions to the Unified Development Ordinance

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

Planned Unit Development (PUD) Districts

4.06 Designation of Permanent Open Space

- A. Definition: Permanent open space shall be defined as parks, playgrounds, landscaped green space, and natural areas, not including schools, community centers or other similar areas in public ownership. Where a single-family residential development incorporates individual lots, the yards of such lots shall not constitute open space.
- B. Designation: No Planned Unit Development shall be approved, unless the design provides for permanent landscaped or natural open space. Natural open space may be designated through the use of common space or other mechanisms such as conservation easements to the satisfaction of the Plan Commission and County Commissioners. Open space shall be provided in at least the following percentage of the total gross area of the planned unit development by type of use:
 1. Single-family and multiple-family residential use: 25%
 2. Office use: 20%
 3. All other uses: 10%
- C. Mixed Uses: In the case of mixed uses, permanent open space shall be allocated to the property in proportion to the uses assigned to the Planned Unit Development and shall be located in reasonable proximity to those uses. The permanent open space need not be located in proximity to the use in the case of preservation of existing features.
- D. Development in Stages: If the Preliminary Plan provides for the Planned Unit Development to be constructed in stages, open space shall be provided for each stage of the development in proportion to that stage, and conveyed or guaranteed.

Article
05

Development Standards

**DeKalb County
Unified Development
Ordinance**

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Development Standards Overview



5.01 How to Use This Article

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

- A. **Two-page Layouts:** Refer to the two-page layouts in *Article 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.

[As an example, on page 2-11, the four digit code “AS-06” can be found under the “Additional Development Standards that Apply” section in the Agricultural Business (A4) zoning district. Therefore, the development standards in the section labeled “AS-06” (on page 5-6) would apply to the Agricultural Business (A4) zoning district.]





- B. **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 square icons with zoning district abbreviations (e.g.  for the Neighborhood Commercial zoning district or  for the Rural Estate zoning district). These zoning district icons note the development standard written in that section applies to that zoning district.

[As an example, on page 5-4, the  icon can be found under the AS-02 development standard section. Therefore the language in the AS-02 section would apply to the  zoning district.]

Section Name	Page Number	Section Name	Page Number
How to Use This Article	5-2	Outdoor Storage Standards (OS).....	5-29
Icon Legend.....	5-3	Parking Standards (PK).....	5-31
Accessory Structure Standards (AS).....	5-4	Performance Standards (PF).....	5-39
Entrance and Drive Standards (ED).....	5-8	Public Improvement Standards (PI).....	5-41
Environmental Standards (EN).....	5-10	Recreational Pond Standards (RP)	5-42
Fence and Wall Standards (FW)	5-11	Setback Standards (SB).....	5-43
Fireworks Retail Standards (FR)	5-15	Sewer and Water Standards (SW)	5-44
Floor Area Standards (FA).....	5-16	Sexually Oriented Business Standards (SX).....	5-45
Height Standards (HT).....	5-17	Sign Standards (SI)	5-47
Home Based Business Standards (HO).....	5-18	Special Exception Use Standards (SE).....	5-51
Landscaping Standards (LA).....	5-21	Structure Quantity Standards (SQ).....	5-52
Lighting Standards (LT)	5-25	Telecommunication Facility Standards (TC).....	5-53
Loading Standards (LD)	5-27	Temporary Use and Structure Standards (TU)....	5-56
Lot Standards (LO).....	5-28	Vision Clearance Standards (VC).....	5-58

Development Standards Icon Legend

5.02 Icon Legend

-  - Open Space and Parks District
-  - Conservation Agricultural District
-  - Agricultural District
-  - High Intensity Agricultural District
-  - Agricultural Business District
-  - Rural Estate District
-  - Low Density Residential District
-  - Medium Density Residential District
-  - Village Residential District
-  - Multiple-family Residential District
-  - Multiple-family Residential District
-  - Manufactured Home Park District
-  - Institutional District
-  - Village Commercial District
-  - Neighborhood Commercial District
-  - General Commercial District
-  - Highway Commercial District
-  - Industrial/Business Park District
-  - Low Intensity Industrial District
-  - High Intensity Industrial District
-  - High Impact District
-  - Airport, Non-Municipal District
-  - Airport, Municipal District
-  - Airport Commercial District

Accessory Structure Standards (AS)

5.03 AS-01: Accessory Structure; Open Space and Parks and Agricultural Districts

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



The following accessory structure standards apply:

- A. Types: Accessory structures include barns, mini-barns, pole barns, sheds, detached garages, carports, swimming pools, gazebos, decks and similar structures.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 1. Accessory structures shall relate to the primary use of the land.
 2. Accessory structures are permitted, but not prior to the erection of the principle building, except for strictly storage purposes, and not for human occupancy.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- E. Swimming Pool: Swimming pools are subject to this Unified Development Ordinance as well as Indiana Code (675 IAC 20).

5.04 AS-02: Accessory Structure; Residential Estate District

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



The following accessory structure standards apply:

- A. Types: Accessory structures include barns, mini-barns, pole barns, sheds, detached garages, carports, swimming pools, gazebos, decks and similar structures.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 1. Accessory structures shall relate to the primary use of the land.
 2. Accessory structures are permitted, but not prior to the erection of the principle building unless for strictly storage purposes, and not for human occupancy. The exception is one accessory structure may be constructed prior to the construction of the primary structure.
- D. Maximum Number: Two accessory structures not including pools, decks, open-sided gazebos are permitted on a lot.
- E. Swimming Pool: Swimming pools are subject to this Unified Development Ordinance as well as Indiana Code (675 IAC 20).

Accessory Structure Standards (AS)

5.05 AS-03: Accessory Structure; Single-family Residential Districts

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



The following accessory structure standards apply:

- A. Types: Accessory structures include mini-barns, pole barns, sheds, detached garages, carports, swimming pools, gazebos, decks and similar structures.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 - 1. Accessory structures shall relate to the primary structure and its uses; and be commonly and usually used in connection with the specific primary use.
 - 2. Accessory structures are permitted, but not prior to the erection of the principle building, except for strictly storage purposes, and not for human occupancy.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- E. Swimming Pool: Swimming pools are subject to this Unified Development Ordinance as well as Indiana Code (675 IAC 20).
- F. Maximum Number: Two accessory structures not including pools, decks, open-sided gazebos are permitted on a lot.
- G. Appearance: The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure.

5.06 AS-04: Accessory Structure; Multiple-family Residential Districts

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



The following accessory structure standards apply:

- A. Types: Accessory structures include mini-barns, pole barns, sheds, detached garages, carports, swimming pools, gazebos, decks and similar structures.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 - 1. Accessory structures shall relate to the primary structure and its uses; and be commonly and usually used in connection with the specific primary use.
 - 2. Accessory structures are permitted, but not prior to the erection of the principle building, except for strictly storage purposes, and not for human occupancy.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- E. Swimming Pool: Swimming pools are subject to this Unified Development Ordinance as well as Indiana Code (675 IAC 20).
- F. Maximum Number: Two accessory structures not including pools, decks, open-sided gazebos are permitted on a lot.
- G. Appearance: The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the finish and facade materials used on the primary structure.

Accessory Structure Standards (AS)

5.07 AS-05: Accessory Structure; Manufactured Home Park District

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



The following accessory structure standards apply:

- A. Types: Management offices, sales offices, storage, laundry, and other structures customarily incidental to manufactured home parks are permitted, provided the following criteria are met:
 1. The accessory structure is subordinate to the residential component of the park; and
 2. The accessory structure is located, designed and intended to serve only the needs of the park; and
 3. The establishments located within the accessory structure present no visible evidence of their business nature to areas outside the park.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 1. Accessory structures shall relate to the primary structure and its uses; and be commonly and usually used in connection with the specific primary use.
 2. Accessory structures are permitted, but not prior to the erection of the principle building, except for strictly storage purposes, and not for human occupancy.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- E. Swimming Pool: Swimming pools are subject to this Unified Development Ordinance as well as Indiana Code (675 IAC 20).
- F. Maximum Number: Each manufactured home or mobile home is allowed no more than one accessory structure in addition to a carport or garage.
- G. Maximum Size: The total area of all accessory structures on an individual site shall not exceed 25% of the dwelling site or 600 square feet, whichever is less. Detached garages and carports are to be counted toward the total accessory structure area per site.

5.08 AS-06: Accessory Structure; Institutional and Commercial Districts

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



The following accessory structure standards apply:

- A. Types: Accessory structures include mini-barns, pole barns, sheds, detached garages, carports, swimming pools, gazebos, decks and similar structures.
- B. Permit Required: Permits are required for the construction of an accessory structure and the accessory structure shall comply with all development standards for the subject zoning district.
- C. Relationship to Primary Structure:
 1. Accessory structures shall relate to the primary structure and its uses; and be commonly and usually used in connection with the specific primary use.
 2. One accessory structure may be constructed prior to the construction of the primary structure, but not for human occupancy.
- D. Prohibited: A mobile home, manufactured home, recreational vehicle, semi-tractor trailer, boat, motor vehicle, trailer, or any part or section of an item on this list or the like shall not be used as an accessory structure.
- E. Appearance: The exterior finish and facade of each enclosed accessory structure shall match or closely resemble the character of the primary structure, and use similar materials used on the primary structure.

Dependent Housing (DH)

5.09 DH-01: Dependent Housing; General

This Dependent Housing Standards section applies to the following zoning districts or districts approved for Dependent Housing:



The following dependent housing standards apply:

- A. An application for a Special Exception for Dependent Housing, as defined, shall be filed with the DeKalb County Board of Zoning Appeals.
- B. A letter addressed to the DeKalb County Board of Zoning Appeals shall be submitted with the Special Exception Application from the doctor of which the dependent housing is for explaining the need for the dependent to live in close proximity to the property owner.
- C. Dependent Housing is deemed temporary:
 1. Initial approval shall be given by the Board of Zoning Appeals and shall not exceed five (5) years.
 2. If an extension is needed, it may be approved by the Zoning Administrator. A new doctor's letter for the extension is required. If there is a dispute, it shall be referred to the BZA.
 3. The Zoning Administrator has the right to request information of said dependent at any time for compliance with the UDO. If the dependency no longer exists the Zoning Administrator shall require the property owner to have the dependent residence removed from the real estate.
- D. Dependent Housing shall meet all setbacks standards for Primary Structures.

Entrance and Drive Standards (ED)

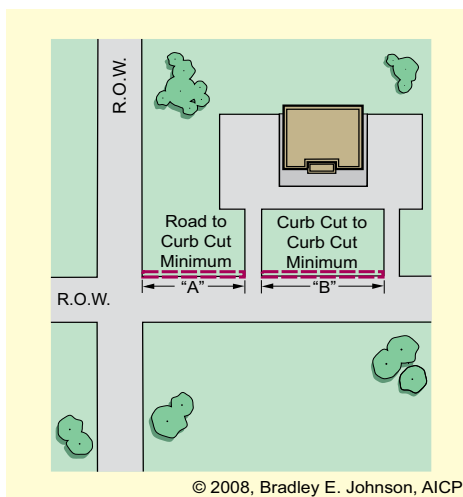
5.10 ED-01: Entrance and Drive; General

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



The following entrance and drive standards apply:

- A. **Classification:** All classification of streets shall be based on the Thoroughfare Plan as found and maintained in the DeKalb County Comprehensive Plan.
- B. **Single Entrance:** No entrance or drive shall be permitted to be installed on a parcel or lot until first receiving approval from the DeKalb County Highway Superintendent or The Indiana Department of Transportation and:
 1. Within 150 feet of any intersecting street if along an arterial or collector street (see “A” below in the illustration).
 2. Within 100 feet of any intersecting street if along a local street (see “A” below in the illustration).
 3. If the parcel is not large enough to achieve the required separation, then the drive shall be installed at a location farthest from the intersection.
 4. The distances shall be determined by measuring from the intersection right-of-way line to the back of curb or edge of pavement (whichever is less) of the entrance or drive.
 5. Under no circumstances shall an entrance or drive be allowed within 60 feet of any intersection.
- C. **Multiple Entrance:** Two or more entrances or drives shall not be permitted to be installed on a parcel or lot until first receiving approval from the DeKalb County Highway Superintendent and the DeKalb County Commissioners or The Indiana Department of Transportation:
 1. Within 100 feet of one another if along an arterial or collector street (see “B” below in the illustration).
 2. Within 50 feet of one another if along a local street (see “B” below in the illustration).
 3. The distances shall be determined by measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is less) of each entrance or drive.
 4. Entrances and driveways may be shared in order to meet the above listed requirements. However, an easement shall be established and recorded applicable to both properties. Further, no more than two properties may share a single entrance or driveway.



Entrance and Drive Standards (ED)

- D. Maximum Width: No entrance or drive shall exceed the following pavement widths for two-way traffic. If the entrance or driveway is one-way, the measurements shall be one-half of the below requirements.
 1. Twelve (12) feet per lane with a maximum of three lanes (two out and one in), if from a non single-family residential lot (e.g. multiple-family residential, commercial, or industrial lot) onto an arterial, collector, or local street.
 2. Ten feet per lane with a maximum of two lanes (i.e. 20 feet), if from a single family residential lot onto any type of street.
 3. The distances shall be determined by measuring from the back of curb or edge of pavement to the back of curb or edge of pavement (whichever is greater) of each entrance or drive.
- E. Driveway Location: Driveways shall be located off of internal streets whenever possible.
- F. Viability of Driveway: All driveways shall have a viable means of connecting to the public right-of-way and that location shall be fully on the subject property and shall be accurately shown on the site plan. Theoretical alignments shall not be permitted (e.g. alignments that traverse an existing lake).
- G. Site Improvements: Acceleration lanes, deceleration lanes and/or passing blisters may be required by the highway department..
- H. Materials: All entrances and drives shall consist of asphalt, concrete or gravel unless another durable material is approved by the Zoning Administrator.

5.10 ED-02: Entrance and Drive; Manufactured Home Park District

This Entrance/Drive Standards section applies to the following zoning districts:

MP

The following entrance and drive standards apply:

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

Environmental Standards (EN)

5.11 EN-01: Environmental; General

This Environmental Standards section applies to the following districts:



The following environmental standards apply:

- A. Excessive Slope: Areas of land shall be deemed unsuitable for buildings when pre-development slopes are greater than a 1:1 ratio, or any development that results in a post-development slope greater than a 2:1 ratio.
- B. Unsuitable Land Qualities: Areas of land shall be deemed unsuitable for buildings when it:
 1. Contains adverse soil or rock formations,
 2. Is highly susceptible to erosion,
 3. Does not have the capacity to bear a structure's weight, or
 4. Has any other feature likely to be harmful to the health, aesthetics, and general welfare of the community.
- C. Erosion Prevention: All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, may be required by the Zoning Administrator to be graded and seeded within 30 days after the removal or destruction of said natural cover to prevent erosion. All land shall meet the minimum erosion prevention requirements of IAC 327 and its amendments.
- D. Water and Soil Pollution Prevention: No waste materials such as garbage, rubbish, trash, construction material, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature that may contaminate, pollute, or harm the waters or soils shall be deposited, located, stored, or discharged on any parcel.
- E. Debris/Refuse Nuisance Prevention: Debris, refuse, trash, construction material, garbage, litter, unfinished buildings, scrap metals, or rotting wood is considered a nuisance and a threat to the environment. To protect the health and safety of residents, these materials shall not accumulate on any property.

Fence and Wall Standards (FW)

5.12 FW-01: Fence and Wall; Agricultural Districts

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

A1 **A2**

The following fence and wall standards apply:

- A. Location: Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences*.
 - a. Fences shall not encroach on an existing right-of-way line along roadways. Any fence constructed forward of the proposed right-of-way line as noted in the Thoroughfare Plan shall be moved at the owner's expense if instructed to do so by the County.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls*.
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall only be placed in a drainage or utility easement with written permission from the easement holder.
- B. Height:
 1. *Fences*.
 - a. Opaque fences outside the building envelope shall not exceed six feet in height.
 - b. Opaque fences within the building envelope shall not exceed eight feet in height.
 - c. There is no height limit for transparent fences.
 2. *Walls*. Walls outside the building envelope shall not exceed four feet in height. Wall within the building envelope shall not exceed eight feet in height.
- C. Prohibitions: Privacy fences and razor wire fences are not permitted outside the building envelope.
- D. Clearance:
 1. *Fences*. Transparent fences are permitted in the corner vision clearance. All other fences shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 2. *Walls*. Walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 3. No fence or wall shall block vision of an existing driveway.

5.13 FW-02: Fence and Wall; Agricultural Districts

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

A3 **A4**

The following fence and wall standards apply:

- A. Location: Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences*.
 - a. Fences shall not encroach on an existing right-of-way line along roadways. Any fence constructed forward of the proposed right-of-way line as noted in the Thoroughfare Plan shall be moved at the owner's expense if instructed to do so by the County.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls*.
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall not be placed in a drainage or utility easement.

Fence and Wall Standards (FW)

- B. Height:
1. *Fences*.
 - a. Opaque fences outside the building envelope shall not exceed six feet in height.
 - b. Opaque fences within the building envelope shall not exceed eight feet in height.
 - c. There is no height limit for transparent fences.
 2. *Walls*. Walls outside the building envelope shall not exceed four feet in height. Wall within the building envelope shall not exceed eight feet in height.
- C. Prohibitions: Privacy fences and razor wire fences are not permitted outside the building envelope. An electrified fence is not permitted outside the building envelope on a parcel that is adjacent to any residential, institutional or open space and parks zoning district.
- D. Clearance:
1. *Fences*. Transparent fences are permitted in the corner vision clearance. All other fences shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 2. *Walls*. Walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 3. No fence or wall shall block vision of an existing driveway.

5.14 FW-03: Fence and Wall; Rural Estate District

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



The following fence and wall standards apply:

- A. Location: Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
1. *Fences*.
 - a. Fences shall not encroach on an existing right-of-way line along roadways. Any fence constructed forward of the proposed right-of-way line as noted in the Thoroughfare Plan shall be moved at the owner's expense if instructed to do so by the County.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls*.
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall only be placed in a drainage or utility easement with written permission from the easement holder.
- B. Height:
1. *Front Yard*. Fences and wall shall not exceed four feet in height.
 2. *Side and Rear Yard*. Fences and walls shall not exceed six feet in height.
- C. Prohibitions: Electrified and razor wire fences are not permitted.
- D. Clearance:
- a. Fences and walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*
 - b. No fence or wall shall block vision of an existing driveway.
- E. Construction Standards:
1. The non-structural side of the fence shall face outward from the property.
 2. All fences located in the front yard shall be decorative (e.g. rail, picket, wrought iron, cut timbers). Wire fences are not considered decorative.

Fence and Wall Standards (FW)

5.15 FW-04: Fence and Wall; Residential Districts

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



The following fence and wall standards apply:

- A. Location: Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences*.
 - a. Fences shall not encroach on an existing right-of-way line along roadways. Any fence constructed forward of the proposed right-of-way line as noted in the Thoroughfare Plan shall be moved at the owner's expense if instructed to do so by the County.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls*.
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall not be placed in a drainage or utility easement.
- B. Height:
 1. *Front Yard*. Fences and walls shall not exceed four feet in height.
 2. *Side and Rear Yard*. Fences and walls shall not exceed six feet in height.
- C. Prohibitions: Electrified, barbed, and razor wire fences are not permitted.
- D. Clearance:
 1. Fences and walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 2. No fence or wall shall block vision of an existing driveway.
- E. Construction Standards:
 1. The non-structural side of the fence shall face outward from the property.
 2. All fences located in the front yard shall be decorative (e.g. split rail, picket, cut timbers).

5.16 FW-05: Fence and Wall; Institutional, Commercial, and Airport Commercial Districts

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



The following fence and wall standards apply:

- A. Location: Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences*.
 - a. Fences shall not encroach on an existing right-of-way line along roadways.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls*.
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall not be placed in a drainage or utility easement.
- B. Height:
 1. *Front Yard*. Fences and walls shall not exceed four feet in height.
 2. *Side and Rear Yard*. Fences and walls shall not exceed eight feet in height.
 3. *No Primary Structure*. Where no primary structure exists on the lot, fences and walls shall not exceed three feet in height.
 4. *Exceptions*: Fence and wall heights may be increased when required by a federal or state provision.
- C. Prohibitions: Electrified and razor wire fences are not permitted.
- D. Clearance:
 1. Fences and walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*.
 2. No fence or wall shall block vision of an existing driveway.

Fence and Wall Standards (FW)

5.17 FW-06: Fence and Wall; Industrial, High Impact, and Airport Districts

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



The following fence and wall standards apply:

- A. **Location:** Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences.*
 - a. Fences shall not encroach on an existing right-of-way line along roadways.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls.*
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall not be placed in a drainage or utility easement.
- B. **Height:**
 1. *Front Yard.* Fences and walls shall not exceed six feet in height.
 2. *Side and Rear Yard.* Fences and walls shall not exceed eight feet in height.
 3. *Exceptions:* Fence and wall heights may be increased when required by a federal or State provision.
- C. **Prohibitions:** Razor wire fences are not permitted. An electrified fence is not permitted on a lot that is adjacent to any residential zoning district unless the electrified fence is separated from the residential district by a comparable nonelectrical fence.
- D. **Clearance:**
 1. Fences and walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*
 2. No fence or wall shall block vision of an existing driveway.

5.18 FW-07: Fence and Wall; Open Space and Parks District

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



The following fence and wall standards apply:

- A. **Location:** Fences and walls are permitted anywhere on a property and are not subject to setback requirements except as noted below.
 1. *Fences.*
 - a. Fences shall not encroach on an existing right-of-way line along roadways.
 - b. Fences shall only be placed in a drainage or utility easement with written permission from the easement holder.
 2. *Walls.*
 - a. Walls shall not be built forward of the proposed right-of-way line as noted in the Thoroughfare Plan.
 - b. Walls shall not be placed in a drainage or utility easement.
- B. **Height:** Fences and walls located in any yard shall not exceed six feet in height except when located around a sports field, sports court or sport facility that necessitates such enclosure.
- C. **Prohibitions:** Electrified, razor wire, barbed wire, or similar fences constructed with sharp materials are not permitted.
- D. **Clearance:**
 1. Fences and walls shall meet all vision clearance standards in *Section 5.57: Vision Clearance; General*
 2. No fence or wall shall block vision of an existing driveway.

Fireworks Retail Standards (FR)

5.19 FR-01: Fireworks Retail; General

This Fireworks Retail Standards Section applies to the following zoning districts:

C3

The following fireworks retail standards apply:

- A. Location: Fireworks sales shall be located in a primary structure equipped with a charged sprinkler system.
- B. Separation: Fireworks sales shall not locate within a 100 foot radius of a residential district, gasoline station, storage tank and any other land use that contains highly flammable materials on-site. The distance is measured from the nearest property line to nearest property line in all directions.

Floor Area Standards (FA)

5.20 FA-01: Floor Area; General

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



The following floor area standards apply:

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

Height Standards (HT)

5.21 HT-01: Height; General

This Height Standards section applies to the following zoning districts:



The following height standards apply:

- A. Applicability: If a height standard does not appear on the two-page layout for a zoning district, then a height standard does not apply to that particular zoning district.
- B. Maximum Structure Height: The maximum structure height shall be per each two-page layout in *Article 02: Zoning Districts*.
- C. Exemptions: The following types of structures or building features are exempt or partially exempt from the maximum structure height standard as stated:
 1. Church steeples, bell towers, and religious symbols so long as the maximum height does not exceed 50% more than the height of the primary structure.
 2. Private water towers are allowed up to a height of 150 feet when allowed.
 3. Chimneys are allowed to extend ten feet above the roof's highest point.
 4. Mechanical equipment, including elevator bulkheads, when mounted on a roof are allowed to extend 15 feet above the roof's highest point, but shall be:
 - a. Located so it is not significantly visible from adjacent private and public streets,
 - b. Be shielded from view with a parapet or other architectural feature, and
 - c. The architectural feature shall be comprised of the same exterior building materials and compliment the facade.
 5. Antennae.
 - a. Roof mounted antennae may exceed the maximum structure height by no more than 10 feet.
 - b. The total height of an antennae located on utility poles or other structures and the pole may not exceed 110% of the existing pole height.
- D. Height Effect on DeKalb County Airport Flight Procedure Minimums: No development shall occur nor any structure/building feature be constructed so as to cause an increase in any existing Flight Procedure Minimums for the DeKalb County Airport. This restriction shall also include those structures and/or building features that are otherwise exempted or partially exempted from other provisions of this height standard.

Home Based Business Standards (HO)

5.22 HO-01: Home Based Business; General

This Home Based Business Standards section applies to the following zoning districts:



The following home based business standards apply:

A. Home Occupation:

1. *Approval Process.* No permit or approval process shall be required to conduct a home based business, however the following standards shall all be met.
2. *Use.* The home based business shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* No person other than occupants of the dwelling unit shall be employed in the home based business.
4. *Maximum Floor Area.* The area of a home based business shall not exceed 500 square feet. If there is more than one home based business being conducted within the dwelling unit, then all home based businesses cumulatively shall not exceed 500 square feet.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home based business shall be conducted entirely within the primary structure.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home based business in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit, except for one, unlighted mural, wall or window sign attached to the building a maximum of four square feet in size.
9. *Nuisance.* The home based business shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit. No retail sales permitted.
11. *Hours of Operation.* The hours of operation of the home based business shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the profession and one space for each employee.
13. *Types.* A home based business includes, but is not limited to the following:
 - a. artist's studio.
 - b. dressmaking.
 - c. professional office of a medical or osteopathic physician, dentist, podiatrist, chiropractist, lawyer, engineer, architect or accountant.
 - d. teaching with musical instruction limited to two pupils at a time.
 - e. barbering or hairdressing.

Home Based Business Standards (HO)

B. Home Workshop:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home workshop. See *Section 9.20: Special Exception.*
2. *Use.* The home workshop use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home workshop shall be operated by no more than four employees, associates or partners no more than one of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home workshop shall not exceed 500 square feet. No more than one home workshop or home enterprise may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home workshop shall be conducted entirely within the primary structure or within an accessory structure.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home workshop in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(B)(13): Signs* below. Variance requests shall not include a request for a sign greater than listed in *Section 5.22(B)(13): Signs* below.
9. *Nuisance.* The home workshop shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure.
11. *Hours of Operation.* The hours of operation of the home workshop shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the profession and one space for each employee.
13. *Signs.*
 - a. *Wall Sign.* One wall sign may be placed on the building with the proper permit.
 - i. The sign shall not exceed six square feet.
 - ii. The sign shall not be illuminated in any manner.

Home Based Business Standards (HO)

C. Home Enterprise:

1. *Approval Process.* The Board of Zoning Appeals shall review and approve a special exception before an occupant may conduct a home enterprise. See *Section 9.20: Special Exception.*
2. *Use.* The home enterprise use shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
3. *Residency.* The home enterprise shall be operated by no more than five employees, associates or partners, no more than three of which does not reside in the home.
4. *Maximum Floor Area.* The area of a home enterprise shall not exceed 1,500 square feet. No more than one home enterprise or home workshop may be located on a lot.
5. *Character.* There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit.
6. *Location.* The home enterprise shall be conducted entirely within the primary structure or within an accessory structure.
7. *Display and Storage.* Outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited.
8. *External Indications.* There shall be no advertising, signs, display, or other indications of a home enterprise in the yard, on the exterior of the dwelling unit, or visible from anywhere outside the dwelling unit except as permitted in *Section 5.22(C)(13): Signs* below.
9. *Nuisance.* The home enterprise shall not create any offensive noise, vibration, smoke, dust, odors, heat or glare which would be a nuisance to any neighbor.
10. *Sale of Products.* Articles sold or offered for sale shall be limited to those produced or assembled in the dwelling unit or accessory structure except for a small percentage of incidental items.
11. *Hours of Operation.* The hours of operation of the home enterprise shall not interfere with the use and enjoyment of adjacent residential properties.
12. *Parking.* Two parking spaces are required for the profession and one space for each employee.
13. *Signs.*
 - a. *Wall Sign.* One wall sign may be placed on the building with the proper permit.
 - i. The sign shall not exceed six square feet.
 - ii. The sign shall not be illuminated in any manner.
 - b. *Ground Sign.* One ground sign may be placed on the property with the proper permit.
 - i. The sign shall not exceed 15 square feet and three feet in height.
 - ii. The sign shall not be illuminated in any manner.
 - iii. The base of the sign shall be landscaped with evergreen plant materials.

Landscaping Standards (LA)

5.23 LA-01: Landscaping; General

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

A. Placement of Landscape Materials:

1. *Rights-of-way and Easements.* Landscape material shall not be planted in rights-of-way or easements without permission from the Zoning Administrator and the rights-of-way/easement holder unless otherwise required by this Unified Development Ordinance. A tree canopy may project over a right-of-way or an easement.
2. *Vehicular and Pedestrian Movement.* Materials shall be located to avoid interference with vehicular and pedestrian movement. Specifically, plant materials shall not project over sidewalks, pedestrian paths, and the like below a height of seven feet. Plant materials shall not project over street curbs or pavement within rights-of-way or access easements below a height of 12 feet.
3. *Vision Clearance.* Materials shall be located to avoid interference with visibility per *Section 5.57: Vision Clearance; General.*
4. *Streetscape.* The unpaved portion of an abutting public or private right-of-way shall be fine graded, planted and maintained with vegetative ground cover.
5. *Distribution.* Required landscaping shall be reasonably distributed throughout all open space areas.

B. Maintenance: Petitioners and their successors in interest are responsible for the regular maintenance of all landscaping elements such that they are kept in good condition. Failure to maintain all landscaping is a violation of this Unified Development Ordinance subject to the provisions of *Article 10: Enforcement and Penalties.* Specifically:

1. All plant material shall be maintained alive, healthy, and free from disease and pests.
2. All landscape structures such as fences and walls shall be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

C. Plant Material Standards: Minimum sizes shall apply to all plant material required.

1. *Deciduous Trees.* All newly planted deciduous trees shall be at least two-inch caliper.
2. *Evergreen Trees.* All newly planted evergreen trees shall be at least six feet tall.
3. *Shrubs.* Shrubs shall be at least two-gallon container size or 18 inches tall from the adjacent ground level.
4. *Substitution.* The Zoning Administrator shall allow replacement of required landscaping with existing vegetation provided that the existing vegetation is similar in species and location as well as in good health and quality. Qualified existing vegetation shall be credited towards required landscaping based on the following values:
 - a. *Deciduous Trees.* A credit of one tree per every four inches in caliper of an existing qualified deciduous tree is earned. No single existing tree shall count towards more than five individual required trees.
 - b. *Evergreen Trees.* A credit of one tree per every 12 feet in height of an existing qualified evergreen tree is earned. No single existing tree shall count towards more than three individual required trees.
 - c. *Shrubs.* A credit of one shrub per every one qualified shrub is earned.
5. *Ground Cover.* Grass and other vegetative ground cover shall be used for all open space including parking lot bumpouts and islands, except decorative mulch or stone planting beds are permitted no more than one foot beyond the drip line of shrubbery and six feet in diameter surrounding trees.

Landscaping Standards (LA)

5.24 LA-02: Landscaping; Parking Lots

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

- A. **Parking Lot Perimeter Plantings:** Parking lots shall be reasonably screened from streets and adjacent uses using a combination of plant materials, decorative fences, decorative walls, and/or earthen mounds. Parking lots with eight or more spaces shall have the following perimeter planting:
1. Trees.
 - a. *Number.* Parking lots shall be required to contain one tree per eight parking spaces for the first 40 spaces and one tree per 20 spaces for any number of spaces over 40.
 - b. *Type.* A minimum of 75% of the required trees shall be canopy trees.
 - c. *Maximum Setback.* Trees shall be planted within ten feet of the parking lot edge.
 2. Shrubs.
 - a. *Number.* Parking lots shall be required to contain three shrubs per one parking space.
 - b. *Type.* A minimum 50% of the shrubs shall be evergreen.
 - c. *Maximum Setback.* Shrubs shall be planted within five feet of the parking lot edge.
 - d. *Substitution.* A decorative wall may be installed in lieu of shrubs for locations along the perimeter of the parking lot. Walls, if used, shall be a minimum of 30 inches and a maximum of 42 inches in height and may incorporate breaks to allow for pedestrian movement.
 - e. *Screening.* Shrubs shall be planted to effectively screen all parking lots.
- B. **Landscape Bumpouts and Islands:**
1. *Number.* Parking lots shall provide one landscape bumpout or island for every 24 parking spaces.
 2. *Area.* Each landscape bumpout or island shall be at least 324 square feet in size.
 3. *Minimum Planting.* Each landscape bumpout or island shall contain at least one deciduous tree of the required parking lot plantings.
 4. *Parking Lot Aisles.* Parking lots with two or more aisles for one-way or two-way traffic and that have 20 or more parking spaces shall provide one landscape island per every 20 spaces.
 5. *Curbing.* Parking lot bumpout or island areas shall have a four-inch or greater height curb.

5.25 LA-03: Landscaping; Buffer Yards; Multiple-family Residential, Institutional, Commercial, and Airport Commercial Districts

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

- A. **Buffer Yards:** Within the buffer yard, a reasonable attempt shall be made to screen the more intensive land uses from the less intensive land uses through the installation of landscaping.
1. *Applicability:* The buffer yard standards only apply along the property lines (side and rear property lines included) where conflicting zoning districts meet.
 2. *Installation:* The property that is zoned for higher intensity uses is responsible for installing the buffer yard.
 3. *Arrangement:* A natural or irregular row and spacing of trees is preferred. Plant material shall be installed within the buffer yard such that visual breaks are relatively small. The maximum empty space between trees shall be ten feet as measured by projecting a line from the center of each tree perpendicular to the adjacent property line, then measuring between the lines.
 4. *Area:*
 - a. A minimum 20 foot wide buffer yard is required where a multiple-family zoning district abuts a single-family residential or agricultural zoning district.
 - b. A minimum 25 foot wide buffer yard is required where a commercial, institutional, or airport commercial zoning district abuts a residential zoning district or agricultural zoning district.
 5. *Number:* The following are minimum requirements and shall be planted in the buffer yard:
 - a. Evergreen Trees: One evergreen tree per ten feet of contiguous boundary with the conflicting zoning district.
 - b. Shrubs: One shrub per five feet of contiguous boundary with the conflicting zoning district.

- B. **Irrigation Systems:** To ensure the health of plant material, an irrigation systems is required in buffer yards.

Landscaping Standards (LA)

5.26 LA-04: Landscaping; Buffer Yards; Industrial and High Impact Districts

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

- A. **Buffer Yards:** Within the buffer yard, a reasonable attempt shall be made to screen the more intensive land use from the less intensive land use through the installation of landscaping, mounding, and/or fencing materials. The following standards apply:
1. *Applicability:* The buffer yard standards only apply along the property lines (side and rear property lines included) where conflicting zoning districts meet.
 2. *Installation:* The property that is zoned for higher intensity uses is responsible for installing the buffer yard.
 3. *Arrangement:* A natural or irregular row and spacing of trees is preferred. Plant material shall be installed within the buffer yard such that visual breaks from less intensive land uses are no greater than ten feet as measured perpendicular to the adjacent property line.
 4. *Area:*
 - a. A minimum 30 foot wide buffer yard is required where an industrial or airport zoning district abuts a commercial, institutional or agricultural zoning district.
 - b. A minimum 40 foot wide buffer yard is required when an industrial or airport zoning district abuts a residential zoning district.
 - c. A minimum 60 foot wide buffer yard is required where a high impact zoning district abuts any other zoning district.
 5. *Number:* The following are minimum plantings shall be planted in the buffer yard:
 - a. Evergreen Trees: Three evergreen trees per 10 feet of contiguous boundary with the conflicting zoning district.
 - b. Shrubs: Four shrubs per five feet of contiguous boundary with the conflicting zoning district.
 6. *Fencing or Mounding:* In addition to the approved trees and shrubs standards, either fencing or mounding or a combination of both shall be installed as follows.
 - a. A solid ornamental wall and/or fence along the entire length of the buffer yard shall be used for screening and shall meet the provisions of *Sections 5.12 thru 5.18: Fences and Walls*. The fence shall be installed along the edge of the buffer yard closest to the more intensive land use with the required landscaping on the outside of the fence.
 - b. Undulating mounds with a minimum height of four feet and a maximum height of eight feet shall be installed for a distance equivalent to 60% of the distance contiguous to the conflicting property. The mounds shall be installed along the edge of the buffer yard closest to the more intensive land use with the required landscaping on the outside or on top of the mound.
 7. *Screening:* A reasonable attempt to screen the most obnoxious, noise producing, unsightly, tallest, most intrusive or most visible parts of buildings on the property should be made.
- B. **Irrigation Systems:** To ensure the health of plant material, an irrigation systems is required in all buffer yards.

Landscaping Standards (LA)

5.27 LA-05: Landscaping; Lot Plantings; Single-family Residential Districts

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

- A. **Lot Plantings:** The following lot planting requirements apply to enhance the visual quality of each individual lot as well as the overall developments.
1. Trees.
 - a. *Number.* There shall be 2 trees planted per lot.
 - b. *Type.* A minimum of one of the required trees shall be a canopy tree.

5.28 LA-06: Landscaping; Lot Plantings; Multiple-family Residential Districts

This Landscaping Standards section applies to the following zoning districts:



The following landscaping standards apply:

- A. **Lot Plantings:** The following lot planting requirements apply to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. It is suggested that the required plantings be planted in clusters or irregular patterns.
1. Trees.
 - a. *Number.* Lots shall be required to plant 10 trees per acre.
 - b. *Type.* A minimum of 75% of the required trees shall be canopy trees.
 2. Shrubs.
 - a. *Number.* Lots shall be required to plant 24 shrubs per acre.
 - b. *Type.* A minimum of 50% of the required shrubs shall be evergreen.
 - c. *Substitution.* One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50% of the required shrubs.

5.29 LA-07: Landscaping; Lot Plantings; Institutional, Commercial, Industrial, and Airport Commercial Districts

This Landscaping Standards section applies to the following zoning district:



The following landscaping standards apply:

- A. **Lot Plantings:** The following open space lot plantings requirements apply to enhance the visual quality of developments, screen land uses, and better integrate the built and natural environment. It is suggested that the required plantings be planted in clusters or irregular patterns.
1. Trees.
 - a. *Number.* Within on-site open space areas visible from a public right-of-way, one tree shall be planted per 600 square feet.
 - b. *Type.* All of the required trees shall be canopy trees.
 - d. *Substitution.* Open space areas less than ten feet wide may substitute required canopy trees for ornamental trees.
 2. Shrubs.
 - a. *Number.* Within on-site open space areas visible from a public right-of-way, eight shrubs shall be planted per 600 square feet.
 - b. *Type.* A minimum of 50% of the required shrubs shall be evergreen.
 - c. *Substitution.* One ornamental tree may be substituted for every four shrubs; however, substitution shall not exceed 50% of the required shrubs.

Lighting Standards (LT)

5.30 LT-01: Lighting; General

This lighting standards section applies to the following districts:



The following lighting standards apply:

- A. **Applicable Codes:** All outdoor illuminating devices shall be installed in conformance with the provisions of the Unified Development Ordinance, the Building Code, the Electrical Code, and under appropriate permit and inspection.
- B. **Applicability:** New Uses, Buildings and Major Additions or Modifications.
 1. *New Development.* For all proposed new land uses, developments, buildings, and structures that require a permit, Board of Zoning Appeals approval, and/or Plan Commission approval, all lighting fixtures shall meet the requirements of this section.
 2. *Change in Use.* If there is a change in use of the property, the provisions of this section shall apply when the new use commences.
 3. *Additions or Modifications.* All building additions or modifications of 25% or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions, shall cause the requirements of this section to apply to the entire property, including previously installed and any new outdoor lighting.
 4. *Replacement Lighting.* Cumulative modification or replacement of outdoor lighting constituting 25% or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a nonconforming site, shall constitute a major addition for purposes of this section.
 5. *New Lighting.* Any new outdoor lighting on the site shall meet the requirements of this section.
- C. **Interpretation:**
 1. *Initial Lumens.* For the purposes of the Unified Development Ordinance, “lumens” means “initial lumens.” The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer’s specifications.
 2. *Light Trespass Measurements.* Measurements of light readings along any portion of a property line of the subject property shall be taken with a light meter facing the light source at a height of five feet, using any orientation of the light meter.
- D. **Prohibitions:**
 1. *Laser Source Light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal or off site, is prohibited.
 2. *Searchlights.* The operation of searchlights is prohibited except when used by civil authorities for purposes of public safety.
 3. *Towers.* Tower lighting shall not be permitted unless required by the Federal Aviation Administration (FAA).

Lighting Standards (LT)

E. Exemptions:

1. *Carnivals and Festivals*. Lighting for temporary festivals and carnivals is exempt but should be in keeping with the intent of this section.
2. *Emergency Lighting*. Emergency lighting, used by police, fire fighting, or medical personnel, or at their direction, is exempt from all requirements of this section.
3. *Flags*. United States, State of Indiana, DeKalb County, and other government flags are exempt from the provisions of this section except floodlights and spotlights shall be fully shielded when the source is visible from any off-site residential property or public right-of-way. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this section.
4. *Holiday Lighting*. Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps are exempt from the provisions of this section.
5. *Low-intensity Lighting*.
 - a. No shielding is required for a light fixture with a bulb rated at 260 lumens or less.
 - b. Full shielding is not required for a light fixture with a bulb rated at more than 260 lumens and less than 1,000 lumens when the bulbs are installed inside frosted glass or other translucent covers and shielded on top.
 - c. The total lumens of bulbs specified in *Section 5.30(E)(5)(a) Low-intensity Lighting* and *Section 5.30(E)(5)(b) Low-intensity Lighting*, when not motion detector activated, shall not exceed 2,000 lumens per building, or 1,000 lumens per exterior entryway, whichever is less.
6. *Swimming Pool and Fountain Lighting*. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this section.
7. *Traffic Control Lighting*. Traffic control lighting is exempt from the provisions of this section.

F. Design Standards:

1. *Light Trespass*. All nonexempt lighting fixtures shall be installed so as to not cause light trespass beyond the property boundary.
 - a. Five lucas at any location on a nonresidential property line, and
 - b. One lux at any location on the property line of any parcel either zoned or used for residential purposes.
2. *Glare*. All nonexempt lighting fixtures shall be installed so as not to cause glare at or beyond the property line.
 - a. All lighting fixtures shall be fully shielded, except as specified otherwise herein.
 - b. All lighting fixtures shall be full cutoff type as installed, except as specified otherwise herein.
 - d. All lighting fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
 - e. A lighting fixture may beam light upward, if all such upward light is reflected back down by a canopy, roof, or other such structure.
 - f. All lamps emitting 1,000 lumens or more, except motion detector-activated lighting, must be fully shielded to an observer at the property line. This can be achieved with light fixture location, mounting height, natural or artificial barriers on the fixture owner's property, fixture shielding, and other fixture design features.
 - g. Floodlights and spotlights shall be fully shielded when the source is visible from any off-site residential property or public right-of-way.
 - h. The centerline beam of a floodlight or spotlight shall be aimed no higher than 45° above vertical; however, light fixtures that cast illumination over more than 90° shall be aimed such that no light shall be cast above the horizontal.

Loading Standards (LD)

5.31 LD-01: Loading; General

This Loading Standards section applies to the following zoning districts:



The following loading standards apply:

A. Placement:

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

- #### B. Construction Standards: Loading docks shall be paved with asphalt or concrete. Gravel loading docks shall be permitted when the parking lot is gravel.

Lot Standards (LO)

5.32 LO-01: Lot; General

This Lot Standards section applies to the following zoning districts:



The following lot standards apply:

- A. Applicability: If one or more of the below listed lot standard does not appear on the two-page layout for a zoning district, then that lot standard does not apply to that particular zoning district.
- B. Minimum Lot Area: The minimum lot area shall be per each two-page layout in *Article 02: Zoning Districts*.
- C. Minimum Dwelling Site Area: The minimum dwelling site area shall be per each two-page layout in *Article 02: Zoning Districts*.
- D. Minimum Lot Width: The minimum lot width shall be per each two-page layout in *Article 02: Zoning Districts*.
- E. Minimum Dwelling Site Width: The minimum dwelling site width shall be per each two-page layout in *Article 02: Zoning Districts*.
- F. Minimum Lot Depth: The minimum lot depth shall be per each two-page layout in *Article 02: Zoning Districts*.
- G. Minimum Lot Frontage: The minimum lot frontage shall be per each two-page layout in *Article 02: Zoning Districts*.
- H. Maximum Lot Coverage: The maximum impervious surface coverage shall be per each two-page layout in *Article 02: Zoning Districts*.

Outdoor Storage Standards (OS)

5.33 OS-01: Outdoor Storage; Agricultural and Single-family Residential Districts

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



The following outdoor storage standards apply:

- A. Stored or Parked Vehicles: Stored or parked vehicles shall meet the following standards.
 1. Vehicles shall not block, impede, or encroach upon a sidewalk.
 2. Vehicles shall not be used for other purposes such as living quarters, storage of materials or animals, displaying off site signage, unless such accessory uses are explicitly permitted within the Unified Development Ordinance and the accessory use is in conjunction with the primary use of the lot.
- B. Prohibited: The outdoor storage of inoperable vehicles, building materials, waste or scrap materials, pallets and similar materials is prohibited.
- C. Storage of Items for Sale: All items stored or offered for sale, including equipment and machinery, shall be kept in working order and shall be removed from the site at such time they become unusable.

5.34 OS-02: Outdoor Storage; Multiple-family Residential and Manufactured Home Park Districts

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



The following outdoor storage standards apply:

- A. Stored or Parked Vehicles: Stored or parked vehicles shall meet the following standards.
 1. Vehicles shall not block, impede, or encroach upon a sidewalk.
 2. Vehicles shall not be used for other purposes such as living quarters, storage of materials or animals, displaying off site signage, unless such accessory uses are explicitly permitted within the Unified Development Ordinance and the accessory use is in conjunction with the primary use of the lot.
- B. Prohibited: The outdoor storage of inoperable vehicles, equipment, machinery, building materials, waste or scrap materials, pallets and similar materials is prohibited.
- C. Trash Receptacles: Outdoor trash receptacles, dumpsters, compactors and similar containers shall meet the following standards.
 1. Containers shall be placed on a paved slab.
 2. Containers shall be screened on all sides by a fence or wall that is constructed with wood, brick, stone, or similar exterior building materials as the primary structure.
 3. The height of the screening shall be six feet tall or higher if the height does not block the view of the trash receptacle, dumpster, compactor or similar container from adjacent lots or public rights-of-way.
 4. Container screening shall meet the setback requirements in *Section 5.43: Setback; General*.

Outdoor Storage Standards (OS)

5.35 OS-03: Outdoor Storage; Non-residential Districts

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



The following outdoor storage standards apply:

- A. Stored or Parked Vehicles: Stored or parked vehicles shall meet the following standards.
 1. Vehicles shall not block, impede, or encroach upon a sidewalk.
 2. Vehicles shall not be used for other purposes such as living quarters, storage of materials or animals, displaying off site signage, unless such accessory uses are explicitly permitted within the Unified Development Ordinance and the accessory use is in conjunction with the primary use of the lot.
- B. Trash Receptacles: Outdoor trash receptacles, dumpsters, compactors and similar containers shall meet the following standards.
 1. Containers shall be placed on a paved slab.
 2. Containers shall be screened on all sides by a fence or wall that is constructed with wood, brick, stone, or similar exterior building materials as the primary structure.
 3. The height of the screening shall be six feet tall or higher if the height does not block the view of the trash receptacle, dumpster, compactor or similar container from adjacent lots or public rights-of-way.
 4. Container screening shall meet the setback requirements in *Section 5.43: Setback Standards*.
- C. Screening:
 1. *Fencing*. Outdoor storage of equipment, machinery, building materials, waste or scrap materials, pallets and similar materials shall be effectively screened on all sides with a minimum six-foot privacy fence or wall and meet the applicable fence and wall standards in *Sections 5.12 thru 5.18: Fence and Wall Standards*.
 2. *Landscaping*. One shrub reaching a height of at least six feet at maturity shall be planted for every ten feet of screening fence facing an adjacent lot or public rights-of-way.

Parking Standards (PK)

5.36 PK-01: Parking; Residential Districts

This Parking Standards section applies to the following districts:



The following parking standards apply.

A. Off-Street Parking Standards:

1. Off-street parking spaces may not fully or partially be in a public right-of-way or utility easement.
2. Each space shall be at least nine feet wide and 18 feet long.

B. Dwelling Unit Parking:

1. Two off-street parking spaces paved with asphalt or concrete are required per dwelling unit.
2. Required off-street parking spaces for dwelling units may include spaces within car ports or garages.

C. Visitor Parking:

1. In multiple-family housing developments, at least one space per five units is required for visitor parking and shall be spread evenly throughout the development.
2. Visitor parking spaces shall not include spaces in car ports or garages.

5.37 PK-02: Parking; Manufactured Home Park District

This Parking Standards section applies to the following district:



The following parking standards apply.

A. Off-Street Parking Standards:

1. Required parking spaces shall not be located within the minimum private street width requirement.
2. Off-street parking space may not fully or partially be in a public right-of-way or utility easement.
3. Each space shall be at least nine feet wide and 18 feet long.

B. Dwelling Unit Parking:

1. Two off-street parking spaces paved with asphalt or concrete are required per dwelling unit.
2. Required parking spaces may include areas within car ports and garages.

C. Visitor Parking:

1. One parking space per dwelling unit is required for visitor parking and shall be spread evenly throughout the development.
2. Visitor parking spaces shall not include spaces in car ports or garages.

5.38 PK-03: Parking; Non-residential Districts

This Parking Standards section applies to the following districts:



The following parking regulations apply:

A. Off-Street Parking Standards:

1. All parking spaces shall utilize a paved surface of either concrete, asphalt, brick pavers, or the like. Gravel, stone, rock, dirt, sand or grass are not permitted for parking areas except these materials may be utilized for overflow or special event parking areas.
2. All ingress/egress onto a driveway or into a parking area shall be paved.
3. Each space shall be a minimum of nine feet by 18 feet and be striped so as to show each parking space.
4. Parking spaces prescribed in this section shall be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces shall be located within 600 feet of the subject lot.
5. Parking for the disabled shall be provided as follows:
 - a. Accessible spaces shall be provided as per the specifications of the Americans with Disabilities Act (ADA) and the Uniform Building Code (UBC).
 - b. Each accessible space shall be located adjacent to an access aisle and in close proximity to the entrance(s) most accessible for the disabled.
 - c. All accessible spaces shall be striped and have vertical signs.

Parking Standards (PK)

B. Parking Lot Standards:

1. Parking lots may project into the front yard setback by 50% of the minimum front yard setback. Parking lots may project into the side yard setback by 50% of the minimum side yard setback. Parking lots may project into the rear yard setback by 50% of the minimum rear yard setback. Entrance and exit drives may be located within the setback area.
2. Minimum parking aisle widths shall be as follows:
 - a. 90-degree angle space: 24 feet wide parking aisle for one or two-way traffic.
 - b. 60-degree angle space: 18 feet wide parking aisle for one-way traffic.
 - c. 45-degree angle space: 14 feet wide parking aisle for one-way traffic.
3. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.
4. Parking areas shall be constructed to allow proper drainage.

5.39 PK-04: Parking; Number of Off-Street Parking Spaces Required by Land Use

This Parking Standards section applies to the following districts:



The following parking regulations apply:

A. Spaces Required:

1. Off-street parking shall be required for all uses. The minimum number of parking spaces is described in the right column for the land uses listed in the left column. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. If a structure combines two or more uses, the parking requirement is figured by adding the minimum number of spaces required for all uses.
2. If a use is not clearly noted below, the Zoning Administrator may determine into which land use the proposed development best fits, therefore determining the minimum parking spaces required. The Zoning Administrator may also reference other industry parking standards to use as a guide for determining the appropriate number of parking spaces in the event a use is not listed.

Land Use	Number of Parking Spaces Required
Residential	
assisted living facility	1 space per employee on the largest shift plus 1 space per 3 rooms
bed and breakfast	1 space per employee on the largest shift plus 1 space per 3 rooms
child care, home	Article 5, Section Parking Standards requirements plus 1 per 4 persons living in facility
fair housing facility (large)	Article 5, Section Parking Standards requirements plus 1 per 4 persons living in facility
fair housing facility (small)	1 space per employee on the largest shift plus 1 space per 3 rooms
nursing home	1 space per employee on the largest shift plus 1 space per 3 rooms
retirement community	1 space per employee on the largest shift; plus 1 space per non-assisted living; 1 space per 3 assisted living room and nursing home room; and 1 visitor space per 8 rooms

Land Use	Number of Parking Spaces Required
Agricultural	
confined feeding operation	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
farm implement sales	1 space per 500 sq. ft. of gross floor area
grain elevator	Minimum of 5 spaces or 1.1 spaces per employee on the largest shift
processing of agricultural products	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
sale of agricultural products (u-pick)	Minimum of 6 spaces plus 1 space per 300 sq. ft. of gross floor area for indoor facilities
stable, commercial	1 space per 3 horses stabled plus 1 space per 4 spectator seating

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Institutional	
airport, public municipal	1 space per 2 emplaning passengers
airport, public non-municipal	1 space per 2 emplaning passengers
airport, private	1 space per 2 emplaning passengers
cemetery/mausoleum	1 space per 50 grave sites
child care institution	1 space per employee on the largest shift plus 1 space per 15 children
church, temple or mosque	3 spaces per 7 seats
community center	1 space per 3 persons occupancy
crematory	1 space per employee on the largest shift plus 5 spaces
government office	1 spacer per 500 gross sq. ft. or 1 per 2 seats in the largest assembly space capacity, whichever results in the largest number
government operation (non-office)	1 space per employee on the largest shift
heliport, municipal	1 space per 2 emplaning passengers
hospital	2 spaces per 1 bed
jail	1 space per 8 cells
juvenile detention facility	1 space per 8 cells
library, public	1 space per 3 persons
museum	1 space per 2.5 persons occupancy
park, public	1 space per acre/ 20 spaces per sport court or field; and 1 space per 75 sq. ft. of pool area
police, fire or rescue station	1 space per total employees
pool, public	1 space per 75 sq. ft. of pool area
post office	1 space per employee on the largest shift plus 1 space per 150 sq. ft. accessible to the public
prison	1 space per employee on the largest shift plus 1 space per 15 cells
recycling collection point	1 space per employee on the largest shift plus 1 space per collection bin
school (P-12)	1 space per teacher, staff and administrator plus 3 spaces per elementary or junior high classroom; 1 space per 10 high school student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on capacity)
trade or business school	1 space per teacher, staff and administrator plus 1 space per 10 student enrollment capacity; and 1 space per 4 seats in the largest assembly space in the school (based on capacity)
university or college	1 space per 3 students

Land Use	Number of Parking Spaces Required
Commercial	
amusement park	1 space per 3 person capacity
auction park	1 space per 3 person capacity
automobile oriented business	(see subcategories below)
<i>automobile accessory installation</i>	1 space per employee on the largest shift plus 2 spaces per bay
<i>automobile body shop</i>	1 space per employee on the largest shift plus 2 spaces per bay
<i>automobile gas station</i>	1 space per employee on the largest shift plus 3 spaces per double-sided pump for refueling and staging; and 1 space per 3 restaurant seats; and 1 space per 200 sq. ft. of gross floor area of convenience store space
<i>automobile oil change facility</i>	1 space per employee on the largest shift plus 2 staging spaces per bay
<i>automobile parts sales</i>	1 space per 300 sq. ft. gross floor area
<i>automobile rental</i>	2 spaces per employee on the largest shift
<i>automobile repair/service station</i>	1 space per employee on the largest shift plus 2 spaces per bay
<i>automobile wash</i>	1 space per employee on the largest shift plus 2 spaces per full service or self service bay
bank machine/atm	2 spaces per ATM
banquet hall	1 space per 2.5 person capacity
bar/tavern	1 space per 2.5 person capacity
barber/beauty shop	3 spaces per chair

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Commercial	
billiard/arcade room	1 space per 200 sq. ft. or 1 space per table, whichever results in the greater number of spaces
bowling alley	4 spaces per lane
cellular phone services	1 space per 200 sq. ft. of gross floor area
club or lodge	1 space per 3 person capacity
coffee shop	1 space per 2 seats
coin laundry	1 space per 3 washing machines
commercial training facility or school	1 space per student capacity
construction trade office	(see subcategories below)
<i>electrical contractor</i>	1 space per employee on the largest shift
<i>general contractor</i>	1 space per employee on the largest shift
<i>heating/cooling contractor</i>	1 space per employee on the largest shift
<i>landscape contractor</i>	1 space per employee on the largest shift
<i>plumbing contractor</i>	1 space per employee on the largest shift
dance/night club	1 space per 2.5 person capacity
day care, adult	1 space per 4 persons of licensed capacity
day care, child	1 space per 4 persons of licensed capacity
delicatessen	1 space per 2 seats
design services office	(see subcategories below)
<i>architecture</i>	1 space per 300 sq. ft. of gross floor area
<i>engineering</i>	1 space per 300 sq. ft. of gross floor area
<i>graphic design</i>	1 space per 300 sq. ft. of gross floor area
<i>planning</i>	1 space per 300 sq. ft. of gross floor area
<i>surveying</i>	1 space per 300 sq. ft. of gross floor area
driving range	2 spaces per 3 tee boxes
dry-cleaning service (drop-off)	3 spaces plus 1 space per 300 sq. ft. of gross floor area accessible to the public
dry-cleaning service (on-site)	3 spaces plus 1 space per 300 sq. ft. of gross floor area accessible to the public
emergency medical care clinic	4 spaces per treatment room
farmers market	1 space per 300 sq. ft. of gross floor area
financial services office	(see subcategories below)
<i>accounting office</i>	1 space per 300 sq. ft. of gross floor area
<i>bank/credit union</i>	1 space per 300 sq. ft. of gross floor area
<i>investment firm</i>	1 space per 300 sq. ft. of gross floor area
fitness center/health club	1 space per 300 sq. ft. of gross floor area
funeral home or mortuary	1 space per 4 chapel or parlor seats
general services office	(see subcategories below)
<i>employment service</i>	1 space per 300 sq. ft. of gross floor area
<i>insurance office</i>	1 space per 300 sq. ft. of gross floor area
<i>law office</i>	1 space per 300 sq. ft. of gross floor area
<i>membership associations</i>	1 space per 300 sq. ft. of gross floor area
<i>publishing corporate office</i>	1 space per 300 sq. ft. of gross floor area
<i>reading clinic</i>	1 space per 300 sq. ft. of gross floor area
<i>real estate office</i>	1 space per 300 sq. ft. of gross floor area
<i>secretarial service</i>	1 space per 300 sq. ft. of gross floor area
<i>service organization</i>	1 space per 300 sq. ft. of gross floor area
<i>temporary service agency</i>	1 space per 300 sq. ft. of gross floor area
<i>title company</i>	1 space per 300 sq. ft. of gross floor area
<i>trade office</i>	1 space per 300 sq. ft. of gross floor area
<i>travel agency</i>	1 space per 300 sq. ft. of gross floor area
golf course	20 spaces per 9 holes
health spa/day spa	3 spaces per spa suite

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Commercial	
high intensity retail	(see subcategories below)
<i>bakery</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>building supply store</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>department store</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>furniture shop</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>grocery/supermarket</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>home electronics/appliance store</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>office supply store</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>sporting goods store</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
<i>vehicle sales</i>	1 space per 250 sq. ft. for < 5,000 sq. ft. of gross floor area; 1 space per 300 sq. ft.(5,000-25,000 sq. ft.); and 1 space per 400 sq. ft. (>25,000 sq. ft.)
hotel/motel	1 space per unit
ice cream shop	1 space per 3 seats
kennel	1 space per 10 pet accommodation spaces
low intensity retail	(see subcategories below)
<i>antique shop (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>art gallery</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>bakery (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>book store (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>convenience store (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>craft gallery (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>drug store (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>flower shop</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>gift shop (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>jewelry store</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>meat market (small)</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
<i>news dealer</i>	1 space per 300 sq. ft for <2,000 sq. ft. of gross floor area; and 1 space per 400 sq. ft (>2000 sq. ft.)
medical clinic	(see subcategories below)
<i>dental clinic</i>	4 spaces per treatment room
<i>medical clinic</i>	4 spaces per treatment room
<i>optical clinic</i>	4 spaces per treatment room
<i>rehabilitation clinic</i>	4 spaces per treatment room
<i>veterinarian clinic/hospital</i>	4 spaces per treatment room

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Commercial	
medium intensity retail	(see subcategories below)
<i>antique shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>apparel shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>art and craft studio</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>book store</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>boutique</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>building supply store (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>computer sales</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>convenience store</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>craft gallery</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>department store (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>drug store</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>fabric shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>furniture shop (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>garden shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>gift shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>grocery/supermarket (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>home electronics/appliance store (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>liquor sales</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>meat market/meat locker</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>music/media shop (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>office supply store</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>party/event rental</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>pawn shop</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>pet store</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>shoe sales</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)
<i>sporting goods store (small)</i>	1 space per 1250 sq. ft. for <5,000 sq. ft. of gross floor area; 1 space per 400 sq. ft. (>5,000 sq. ft.)

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Commercial	
miniature golf	20 spaces per 18 hole course
movie theater	1 space per 4 seats
paintball facility (indoor only)	1 space per 3 person capacity
paintball facility (indoor and outdoor)	1 space per 3 person capacity
party/event store	1 space per 300 sq. ft. of gross floor area
pet grooming/store	1 space per 2 grooming stations
photographic studio	3 spaces per studio
plant nursery	1 space per 300 sq. ft. of gross floor area
print shop/copy center	1 space per employee on the largest shift plus 1 space per 300 sq. ft. of gross floor area
quick cash/check cashing	1 space per 200 sq. ft. of gross floor area
race track	1 space per 4 seats
recreation center/play center	1 space per 3 person capacity
restaurant	1 space per 3 seats
restaurant with drive-up window	1 space per 2 seats
sexually oriented business	2 spaces per 5 person capacity
shoe repair	1 space per 400 sq. ft of gross floor area
shoe store	1 space per 400 sq. ft of gross floor area
skate park (outdoor use)	1 space per 500 sq. ft. of skating surface
skating rink (indoor use)	1 space per 200 sq. ft of gross floor area
special handling retail	(see subcategories below)
<i>fireworks sales</i>	1 space per 500 sq. ft of gross floor area
<i>gun sales</i>	1 space per 500 sq. ft of gross floor area
<i>heavy equipment sales/rental</i>	1 space per 500 sq. ft of gross floor area
<i>hunting store</i>	1 space per 500 sq. ft of gross floor area
<i>manufactured home sales</i>	1 space per 500 sq. ft of gross floor area
<i>semi tractor--trailer sales</i>	1 space per 500 sq. ft of gross floor area
sports field	20 spaces per field or court
stadium	1 space per 4 seats
studio arts	1 space per 3 person capacity
swimming pool	1 space per 75 sq. ft. of pool area
tailor/pressing shop	1 space per 300 sq. ft. of gross floor area
tanning salon	2 spaces per tanning room or station
tattoo/piercing parlor	3 spaces per chair or studio
truck stop	based on individual uses within the truck stop (e.g. restaurant, convenience store, gas pumps)
video/dvd rental	1 space per 150 sq. ft. of gross floor area

Land Use	Number of Parking Spaces Required
Industrial	
assembly	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
composting facility	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
distribution facility	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
electrical generation plant	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
flex-space	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
food production/processing	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
gravel/sand processing	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
incinerator	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
junk yard	1.1 spaces per employee on the largest shift plus 1 space per 10 employees

Parking Standards (PK)

Land Use	Number of Parking Spaces Required
Industrial	
liquid fertilizer storage/distribution	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
manufacturing, heavy	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
manufacturing, light	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
mini warehouse	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
outdoor storage	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
printing press facility	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
radio/TV station	1.1 spaces per employee on the largest shift plus 1 space per 2 employees
recycling processing	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
rendering plant	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
research center	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
sanitary landfill/refuse dump	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
scrap metal yard	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
sewage treatment plant	1.1 spaces per employee on the largest shift plus 1 space per 5 employees
sign painting/fabrication	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
storage tanks (hazardous)	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
storage tanks (nonhazardous)	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
telecommunication facility	1 space per tower
testing lab	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
tool and die shop	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
utility facility, above-ground	(see subcategories below)
<i>electrical generator</i>	1 space per facility
<i>pipeline pumping station</i>	1 space per facility
<i>public well</i>	1 space per facility
<i>telephone exchange</i>	1 space per facility
<i>utility substation</i>	1 space per facility
warehouse	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
water treatment plant	1.1 spaces per employee on the largest shift plus 1 space per 10 employees
welding	1.1 spaces per employee on the largest shift plus 1 space per 5 employees

Performance Standards (PF)

5.40 PF-01: Performance Standards

This Performance Standards section applies to the following zoning districts:



The following performance standards apply:

- A. **Air Pollution:** No use on a property shall release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or to conflict with public air quality standards. Under no circumstances shall:
1. More than seventy (70) smoke units per hour per stack or emissions in excess of Ringelmann No. 2 be permitted, except for one (1) hour during any twenty-four (24) hour period, this rate may be increased to eighty (80) smoke units per stack up to and including Ringelmann No. 3 for the purging, soot blowing and fire cleaning.
 2. The rate of emission of particulate matter from an individual process within the boundaries of any lot exceed a figure of 0.06 pounds per 1,000 pounds of effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325) mesh shall be allowed.
 3. The emission from any source result in concentrations of toxic and/or injurious fumes or gases in excess of ten percent (10%) of the threshold limit set for the fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Government Hygienists, latest issue. Further, under no circumstance shall the emission of any such gas or fume cross the property line of the subject property in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business.
- B. **Electrical Disturbance:** No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. **Fire Protection:** Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. **Noise:** Noise levels shall not exceed the following:
1. No use on a property shall produce sustained noise over fifty (50) decibels when adjacent to residential uses or seventy (70) decibels when adjacent to all other uses. Decibels levels apply at all times of the day and shall be measured at any point along the subject property's property line.
 2. No use on a property shall produce repetitive noise over seventy (70) decibels when adjacent to residential uses or eighty-three (83) decibels when adjacent to all other uses. Decibels levels apply at all times of the day and shall be measured at any property line.
 3. No use on a property shall produce short bursts of noise over eighty-three (83) decibels when adjacent to any land use. Decibels levels apply at all times of the day and shall be measured at any property line.
 4. Any noise that exceeds the above limits shall be muffled or otherwise controlled so as not to exceed these limits. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. **Odor:** No use on a property shall emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines. Under no circumstances shall:
1. Any activity or operation releases odors to the atmosphere in a manner that it will produce a public nuisance or hazard at any point beyond the property line of the subject property, or the property line of adjacent properties that have a private agreement with the subject property allowing the nuisance or hazard to exist on the adjacent property.
 2. However, agricultural uses are exempt from this requirement.
- F. **Vibration:** No use on a property shall cause continuous or frequent vibrations detectable beyond lot lines without the aid of instruments and that cause a public nuisance or hazard.

Performance Standards (PF)

- G.. Glare and Heat: No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any property line of the subject property.
- H. Fire Hazards: The storage, utilization or manufacture of solid materials, or products ranging from incombustible to moderate burning is permitted. The storage, utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided the following conditions are met:
1. Said materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the Indiana State Fire Marshal.
 2. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with and said use shall comply with the Flammable and Combustible Liquids Code of 1977 published by the National Fire Protection Association, 470 Atlantic Avenue, Boston Massachusetts 02210 and all subsequent amendments thereto. Setback requirements depending upon capacity of tank and class of flammable liquids shall be as prescribed in said Code.

Public Improvement Standards (PI)

5.41 PI-01: Public Improvement; General

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



The following public improvement standards apply:

- A. Adequate Facilities: Developments shall be permitted if the public streets, drainage facilities, and utilities are clearly adequate to serve the proposed development. All other developments may be denied unless a mitigation plan is prepared by the developer and accepted by the appropriate County agency.
- B. Minimum Requirements:
 1. Any public streets which will carry the increased traffic from the development shall be adequate to accommodate such traffic.
 2. The Planning Department, County Highway Department and Plan Commission shall make a determination as to needed public street improvements.
 3. Public utilities or on-site facilities shall have sufficient capacity to serve the development.
 4. The Planning Department, County Health Department and Plan Commission shall make a determination as to needed utility improvements.
 5. Drainage facilities shall have sufficient capacity to serve the development.
 6. The Planning Department, County Surveyor and Plan Commission shall make a determination as to needed drainage improvements.
 7. When public improvements are required, the developer or authorized representative is required to post performance and maintenance guarantees for such improvements. See *Section 9.14: Maintenance Surety* for Public Improvement Maintenance Bond Process.

Recreational Pond Standards (RP)

5.42 RP-01: Recreational Pond; General

This Recreational Pond Standards section applies to the following zoning districts:



The following pond standards apply:

- A. **Applicability:** Any man-made pond or water body not regulated as a retention or detention pond, and greater than 400 square feet in surface area shall conform to the standards in this section. Retention ponds shall be regulated as per *Section 7.37: Retention Pond Standards*.
- B. **General Location:** A recreational pond shall not be located where private drainage tiles will have to be cut, modified or relocated, unless the plans includes a design for re-establishing, modifying, or relocating the drainage tile in an equally functional capacity as previously existed. If a recreational pond impacts a regulated drainage tile the County Drainage Board shall determine the best way to re-establish, modify, or relocate the regulated drainage tile at the cost of the property owner. If the County Drainage Board is not satisfied by a drainage design it may deny a recreational pond.
- C. **Setbacks:** The top of bank for all recreational ponds shall be at least 40 feet from all property lines.
- D. **Recreational Pond Safety:**
 1. **Maximum Side Slope:** The side slope from the preexisting average natural elevation of the property to the water's edge shall not exceed a 4:1 ratio (4 feet of run with 1 foot of fall). This maximum slope shall also apply to the side slope to two feet below the average water mark.
 2. **Safety Shelf:** The depth of the pond shall not exceed two feet below the average water mark anywhere within ten feet of the pond edge.
- E. **Dam Safety:** If the vertical distance between the high water mark and the downstream flow elevation exceeds ten feet or the pond impounds more than 50 acres of water, then the property owner shall provide plans prepared by an engineer for review by the county drainage board and Zoning Administrator. If professional engineering services are determined to be necessary for the County Drainage Board or Zoning Administrator to review the plans, the property owner shall bear the cost of those services.
- F. **Vegetative Buffers:** A Vegetative buffer strips shall be established around 70% of the total perimeter of the recreational pond for erosion control and additional sediment and nutrient removal. Buffer strips shall be a minimum of 25 feet in width, measured from the water's edge at the average water mark. Vegetative buffers shall be made up of prairie grasses, wildflowers, native understory and ground cover plants found on stream and river banks, and similar native plant material known to effectively prevent erosion and filter sediment and nutrients.
- G. **Landscaping:**
 1. **Quantity.** In addition to vegetative buffers, at least one deciduous tree per 100 lineal feet of water edge at the average water mark shall be installed.
 2. **Location.** The trees required in the previous clause shall be planted within 50 feet of the water's edge, and are encouraged to be clustered or arranged in a natural manner around the perimeter of the recreational pond.
- H. **Maximum Outflow Rate:** As per the County Drainage Board.
- I. **Outlets:** All outlets shall include trash racks and anti-vortex devices. All pipe joints are to be watertight and installed according to the County Drainage Board.
- J. **Discharge:**
 1. The County Drainage Board shall determine if an adequate discharge facility (e.g. tile or natural drain) exists, or will determine where and how the discharge will be directed.
 2. Water discharge shall not flow onto or across a neighboring property, unless a drainage easement is established by all property owners and approved by the County Drainage Board.
- K. **Special Exception:** Any recreational pond that exceeds ten acres in area shall be required to receive Special Exception approval.

Setback Standards (SB)

5.43 SB-01: Setback; General

This setback standards section applies to the following zoning districts:



The following setback standards apply:

- A. **Applicability:** If one or more of the below listed types of setbacks does not appear on the two-page layout for a zoning district, then the setback does not apply to that particular zoning district.
- B. **Minimum Front Yard Setback:** The dimension is to be taken from the center of the road. Adding together the right-of-way - as determined by the DeKalb County Thoroughfare Plan - plus the minimum front yard setback per each two-page layout in *Article 02: Zoning Districts*.
- C. **Minimum Side Yard Setback:** The minimum side yard setbacks shall be per each two-page layout in *Article 02: Zoning Districts*.
- D. **Minimum Rear Yard Setback:** The minimum rear yard setbacks shall be per each two-page layout in *Article 02: Zoning Districts*.
- E. **Exemptions:** The following site features' setback requirements may be reduced as follows but the minimum setback shall not be reduced to less than 2 feet in any case.
 1. *Air conditioners (ground)*. Ground air conditioners may encroach up to five feet into the setback if screened by a fence, wall, or landscaping.
 2. *Chimneys*. Chimneys may encroach up to three feet into the setback.
 3. *Eaves*. Eaves which are three feet or less from the building are exempt from the setback requirements.
 4. *Steps*. Steps may encroach up to six feet into the setback.
 5. *Handicap ramps*. Ramps may encroach up to 20 feet into the front yard setback and eight feet into the side and rear setback.
 6. *Man-made ponds*. Any man-made pond or water body shall be exempt from the setback standards of the applicable zoning district, but shall instead conform to *Section 5.42: Recreational Pond; General*

Sewer and Water Standards (SW)

5.44 SW-01: Sewer and Water; General

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



The following sewer and water standards apply:

- A. Applicability: If the below listed sewer and water standard does not appear on the two-page layout for a zoning district, then it does not apply to that particular zoning district.
- B. Sewer and Water: Sewer and water hookup shall be per each two-page layout in *Article 02: Zoning Districts*.

Sexually Oriented Business Standards (SX)

5.45 SX-01: Sexually Oriented Business; Accessory Retail Business

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



The following sexually oriented business standards apply:

- A. Accessory Sexually Oriented Retail Business: Any business with at least 5% but less than 30% of its stock in trade or of gross public floor area devoted to the sale, rental or display of sexually oriented materials must abide by the following regulations.
 1. The business must restrict access to any person under the age of 18 to either the entire business or to a separate room or section containing all of the sexually oriented materials.
 2. If restricting access to the entire business, then the business:
 - a. Shall not be open to any person under the age of 18.
 - b. Shall provide a sign at the entrance stipulating that persons under 18 are not permitted inside.
 - c. Shall have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission or the general public will not accidentally enter such business; or provide continuous video or window surveillance of the business entrance(s) by store personnel.
 - d. Shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented materials, on display within the store, shall be screened so they are not visible to persons looking at window displays.
 3. If restricting access to a separate room or section, then the room or section:
 - a. Shall not be open to any person under the age of 18.
 - b. Shall have a sign at the entrance stipulating that persons under 18 are not permitted inside.
 - c. Shall be physically and visually separated from the remainder of the business by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, which ever is less.
 - d. Shall be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
 - e. Shall have access controlled by electronic or other means to provide assurance that persons under age 18 will easily not gain admission or the general public will not accidentally enter such room or section; or provide continuous video or window surveillance of the room by store personnel.
 - f. Shall not display sexually oriented materials in any business windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays. Any sexually oriented materials, on display within the room or section, shall be screened so they are not visible to persons outside the room or section.

Sexually Oriented Business Standards (SX)

5.46 SX-02: Sexually Oriented Business; Retail and Entertainment Business

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



The following sexually oriented business standards apply:

- A. Sexually Oriented Retail Business - Any business with at least 30% of stock in trade or of gross public floor area devoted to the sale, rental or display of sexually oriented materials shall abide by the following regulations.
 1. The business shall not locate within 500 feet radius of a school, church or similar place of worship, library, public park, residential use or district, sexually oriented entertainment business or other sexually oriented retail business. The distance is measured from the nearest property line to nearest property line in all directions.
 2. The business shall not locate within 100 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
 3. The business shall not be open to any person under the age of 18.
 4. The business shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. The business shall not offer on-site entertainment.
- B. Sexually Oriented Entertainment Business: A Sexually oriented entertainment business shall abide by the following regulations.
 1. The business shall not locate within 500 feet radius of a school, church or similar place of worship, library, public park, residential use or district, sexually oriented retail business or other sexually oriented entertainment business. The distance is measured from the nearest property line to nearest property line in all directions.
 2. The business shall not locate within 100 feet of the right-of-way of any state or federal highway as measured from the nearest property line of the business.
 3. The business shall not be open to any person under the age of 18.
 4. The business shall not display sexually oriented materials in windows. Any existing windows shall be maintained as visually “neutral” in the store facade with non-explicit displays.
 5. The business shall offer entertainment only in rooms or spaces which each have a gross public floor area of at least 600 square feet, excluding restrooms, hallways and entry ways. Such rooms or spaces shall not be subdivided by temporary or permanent walls or dividers.
 6. Shall not sell, rent or display sexually oriented materials.

Sign Standards (SI)

5.47 SI-01: Sign; General

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. Permit Required: It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign without first obtaining an improvement location permit from the Zoning Administrator.
- B. Abandoned Signs: A sign, all mounting equipment, and related components shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may remove the sign. Any cost associated with signs removal shall be reimbursed by the owner of the sign. If the sign is not redeemed within 45 days of its removal, it may be disposed of by the County.
- C. Illuminated Signs: All illuminated signs shall comply with the following standards:
 1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out.
 2. All electrical wiring for permanent signs shall be in conduit and shall meet all applicable electrical codes.
 3. The direct or reflected light shall not create a traffic hazard to motor vehicles.
 4. The light from any illuminated sign shall be shielded or directed such that the light intensity or brightness will not be objectionable to the surrounding properties. No light shall shine directly onto an adjacent property.
- D. Placement of Signs:
 1. All signs shall meet a minimum front yard setback of ten feet.
 2. All signs shall meet the vision clearance standards, see *Section 5.60: Vision Clearance; General*.
- E. Exempt Signs: The following items are exempt from the sign provisions of the Unified Development Ordinance.
 1. Flags of any country, state, unit of government, institution of higher learning, or similar institutional flags.
 2. Corporate flags with a business name or logo. No commercial messages are permitted.
 3. Names of buildings, date of erection, dedication plaques, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or denoted on a commemorative plaque made of bronze, brass, or other permanent material and made an integral part of the structure. No commercial messages are permitted.
 4. Signs of a noncommercial nature and in the public interest erected by an officer of the County, including signs to promote safety, no trespassing, traffic signs, memorial plaques, historical interest signs, and signs directing people to public and quasi-public facilities.
 5. Utility signs used to mark cables, pipes and lines for public and private utilities except if determined to be a hazard by the Zoning Administrator. If determined a hazard, an alternate means to mark the utility shall be agreed upon by both parties.
 6. Political campaign signs during the time period they are permitted to be exhibited as per Indiana state law. Political campaign signs shall be removed within 10 days after the election.

Sign Standards (SI)

- F. Prohibited Signs: The following types of signs are expressly prohibited in all zoning districts except as noted below.
1. Signs that utilize any motion picture, laser, or visual projection of images or copy.
 2. Signs that emit audible sound, odor or visible matter.
 3. Signs that purport to be, are imitations of, or resemble an official traffic sign or signal.
 4. Signs which bear the words “stop”, “slow”, “caution”, “danger”, “warning”, or similar words in an attempt to mimic traffic control or warning signs.
 5. Lights that resemble an emergency or road equipment vehicle.
 6. Streamers, pennants, and inflatable objects.
 7. Signs in a right-of-way.
 8. Signs that hide or partially hide from view any traffic or roadway sign, signal or device.
 9. Signs that extend above the highest point of the roof of a building by more than one foot.
 10. Signs that have blinking, flashing, or fluttering lights, including scrolling marquee signs.
 11. Signs that have changing light intensity, brightness or color, or give such illusion.
 12. Signs that obstruct any door, fire escape, stairway, or opening intended to provide entrance or exit for a building or structure.
 13. Signs placed on vehicles parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver’s place of residence during nonbusiness hours or for incidental purposes.
 14. Any sign that is not expressly permitted in this Unified Development Ordinance.
- G. Noncommercial Message: Noncommercial messages are permitted on all permitted signs.
- H. Calculating Sign Area: When calculating the area of a sign, the entire structure is measured including but not limited to any base, extension or cap with or without lettering.

5.48 SI-02: Sign; Agricultural and Residential Districts

This Sign Standards section applies to the following districts:



The following sign standards apply:

- A. Temporary Signs:
1. One temporary sign no larger than 12 square feet in size is allowed without a permit for the duration of a temporary event (i.e. garage sale, sale of the property, construction project). A maximum of two signs are permitted per calendar year. A grace period of 10 days is allowed for the removal of said sign.
 2. This temporary sign shall be at least five feet from any property line.
 3. This temporary sign shall not exceed five feet in height.
- B. Permanent Signs:
1. A permanent gateway sign, no larger than 40 square feet in size, is allowed when a single-family development includes 20 or more lots, a multifamily development includes 20 or more dwelling units or a mobile home community contains 20 or more dwelling sites.
 2. Home occupation signs shall meet the requirements of *Section 5.22: Home Based Business; General*.

Sign Standards (SI)

5.49 SI-03: Sign; Non-residential Districts

This Sign Standards section applies to the following districts:



The following sign standards apply:

A. Temporary Signs:

1. One temporary sign no larger than 32 square feet in size is allowed without a permit for the duration of a temporary event (i.e. sale of the property, construction project, etc.). A maximum of two signs are permitted per calendar year. A grace period of ten days is allowed for the removal of said sign.
2. This temporary sign shall be at least ten feet from the property line and five feet from the edge of any paved surface.

B. Permanent Signs:

1. The following signs shall be permitted for a structure on a lot:
 - a. One wall sign per tenant space with a maximum size of 10% of the area of the building facade or 200 square feet, whichever is less.
 - b. One ground sign or one pole sign per street frontage meeting the following standards is permitted per lot:
 - i. For developments over three acres, one ground sign up to 60 square feet in size per side not to exceed four feet in height.
 - ii. For developments with three acres or less, one ground sign up to 24 square feet in size per side not to exceed three feet in height.
 - iii. One pole sign up to 100 square feet in size per side not to exceed 25 feet in height.
2. Directional signs are permitted on a lot as follows:
 - a. Directional signs shall only contain language and icons to guide pedestrians or motor vehicles into, out of, or around a development.
 - b. Any single directional sign shall not exceed four square feet in area and four feet in height.
 - c. No more than two directional signs shall be used per curb cut onto a public street.

C. Outdoor Advertising Sign:

1. An outdoor advertising sign (as defined) is permitted in any zoning district when the sign's location is within 500 feet of I-69, State Road 3, State Road 6, State Road 8, State Road 327, and State Road 427. The following regulations for large signs shall apply:
 - a. Maximum Sign Area: 675 square feet.
 - b. Maximum Sign Height: 35 feet
 - c. Minimum Sign Spacing: 1500 lineal feet between any existing signs and any newly proposed signs when the existing sign is greater than either 35 feet in height, or greater than 350 square feet in sign area. The minimum sign spacing applies to a measurement in any direction from the proposed outdoor advertising sign, regardless if visible or across a right-of-way from one another.
 - d. Placement:
 - i. The sign shall be located at least 100 feet from any right-of-way and not any greater than 500 feet from a right-of-way.
 - ii. The sign shall not be fully or partially located over an existing building.
 - iii. The sign shall not be located within 200 feet of any residential zoning district.
 - iv. The sign shall not be located withing 500 feet of any institutional zoning district.
 - e. Sign Lighting:
 - i. The sign shall not be illuminated with lighting directed upward, above the horizon.
 - ii. Lights that shine downward and that are mounted on the top of the sign, using fixtures that shield the light element from being directly visible from the adjacent interstate or highway are permitted.
 - iii. Signs greater than 200 square feet in area shall not be internally lighted.

- iv. Signs shall not include video images, changing faces, electronic messages, or light emitting diode (LED) or similar images.
- f. Obstructed View:
 - i. If a conforming outdoor advertising sign is no longer visible or becomes obstructed, or must be moved or removed, due to a noise abatement or safety measure, grade changes, construction, directional sign, highway widening, or aesthetic improvement made by any agency of the state the owner or operator of the outdoor advertising sign, to the extent allowed by federal or state law, may by Special Exception by the Board of Zoning Appeals:
 - 1. Elevate the outdoor advertising sign; or
 - 2. Relocate the outdoor advertising sign to a point within 500 feet of its prior location, if the outdoor advertising sign complies with Section 5.49 C(c) and is zoned for commercial or industrial purposes.
 - ii. The elevated or relocated outdoor advertising sign shall be the same size as the previous outdoor advertising sign and, to the extent allowed by federal or state law, may be modified to:
 - 1. Elevate the sign to make the entire advertising content of the sign visible; and
 - 2. An angle to make the entire advertising content of the sign visible.
 - iii. This section does not exempt an owner or operation of the sign from submitting an Improvement Location Permit, Building Permit and fee, required by law.

5.50 SE-01: Special Exception Use; General

This Special Exception Standards section applies to the following districts:



The following special exception standards apply:

A. Development Standards:

1. If the special exception use is a permitted use within another zoning district, the development standards for that zoning district shall be used as the development standards for the special exception use, unless otherwise determined by the Board of Zoning Appeals. If the special exception use is a permitted use in more than one zoning district, the less intense zoning district's development standards shall be used, unless otherwise determined by the Board of Zoning Appeals.
2. If the special exception use is not a permitted use in another zoning district, the Board of Zoning Appeals shall determine which development standard shall apply to the special exception use.
3. The development standards determined to apply shall be documented in the Board of Zoning Appeals minutes and shall be recorded with the County Recorder's office.

B. Process: The approval process and criteria for special exceptions is in *Section 9.20: Special Exception* of this Unified Development Ordinance.

Structure Quantity Standards (SQ)

5.51 SQ-01: Structure Quantity; General

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



The following structure quantity standards apply:

- A. Maximum Number: The maximum number of primary structures shall be as per each two-page layout in *Article 02: Zoning Districts*.

Telecommunication Facility Standards (TC)

5.52 TC-01: Telecommunications Facility; General

With DeKalb County, Indiana being a "Broadband Ready Community" as defined by Indiana Code 5-28-28.5, Telecommunication Facilities are permitted in any zoning district, except OP, Open Space; AP1, Airport, Non-Municipal; AP2, Airport, Municipal & AP3, Airport Commercial.

The following telecommunication facility standards apply::

- A. Review Process: The Site Plan for all telecommunications facilities in this section are subject to review by the Zoning Administrator and shall meet the following requirements:
 1. All telecommunications towers shall be set back from any property line a distance equal to at least 80% of the height of the tower;
 2. Telecommunications towers are generally not permitted in front yards, except where evidence provided by the petitioner demonstrates that placement in a front yard would provide the best camouflage for the tower;
 3. Maximum Height.
 - a. Tower: 199 feet;
 - b. Accessory structure: 15 feet.
 4. A tower may not be placed closer to any residential structure than 500 feet; and
 5. All telecommunications towers shall be a monopole design.
 6. All towers that are to be located within the Airport Compatibility Overlay District shall receive approval from the DeKalb County Airport Authority Board.
- B. Buffer Requirements: The location of the tower and equipment buildings shall comply with all local, state and federal natural resource protection standards.
- C. Access to Site: Telecommunications towers and antennas shall meet the following access requirements:
 1. Vehicular access to the tower and equipment building shall be provided along an existing driveway, whenever feasible.
 2. The wireless telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance, emergencies, installations or equipment removal.
- D. Design Requirements: Telecommunications towers and antennas shall meet the following design requirements:
 1. Telecommunications towers and antennas shall be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration (FAA).
 2. Only lighting that is for safety or security reasons, or required by the FAA or other federal or State authority is permitted. All required lighting shall be oriented inward so as not to project onto surrounding properties.
 3. The use of any portion of a communications facility for signs other than warning or equipment signs is prohibited.
- E. Collocation Requirements: Telecommunication towers and antennas shall meet the following collocation requirements:
 1. Telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects, to accommodate both the initial user and a minimum of one additional user. The owner shall make it economically feasible for an additional user to utilize the site. If an additional user demonstrates (through an independent arbitrator or other pertinent means, with the cost to be shared by the owner of the tower and the proposed additional user) that the owner of the tower has made access to such tower and tower site economically unfeasible, then the permit of existing tower shall become null and void.
 2. Telecommunication towers shall be designed to allow for future rearrangement of communication equipment and antennas upon the tower and to accept communication equipment and antennas mounted at varying heights.

Telecommunication Facility Standards (TC)

- F. Siting Requirements. With DeKalb County, Indiana being a "Broadband Ready Community" as defined by Indiana Code 5-28-28.5 there are no siting requirements.
- G. Construction Requirements. All antennas, telecommunications towers, accessory structures and any other wiring shall comply with the following requirements:
1. All telecommunications towers and equipment shall be certified by a qualified and licensed engineer to:
 - a. Conform to the DeKalb County Unified Development Ordinance, as amended;
 - b. Conform to the International Building Code, as amended;
 - c. Conform to the standards of the Federal Communications Commission (FCC);
 - d. Conform to the latest structural standards and wind loading requirements of the International Building Code, as amended, and the Electronics Industry Association;
 - e. Conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code, as amended;
 - f. Conform to the requirements of the Occupational Safety & Health Administration (OSHA); and
 - g. Conform to the standards of the ANSI International manual, as amended.
 2. An engineer's certification shall be submitted for all telecommunications towers and all other cellular communications equipment to document and verify the design specifications, including, but not limited to, the foundation for all towers, anchors for all guy wires (if used), the location of all collocation sites, strength requirements to withstand natural forces such as ice, wind, earth movements, *etc.*
 3. All telecommunications towers and cellular communication equipment shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice and to accommodate all collocation sites as required by this Unified Development Ordinance.
 4. With the exception of necessary electric and telephone service and connection lines, no part of any equipment or telecommunications tower nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of a right-of-way, public street, highway, sidewalk, trail or property line without appropriate approval in writing.
 5. All signal and remote control conductors of low energy extending substantially horizontally above the ground between the tower and other equipment, or between towers, shall be at least ten feet above the ground at all points, unless buried underground.
- H. Existing Structures. The following shall apply to existing antennas, telecommunications towers and equipment:
1. Existing structures shall not be replaced or significantly structurally altered without complying in all respects to the requirements set out in this Unified Development Ordinance.
 2. All requests to install any equipment on an existing approved tower or structure shall be submitted to the Zoning Administrator for approval. All such requests shall require an Electrical Permit from the DeKalb County Building Department, an Improvement Location Permit, and a copy of the contract between the petitioner and the owner of the existing tower or structure, unless other approvals are required as set out in this Unified Development Ordinance.
- I. Inspection of Towers. The following shall apply to the inspection of telecommunications towers:
1. All towers shall be inspected once every five years, or more often as needed to respond to complaints received, by the tower owner, at the tower owners expense using their qualified and licensed engineer to determine compliance with the original construction standards and all current safety criteria. Deviation from original construction for which any permit was obtained constitutes a violation of this Unified Development Ordinance.
 2. Notices of Violation shall be sent by registered mail to the owner and the owner shall have 30 days from the date the notification is issued to make repairs. The owner is required to notify the Zoning Administrator that the repairs have been made. Another inspection shall be made and the owner notified of the results.

Telecommunication Facility Standards (TC)

- J. Abandoned Towers. Any tower unused or left abandoned for 12 months shall be removed by the tower owner at its expense. Should the telecommunications tower owner fail to remove the tower after 30 days from the date a notice of violation is issued, the County may remove the tower and bill the owner for the costs of removal and cleanup of the site.

Temporary Use and Structure Standards (TU)

5.53 TU-01: Temporary Use and Structure; General

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



The following temporary use and structure standards apply:

- A. Permit Required: All temporary uses and structures require a Temporary Use Permit except a yard or garage sale.
- B. Termination and Removal. Temporary uses and structures shall be terminated and removed at the end of the permitted event period.
- C. Location:
 1. Temporary uses and structures shall not displace required parking for any use or block any existing drives.
 2. Adequate off-street parking is required for each temporary use and structure.
 3. The temporary use and structures shall be arranged so that vehicles do not block a public right-of-way.
- D. Signs: See *Sections 5.47 thru 5.49: Sign Standards*.
- E. Contractor's Offices and Equipment Storage: Contractor's offices and equipment storage are permitted on or adjacent to the construction site with the following requirements:
 1. The Temporary Use Permit is valid for one-year and may be renewed a maximum of two one-year extensions.
 2. All temporary uses and structures shall be removed upon completion of construction or the expiration of the Temporary Use Permit, whichever occurs first.
 3. The structures shall not contain sleeping or cooking facilities.

5.54 TU-02: Temporary Use and Structure; Agricultural and Rural Estate Districts

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



The following temporary use and structure standards apply:

- A. Seasonal Sale of Farm Products: The seasonal sale of farm products is permitted with the following requirements:
 1. The Temporary Use Permit is valid for four months per year, but may be issued for a five-year period.
 2. The products sold shall be grown on the premises.
 3. The sales space shall be of portable or seasonal construction.
 4. The stands shall be removed so as to observe the setback line for permanent structures when not in use.

5.55 TU-03: Temporary Use and Structure; Residential Districts

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



The following temporary use and structure standards apply:

- A. Model Homes: Model homes and apartments are permitted with the following requirements:
 1. The Temporary Use Permit is valid for a three-year period and may be renewed annually after the initial three-year period. The permit may not be renewed once 80% of the lots within the subdivision have been development.
 2. The model home and apartments shall be on the site of the development for which the sales are taking place.
 3. Model homes shall not be used for human occupancy

Temporary Use and Structure Standards (TU)

5.56 TU-04: Temporary Use and Structure; Non-residential Districts

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



The following temporary use and structure standards apply:

- A. Sale of Seasonal Items: The sale of seasonal items such as Christmas trees and Halloween pumpkins is permitted with the following requirements.
1. The Temporary Use Permit is valid for 45 days. All unsold merchandise shall be removed within ten days after the holiday.
 2. The lot shall front a collector or arterial street.
 3. The temporary use shall be located a minimum of 50 feet from residential zoning districts.

Vision Clearance Standards (VC)

5.57 VC-01: Vision Clearance; General

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



The following vision clearance standards apply:

- A. Requirement: A vision clearance triangle shall be maintained at every street intersection and where a driveway intersect with a street.
- B. Height Limitation: No primary or accessory structures, landscaping, fences, walls or signs are allowed to be placed or to project into the vision clearance triangle, except when it is at or below two feet or above the crown of the adjacent roadway. Mailboxes are exempt.
- C. Measurement When Two Streets Intersect: The triangle leg lengths are listed below and are measured from the edge of the right-of-way.
 1. When a street intersects a collector street the triangle leg length on that street shall be 45 feet.
 2. When a street intersects an arterial street, the triangle leg length on the street shall be 35 feet.
 3. When a street intersects a local street, the triangle leg length on that street shall be 25 feet.
- D. Measurement When a Driveway and Street Intersect: The triangle leg lengths are listed below and are measured from the right-of-way of the street and pavement edge of the driveway.
 1. When a driveway intersects a collector street, the triangle leg length on the driveway and street shall be 25 feet.
 2. When a driveway intersects an arterial street, the triangle leg length on the driveway and street shall be 15 feet.
 3. When a driveway intersects a local street, the triangle leg length on the driveway and street shall be 5 feet.

Wind Energy System (WE)

5.58 WE-01: Wind Energy System; General

This Wind Energy System section applies to the following zoning districts:



- A. Purpose: This ordinance is to regulate the placement and use of wind energy systems in DeKalb County in regards to:
 1. Assuring that the development and production of electricity using wind generators will preserve public health, safety, morals, and general welfare within the county.
 2. Protecting the property value of all parcels connected to and surrounding wind energy systems.
 3. Encouraging economic opportunities for residents of the county.
 4. Providing a set of regulated standards that will guide the development of wind energy systems (Wind Farms) in accordance with DeKalb County's Unified Development Ordinance.
- B. Intent: This ordinance is to provide an organized scheme for the placement, and operation of Wind Energy Systems in DeKalb County. Through the use of reasonable restrictions that are intended to preserve the health, safety, morals, and general welfare of the public.
- C. Applicability: This ordinance regulates the locating of WESs and on-site substations that generate electricity to be sold to a utility. (Owners of WESs with an aggregate generating capacity of less than 1 MW who locate the WES on their own property for their own personal electricity consumption are not regulated by this section of the UDO.) The WESs may be located and operated in any of DeKalb Counties 15 townships within the following zoning districts: A1, A2, A3, A4, I1, I2.
- D. Prohibition: No entity shall construct or operate a wind energy system without having fully complied with the provisions of the DeKalb County Unified Development Ordinance.
- E. Application Requirements: Before the construction of a WES, the applicant shall obtain approval for the following:
 1. An application for a "Special Exception" from the DeKalb County Board of Zoning Appeals (BZA) to permit a WES only in the following zoning districts A1, A2, A3, A4, I1, I2, as described in the DeKalb County Unified Development Ordinance. The BZA shall conduct hearings, make written findings of fact, and decisions in accordance with the UDO and Indiana State law. The BZA may impose conditions deemed necessary for the public health, safety, and general welfare. Forms for application and findings of fact will be approved by the BZA.
 - a. The application for a Special Exception shall be filed with the BZA and include the following items:
 - 1.) A WES project summary, including, to the extent available:
 - a.) A general description of the project.
 - (1.) Include a legal description of the property(s) involved.
 - (2.) Include its name plate generating capacity.
 - (3.) The potential equipment manufacturer(s).
 - (4.) The type(s) of WES(s).
 - (5.) Number of towers.
 - (6.) Maximum height of each tower.
 - (7.) Maximum diameter of the WES rotor.
 - (8.) The general location of the project.
 - (9.) Environmental Impact Study
 - b.) A description of the applicant, owner, and operator, including their respective business structures.
 - c.) Studies showing the feasibility and financial practicality of the WES at said location.

- 2.) The name(s), address(es), and phone number(s) of the applicant(s), and operator, including property owner(s) with WESs on their property.
- 3.) Letters of compliance or non-objection from any relevant agencies of Federal, State, and Local jurisdictions, including but not limited to:
 - a.) DeKalb County Surveyor or Drainage Board
 - b.) DeKalb County Health Department
 - c.) DeKalb County Soil and Water Conservation District
 - d.) DeKalb County Highway Department
 - e.) DeKalb County Airport Authority
 - f.) Local Fire Department
 - g.) Federal Aviation Administration
 - h.) Indiana Department of Transportation
 - i.) Indiana Department of Environmental Management
 - j.) Indiana Department of Natural Resources
 - k.) United States Fish and Wildlife Agency
 - l.) Environmental Protection Agency
 - m.) Or as required by the DeKalb County Zoning Administrator
- 4.) The applicant shall comply with any conditions and requirements set forth in said reports from any of the agencies listed in "3.)" above. If there is a conflict in requirements between two or more of these agencies, the BZA will have the responsibility to establish a condition that will address the issue.
- 5.) A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than two foot intervals.
- 6.) A transportation plan approved by the DeKalb County Highway Superintendent and the Indiana Department of Transportation (where necessary) showing how vehicles would access the site(s) and describing the impacts of the proposed energy project on the local and regional road system during construction and operation.

It must include:

 - a.) Routes and methods used in bringing equipment and materials onto the site(s).
 - b.) Movement of equipment from site to site.
 - c.) Removal of all equipment, machinery, and construction debris from the site upon completion.
 - d.) Measures to be taken to protect any underground pipelines, drainage tiles, or other infrastructure.

- 7.) A site restoration plan for repairing areas temporarily disturbed during construction.
It must include:
 - a.) The soil compaction from heavy equipment will be reduced.
 - b.) Top soil will be removed and set aside, then placed back on the surface to limit crop yield loss.
 - c.) This plan must meet the approval of the DeKalb County Soil and Water Conservation District and/or DeKalb County Surveyor/Drainage Board. Its intent is to address damage to drainage, streams, wetlands, and the natural habitat.
- 8.) A fire protection plan for construction and operation of the facility.
- 9.) Any other item reasonably requested by the BZA.
- 10.) A drainage plan for construction and operation must be developed and approved by the DeKalb County Drainage Board.
- 11.) An erosion control plan (Rule 5) must be developed in consultation with the DeKalb County Soil and Water Conservation District and the Indiana Department of Environmental Management
This will cover all disturbances of the soil, including but not limited to:
 - a.) Road cuts at intersections.
 - b.) Access roads (easements) created.
 - c.) Sites of construction.
- 12.) Submit evidence there will be no electromagnetic radio or television transmission interference.
- 13.) A site plan at an approximate scale of 1 inch equals 100 feet.
The drawing must include:
 - a.) A legal description of the property(s) involved.
 - b.) The proposed location of the WES facility.
 - c.) The location and elevation of each tower (including any guy wire or anchor bases if needed). The location coordinates shall be provided in Longitude and Latitude with an accuracy of +/- 15 feet and the elevation shall be in Mean Sea Level (NAVD 1988) with an accuracy of +/- 3 feet.
 - d.) Any WES access roads.
 - e.) Substations.
 - f.) Electrical cabling.
 - g.) Location of structures within one quarter of one mile of any WES project.
 - h.) Property lines including identification of all adjoining property owners.
 - i.) Setback lines.
 - j.) Public roads.
 - k.) Location of all above ground power lines within a distance of two (2) times the height of any WES tower.
 - l.) Location of any historic or heritage site within one quarter of one mile of the location as noted by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources.
 - m.) Any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

- 14.) Locate all underground utilities associated with the WES project.
 - 15.) In determining whether to approve the Application for Special Exception, the BZA shall determine whether the application satisfies each of the criteria set forth in the Indiana Code, and make written findings thereof in accordance with Article 9 "Special Exceptions" of the Unified Development Ordinance.
 - 16.) The fee for the application for a Special Exception shall be payable at the time of submission of the application. The fee shall be calculated at the established fee and multiplied by the number of components to be placed, in accordance with The DeKalb County Plan Commission Rules of Procedure, Article 12.
2. A request for variance from the DeKalb County Board of Zoning Appeals for any variances anticipated on the project.
 - a. Upon application for a Special Exception permit, the applicant shall submit an Application for Variance for any variances sought as part of the WES project. A single application for variance may be submitted for all variances sought.
 - b. In determining whether to approve the Application for Variance, the BZA shall determine whether the application satisfied the requirements set forth in the Indiana Code, and make written findings thereof in accordance with Article 9 "Development Standards Variances" in the United Development Ordinance.
 - c. The fee for any variances is included in the application fee.
 3. The BZA shall consider each of the above requirements and the applicant shall submit evidence of compliance with the BZA. The BZA will include said requirements in its findings of fact, requirements, or conditions in the event of any approval of the WES Special Exception.
- F. Improvement Location Permit: Each WES system structural component shall require an Improvement Location Permit. The fee for each Improvement Location Permit shall be as established in Appendix B of Article 12 of the UDO.
1. The applicant shall apply to the DeKalb County Plan Commission for an Improvement Location Permit as required by Indiana Code in accordance with Article 9 "Improvement Location Permit" of the Unified Development Ordinance. In addition to the information required on the application, the applicant shall provide the following information prior to issuance of an Improvement Location Permit:
 - a. Location of all above-ground utility lines within a radius equal to three (3) times the height of the proposed WES.
 - b. The location for each tower shall be provided in Longitude and Latitude with an accuracy of +/- 15 feet and the elevation shall be in Mean Sea Level (NAVD 1988) with an accuracy of +/- feet.
 - c. Location of all underground utility lines associated with the WES.
 - d. Dimensional description of the structural components of the tower construction including the base of footings.
 - e. Schematic of electrical systems associated with the WES including all existing and proposed electrical connections.
 - f. Manufacturer's specifications, installation and operation instructions or specific WES design information.
 - g. Certification by a professional engineer that the tower design is sufficient to withstand wind load requirements for the structure as defined by BOCA.

Wind Energy System (WE)

- h. All turbines shall be new equipment commercially available. Used, experimental, or prototype equipment still in testing shall require approval by the BZA as per the normal Special Exception process.
- i. Necessary recorded access easements and necessary recorded utility easements, copies of which shall be submitted to the DeKalb County Zoning Administrator.
- j. No additional accessories, advertisements, etc., other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the BZA.

G. Design and Installation

1. Design Safety Certification

- a. WESs shall conform to applicable industry standards. The applicant shall submit certificate(s) of design compliance that wind turbine manufactures have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.
- b. Following the granting of location approval under the Ordinance, a Professional Engineer shall certify that each part of the WES is within accepted professional standards, given local soil and climate conditions.

2. Controls and Brakes

All WES turbines shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.

3. Electrical Components

- a. All electrical components of the WES shall conform to applicable local, state and national codes, and relevant national and international standards.
- b. All WES electrical collection cables between each component shall be underground unless they are located on public or utility rights-of-way or with prior county approval. All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the land owner or the land owner's designate until the same reach the property line or a substation adjacent to the property line.

4. Color

- a. Towers and blades shall be a bright white.

5. Warnings

- a. A reasonably visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- b. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

6. Climb Prevention

All WES tower designs must include features to deter climbing or be protected by anti-climbing devices such as:

- a. Fences with locking portals at least six feet high; or
- b. Anti-climbing devices 15 feet vertically from the base of the WES tower.
- c. Locked WES tower doors.

7. Blade Clearance

a. The minimum distance between the ground and any protruding blade(s) utilized on a WES shall be thirty (30) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

8. Noise and vibration levels shall be in compliance with all County, State, and Federal regulations. The noise level will not exceed 45 decibels at the nearest property line. The noise level will not exceed 35 decibels as measured from the nearest residential structure. Sound levels shall be measured with a calibrated audiometer manufactured and used in compliance with standards prescribed by the American National Standards Institute. A sound study will be conducted at any neighboring residence within two thousands (2000) feet of any wind turbine in the development. It will evaluate sound levels before and after construction at varying times and wind speeds both day and night. Its intention is to determine if the sound levels are within compliance limits.

9. Shadow Flicker

In no circumstance is a wind turbine to cast intermittent strobe-like shadows (commonly known as flicker) onto a neighboring residential structure.

10. Utility Interconnection

The WES, when interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WESs.

11. Waste Management

All solid waste whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards. All HAZARDOUS WASTE generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall be handled in a manner consistent with all Local, State, and Federal rules and regulations.

12. Lighting

Except with respect to obstruction lighting required by the FAA or any other government agencies, all lighting shall be shielded so that no light exists beyond the boundaries of the wind farm facilities.

- a. Obstruction lighting shall be required for all WES towers on the periphery of the development. Obstruction lighting for WES within the interior of the development shall be required, to the extent necessary to ensure that there are no unlighted separation or gaps of more than one-half (1/2) mile. Obstruction lighting shall also be required for any WES towers within the interior of the development that project above the elevation of the periphery by more than twenty-five (25) feet for any reason including, but not limited to, increased height or differing ground elevation. Top-mounted obstruction light fixtures shall be raised above the surface of the nacelle and rotor hub to the extent necessary so as to be visible to an aircraft directly in front of the WES tower.
- b. Lighting shall be by Federal Aviation Administration (FAA) L-864 aviation red-colored flashing lights with a minimum intensity of 2000 candelas or by an equivalent lighting solution if approved by the FAA and the DeKalb County Airport Authority. All obstruction lights shall be synchronized to flash simultaneously so as to delineate the WES development as a single, large development.
- c. Each lighted WES tower shall only require one fixture if the site is manned daily and a non-functioning light can be replaced within the next working day. If the WES operator does not possess the capability to repair/replace a failed light within the next working day, then the placement of two lights shall be required. At a minimum, any non-functioning obstruction light shall be repaired or replaced within two working days unless a more restrictive Federal, State, or Local law requires faster action by the WES operator.

Wind Energy System (WE)

13. Materials

Radar absorbent materials and/or coatings shall be used on the rotor, nacelle, and tower to reduce interference with existing or planned air traffic control, defense and/or weather radar installations.

14. Aviation Compatibility

- a. No portion of the WES development shall be constructed, altered and/or located in such a way that it conflicts with existing and/or proposed airport development plans indicated on the Airport Layout Plan as currently approved by the DeKalb County Airport Authority or with existing and/or proposed operations at the DeKalb County Airport.
- b. No portion of the WES shall be constructed, altered and/or located in such a way that it raises the approach minimums for the DeKalb County Airport. The applicant shall review the project with the appropriate department within the FAA and with the airport prior to obtaining local plan approval.

15. Compliance with Additional Regulations

- a. Any WES thereof declared to be unsafe by the DeKalb County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the County Ordinances governing the removal of Nuisances.
- b. Nothing in this Ordinance is intended to preempt other applicable State and or Federal laws and regulations.

H. Setbacks

1. No WES shall be constructed in any setback, dedicated public easement or dedicated public right-of-way.
2. Installation of any WES tower may not be nearer than one thousand, three hundred (1,300) feet or 1.1 times the height of the WES tower height, whichever is greatest, to any property lines, dedicated roadway, railroad right-of-way or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower. New structures built adjacent to wind power facilities may be constructed within the setback requirements but must sign a non-remonstrance waiver. Participating landowners within the area comprising the wind energy conversion system may waive property line setbacks with written approval from all landowners sharing such property line.
3. Except as provided herein, the setback distance for turbines shall be at least 1,500 feet from any existing residential structure. Distance shall be measured at the time of the application for the Improvement Location Permit from the center of the foundation at the base of the tower. The setback distance will be followed except when a variance is granted by the DeKalb County Board of Zoning Appeals.
4. The setback distance for the WES will be 1,500 feet from any institutional use such as a church, school, hospital, or from a platted residential subdivision under the zoning jurisdiction of a municipality. Distance shall be measured from the center of the foundation at the base of the WES tower to the closest Corporate limit boundary line.

I. Use of Roads or Services

An applicant, owner, or operator proposing to use any public road(s), for the purpose of transporting WES components or parts for construction, operation, or maintenance of the WES(s) or Substation(s), shall prior to construction:

1. Identify all such public roads and services;

a. Roads

- 1.) Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the DeKalb County Highway Superintendent. The Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
- 2.) Any road damage caused by construction of the WES project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the DeKalb County Highway Superintendent. The Superintendent may choose to require remediation of road repair upon completion of the project or is authorized to collect fees for oversized load permits. Further, a corporate surety bond in an amount to be fixed by a Professional Engineer may be required by the Superintendent to insure the County that future repairs are completed to the satisfaction of the DeKalb County Government and most importantly, the people of DeKalb County. The cost of bonding is to be paid by the applicant.

b. Dust Control

Reasonable dust control measures shall be required. The dust control measures shall be as determined by the DeKalb County Highway Superintendent during construction of the WES.

c. Sewer and Water

Any facility shall comply with existing septic and well regulation as required by the DeKalb County Health Department and the State of Indiana Department of Public Health.

d. Drainage Repair

Construction of or maintenance of the Wes project(s) may not impede the flow of water. All damages to waterways, draining ditches, field tiles, or any other infrastructures shall be completely repaired to original condition to the satisfaction of the DeKalb County Surveyor or the DeKalb County Drainage Board. These repairs must be made within six months of the completion of work done.

e. Soil Compaction Mitigation

Where temporary access to WES project(s) crosses agricultural ground, said ground must be returned to original compaction levels in a timely manner to allow for use by the property owner for normal agricultural use.

J. Operation

1. Maintenance/Inspection

- a. The owner or operator of the WES must submit, on an annual basis, a summary of the operation and maintenance reports to the DeKalb County Plan Commission. In addition to the above annual summary, the owner of operator must furnish such operation and maintenance reports as the DeKalb County Zoning Administrator reasonably requests.
- b. Any physical modification to the WES that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements that do not increase irritation to nearby residents (i.e. noise, visual effects, etc.) do not need re-certification. Prior to any physical modification (other than like-kind replacement), the owner or operator shall confer with the Zoning Administrator to determine whether the physical modification requires re-certification.

K. Liability Insurance

The owner or operator of a commercial WES shall maintain a current general liability policy covering bodily injury and property damage and name DeKalb County as an additional insured with limits of at least two million dollars per occurrence and five million dollars in the aggregate with a deductible of no more than five thousand dollars or as required as a condition of the approval by the BZA.

L. Decommissioning Plan

Prior to receiving location approval under this Ordinance, the County and the applicant, owner, and or operator must formulate a Decommissioning Plan to ensure that the WES project is properly decommissioned. The Decommissioning Plan must be approved by the DeKalb County Board of Zoning Appeals. Further, the applicant must comply with all of the requirements or conditions imposed by the BZA. Failure to do so may be grounds for revocation of the Special Exception.

The Decommissioning Plan shall include:

1. Assurance that the facilities are properly decommissioned upon the end of the project life or facility abandonment. Applicant's obligations with respect to decommissioning shall include removal of all physical material pertaining to the project improvements to a depth of forty-eight (48) inches beneath the soil surface, and restoration of the area occupied by the project improvements to as near as practicable to the same condition that existed immediately before construction of such improvements. Prior to issuance of an Improvement Location Permit, the applicant shall provide a contractor cost estimation for demolition and removal of the WES facility and will provide financial assurance in an amount at least equal to said demolition and removal contractor cost estimate, through the use of a bond, letter of credit or other security acceptable to the County Commissioners, for the cost of decommissioning each tower, or other necessary structure that is part of the overall WES project to be constructed under any and all WES building permits, which security shall be released when such tower or other structures are properly decommissioned as determined by the DeKalb County Zoning Administrator. In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the DeKalb County Zoning Administrator representing that all easements for wind turbines and all other necessary parts of the WES shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within twelve (12) months of expiration or earlier termination of the project.
2. The applicants, owners, or operators failure to materially comply with any of the above provisions shall constitute a default under this ordinance.
3. Prior to implementation of the existing County procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and operator, setting forth the alleged default(s). Such written notice shall provide the owner and operator a reasonable time period, not to exceed sixty (60) days, for good faith negotiations to resolve the alleged default(s).
4. If the County determines in its discretion, that the parties cannot resolve the alleged default(s) within the good faith negotiation period, in accordance with Article 10 of the UDO, provisions addressing the resolution of such default(s) shall govern. Further, to comply with all the requirements of the BZA or conditions imposed by the BZA may be grounds for revocation of the Special Exception.

M. Waiving Requirements

Requirements of this ordinance may be waived by action of the DeKalb County Board of Zoning Appeals, upon application and after public hearings, however any waiver issued by the Board of Zoning Appeals does not relieve the applicant, owner, or operator from their obligation to comply with the requirements of any other applicable Federal, State or Local laws.

Article
06

Subdivisions

**DeKalb County
Unified Development
Ordinance**

Subdivision Introduction

6.01 Design Standards Overview

The below table provides an overview of the major design standards that apply to each type of subdivision.

The second table identifies the effect on development standards.

Subdivision Overview								
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
	CA	MN	CV	CS	TD	SC	CM	IP
Minimum Pre-Development Area	N/A	N/A	2 acres	20 acres	40 acres	2 acres	2 acres	2 acres
Maximum Pre-Development Site Area	N/A	N/A	N/A	N/A	200 acres	N/A	N/A	N/A
Maximum Lot Splits from Parent Tract	1 if existing farmstead or 2 if vacant land	3	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Perimeter Landscaping	N/A	N/A	30 feet	50 feet	20 feet	10 feet	10 feet	30 feet
Minimum Open Space	N/A	N/A	15%	35%	15%	8%	10%	12%
Minimum Block Length	N/A	N/A	200 feet	200 feet	200 feet	200 feet	200 feet	200 feet
Maximum Block Length	N/A	N/A	1,320 feet	1,760 feet	1,056 feet	1,000 feet	N/A	1,320 feet
Minimum Cul-de-sac Length	N/A	N/A	150 feet	100 feet	Not Permitted	Not Permitted	Not Permitted	100 feet
Maximum Cul-de-sac Length	N/A	N/A	500 feet	1,000 feet	Not Permitted	Not Permitted	Not Permitted	660 feet
Internal Street Sidewalks	N/A	N/A	Required; 2-Sided	Required; 1-Sided/Optional 2-Sided	Required; 2-Sided	Required; 1-Sided/Optional 2-Sided	Required; 1-Sided/Optional 2-Sided	Required; 1-Sided/Optional 2-Sided
Perimeter Street Sidewalks/Paths	N/A	When Required	When Required	When Required	When Required	When Required	When Required	When Required
Minimum Right-of-Way on Internal Streets	N/A	N/A	60 feet	54 feet on Main Streets/44 feet on Secondary Streets	56 feet with one parking lane/62 feet with 2 parking lanes	50 feet for public streets/34 feet for private streets	50 feet for public streets/34 feet for private streets	60 feet
Maximum Design Speed	N/A	N/A	35 MPH	35 MPH	30 MPH	35 MPH	35 MPH	40 MPH
Minimum Road Width	N/A	N/A	28 feet	22 feet	30 feet	24 feet	24 feet	26 feet
On-Street Parking	N/A	N/A	Required; 1-Sided/Optional 2-Sided	Not Permitted	Required; 1-Sided/Optional 2-Sided	Not Permitted	Not Permitted	Not Permitted
Minimum Tree Plot Width	N/A	5 feet	5 feet	5 feet	7 feet Residential Areas/0 feet Commercial	5 feet	5 feet	5 feet
Minimum Sidewalk	N/A	4 feet	4 feet	4 feet	5 feet	4 feet	4 feet	4 feet

Subdivision Introduction (continued)

Effect on Development Standards								
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
	CA	MN	CV	CS	TD	SC	CM	IP
Lot Sizes	None	None	None	Reduction of 25%	Reduction of 50-70%	None	None	None
Front Yard Setbacks	None	None	None	None	Reduction of 75-100%	None	None	None
Side Yard Setbacks	None	None	None	Reduction of 25%	Reduction of 50% of 5 feet; whichever is greater	None	None	None
Density	None	None	None	Increase by 10%	Increase by 50%	None	None	None

6.02 Prerequisite Zoning

The below table identifies the prerequisite zoning necessary to apply for each type of subdivision.

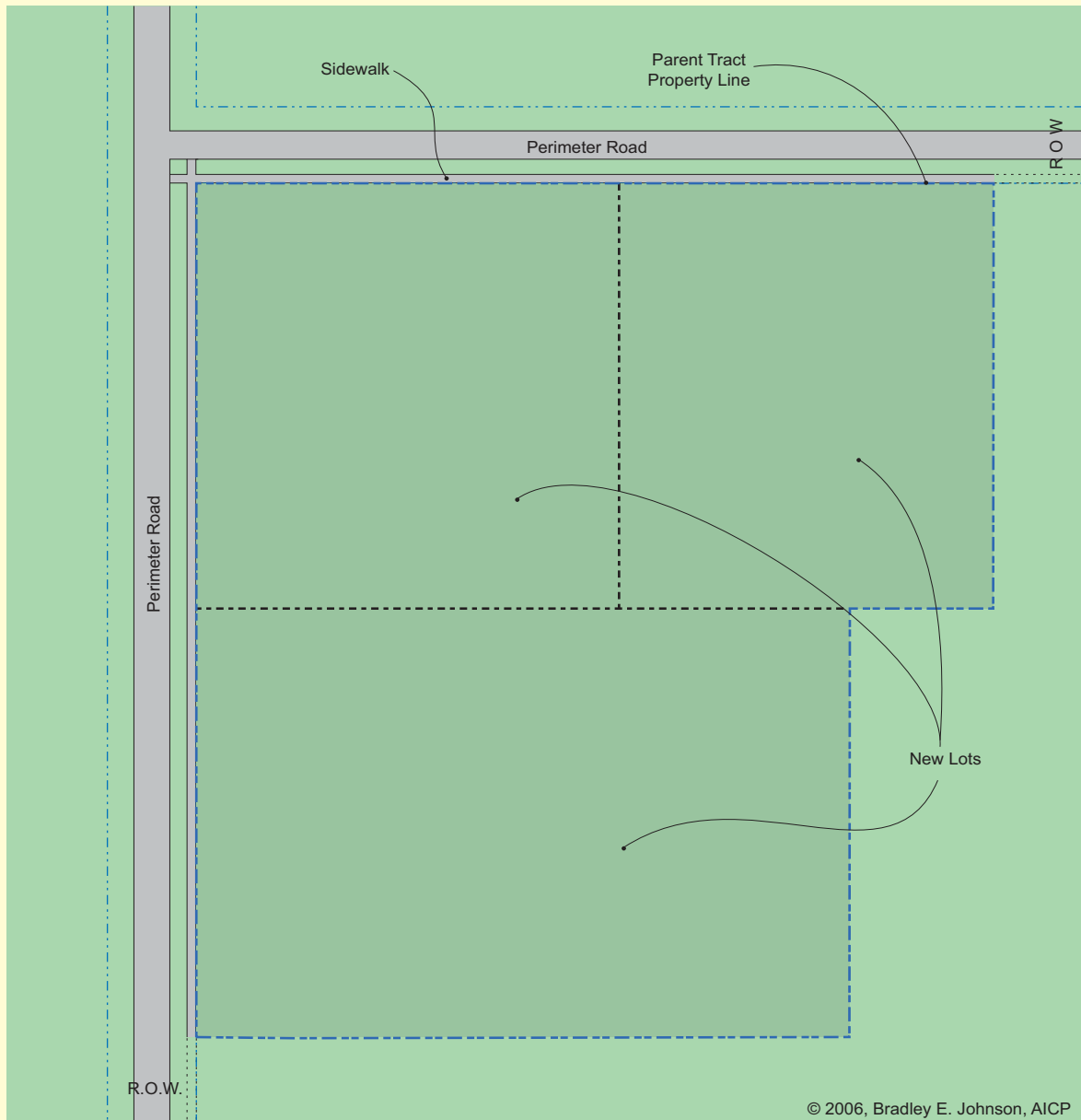
Effect on Development Standards								
	Conservation Agriculture Subdivision	Minor Subdivision	Conventional Subdivision	Conservation Subdivision	Traditional Subdivision	Strip Commercial	Commercial District Subdivision	Industrial Park Subdivision
	CA	MN	CV	CS	TD	SC	CM	IP
OP		X						
A1	X							
A2		X						
A3		X						
A4		X						
RE		X	X	X				
R1		X	X	X	X			
R2		X	X	X	X			
R3		X	X		X			
M1		X	X		X			
M2		X			X			
MP		X						
IN		X			X		X	
C1		X			X	X	X	
C2		X			X	X	X	
C3		X				X	X	
C4		X				X	X	
I1		X						X
I2		X						X
I3		X						X
HI		X						X
AP1		X						
AP2		X						
AP3		X				X	X	X

Conservation Agriculture Subdivision (CA)

6.03 Conservation Agriculture Subdivision Intent

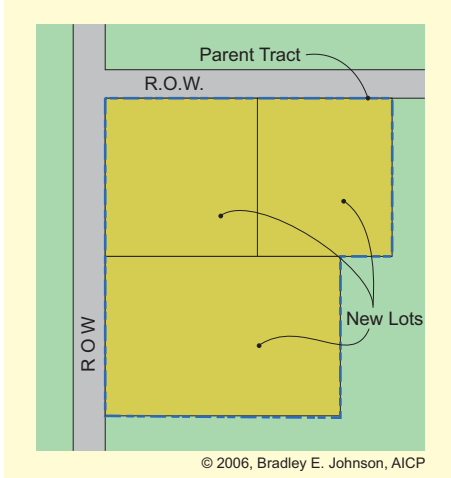
<p>The Conservation Agriculture type of subdivision is intended to provide a development option with the following features:</p>	<p>Open Space:</p> <ul style="list-style-type: none"> • N/A 	<p>Vehicular Network</p> <ul style="list-style-type: none"> • Assure connectivity to land behind frontage lots • Assure separation of driveways
<p>Land Use:</p> <ul style="list-style-type: none"> • As per the Unified Development Ordinance 	<p>Blocks:</p> <ul style="list-style-type: none"> • N/A 	<p>Drainage Network:</p> <ul style="list-style-type: none"> • Drainage improvements as required by Drainage Board
<p>Price Range:</p> <ul style="list-style-type: none"> • N/A 	<p>Pedestrian Network:</p> <ul style="list-style-type: none"> • Sidewalks or side path along perimeter roads when required by Plan Commission 	<p>Site Feature Preservation:</p> <ul style="list-style-type: none"> • Strive to save existing tree stands

6.04 Conservation Agriculture Subdivision Features



Conservation Agriculture Subdivision (CA)

6.05 Conservation Agriculture Subdivision Standards and Effect on Development Standards



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Prerequisite Base Zoning:

- A1

Minimum Pre-Development Site Area:

- N/A

Maximum Pre-Development Site Area:

- N/A

Other Parent Tract Restriction:

- Maximum of 1 total lot if farmstead exists OR 2 total lots (including residual parent tract land) may be generated from any single parent tract

Retention Pond Location:

- N/A

Minimum Perimeter Landscaping:

- N/A

Minimum Open Space:

- N/A

Minimum Block Length:

- N/A

Maximum Block Length:

- N/A

Minimum Cul-de-sac Length:

- N/A

Maximum Cul-de-sac Length:

- N/A

Sidewalks/Perimeter Paths:

- When required by Plan Commission

Minimum ROW on Internal Streets:

- N/A

Maximum Design Speed:

- N/A

Minimum Road Width:

- N/A

On-Street Parking:

- N/A

Minimum Tree Plot Width:

- 5 feet when applicable

Minimum Sidewalk Width:

- 4 feet when applicable

Additional Design Standards that Apply

- Covenant Standards (CE)
 - CE-01..... Page 7-13
- Dedication of Public Improv. Standards (DD)
 - DD-01 Page 7-17
- Development Name Standards (DN)
 - DN-01 Page 7-21
- Easement Standards (EA)
 - EA-01..... Page 7-22
- Erosion Control Standards (EC)
 - EC-01..... Page 7-24
- Lot Establishment Standards (LT)
 - LT-01..... Page 7-25
- Monument and Marker Standards (MM)
 - MM-01..... Page 7-28
- Pedestrian Network Standards (PN)
 - PN-01..... Page 7-33
- Prerequisite Standards (PQ)
 - PQ-01 Page 7-38
- Utility Standards (UT)
 - UT-02..... Page 7-50
- Warning Siren Standards (WS)
 - WS-01..... Page 7-52

Effect on Development Standards

- Front Yard Setback
 - All zoning district development standards apply.

Minor Subdivision (MN)

6.06 Minor Subdivision Intent

The Minor type of subdivision is intended to provide a development option with the following features:

Land Use:

- As per the Unified Development Ordinance

Price Range:

- N/A

Open Space:

- N/A

Blocks:

- N/A

Pedestrian Network:

- Sidewalks or side path along perimeter roads when required by Plan Commission

Vehicular Network

- Assure connectivity to land behind frontage lots
- Assure separation of driveways

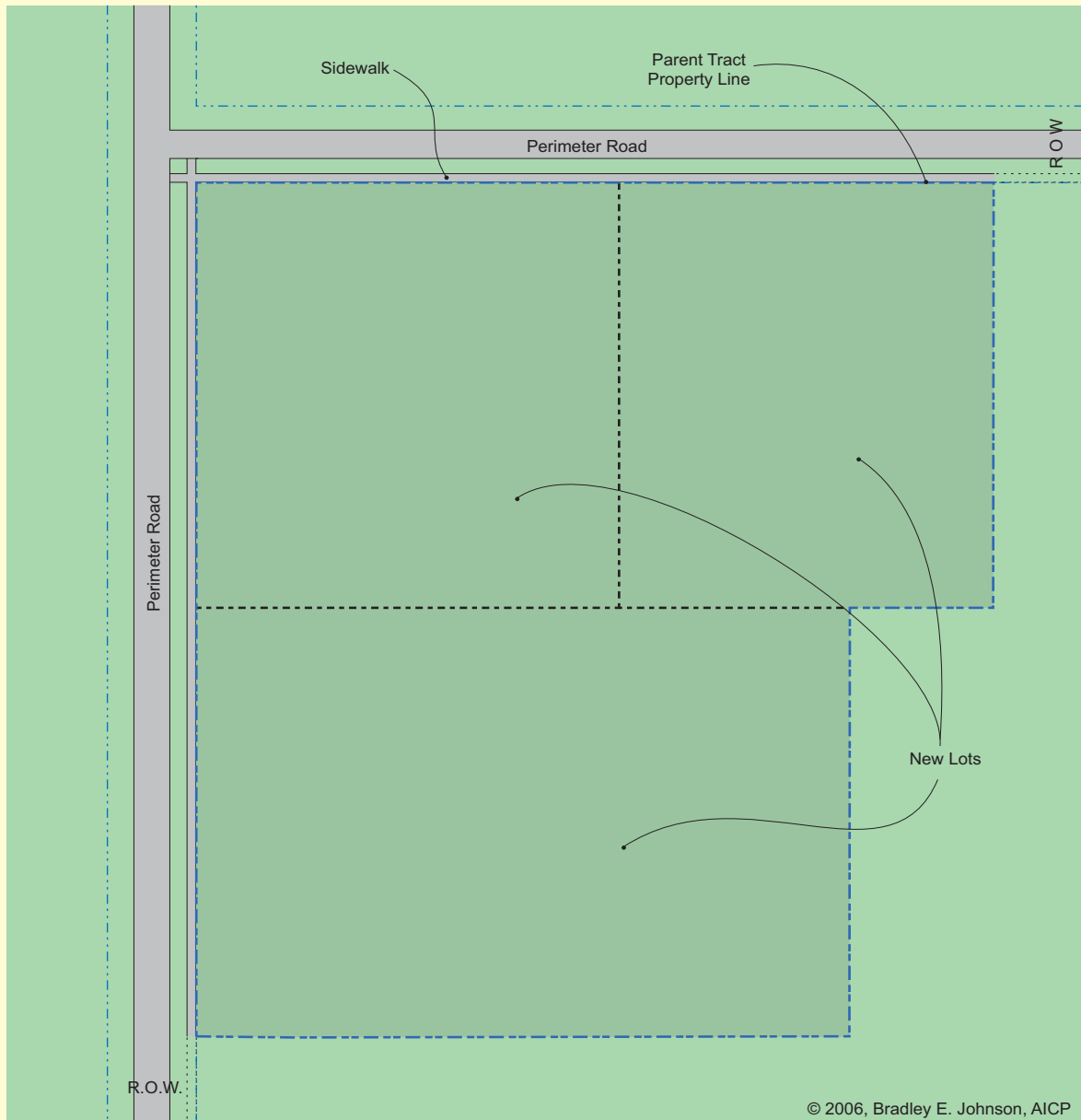
Drainage Network:

- Drainage improvements as required by Drainage Board

Site Feature Preservation:

- Strive to save existing tree stands

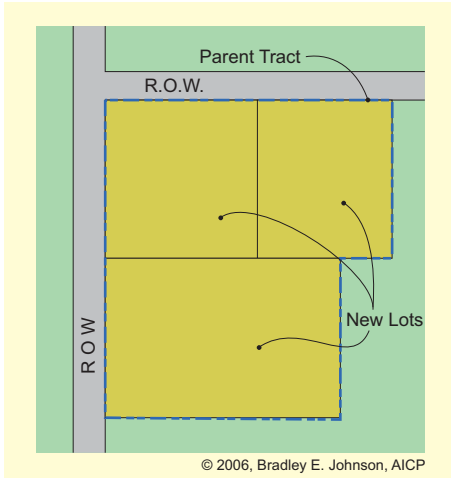
6.07 Minor Subdivision Features



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Minor Subdivision (MN)

6.08 Minor Subdivision Standards and Effect on Development Standards



- | | | |
|---|---|--|
| <p>Prerequisite Base Zoning:</p> <ul style="list-style-type: none"> • OP, A2, A3, A4, RE, R1, R2, R3, M1, M2, MP, IN, C1, C2, C3, C4, I1, I2, I3, HI, AP1, AP2 and AP3 <p>Minimum Pre-Development Site Area:</p> <ul style="list-style-type: none"> • N/A <p>Maximum Pre-Development Site Area:</p> <ul style="list-style-type: none"> • N/A <p>Other Parent Tract Restriction:</p> <ul style="list-style-type: none"> • Maximum of 4 total lots (including residual parent tract land) may be generated from any single parent tract <p>Retention Pond Location:</p> <ul style="list-style-type: none"> • N/A <p>Minimum Perimeter Landscaping:</p> <ul style="list-style-type: none"> • N/A | <p>Minimum Open Space:</p> <ul style="list-style-type: none"> • N/A <p>Minimum Block Length:</p> <ul style="list-style-type: none"> • N/A <p>Maximum Block Length:</p> <ul style="list-style-type: none"> • N/A <p>Minimum Cul-de-sac Length:</p> <ul style="list-style-type: none"> • N/A <p>Maximum Cul-de-sac Length:</p> <ul style="list-style-type: none"> • N/A <p>Sidewalks/Perimeter Paths:</p> <ul style="list-style-type: none"> • When required by Plan Commission | <p>Minimum ROW on Internal Streets:</p> <ul style="list-style-type: none"> • N/A <p>Maximum Design Speed:</p> <ul style="list-style-type: none"> • N/A <p>Minimum Road Width:</p> <ul style="list-style-type: none"> • N/A <p>On-Street Parking:</p> <ul style="list-style-type: none"> • N/A <p>Minimum Tree Plot Width:</p> <ul style="list-style-type: none"> • 5 feet when applicable <p>Minimum Sidewalk Width:</p> <ul style="list-style-type: none"> • 4 feet when applicable |
|---|---|--|

Additional Design Standards that Apply
<p>Common Area Standards (CN)</p> <ul style="list-style-type: none"> • CN-01 Page 7-7 <p>Covenant Standards (CE)</p> <ul style="list-style-type: none"> • CE-01..... Page 7-13 <p>Dedication of Public Improv. Standards (DD)</p> <ul style="list-style-type: none"> • DD-01 Page 7-17 <p>Development Name Standards (DN)</p> <ul style="list-style-type: none"> • DN-01 Page 7-21 <p>Easement Standards (EA)</p> <ul style="list-style-type: none"> • EA-01..... Page 7-22 <p>Erosion Control Standards (EC)</p> <ul style="list-style-type: none"> • EC-01..... Page 7-24 <p>Lot Establishment Standards (LT)</p> <ul style="list-style-type: none"> • LT-01 Page 7-25 <p>Monument and Marker Standards (MM)</p> <ul style="list-style-type: none"> • MM-01..... Page 7-28 <p>Pedestrian Network Standards (PN)</p> <ul style="list-style-type: none"> • PN-01..... Page 7-33 <p>Prerequisite Standards (PQ)</p> <ul style="list-style-type: none"> • PQ-01 Page 7-38 <p>Utility Standards (UT)</p> <ul style="list-style-type: none"> • UT-02..... Page 7-50

Effect on Development Standards
<p>Front Yard Setback</p> <ul style="list-style-type: none"> • All zoning district development standards apply.

Conventional Subdivision (CV)

6.09 Conventional Subdivision Intent

The Conventional type of subdivision is intended to provide a development option with the following features:

Land Use:

- 100% single or two-family residential

Price Range:

- Narrow

Open Space:

- 14-18%

Blocks:

- Moderate length

Pedestrian Network:

- Sidewalks on both sides of internal streets
- Sidewalks or side path along perimeter roads when required by Plan Commission

Vehicular Network

- Connectivity to adjacent developments
- Frequent use of cul-de-sacs
- Large radius corners/curves

Site Feature Preservation:

- Strive to save existing tree stands

Amenity Center

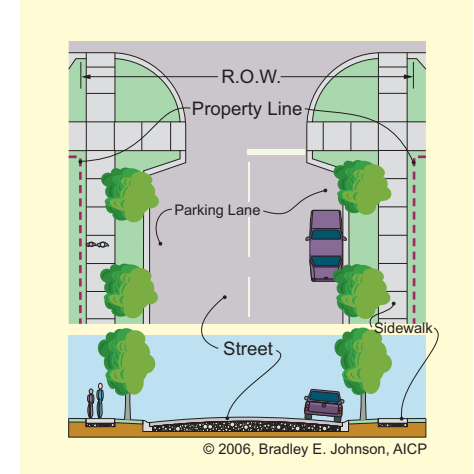
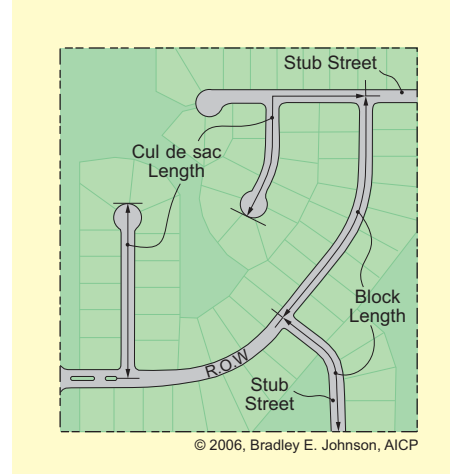
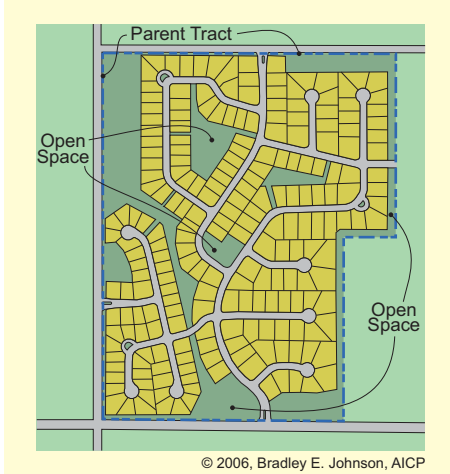
- Required for large subdivisions

6.10 Conventional Subdivision Features



Conventional Subdivision (CV)

6.11 Conventional Subdivision Standards and Effect on Development Standards



- Prerequisite Base Zoning:**
 - RE, R1, R2, R3 and M1
- Minimum Pre-Development Site Area:**
 - 2 acres (87,120 square feet)
- Maximum Pre-Development Site Area:**
 - None
- Retention Pond Location:**
 - Adjacent to internal or perimeter roads
- Minimum Perimeter Landscaping:**
 - 30 feet of common area or permanent landscape easement along any perimeter road
- Minimum Open Space:**
 - 15%

- Minimum Block Length:**
 - 200 feet
- Maximum Block Length:**
 - 1320 feet (1/4 mile)
- Minimum Cul-de-sac Length:**
 - 150 feet
- Maximum Cul-de-sac Length:**
 - 500 feet
- Sidewalks/Perimeter Paths:**
 - Sidewalks required on both sides of internal streets
 - Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

- Minimum ROW on Internal Streets:**
 - 60 feet
- Maximum Design Speed:**
 - 35 mph
- Minimum Road Width:**
 - 28 feet
- On-Street Parking:**
 - Single-sided required, two-sided optional
- Minimum Tree Plot Width:**
 - 5 feet
- Minimum Sidewalk Width:**
 - 4 feet

Additional Design Standards that Apply

<ul style="list-style-type: none"> Access Road Standards (AC) <ul style="list-style-type: none"> • AC-01 Page 7-3 Alley Standards (AL) <ul style="list-style-type: none"> • AL-01 Page 7-5 Anti-monotony Standards (AM) <ul style="list-style-type: none"> • AM-01 Page 7-6 Common Area Standards (CN) <ul style="list-style-type: none"> • CN-01 Page 7-7 Conservation Standards (CR) <ul style="list-style-type: none"> • CR-01 Page 7-8 Construction Surety Standards (CY) <ul style="list-style-type: none"> • CY-01 Page 7-12 Covenant Standards (CE) <ul style="list-style-type: none"> • CE-01 Page 7-13 Dedication of Public Improv. Standards (DD) <ul style="list-style-type: none"> • DD-01 Page 7-17 Development Amenity Standards (DA) <ul style="list-style-type: none"> • DA-01 Page 7-18 Development Name Standards (DN) <ul style="list-style-type: none"> • DN-01 Page 7-21 Easement Standards (EA) <ul style="list-style-type: none"> • EA-01 Page 7-22 Entryway Feature Standards (EF) <ul style="list-style-type: none"> • EF-01 Page 7-23 Erosion Control Standards (EC) <ul style="list-style-type: none"> • EC-01 Page 7-24 Lot Establishment Standards (LT) 	<ul style="list-style-type: none"> • LT-01 Page 7-25 Maintenance Surety Standards (MY) <ul style="list-style-type: none"> • MY-01 Page 7-26 Monument and Marker Standards (MM) <ul style="list-style-type: none"> • MM-01 Page 7-28 Open Space Standards (OP) <ul style="list-style-type: none"> • OP-01 Page 7-30 Pedestrian Network Standards (PN) <ul style="list-style-type: none"> • PN-01 Page 7-34 Perimeter Landscaping Standards (PL) <ul style="list-style-type: none"> • PL-01 Page 7-36 Prerequisite Standards (PQ) <ul style="list-style-type: none"> • PQ-01 Page 7-38 Retention Pond Standards (RT) <ul style="list-style-type: none"> • RT-01 Page 7-39 Storm Water Standards (SM) <ul style="list-style-type: none"> • SM-01 Page 7-40 Street and Right-of-way Standards (SR) <ul style="list-style-type: none"> • SR-01 Page 7-41 Street Lighting Standards (SL) <ul style="list-style-type: none"> • SL-01 Page 7-45 Street Name Standards (SN) <ul style="list-style-type: none"> • SN-01 Page 7-47 Street Sign Standards (SS) <ul style="list-style-type: none"> • SS-01 Page 7-48 Utility Standards (UT)
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Effect on Development Standards

- All zoning district development standards apply.

Conservation Subdivision (CS)

6.12 Conservation Subdivision Intent

The Conservation type of subdivision is intended to provide a development option with the following features:

Land Use:

- 100% single or two-family residential

Price Range:

- Wide

Open Space:

- 35-55%

Blocks:

- Long length

Pedestrian Network:

- Sidewalks on one side of internal streets
- Sidewalks or side path along perimeter roads when required by Plan Commission

Vehicular Network

- Moderate use of cul-de-sacs
- Narrow streets without curbs

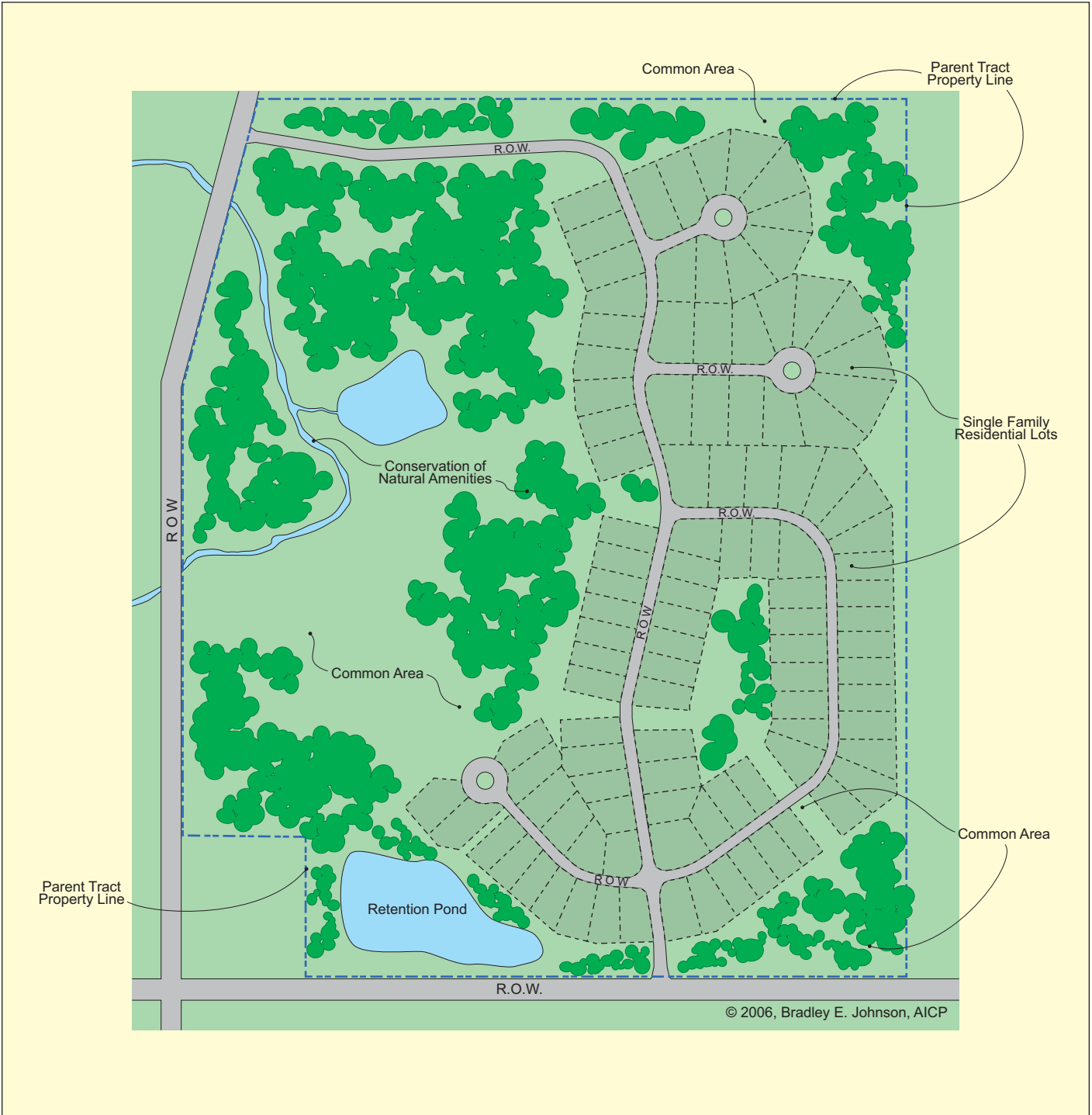
Site Feature Preservation:

- Must substantially save existing tree stands

Amenity Center

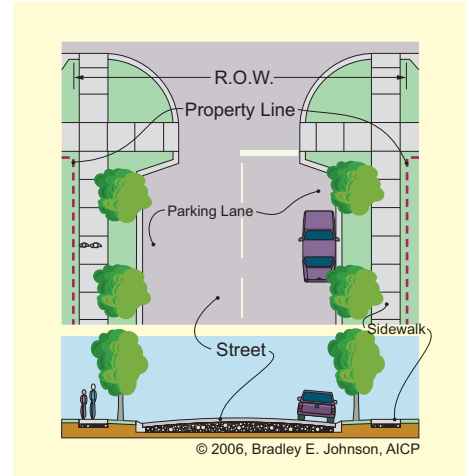
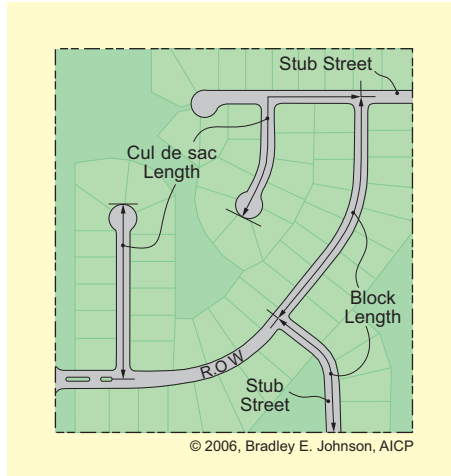
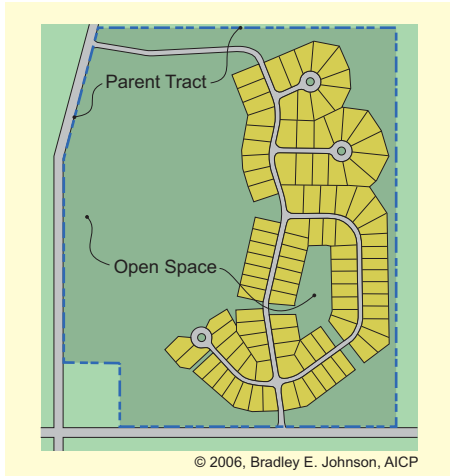
- None required

6.13 Conservation Subdivision Features



Conservation Subdivision (CS)

6.14 Conservation Subdivision Standards and Effect on Development Standards



- Prerequisite Base Zoning District:**
 - RE, R1 and R2
- Minimum Pre-Development Site Area:**
 - 20 acres
- Maximum Pre-Development Site Area:**
 - None
- Retention Pond Location:**
 - In natural areas or along perimeter roads when necessary
- Minimum Perimeter Landscaping:**
 - 50 feet of common area or permanent landscape easement along any perimeter road
- Minimum Open Space:**
 - 35%

- Minimum Block Length:**
 - 200 feet
- Maximum Block Length:**
 - 1760 feet (1/3 mile)
- Minimum Cul-de-sac Length:**
 - 150 feet
- Maximum Cul-de-sac Length:**
 - 1000 feet
- Sidewalks/Perimeter Paths:**
 - Sidewalks are required on one side of all streets in R1 and R2 districts
 - Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

- Minimum ROW on Internal Streets:**
 - 54 feet along main streets
 - 44 feet along secondary street
- Maximum Design Speed:**
 - 35 mph
- Minimum Road Width:**
 - 22 feet
- On-Street Parking:**
 - Not permitted
- Minimum Tree Plot Width:**
 - 5 feet if sidewalks installed along streets
- Minimum Sidewalk Width:**
 - 4 feet

Additional Design Standards that Apply

<ul style="list-style-type: none"> Access Road Standards (AC) <ul style="list-style-type: none"> • AC-01 Page 7-3 Alley Standards (AL) <ul style="list-style-type: none"> • AL-01 Page 7-5 Anti-monotony Standards (AM) <ul style="list-style-type: none"> • AM-01 Page 7-6 Common Area Standards (CN) <ul style="list-style-type: none"> • CN-01 Page 7-7 Conservation Standards (CR) <ul style="list-style-type: none"> • CR-01 Page 7-8 Construction Surety Standards (CY) <ul style="list-style-type: none"> • CY-01 Page 7-12 Covenant Standards (CE) <ul style="list-style-type: none"> • CE-01 Page 7-13 Dedication of Public Improv. Standards (DD) <ul style="list-style-type: none"> • DD-01 Page 7-17 Development Amenity Standards (DA) <ul style="list-style-type: none"> • DA-01 Page 7-18 Development Name Standards (DN) <ul style="list-style-type: none"> • DN-01 Page 7-21 Easement Standards (EA) <ul style="list-style-type: none"> • EA-01 Page 7-22 Entryway Feature Standards (EF) <ul style="list-style-type: none"> • EF-01 Page 7-23 Erosion Control Standards (EC) <ul style="list-style-type: none"> • EC-01 Page 7-24 Lot Establishment Standards (LT) 	<ul style="list-style-type: none"> • LT-01 Page 7-25 Maintenance Surety Standards (MY) <ul style="list-style-type: none"> • MY-01 Page 7-26 Monument and Marker Standards (MM) <ul style="list-style-type: none"> • MM-01 Page 7-28 Open Space Standards (OP) <ul style="list-style-type: none"> • OP-01 Page 7-30 Pedestrian Network Standards (PN) <ul style="list-style-type: none"> • PN-01 Page 7-34 Perimeter Landscaping Standards (PL) <ul style="list-style-type: none"> • PL-01 Page 7-36 Prerequisite Standards (PQ) <ul style="list-style-type: none"> • PQ-01 Page 7-38 Retention Pond Standards (RT) <ul style="list-style-type: none"> • RT-01 Page 7-39 Storm Water Standards (SM) <ul style="list-style-type: none"> • SM-01 Page 7-40 Street and Right-of-way Standards (SR) <ul style="list-style-type: none"> • SR-01 Page 7-41 Street Lighting Standards (SL) <ul style="list-style-type: none"> • SL-01 Page 7-45 Street Name Standards (SN) <ul style="list-style-type: none"> • SN-01 Page 7-47 Street Sign Standards (SS) <ul style="list-style-type: none"> • SS-01 Page 7-48 Utility Standards (UT)
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Effect on Development Standards

- Lot Sizes
 - Reduction of 25% from base zoning
- Front Yard Setbacks
 - No Incentives
- Side Yard Setbacks
 - Reduction of 25% from base zoning
- Density
 - Increase of 10% from base zoning

Traditional Subdivision (TD)

6.15 Traditional Subdivision; Intent

The Traditional type of subdivision is intended to provide a development option with the following features:

Land Use:

- Mixed Use

Price Range:

- Wide

Open Space:

- 13-18%

Blocks:

- Short length

Pedestrian Network:

- Sidewalks on both sides of internal streets
- Side paths along perimeter roads

Vehicular Network

- Connectivity to other developments
- Frequent use of alleys
- Small radius corners/curves

Site Feature Preservation:

- Strive to save existing tree stands

Amenity Center

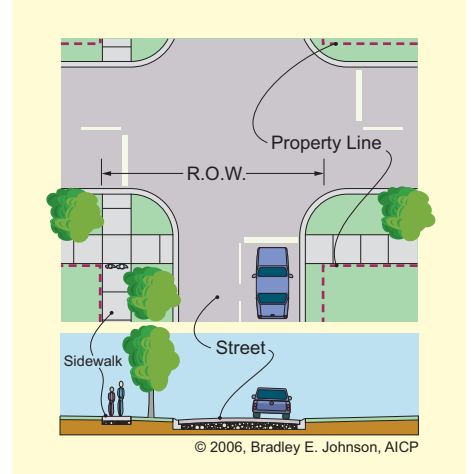
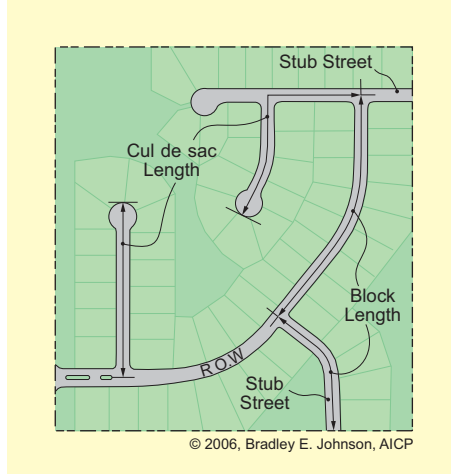
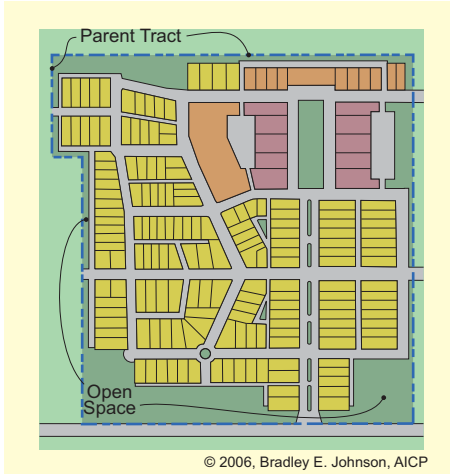
- Required for medium and large subdivisions

6.16 Traditional Subdivision Features



Traditional Subdivision (TD)

6.17 Traditional Subdivision Standards and Effect on Development Standards



Prerequisite Base Zoning:

- R1, R2, R3, M1, M2, IN, C1, and C2

Minimum Pre-Development Site Area:

- 40 acres (217,800 square feet)

Maximum Pre-Development Site Area:

- 200 acres

Retention Pond Location:

- Adjacent to internal or perimeter roads

Minimum Perimeter Landscaping:

- 20 feet of common area or permanent landscape easement along any perimeter road

Minimum Open Space:

- 15%

Minimum Block Length:

- 200 feet

Maximum Block Length:

- 1056 feet (1/5 mile)

Average Block Length:

- Between 400 and 600 feet

Minimum Cul-de-sac Length:

- Cul-de-sacs are not allowed

Maximum Cul-de-sac Length:

- Cul-de-sacs are not allowed

Sidewalks/Perimeter Paths:

- Sidewalks required on both sides of internal streets
- Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

Minimum ROW on Internal Streets:

- 56 feet with one parking lane
- 62 feet with two parking lanes

Maximum Design Speed:

- 30 mph

Minimum Road Width:

- 30 feet

On-Street Parking:

- Required on at least one side

Minimum Tree Plot Width:

- 7 feet in residential areas
- 0 feet in commercial areas

Minimum Sidewalk Width:

- 5 feet

Additional Design Standards that Apply

<ul style="list-style-type: none"> Access Road Standards (AC) • AC-01 Page 7-3 Alley Standards (AL) • AL-02 Page 7-5 Anti-monotony Standards (AM) • AM-01 Page 7-6 Common Area Standards (CN) • CN-01 Page 7-7 Conservation Standards (CR) • CR-01 Page 7-8 Construction Surety Standards (CY) • CY-01 Page 7-12 Covenant Standards (CE) • CE-01 Page 7-13 Dedication of Public Improv. Standards (DD) • DD-01 Page 7-17 Development Amenity Standards (DA) • DA-01 Page 7-18 Development Name Standards (DN) • DN-01 Page 7-21 Easement Standards (EA) • EA-01 Page 7-22 Entryway Feature Standards (EF) • EF-01 Page 7-23 Erosion Control Standards (EC) • EC-01 Page 7-24 Lot Establishment Standards (LT) • LT-01 Page 7-25 • LT-02 Page 7-25 Maintenance Surety Standards (MY) • MY-01 Page 7-26 	<ul style="list-style-type: none"> Mixed Use Development Standards (MU) • MU-01 Page 7-27 Monument and Marker Standards (MM) • MM-01 Page 7-28 On-street Parking Standards (OG) • OG-01 Page 7-29 • OG-02 Page 7-29 Open Space Standards (OP) • OP-01 Page 7-30 Pedestrian Network Standards (PN) • PN-01 Page 7-34 Perimeter Landscaping Standards (PL) • PL-01 Page 7-36 Prerequisite Standards (PQ) • PQ-01 Page 7-38 Retention Pond Standards (RT) • RT-01 Page 7-39 Storm Water Standards (SM) • SM-01 Page 7-40 Street and Right-of-way Standards (SR) • SR-01 Page 7-41 Street Lighting Standards (SL) • SL-01 Page 7-45 Street Name Standards (SN) • SN-01 Page 7-47 Street Sign Standards (SS) • SS-01 Page 7-48 • SS-02 Page 7-49 Utility Standards (UT)
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Effect on Development Standards

- Lot Sizes
 - Reduction of 50% from base zoning for single and two-family residential areas
 - Reduction of 70% from base zoning for townhouse and multiple family areas
 - Reduction of 70% from base zoning for commercial areas
- Front Yard Setbacks
 - Reduction of 75% or 10 feet, whichever is greater in single family and two-family areas
 - Reduction of 75% or 5 feet, whichever is greater in townhouse and multiple family areas
 - Reduction to 0 feet in commercial areas
- Side Yard Setbacks
 - Reduction by 50% or 5 feet, whichever is greater
- Density
 - Increase by 50%

Strip Commercial Subdivision (SC)

6.18 Strip Commercial Subdivision Intent

The Strip Commercial type of subdivision is intended to provide a development option with the following features:

Land Use:

- 100% commercial

Pedestrian Network:

- Safe movement to primary structures from public streets
- Sidewalks along arterial roads

Vehicular Network

- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

Site Feature Preservation:

- Strive to save existing tree stands

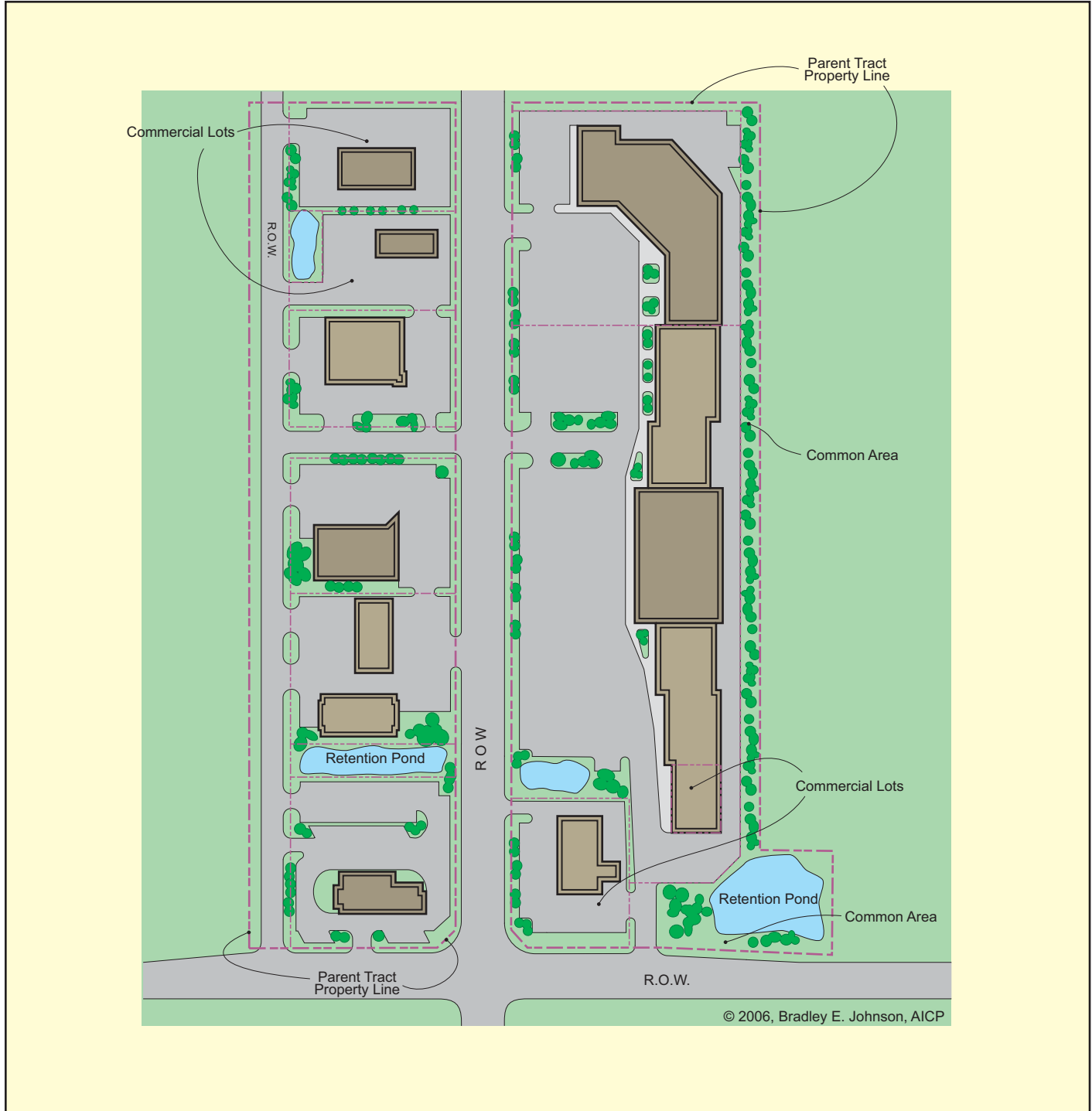
Landscaping:

- Significant along arterial and collector roads
- Canopy trees in common areas

Amenity Center

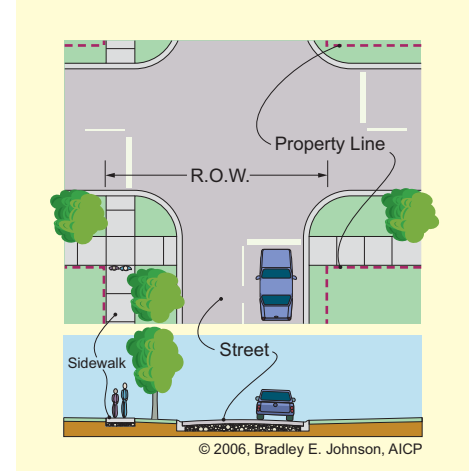
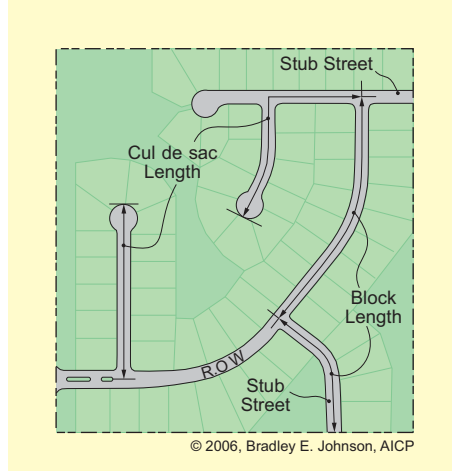
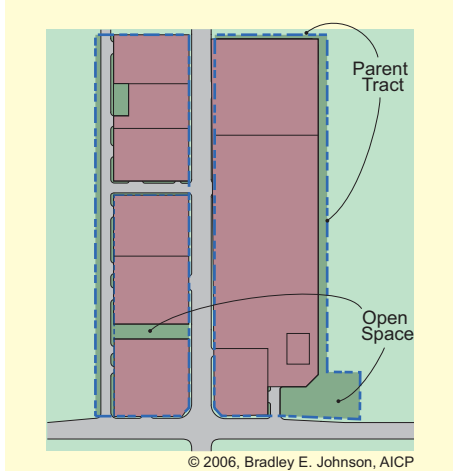
- Required for large subdivisions

6.19 Strip Commercial Subdivision Features



Strip Commercial Subdivision (SC)

6.20 Strip Commercial Subdivision Standards and Effect on Development Standards



- Prerequisite Base Zoning:**
 - C1, C2, C3, C4 and AP3
- Minimum Pre-Development Site Area:**
 - 2 acres (87,120 square feet)
- Maximum Pre-Development Site Area:**
 - None
- Retention Pond Location:**
 - No location requirements
- Minimum Perimeter Landscaping:**
 - 10 feet of common area or permanent landscape easement along any perimeter road
- Minimum Open Space:**
 - 8%

- Minimum Block Length:**
 - 200 feet
- Maximum Block Length:**
 - 1,000 feet
- Minimum Cul-de-sac Length:**
 - Not permitted
- Maximum Cul-de-sac Length:**
 - Not permitted
- Sidewalks/Perimeter Paths:**
 - Sidewalks are required on at least one side of all internal roads, access roads and throat roads
 - Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

- Minimum ROW on Internal Streets:**
 - 50 feet for Public Streets
 - 34 feet for Private Streets
- Maximum Design Speed:**
 - 35 mph
- Minimum Road Width:**
 - 24 feet
- On-Street Parking:**
 - Not permitted
- Minimum Tree Plot Width:**
 - 5 feet
- Minimum Sidewalk Width:**
 - 4 feet

Additional Design Standards that Apply

Access Road Standards (AC)	(MM)
• AC-02 Page 7-4	• MM-01 Page 7-28
Common Area Standards (CN)	On-street Parking Standards (OG)
• CN-02 Page 7-7	• OG-01 Page 7-29
Conservation Standards (CR)	Open Space Standards (OP)
• CR-02 Page 7-10	• OP-02 Page 7-31
Construction Surety Standards (CY)	Pedestrian Network Standards (PN)
• CY-01 Page 7-12	• PN-03 Page 7-35
Covenant Standards (CE)	Perimeter Landscaping Standards (PL)
• CE-01 Page 7-13	• PL-02 Page 7-37
Dedication of Public Improv. Standards (DD)	Prerequisite Standards (PQ)
• DD-01 Page 7-17	• PQ-01 Page 7-38
Development Amenity Standards (DA)	Retention Pond Standards (RT)
• DA-02 Page 7-19	• RT-01 Page 7-39
Development Name Standards (DN)	Storm Water Standards (SM)
• DN-01 Page 7-21	• SM-01 Page 7-40
Easement Standards (EA)	Street and Right-of-way Standards (SR)
• EA-01 Page 7-22	• SR-02 Page 7-43
Entryway Feature Standards (EF)	Street Lighting Standards (SL)
• EF-01 Page 7-23	• SL-04 Page 7-46
Erosion Control Standards (EC)	Street Name Standards (SN)
• EC-01 Page 7-24	• SN-01 Page 7-47
Lot Establishment Standards (LT)	Street Sign Standards (SS)
• LT-02 Page 7-25	• SS-02 Page 7-49
Maintenance Surety Standards (MY)	Utility Standards (UT)
• MY-01 Page 7-26	• UT-02 Page 7-50
Monument and Marker Standards	Warning Siren Standards (WS)

Effect on Development Standards

- All zoning district development standards apply.

Commercial District Subdivision (CM)

6.21 Commercial District Subdivision Intent

The Commercial District type of subdivision is intended to provide a development option with the following features:

Land Use:

- 100% commercial

Pedestrian Network:

- Safe movement to primary structures from public streets
- Perimeter sidewalks on arterial roads

Vehicular Network

- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

Site Feature Preservation:

- Strive to save existing tree stands

Landscaping:

- Significant along arterial and collector roads
- Canopy trees in common areas

Amenity Center

- Required for large subdivisions

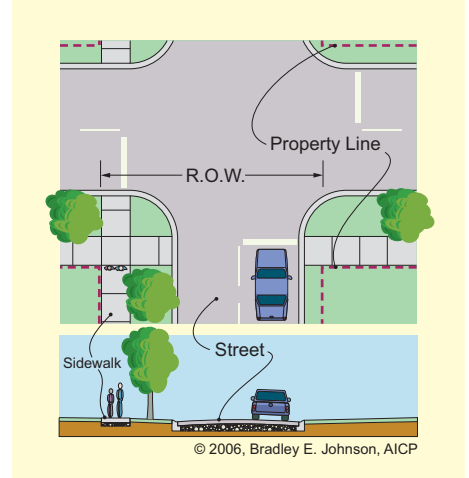
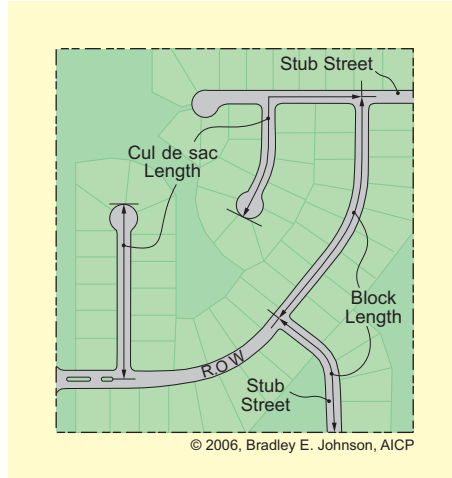
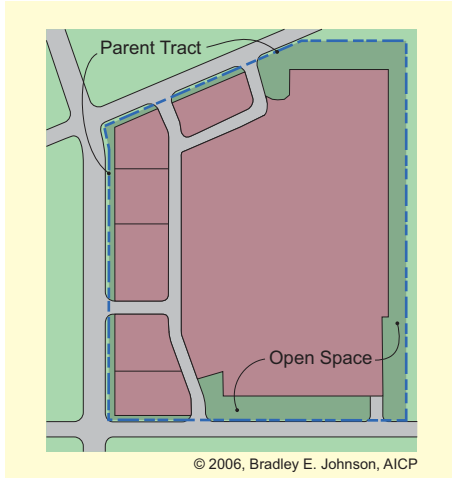
6.22 Commercial District Subdivision Features



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Commercial District Subdivision (CM)

6.23 Commercial District Subdivision Standards and Effect on Development Standards



- Prerequisite Base Zoning:**
 - IN, C1, C2, C3, C4 and AP3
- Minimum Pre-Development Site Area:**
 - 2 acres (87,120 square feet)
- Maximum Pre-Development Site Area:**
 - None
- Retention Pond Location:**
 - No location requirements
- Minimum Perimeter Landscaping:**
 - 10 feet of common area or permanent landscape easement along any perimeter road
- Minimum Open Space:**
 - 10%

- Minimum Block Length:**
 - 200 feet
- Maximum Block Length:**
 - N/A
- Minimum Cul-de-sac Length:**
 - Not permitted
- Maximum Cul-de-sac Length:**
 - Not permitted
- Sidewalks/Perimeter Paths:**
 - Sidewalks are required on at least one side of all internal roads, access roads and throat roads
 - Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

- Minimum ROW on Internal Streets:**
 - 50 feet for Public Streets
 - 34 feet for Private Streets
- Maximum Design Speed:**
 - 35 mph
- Minimum Road Width:**
 - 24 feet
- On-Street Parking:**
 - Not permitted
- Minimum Tree Plot Width:**
 - 5 feet
- Minimum Sidewalk Width:**
 - 4 feet

Additional Design Standards that Apply

<ul style="list-style-type: none"> Access Road Standards (AC) <ul style="list-style-type: none"> • AC-02 Page 7-4 Common Area Standards (CN) <ul style="list-style-type: none"> • CN-02 Page 7-7 Conservation Standards (CR) <ul style="list-style-type: none"> • CR-02 Page 7-10 Construction Surety Standards (CY) <ul style="list-style-type: none"> • CY-01 Page 7-12 Covenant Standards (CE) <ul style="list-style-type: none"> • CE-01 Page 7-13 Dedication of Public Improv. Standards (DD) <ul style="list-style-type: none"> • DD-01 Page 7-17 Development Amenity Standards (DA) <ul style="list-style-type: none"> • DA-02 Page 7-19 Development Name Standards (DN) <ul style="list-style-type: none"> • DN-01 Page 7-21 Easement Standards (EA) <ul style="list-style-type: none"> • EA-01 Page 7-22 Entryway Feature Standards (EF) <ul style="list-style-type: none"> • EF-01 Page 7-23 Erosion Control Standards (EC) <ul style="list-style-type: none"> • EC-01 Page 7-24 Lot Establishment Standards (LT) <ul style="list-style-type: none"> • LT-02 Page 7-25 Maintenance Surety Standards (MY) <ul style="list-style-type: none"> • MY-01 Page 7-26 Monument and Marker Standards 	<ul style="list-style-type: none"> (MM) <ul style="list-style-type: none"> • MM-01 Page 7-28 On-street Parking Standards (OG) <ul style="list-style-type: none"> • OG-01 Page 7-29 Open Space Standards (OP) <ul style="list-style-type: none"> • OP-02 Page 7-31 Pedestrian Network Standards (PN) <ul style="list-style-type: none"> • PN-03 Page 7-35 Perimeter Landscaping Standards (PL) <ul style="list-style-type: none"> • PL-02 Page 7-37 Prerequisite Standards (PQ) <ul style="list-style-type: none"> • PQ-01 Page 7-38 Retention Pond Standards (RT) <ul style="list-style-type: none"> • RT-01 Page 7-39 Storm Water Standards (SM) <ul style="list-style-type: none"> • SM-01 Page 7-40 Street and Right-of-way Standards (SR) <ul style="list-style-type: none"> • SR-02 Page 7-43 Street Lighting Standards (SL) <ul style="list-style-type: none"> • SL-04 Page 7-46 Street Name Standards (SN) <ul style="list-style-type: none"> • SN-01 Page 7-47 Street Sign Standards (SS) <ul style="list-style-type: none"> • SS-02 Page 7-49 Utility Standards (UT) <ul style="list-style-type: none"> • UT-02 Page 7-50 Warning Siren Standards (WS)
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Effect on Development Standards

- All zoning district development standards apply.

Industrial Park Subdivision (IP)

6.24 Industrial Park Subdivision Intent

The Industrial Park type of subdivision is intended to provide a development option with the following features:

Land Use:

- 100% industrial, office and warehouse

Pedestrian Network:

- Safe movement to primary structures from public roads
- Perimeter sidewalks on arterial roads

Vehicular Network

- Efficient connectivity to adjacent parcels
- Use of frontage roads when necessary
- Minimal curb cuts

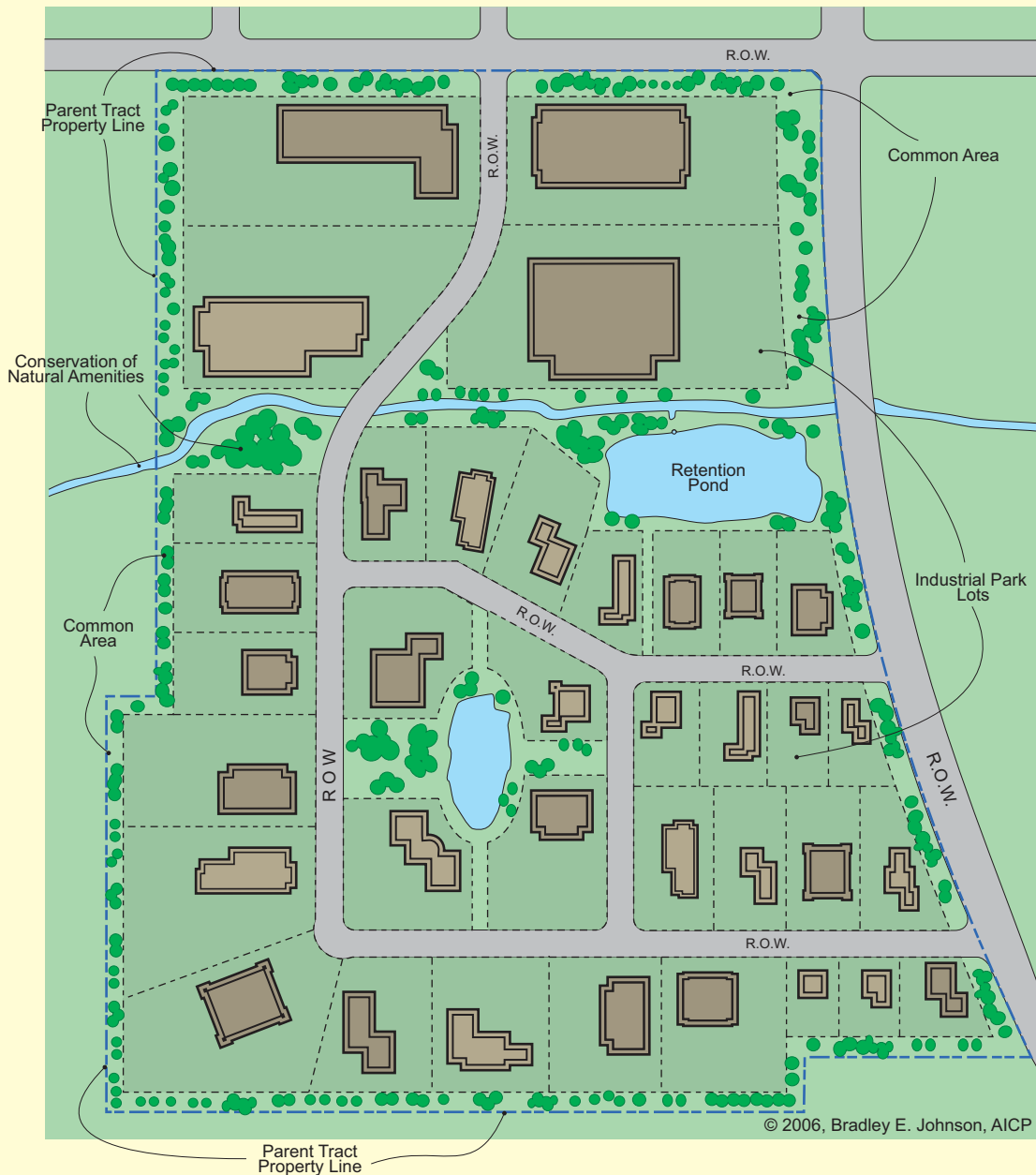
Site Feature Preservation:

- Strive to save existing tree stands

Landscaping:

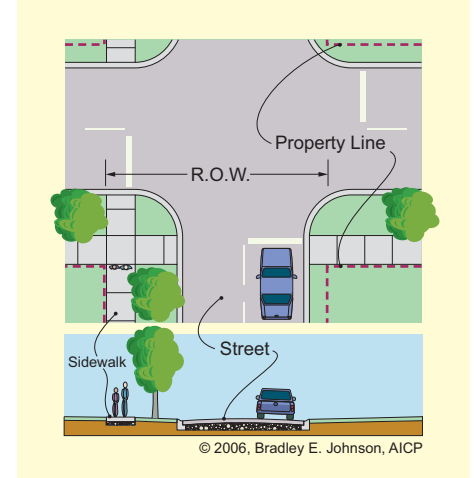
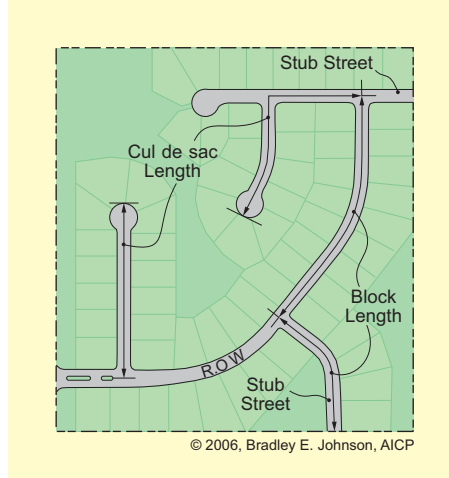
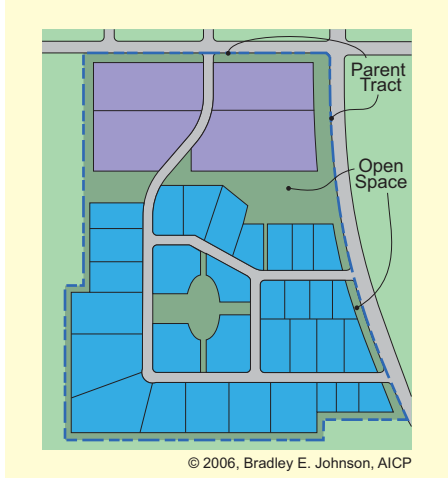
- Significant along arterial and collector roads
 - Canopy trees in common areas
- Amenity Center**
- Required for large subdivisions

6.25 Industrial Park Subdivision Features



Industrial Park Subdivision (IP)

6.26 Industrial Park Subdivision Standards and Effect on Development Standards



- Prerequisite Base Zoning:**
 - I1, I2, I3, HI and AP3
- Minimum Pre-Development Site Area:**
 - 2 acres (87,120 square feet)
- Maximum Pre-Development Site Area:**
 - None
- Retention Pond Location:**
 - No location requirements
- Minimum Perimeter Landscaping:**
 - 30 feet of common area or permanent landscape easement along any perimeter road
- Minimum Open Space:**
 - 12%

- Minimum Block Length:**
 - 200 feet
- Maximum Block Length:**
 - 1320 feet
- Minimum Cul-de-sac Length:**
 - 100 feet
- Maximum Cul-de-sac Length:**
 - 660 feet
- Sidewalks/Perimeter Paths:**
 - Sidewalks required on at least one side of internal streets
 - Perimeter paths or sidewalks shall be installed along perimeter roads when required by the Plan Commission

- Minimum ROW on Internal Streets:**
 - 60 feet
- Maximum Design Speed:**
 - 40 mph
- Minimum Road Width:**
 - 26 feet
- On-Street Parking:**
 - Not permitted
- Minimum Tree Plot Width:**
 - 5 feet
- Minimum Sidewalk Width:**
 - 4 feet

Additional Design Standards that Apply

<ul style="list-style-type: none"> Access Road Standards (AC) <ul style="list-style-type: none"> • AC-02 Page 7-4 Common Area Standards (CN) <ul style="list-style-type: none"> • CN-02 Page 7-7 Conservation Standards (CR) <ul style="list-style-type: none"> • CR-02 Page 7-10 Construction Surety Standards (CY) <ul style="list-style-type: none"> • CY-01 Page 7-12 Covenant Standards (CE) <ul style="list-style-type: none"> • CE-01 Page 7-13 Dedication of Public Improv. Standards (DD) <ul style="list-style-type: none"> • DD-01 Page 7-17 Development Amenity Standards (DA) <ul style="list-style-type: none"> • DA-02 Page 7-19 Development Name Standards (DN) <ul style="list-style-type: none"> • DN-01 Page 7-21 Easement Standards (EA) <ul style="list-style-type: none"> • EA-01 Page 7-22 Entryway Feature Standards (EF) <ul style="list-style-type: none"> • EF-01 Page 7-23 Erosion Control Standards (EC) <ul style="list-style-type: none"> • EC-01 Page 7-24 Lot Establishment Standards (LT) <ul style="list-style-type: none"> • LT-02 Page 7-25 Maintenance Surety Standards (MY) <ul style="list-style-type: none"> • MY-01 Page 7-26 Monument and Marker Standards 	<ul style="list-style-type: none"> (MM) <ul style="list-style-type: none"> • MM-01 Page 7-28 On-street Parking Standards (OG) <ul style="list-style-type: none"> • OG-01 Page 7-29 Open Space Standards (OP) <ul style="list-style-type: none"> • OP-02 Page 7-31 Pedestrian Network Standards (PN) <ul style="list-style-type: none"> • PN-03 Page 7-35 Perimeter Landscaping Standards (PL) <ul style="list-style-type: none"> • PL-02 Page 7-37 Prerequisite Standards (PQ) <ul style="list-style-type: none"> • PQ-01 Page 7-38 Retention Pond Standards (RT) <ul style="list-style-type: none"> • RT-01 Page 7-39 Storm Water Standards (SM) <ul style="list-style-type: none"> • SM-01 Page 7-40 Street and Right-of-way Standards (SR) <ul style="list-style-type: none"> • SR-02 Page 7-43 Street Lighting Standards (SL) <ul style="list-style-type: none"> • SL-04 Page 7-46 Street Name Standards (SN) <ul style="list-style-type: none"> • SN-01 Page 7-47 Street Sign Standards (SS) <ul style="list-style-type: none"> • SS-02 Page 7-49 Utility Standards (UT) <ul style="list-style-type: none"> • UT-02 Page 7-50 Warning Siren Standards (WS)
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Effect on Development Standards

- All zoning district development standards apply.



Article
07

Design Standards

**DeKalb County
Unified Development
Ordinance**

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Design Standards


7.01 Using this Section

Article 07: Design Standards contains design standards that are arranged by category. There are two ways to determine which design standards apply to a specific development type. They are:

- A. Refer to the two-page layouts in *Article 06: Subdivisions* for a specific subdivision type. In the “Additional Design Standards that Apply” box for that specific subdivision type are listed four-digit codes that indicate which design standards apply. Only the four-digit codes noted in the “Additional Design Standards that Apply” section apply to that subdivision type.

[As an example, on page 6-9, the four digit code “AL-01” can be found under the “Additional Design Standards that Apply” section in the Conventional Subdivision (CV). Therefore, the Design Standards in the section labeled “AL-01” (on page 7-5) would apply to the Conventional Subdivision (CV).]

- B. Refer to the icons used at the top of each design standard section in *Article 07: Design Standards*. Each design standard section begins with a four-digit code and introductory sentence followed by square icons with development type abbreviations (e.g. MI for Minor Subdivisions or PD for Planned Unit Developments). These development type icons note that the design standards written in that section apply to that development type.

[As an example, on page 7-5 the CV icon () can be found under the AL-01 design standard section. Therefore the language in the AL-01 section would apply to Conventional Subdivisions.]

7.02 Purpose of Design Standards

- A. It is the purpose of *Article 07* to establish and define the design standards which shall be required by DeKalb County prior to the approval of any subdivision or development plan. Additionally, these standards shall apply to planned unit developments unless through the planned unit development ordinance a design standard is waived or altered.
- B. In planning for the development of areas within the jurisdiction of the Plan Commission, the owner and developer shall make every effort to assure that the proposed project will be accomplished in agreement with the intent and purpose of the DeKalb County Comprehensive Plan. The proposed development shall be consistent with the present zoning classification and uses, and shall result in a project that is harmonious with the use of the land upon which it is planned as well as the overall community of DeKalb County.

7.03 Icon Key

-  - Conservation Agriculture Subdivision
-  - Minor Subdivision.
-  - Conventional Residential Subdivision.
-  - Conservation Residential Subdivision
-  - Traditional Subdivision.
-  - Strip Commercial Subdivision.
-  - Commercial District Subdivision.
-  - Industrial Park Subdivision.
-  - Development Plan.
-  - Planned Unit Development.

Access Street Standards (AC)

7.04 AC-01: Residential Access Street Standards

This Access Street Standards section applies to the following types of development:



- A. General: Access streets (i.e. frontage streets) are elective for all developments except for residential subdivisions where more than one home fronts a minor or major arterial street or more than three homes front on other street types. Whether elective or required, the below standards apply to access streets.
- B. Ingress/Egress onto Public Streets:
 1. A maximum of one ingress/egress point shall be permitted per major arterial if it serves 10 or less buildable lots or is less than 700 feet in length. Otherwise the maximum is 2 ingress/egress locations with a minimum separation of 700 feet.
 2. A maximum of one ingress/egress point shall be permitted per minor arterial if it serves 5 or less buildable lots or is less than 500 feet in length. Otherwise the maximum is 2 ingress/egress locations with a minimum separation of 500 feet, and separations as follows:
 - a. 150 feet from any intersection,
 - b. 150 feet from any ingress/egress on the same side of the street, or
 - c. 150 feet from any offset ingress/egress on the opposite side of the street. Ingress/egress aligned directly across the street do not necessitate separation.
- C. Ownership: Residential access streets may be private or public, but shall still be constructed to the DeKalb County's construction standards. However, the below listed design standards shall override all other correlating standards. If privately held, the access street shall either be maintained as an easement or through covenants with equitable responsibility for its maintenance shared by all properties with access to the street.
- D. Street Name and Addressing: Whether privately or publicly owned, the access street shall be named, and addresses shall be derived from the access street name rather the major or minor arterial. Addressing shall be assigned by the Plan Commission.
- E. Traffic Lanes: An access street shall be designed to accommodate two-way traffic.
- F. Location: An access street shall be designed to generally run parallel to the minor or major arterial.
- G. Right-of-Way or Easement: Access streets shall have a minimum of 40 feet of right-of-way or permanent easement.
- H. Pavement Width: Access streets shall be paved to a minimum width of 22 feet for two-way traffic, or 28 feet if parking is permitted on one side.
- I. Sidewalks: Access streets shall have sidewalks installed along any side of the street where lots have primary access to the street.
- J. Separation: Access streets shall be separated (perimeter street's proposed right-of-way to edge of pavement of the access street) by a minimum of 40 feet along primary arterials, interstates, and limited access streets and by 30 feet for all other street classifications.

Access Street Standards (AC)

7.05 AC-02: Commercial Access Street Standards

This Access Street Standards section applies to the following types of development:



- A. **General:** Internal access streets shall be provided in any commercial development with multiple tenants or multiple primary structures.
- B. **Ingress and Egress onto Public Streets:**
 1. A maximum of two ingress/egress point shall be permitted for commercial or industrial developments with 15 or less acres. Commercial developments with more than 15 acres shall have a maximum of three ingress/egress points onto public streets.
 2. Separation of access streets onto public streets shall be as follows:
 - a. 150 feet from any intersection,
 - b. 150 feet from any ingress/egress on the same side of the street, or
 - c. 150 feet from any offset ingress/egress on the opposite side of the street. Ingress/egress aligned directly across the street do not necessitate separation.
- C. **Ownership:** Commercial or industrial access streets may be private or public, but shall still be constructed to the DeKalb County's construction standards. However, the below listed design standards shall override all other correlating county standards. If privately held, access streets shall either be maintained as an easement or through covenants with equitable responsibility for its maintenance shared by all properties with access to the street.
- D. **Street Name and Addressing:** Whether privately or publicly owned, the access street shall be named, and addresses shall be derived from the access street name rather the major or minor arterial. Addressing shall be assigned by the Plan Commission.
- E. **Traffic Lanes:** An access street shall be designed to accommodate two-way traffic.
- F. **Location and Separation:** An access street shall be designed to generally run perpendicular to a minor or major arterial; or parallel to a minor or major arterial if separated by at least 150 feet (e.g. behind outlots). Frontage streets are not permitted.
- G. **Right-of-Way or Easement:** Access streets shall have a minimum of 36 feet of right-of-way or permanent easement.
- H. **Pavement Width:** Access streets shall be paved to a minimum width of 24 feet for two-way traffic. Parking shall not be permitted on access streets within commercial or industrial developments.
- I. **Sidewalks:** Access streets shall have sidewalks on at least one side of the street and be integrated into the overall pedestrian network on-site and off-site if available.

Alley Standards (AL)

7.06 AL-01: General Residential Neighborhood Alley Standards

This Alley Standards section applies to the following types of development:



- A. General: Alleys within neighborhoods with a modern design (i.e. conventional or conservation) shall be used sparingly as primary access to dwelling sites within residential areas.
- B. Maximum Use of Alleys: Alleys shall not be used to provide access to any more than 10% of all dwelling units. If a mixed use development, alleys are not permitted as primary access to multifamily or commercial land uses within the development, but may be used for secondary access.
- C. Easement: Alleys shall be privately owned and maintained by all who have access from it; and have a minimum of 20 feet of easement for the facility.
- D. Pavement Width: Alleys shall have a minimum of 18 feet of pavement width for two-way traffic or 10 feet of pavement width for one-way traffic.
- E. Curb: Alleys are not required to have a curb.
- F. Alley Intersections: Alley intersections with public streets shall not exceed 20° from perpendicular to said streets.
- G. Minimum Corner Radius: The minimum corner radius at any alley intersection with a public street shall be six feet.
- H. Alley Construction: All alleys are to be constructed as per the DeKalb County Construction Standards.

7.07 AL-02: Traditional Neighborhood Alley Standards

This Alley Standards section applies to the following type of development:



- A. General: Alleys are considered an essential part of a traditional neighborhood design; therefore, they shall be integrated into the overall design of a traditional neighborhood design.
- B. Minimum Use of Alleys: Alleys are required in traditional neighborhood subdivisions to provide access to at least 90% of all single-family dwelling sites to allow for rear loading garages. Alleys are required to provide secondary access to at least 40% of multifamily and commercial land uses within the development.
- C. Easement: Alleys shall be privately owned and maintained by all who have access from it; and have a minimum of 20 feet of easement for the facility.
- D. Pavement Width: Alleys shall have a minimum of 18 feet of pavement width for two-way traffic or 10 feet of pavement width for one-way traffic.
- E. Curb: Alleys are not required to have a curb.
- F. Alley Intersections: Alley intersections with public streets shall not exceed 20° from perpendicular to said streets.
- G. Minimum Corner Radius: The minimum corner radius at any alley intersection with a public street shall be six feet.
- H. Alley Construction: All alleys are to be constructed as per the DeKalb County Construction Standards.

Anti-monotony Standards (AM)

7.08 AM-01: Residential Neighborhood Anti-monotony Standards

This Anti-Monotony Standards section applies to the following types of development:



- A. General: Residential developments shall have diversity in streetscapes, lot sizes, and/or development features in order to avoid monotonous streetscapes and confusion to visitors; and to encourage stimulating living environments.
- B. Avoiding Monotonous Blocks:
1. *Lot Size Variation*. The minimum lot size of at least one-eighth (1/8) of the lots within a subdivision shall have 25% larger lot areas and 25% larger street frontages than the minimum lot size and minimum street frontage required by the zoning district. Corner lots that are required to be 50% larger (See *Section 7.22(B): Residential Lot Standards*) count toward this requirement. Any subdivision with all lots larger than one acre do not have to comply with this regulation.
 2. *Integration of Larger Lots*. At least one of the larger home sites shall be integrated into each contiguous row of eight lots. Lots divided by an easement of any width, or any common area less than 20 feet in width does not constitute a break in continuity.
 3. *Intersections*. The right-of-way or easement for a public or private street shall constitute a break in contiguous lots.

Common Area Standards (CN)

7.09 CN-01: Residential Common Area Standards

This Common Area Standards section applies to the following types of development:



- A. General: Residential developments that are required to have perimeter landscaping, open space, conservation, detention, retention, and/or drainage ways; or that electively have amenities accessible to residents in the development or private streets shall designate those areas as common area. Common areas shall be operated and maintained privately.
- B. Common Area Maintenance: All common area shall be maintained by a homeowners association, condominium association, or similarly legal entity in perpetuity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed during its approval.
- C. Modifications to Common Area:
 1. *Landscaping*. Any landscaping (e.g. trees, shrubs, and ground cover) installed as perimeter landscaping shall not be removed unless diseased or dead. If landscaping is removed an equal type of plant shall be installed. Additionally, a minimum of 2/3 of the Caliper Inches removed shall be installed, whether as one plant or multiple plants. Additional landscaping may be added to common areas as long as it is outside an easement that prevents that activity.
 2. *Structures, fences and walls*. No new structures, fences or walls shall be installed in common areas without secondary plat approval from the DeKalb County Plan Commission. A fence or wall that was installed as a part of the original development shall be maintained (e.g. finish, materials, location, and size).

7.10 CN-02: Commercial and Industrial Common Area Standards

This Common Area Standards section applies to the following types of development:



- A. General: Commercial or industrial developments that are required to have perimeter landscaping, open space, conservation, detention, retention, drainage ways, or parking lots; or that electively have amenities accessible to businesses or the public in the development shall designate those areas as common area, owned by the property owners within the development. Common areas shall function as an “umbrella” classification denoting that it is to be operated and maintained privately.
- B. Common Area Maintenance: All common area shall be maintained by a business owners association or other legal entity in perpetuity. A legally binding mechanism shall be utilized to collect fees to maintain all common areas as originally designed and committed during its approval.
- C. Modifications to Common Area:
 1. *Landscaping*. Any landscaping (e.g. trees, shrubs, and ground cover) that was installed in perimeter areas shall not be removed unless diseased or dead. If landscaping is removed an equal type of plant shall be installed. Additionally, a minimum of 2/3 of the DBH shall be installed, whether as one plant or multiple plants. Additional landscaping may be added to common areas as long as it is outside an easement that prevents that activity.
 2. *Structures, Fences and Walls*. No new structures, fences or walls shall be installed in common areas without secondary plat approval from the DeKalb County Plan Commission. A fence or wall that was installed as a part of the original development shall be maintained (e.g. finish, materials, location, and size).

Conservation Standards (CR)

7.11 CR-01: Residential Conservation Standards

This Conservation Standards section applies to the following types of development:



- A. General: When the pre-development site area has environmental features, those features shall be conserved as common area, conservation easement, or similar device in perpetuity. In conjunction with conservation, the developer shall be granted an intensity bonus to offset the loss of developable land.
- B. Determination of Environmental Features: The following are deemed environmental features and are defined in *Article 11: Definitions*:
1. Floodplain,
 2. Forest area,
 3. Natural lake filtration strip,
 4. Prairie,
 5. Riparian corridor for a river or stream, or
 6. Steep slopes

Note: Environmental features do not include water courses, floodways, wetlands, natural lake surfaces, or slopes over a 2:1 ratio. These features are considered undevelopable and no intensity bonus shall be granted for those areas.

- C. Conservation of Environmental Features: The following standards are applicable:
1. Any development with 20% or less of its total buildable site covered with one or more environmental feature shall:
 - a. Conserve 100% of those environmental features in perpetuity, and
 - b. Establish a 15 foot setback from the environmental features for all structures.
 2. Any development with greater than 20% but less than 50% of its total buildable site covered with one or more environmental feature shall:
 - a. Conserve at least 25% of the buildable site in perpetuity, and
 - b. Because a larger percentage of the lot has environmental features than is being required to be conserved, the priority of the areas conserved shall be as follows:
 - i. Group 1: Natural lake filtration strips and riparian corridors
 - ii. Group 2: Floodplains and forest areas
 - iii. Group 3: Prairies and steep slopes

Note: All of the environmental features in Group 1 shall be conserved first. Any remaining unused conservation percentages shall then be applied to the environmental features in Group 2. Once the environmental features in Group 2 have been conserved, any remaining unused conservation percentages shall then be applied to the environmental features in Group 3. Other sections of the Unified Development Ordinance or other laws may require some of these environmental features to be protected for other reasons.
 - c. Establish a 15 foot setback from the environmental features. No structure or land disturbing activity of any kind is permitted within the setback, except for walking trails which are permitted. This restriction shall be recorded on the plat and plot plans for subject lots.
 3. Any development with 50% or greater of its total buildable site covered with one or more environmental feature shall:
 - a. Conserve at least 35% of the buildable site in perpetuity, and
 - b. Because a larger percentage of the lot has environmental features than is being required to be conserved, the priority of the areas conserved shall be as follows:
 - i. Group 1: Natural lake filtration strips and riparian corridors
 - ii. Group 2: Floodplains and forest areas
 - iii. Group 3: Prairies and steep slopes

Conservation Standards (CR)

Note: All of the environmental features in Group 1 shall be conserved first. Any remaining unused conservation percentages shall then be applied to the environmental features in Group 2. Once the environmental features in Group 2 have been conserved, any remaining unused conservation percentages shall then be applied to the environmental features in Group 3. Other sections of the Unified Development Ordinance or other laws may require some of these environmental features to be protected for other reasons.

- c. Establish a 15 foot setback from the environmental features. No structure or land disturbing activity of any kind is permitted within the setback, except for walking trails which are permitted. This restriction shall be recorded on the plat and plot plans for subject lots.
- D. **Intensity Bonus for Conservation:** Any development that has conserved environmental features as per *Section 7.11C: Conservation of Environmental Features* shall be granted an intensity bonus as follows:
1. Developments that conserve 20% or less of the buildable area shall be granted the following bonus:
 - a. The minimum lot area required by the applicable zoning district is allowed to be reduced by 75% of the percentage of land that was conserved. Therefore, if 8% of the buildable area is being conserved, then the minimum lot size may be reduced by 6%.
 - b. The minimum lot width required by the applicable zoning district is allowed to be reduced by 75% of the percentage of land that was conserved. Therefore, if 16% of the buildable area is being conserved, then the minimum lot width may be reduced by 12%.
 - c. The overall density for the development shall not exceed the established maximum density identified by the applicable zoning district.
 2. Developments that conserve more than 20% of its buildable area shall be granted the following bonus:
 - a. The minimum lot area required by the applicable zoning district is allowed to be reduced by the same percentage of land that was conserved. Therefore, if 25% of the buildable area is being conserved, then the minimum lot size may be reduced by 25%. However, under no circumstances shall any lot area shall be less than 5,500 square feet.
 - b. The minimum lot width required by the applicable zoning district is allowed to be reduced by the same percentage of land that was conserved. Therefore, if 30% of the buildable area is being conserved, then the minimum lot width may be reduced by 30%. However, under no circumstances shall any lot width be less than 45 feet.
 - c. The minimum side yard setback required by the applicable zoning district is allowed to be reduced by 50% of the percentage of land that was conserved. Therefore, if 30% of the buildable area is being conserved, then the minimum side yard setback may be reduced by 15%. However, under no circumstances shall any side yard setback for detached structures be less than six feet.
 - d. The overall density for the site shall not exceed the established maximum density identified by the applicable zoning district.

Conservation Standards (CR)

7.12 CR-02: Commercial and Industrial Conservation Standards

This Conservation Standards section applies to the following types of development:



- A. **General:** Land being proposed to be developed that has environmental features shall conserve those features. In conjunction with that conservation the developer shall be granted an intensity bonus to offset the loss of developable land.
- B. **Determination of Environmental Features:** The following are deemed environmental features and are defined in *Article 11: Definitions*:
1. Floodplain,
 2. Forest area,
 3. Natural lake filtration strip,
 4. Prairie,
 5. Riparian corridor for a river or stream,
 6. Steep slope, or
 7. Wetland.

Note: Environmental features do not include water courses, floodways, lake surfaces, or slopes over a 2:1 ratio. These features are considered undevelopable and no intensity bonus shall be granted for those areas.

- C. **Conservation of Environmental Features:** The following standards are applicable:
1. Any development with 40% or less of its total buildable site covered with one or more environmental feature shall:
 - a. Conserve at least 50% of the environmental features in perpetuity, and
 - b. Because a larger percentage of the lot has environmental features than is being required to be conserved, the priority of the areas conserved shall be as follows:
 - i. Group 1: Natural lake filtration strips and riparian corridors
 - ii. Group 2: Floodplains, forest areas, and wetlands
 - iii. Group 3: Prairies and steep slopes

Note: All of the environmental features in Group 1 shall be conserved first. Any remaining unused conservation percentages shall then be applied to the environmental features in Group 2. Once the environmental features in Group 2 have been conserved, any remaining unused conservation percentages shall then be applied to the environmental features in Group 3. Other sections of the Unified Development Ordinance or other laws may require some of these environmental features to be protected for other reasons.
 - c. Establish a 15 foot setback from the environmental features for all structures.
 2. Any development with more than 40% of its total buildable site covered with one or more environmental feature shall:
 - a. Conserve at least 30% of the buildable site in perpetuity, and
 - b. Because a larger percentage of the lot has environmental features than is being required to be conserved, the priority of the areas conserved shall be as follows:
 - i. Group 1: Natural lake filtration strips and riparian corridors
 - ii. Group 2: Floodplains, forest areas, and wetlands
 - iii. Group 3: Prairies and steep slopes

Note: All of the environmental features in Group 1 shall be conserved first. Any remaining unused conservation percentages shall then be applied to the environmental features in Group 2. Once the environmental features in Group 2 have been conserved, any remaining unused conservation percentages shall then be applied to the environmental features in Group 3. Other sections of the Unified Development Ordinance or other laws may require some of these environmental features to be protected for other reasons.
 - c. Establish a 15 foot setback from the environmental features for all structures.

- D. Intensity Bonus for Conservation: Any development that has conserved environmental features as per *Section 7.12C: Conservation of Environmental Features* shall be granted an intensity bonus as follows:
1. Developments that conserve 20% or less of the buildable area shall be granted the following bonus:
 - a. The minimum lot area required by the applicable zoning district is allowed to be reduced by 75% of the percentage of land that was conserved. Therefore, if 8% of the buildable area is being conserved, then the minimum lot size may be reduced by 6%.
 - b. The minimum lot width required by the applicable zoning district is allowed to be reduced by 75% of the percentage of land that was conserved. Therefore, if 16% of the buildable area is being conserved, then the minimum lot width may be reduced by 12%.
 - c. The minimum side yard setback required by the applicable zoning district is allowed to be reduced by 25% of the percentage of land that was conserved. Therefore, if 20% of the buildable area is being conserved, then the minimum side yard setback may be reduced by 5%. However, under no circumstances shall a side yard setback allow two detached buildings to be located in violation of the fire code.
 2. Developments that conserve more than 20% of the buildable area shall be granted the following bonus:
 - a. The minimum lot area required by the applicable zoning district is allowed to be reduced by the same percentage of land that was conserved. Therefore, if 25% of the buildable area is being conserved, then the minimum lot size may be reduced by 25%. However, under no circumstances shall any lot area shall be less than 5,000 square feet.
 - b. The minimum lot width required by the applicable zoning district is allowed to be reduced by the same percentage of land that was conserved. Therefore, if 30% of the buildable area is being conserved, then the minimum lot width may be reduced by 30%. However, under no circumstances shall any lot width be less than 45 feet.
 - c. The minimum side yard setback required by the applicable zoning district is allowed to be reduced by 50% of the percentage of land that was conserved. Therefore, if 40% of the buildable area is being conserved, then the minimum side yard setback may be reduced by 20%. However, under no circumstances shall a side yard setback allow two detached buildings to be located in violation of the fire code.

Construction Surety Standards (CY)

7.13 CY-01: General Construction Surety Standards

This Construction Surety Standards section applies to the following types of development:



- A. **General:** All development shall provide a surety acceptable to the DeKalb County Commissioners and in the name of the County Commissioners for any street, sidewalk, utility, drainage facility, lighting, or any other facility that is intended to or will be dedicated to DeKalb County. All such facilities on-site, any off-site improvements committed by the developer, and any off-site improvements required as a condition of approval shall be covered by the surety. A surety acceptable to the DeKalb County Commissioners shall be provided to cover any improvements required as a condition of approval but not intended to be dedicated to the public. Surety for any improvements to be dedicated to a municipal utility shall be as required by the municipal utility to which the improvements are to be dedicated.
- B. **Surety:** All acceptable surety options shall be maintained by the DeKalb County Commissioners.
- C. **Value:** The project engineer shall certify the amount for construction costs and project completion date which shall be used to set the surety amount.
- D. **Duration of Surety:** All construction sureties shall be effective from approval to begin construction of the facility until the date the improvement has been dedicated to and accepted by the DeKalb County Commissioners. Construction sureties for required improvements not intended to be dedicated to the public shall be effective from approval to begin construction of the facility until construction has been completed to the satisfaction of the DeKalb County Commissioners and they approve the release of the surety.

Covenant Standards (CE)

7.14 CE-01: General Covenant Standards

This Covenant Standards section applies to the following types of development:



- A. **General:** Any residential, commercial or industrial development with common area, commonly owned easement, or any other structure, area or amenity that is to be privately maintained shall have a legally binding covenant equitably applicable to each owner of a property within a development or to each owner of a unit if within a condominium.
- B. **Duration of Covenants:** All covenant language required by this ordinance shall not be amendable in perpetuity. The language in the covenants shall clearly state which language is not amendable.
- C. **Vacation or Amendment of Covenants:** The covenant language required by this ordinance may be vacated or amended by the Plan Commission with majority support of the property or dwelling unit owners.
- D. **Recording of Covenants:** The covenant language required by this ordinance shall be recorded with the DeKalb County Recorders office as a part of the plat, development plan, or planned unit development. The covenant language required by this ordinance shall also be cross referenced on the deed for every parcel, condominium unit or other applicable division of ownership noting that it is bound by covenants.
- E. **Required Covenant Language:** The following covenant language is required as noted below.

1. **Maintenance Responsibility:** When the subdivision contains any common areas and/or any required development features that are not intended to be dedicated to the public, the covenant language shall explicitly establish the ownership, assessment to each property, dues and programs which will insure maintenance of all common areas and other non-dedicated development features, at no expense or burden to DeKalb County. All of the common areas and non-dedicated development features shall be maintained in a structurally sound, aesthetically pleasing, and safe manner; and in pursuit of maintaining the design, function and aesthetic established by the developer and committed to DeKalb County on the day of approval.

Note: Any deviation from the originally approved design or commitments of the developer is a violation of this ordinance and shall be susceptible to enforcement and penalties. Proposed deviations shall require a replat.
2. **Reporting Responsibility:** When the subdivision contains any common areas and/or any required development features that are not intended to be dedicated to the public, the covenant language shall require the legal entity(ies) assigned with maintaining the common areas and other non-dedicated features to develop a maintenance program for those areas and/or features and submit the program to the Zoning Administrator for review prior to receiving secondary plat approval. The program shall include:
 - a. An annual assessment of the existing conditions of the common areas and other non-dedicated features. This shall include the degree of siltation, degree of deterioration of common area structures or landscaping, condition of private streets and the like. The annual assessment shall also include a determination of the cost necessary to maintain the common areas, structures, and features in a functional and aesthetically appealing condition.
 - b. An affidavit stating that the legal entity(ies) shall assess the necessary dues/fees levied to each property owner to pay for any required maintenance and, receipt of fees notwithstanding, shall perform or contract for any required maintenance.
 - c. An affidavit stating that the legal entity(ies) shall notify each property owner of their responsibility for maintaining the common areas and other non-dedicated features and shall place a reference on the deed for every parcel, condominium, or other applicable division of ownership.
 - d. The Plan Commission may, at its sole discretion, alter any or all of the maintenance plan requirements or determine that a maintenance program is not necessary.
3. **Failure to Maintain:** In the event the legal entity(ies) does not fulfill its commitment to DeKalb County to maintain the development, it is in violation of this ordinance and the legal entity(ies) and property owners are susceptible to *Article 10: Enforcement and Penalties* noted within this ordinance to remedy the violation.

4. *Storm Sewer and Drainage Standards:* In order to insure the maintenance of a properly designed and installed drainage system, the following language shall be required as a provision of the covenants:
 - a. Drainage swales (ditches) along dedicated streets and within the right-of-way, or dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the County Surveyor and/or Drainage Board and the appropriate County/State highway Department. Property owners must maintain these swales as sodded grass-ways, or other surface approved by the County Surveyor and/or Drainage Board.
 - b. Water from roofs of parking areas shall be contained on the property long enough so that drainage swales or ditches shall not be damaged by such water. Directly piping water to a drainage swale is prohibited unless approved by the County Surveyor and/or Drainage Board.
 - c. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the County Surveyor and/or Drainage Board. Culverts must be protected, especially at the ends, by head walls or metal end sections, and, if damaged enough to retard the water flow, must be replaced.
 - d. Any property owner altering, changing, or damaging these drainage swales or ditches shall be held responsible for such action and will be given ten days notice to repair said damage. If unresolved within the notice period DeKalb County will cause said repairs to be accomplished and the cost for such repairs will be sent to the affected property owners for immediate payment. If unpaid, a lien will be placed on the subject property(ies).
5. *Water Service Standards:* Should private wells be allowed instead of requiring connection to a public water utility, the covenants shall reflect that private wells are to be installed and that DeKalb County is not now or in the future obligated to provide, furnish or have any liability for fire protection that could have been provided by the public water supply.
6. *Covenant Language on the Plat Standards:* When trees and/or shrubs are provided by the developer, the covenants shall include the following statements:
 - a. The owner or person in control of the dominant real estate adjacent to the area between the street and the sidewalk and/or right-of-way easement line on which any tree or shrub is planted pursuant to the above, shall be responsible for the maintenance and removal of the tree or shrub if such removal is necessary.
 - b. If after notice from DeKalb County, the owner or person in control fails to maintain or remove a dead tree or shrub or any dead or dangerous limbs or branches thereon, DeKalb County may remove said shrub or limbs and collect the costs thereof from the owner or person in control.
 - c. DeKalb County and all public utilities retain their ownership and right to access to the area between the street and the right-of-way easement line of the dominant owner and retain the right to reasonably remove any tree or shrub impeding necessary work to be performed by DeKalb County and/or all public utilities, or other properly authorized users.
 - d. Neither DeKalb County nor any public utility or other properly authorized user of DeKalb County's property located between the street and the sidewalk and/or right-of-way easement line shall be liable to the owner of the dominant real estate for any damages done to trees or shrubs, located upon DeKalb County property between the street and the sidewalk and/or right-of-way easement line as a result of actions of DeKalb County or any public utility or other authorized user or their agents or employees in the performance of their duties.
7. *Street Light, Yard Light Standards:* If a dusk-to-dawn light is required on a home site as per the Street Lighting Standards in *Section 7.41 thru 7.44 for Street Lighting Standards*, a covenant shall bind the home builders to install such a light and the homeowner to maintain the light in perpetuity.
8. *Agricultural Covenant:* The owner(s) of the lot(s) within this subdivision agree to recognize the existing agricultural land usage surrounding this subdivision and further agree to not object to the surrounding agricultural land use or changes therein as permitted by law, i.e., IC 34-1-52-4.

Covenant Standards (CE)

9. *Further Development*: This lot/these lots shall be included in any subdivision arising from any further development of the land involved. However, there is no intention that any terms, conditions or restrictions on any future plat would have any retroactive applicability to this division of land.
10. *Compliance with Applicable Laws*: There shall be compliance with the laws of any applicable federal, State or local agency.
11. *Drainage Board Covenants*: When any regulated drain and/or its associated right-of-way extends within the bounds of the subdivision, the following covenants shall be placed on the plat:
 - a. No private or mutual drain of any type shall be connected from within any lot within this subdivision to the _____ Drain No. _____ without first submitting written request, along with plans and specifications for said connection, and obtaining the written approval of the DeKalb County Surveyor for said drain connection.
 - b. No permanent structure of any type shall be placed within the right-of-way of the _____ Drain No. _____ without first entering into a consent for variance for permanent structure within the right-of-way of a regulated drain, by and between the owner of the land upon which the permanent structure is to be located and the DeKalb County Drainage Board.
 - c. No private crossing, control dam or other permanent structure shall be placed on, over, or through the _____ Drain No. _____ without first submitting a written request, along with plans and specifications for said permanent structure, and obtaining the written approval of the DeKalb County Surveyor for said permanent structure.
12. *Aviation Covenants*: When the development is in an applicable airport zone as defined in the DeKalb County Airport Zoning Ordinance (Airport Zone) and/or the Unified Development Ordinance (Airport Compatibility Zone), the following covenants shall be placed on the plat:
 - a. Airport Zone: This development lies within the _____ zone of the DeKalb County Airport and is subject to certain limitations and restrictions as set out and specified in the “DeKalb County Airport Zoning Ordinance”. The maximum allowable height for any building, structure or tree in this development is limited to _____ feet above ground level at the site unless a variance is first obtained from the DeKalb County Board of Aviation.
 - b. Airport Compatibility Zone (AC 2 through AC 6): This development lies within Airport Compatibility Zone _____. The Owners of any tract of land in this development agree to recognize the existing and established Noise Sensitive Zone and understand that a “Noise Sensitive Use and Non-Remonstrance Against Airport Development Waiver”, acknowledging the preexisting noise condition in the area and the ability of the airport to expand as allowed by law, shall be executed by the Owner and filed with the DeKalb County Board of Aviation before the issuance of any Improvement Location Permit by the Zoning Administrator for a noise sensitive use including but not limited to residential uses.
13. *Flood Protection Grade*: When a Special Flood Hazard Area is located on or within 250 feet of one or more of the lots in the subdivision the following covenant shall be placed on the plat. The flood protection grade referenced in the covenant shall be the established Base Flood Elevation (BFE) plus two feet. If a BFE has not been established by the appropriate agency and the following language shall be placed on the plat: “A flood protection grade has been established <for the lots> or <for lot(s) #> within this subdivision. Any structure within the the special flood hazard area on <these lots> or <this lot> shall be constructed such that the lowest floor (including a basement) shall be built at or above an elevation of _____ as determined by the benchmark on this plat. Any occupied structure outside of but within 250 feet of the special flood hazard area shall be constructed such that no external opening, including floor drains without a backflow prevention device, shall be built below an elevation of _____ as determined by the benchmark on this plat. The designation of a flood protection grade does not guarantee a safe building site. This designation shall not make DeKalb County, its Plan Commission, elected officials, or officers thereof, or their agents/employees liable for determining a safe building site. The lot owner and/or developer is/are responsible for the selection of a safe building site and a safe flood protection grade elevation.”

14. *Minimum Building Elevation*: This covenant is to be used when an elevation is required by the Plan Commission, Drainage Board, County Surveyor, developer or project surveyor on any of those lots which do not lie within a Special Flood Hazard Area but where localized flooding is a concern. A Minimum Building Elevation shall be based on the lowest opening connecting to potential living space (i.e. basement windows, walk-out basement floor, etc.): "A minimum building elevation has been established <for the lots> or <for lot(s) #> within this subdivision. Any residential structure on <these lots> or <this lot> shall be constructed such that no external opening connecting to potential living space shall be built below an elevation of _____ as determined by the benchmark on this plat. The designation of a minimum building elevation does not guarantee a safe building site. This designation shall not make DeKalb County, its commissions or offices thereof, or their agents/employees liable for determining a safe building site. The lot owner and/or developer are responsible for the selection of a safe building site and a safe building elevation.
15. *Winter Maintenance*: This covenant is to be used when a subdivision has an internal street that is dedicated to the County. "The Developer or Homeowners Association (HOA) shall be responsible for all winter maintenance of the proposed internal street(s), including, but not limited to: snow plowing and/or snow removal, applying salt and/or sand, ice control abrasive or all similar practices on the internal street(s)."

Dedication of Public Improvements Standards (DD)

7.15 DD-01: General Dedication of Public Improvement Standards

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



- A. General: Any development with improvements that are intended to be dedicated to DeKalb County and/or a municipal utility shall meet the standards within this section.
- B. Dedicated Streets:
 1. Only those streets that are a functioning part of the overall traffic system of DeKalb County, or that clearly provide required access, both ingress or egress to adjacent areas or points of access, shall be considered for dedication as public streets and, if accepted, thereafter be maintained by DeKalb County.
 2. All streets accepted for dedication shall be in accordance with *Article 07 Design Standards* and shall have rights-of-way and building setback lines as herein established.
 3. Parking lots, pull-offs, eyebrow lanes or lots shall not be located within the dedicated street right-of-way, but may be connected to the street with approved drives, ingress and egress controls.
 4. All other streets, drives and traffic areas on-site shall be and remain a part of the subdivision and hence maintained by the owners or occupants of said subdivision.
- C. Dedicated Utilities:
 1. The water utility in DeKalb County is provided by the local municipalities and various water companies. The arrangement for the dedication or private maintenance of the water service shall constitute an agreement between the developer and the local municipalities or water companies.
 2. The electrical utility in DeKalb County is provided by various electric companies. The arrangement for the private maintenance of the electrical service shall constitute an agreement between the developer and the electric companies.
 3. The local municipalities provide for the collection and treatment of sanitary sewage discharges. Therefore, the sanitary sewer construction, and the allowable infiltration quantities shall be strictly controlled by the municipalities.
 4. Only those storm drainage facilities that are located in street rights-of-way shall be accepted by DeKalb County. Detention, retention, and/or lakes and ponds shall remain the property of the subdivision, and shall not become a part of DeKalb County's system or obligation for maintenance.

Development Amenity Standards (DA)

7.16 DA-01: Residential Development Amenity Standards

This Development Amenity Standards section applies to the following types of development:



- A. **General:** Large residential developments shall install a development amenity located in reasonable proximity to all of the residential lots and units.
- B. **Thresholds for Applicability:** Developments that will result in 50 dwelling units or more.
- C. **Exemption:** If all the following conditions exist or are caused to exist by the developer, the Development Amenity Standards shall not apply:
 1. A public park or public recreation courts exist within 1/4 mile of the development's perimeter; and
 2. A pedestrian network exists to safely and efficiently convey people to that park or recreation courts; and
 3. The public park or public recreation courts are at least twice as large as is required in these standards.
- D. **Development Amenity Options:** The developer shall install either a/an:
 1. Children's playground with play equipment, or
 2. Recreation courts/fields,
 3. Pocket park with large trees, landscaping and sitting areas, or
 4. Equally beneficial amenity proposed by the developer and accepted by the DeKalb County Plan Commission.
- E. **Minimum Children's Playground Standards:** If the children's playground option is selected, the following standards shall be met:
 1. Children's Playground Area: The children's playground area shall be 1/3 acre for the first 50 dwelling units; plus 1/5 acre for every 50 dwelling units over the initial 50 dwelling units.
 2. Children's Playground Feature: The children's playground shall have at least six unique pieces of commercial grade playground equipment (i.e. straight slide, cyclone slide, crawl tubes, swing set, teeter-totter, and the like). One additional piece of equipment shall be installed for every 50 dwelling units over the initial 50 dwelling units.
 3. Children's Playground Location: The children's playground shall be sited in a central location accessible to all dwelling units and connected by sidewalks or paths.
 4. Children's Playground Seating: Four places to sit for pedestrians shall be provide for every 1/4 acre of required children's playground area. Seating can be benches, ledges, large rocks suitable for use as seating, or the like.
 5. Children's Playground Vegetation: A minimum of two tree shall be installed for every 1/4 acre of required children's playground area.
- F. **Recreation Court Standards:** If the recreation court option is selected, the following standards shall be met:
 1. Recreation Court Area: The recreation court area shall be one acre for the first 50 dwelling units; plus 1/4 acre for every 50 dwelling units over the initial 50 dwelling units.
 2. Recreation Court Feature: The recreation court shall have at least two unique types of courts/fields (i.e. basketball, sand volleyball, tennis, soccer, football or the like). One additional court/field shall be installed for every 50 dwelling units over the initial 50 dwelling units.
 3. Recreation Court Location: The recreation court shall be sited in a central location accessible to all dwelling units and connected by sidewalks or trails.
 4. Recreation Court Seating: Ten places to sit for pedestrians shall be provided for every court/field area. Seating can be benches, ledges, or the like.
 5. Recreation Court Fencing and Vegetation: A ten-foot tall fence shall be installed to enclose any tennis or basketball court, and a minimum of 50 shrubs shall be around the perimeter of any hard surface recreation court.

Development Amenity Standards (DA)

- G. Minimum Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
1. Pocket Park Area: The pocket park shall be 1/2 acre for the first 50 dwelling units; plus 1/4 acre for every 50 dwelling units over the initial 50 dwelling units.
 2. Pocket Park Feature: The pocket park shall be a “soft space” for respite from the suburban environment. This softness shall be provided by an organic layout, plant materials, natural boulders and the like.
 3. Pocket Park Location: The pocket park shall be sited anywhere in the development as long as it is easy to access and is connected to the sidewalk/path network with a sidewalk or hard surface path.
 4. Pocket Park Seating: Ten places to sit for pedestrians shall be provide for every 1/4 acre of required pocket park area. Seating can be benches, ledges, boulders, or the like.
 5. Pocket Park Vegetation: A minimum of ten canopy trees, five non-canopy trees and 10 shrubs shall be installed per 1/4 acre of required pocket park area. The minimum caliper of each canopy tree shall be three inches.
- H. Maintenance of Amenity. The association or collective of property owners shall maintain all amenity centers in perpetuity in usable and aesthetically appealing condition.

7.17 DA-02: Commercial Development Amenity Standards

This Development Amenity Standards section applies to the following types of development:



- A. General: Large commercial or office developments along primary corridors shall install a public amenity integrated closely with the perimeter pedestrian network.
- B. Thresholds for Applicability: Developments that meet both of the criteria listed below shall comply with the requirements of this section.
1. Developments that will result in 80,000 square feet or more of total floor area, or that have a parent tract of ten acres or greater, and
 2. Developments along a major or minor arterial.
- C. Development Amenity Options: The developer shall install either a:
1. Plaza with a notable sculpture, fountain, or masonry hardscape, or
 2. Pocket park with large trees, landscaping and sitting areas.
- D. Minimum Plaza Standards: If the plaza option is selected, the following standards shall be met:
1. Plaza Area: The plaza shall be 200 square feet when the primary structure’s footprint is from 80,000 to 200,000 square feet plus 100 square feet for each additional 200,000 square feet or fraction thereof. The minimum size of the plaza shall be 100 square feet where structure size is less than 80,000 square feet but a development amenity is required due to lot acreage.
 2. Plaza Feature: The plaza shall have a focal point comprised of either a fountain or fine art sculpture and be large enough to be visible from the primary street.
 3. Plaza Location: The plaza shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The plaza may be integrated into the development’s gateway feature or double as a gateway feature for the development.
 4. Plaza Seating: One place to sit for pedestrians shall be provided for every 100 square feet of required plaza area. Seating can be benches, ledges, rocks, or the like.
 5. Plaza Vegetation: A minimum of one tree and 5 shrubs shall be installed per 50 lineal feet of perimeter of the plaza.

Development Amenity Standards (DA)

- E. Minimum Pocket Park Standards: If the pocket park option is selected, the following standards shall be met:
1. Pocket Park Area: The pocket park shall be 400 square feet when the primary structure's footprint is from 80,000 to 200,000 square feet plus 200 square feet for each additional 200,000 square feet or fraction thereof. The minimum size of the pocket park shall be 200 square feet where structure size is less than 80,000 square feet but a development amenity is required due to lot acreage.
 2. Pocket Park Feature: The pocket park shall be a "soft space" for respite from the development environment. This softness shall be provided by an organic layout, plant materials, boulders and the like.
 3. Pocket Park Location: The pocket park shall be sited close to the perimeter sidewalk/path network and be connected to the perimeter sidewalk/path network with a sidewalk or hard surface path. The pocket park may be integrated into the development's gateway feature or double as a gateway feature for the development.
 4. Pocket Park Seating: One place to sit for pedestrians shall be provide for every 200 square feet of required pocket park area. Seating can be benches, ledges, boulders, or the like.
 5. Pocket Park Vegetation: A minimum of one canopy tree and five shrubs shall be installed per 400 square feet of required pocket park area. The minimum caliper of each canopy tree shall be three inches.
- F. Maintenance of Amenity: The association or collective of property owners shall maintain all amenity centers in perpetuity in usable and aesthetically appealing condition.

Development Name Standards (DN)

7.18 DN-01: General Development Name Standards

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



- A. Proposed Development Name: The developer shall propose a unique name for the development and submit the name at the time of initial application.
- B. Development Name Criteria: Within the jurisdiction of the Unified Development Ordinance and within the jurisdiction of the E-911 Coordinator the following standards shall apply:
 1. The proposed root name of the development shall not duplicate, or closely approximate phonetically, the name of any other development.
 2. Deviations in suffix names (e.g. Place, Woods, or Glen) shall not constitute a unique name (e.g. if Preston Place existed as a development, the name Preston Woods shall not be permissible).
 3. Unique districts within a large development shall be authorized to use the same root name if deemed not to be confusing or unsafe by the Plan Commission or E-911 Coordinator.
- C. Authority to Rename a Proposed Development: The Plan Commission or E-911 Coordinator shall have authority to require a new unique name for the development if found to be too similar to another development. If a new and unique development name is not proposed by the developer, the Plan Commission shall have the right to rename the development prior to final approval.

Easement Standards (EA)

7.19 EA-01: General Easement Standards

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



A. Easements:

1. All proposed plats submitted for Plan Commission approval under the provisions of *Article 09* shall allocate areas of suitable size and location, wherever necessary, for drainage and/or utility easements. Easements shall be equitably located on all lots in the subdivision when possible.
2. All easements shall have legal descriptions of their purpose and limitations noted on the plat or on a corresponding legal document prior to review and approval of the plat. The easement purpose and limitations shall include all of the following:
 - a. The primary use(s) and intent of the easement,
 - b. Whether it is permanent or temporary,
 - c. If temporary, what term(s) or threshold(s) determines its reversion,
 - d. Who is responsible for its maintenance, grade and subgrade,
 - e. Who has access to the easement and under what term(s) or threshold(s),
 - f. Whether the general public have access,
 - g. Definition of rights for easement holder and property owners,
 - h. Whether fences, buildings, utilities, trees, landscaping, pools, temporary buildings, decks, patios, parking lots, driveways, sidewalks, paths, mounding, ponds, and the like may use, cross, or partially encroach into the easement, and
 - i. The intended use.
3. If any stream, surface drainage course, storm sewer, field tile or other drainage way is located in the area to be developed, an easement shall be established along all sides according to the Indiana Drainage Code if it is a regulated drain or as determined by the Plan Commission, based the recommendation of the County Surveyor, if it is not a regulated drain. The easement shall be allocated for the purpose of protecting the drainage way and allowing for improvement of the drainage way.

Entryway Feature Standards (EF)

7.20 EF-01: General Entryway Feature Standards

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



- A. **General:** Entryway features shall be attractive, eye-catching, and constructed of durable materials. They shall be designed, installed and maintained to be safe and healthful environments.
- B. **Development Plan:** A development plan shall be submitted for consideration and approval for entryway features in all subdivisions, condominium projects and planned unit developments. This includes all signs that will be utilized on the site, including but not limited to project identification, project directory, and individual occupancy (identification or advertisement).
- C. **Project Identification:** The number and size of signs shall depend on the number of entrances and scale of the street from which the entrance is located.
 1. **Qualifications for Large Entryway Feature.** One large entryway feature is permitted if:
 - a. a residential development has at least 50 dwelling units, or
 - b. a commercial development has at least 20,000 square feet of occupiable space and 10 business spaces, or
 - c. an industrial development has at least 40,000 square feet and 5 or more industrial spaces.
 2. **Qualifications for a Second Large Entryway Feature.** A second large entryway feature is permitted if:
 - a. a residential development has more than 200 dwelling units with access from two different arterial or collector streets,
 - b. a commercial development has at least 100,000 square feet of occupiable space and 30 business spaces; and with access from two different arterial or collector streets, or
 - c. an industrial development has at least 150,000 square feet of occupiable space and 15 industrial spaces; and with access from two different arterial or collector streets, or
 3. **Qualification for a Small Entryway Feature.** One small entryway feature is permitted for each secondary entrance onto an arterial or collector street, unless a large entryway feature is being installed in the same location. This entryway feature shall be significantly smaller, at least 50% smaller, in scale in comparison to any large entryway features installed in the same development. If no large entryway features exist for the development then there is no limitation for the small entryway features landscape and hardscape components.
 4. **Subordinate Sign Component.** Under all circumstances, the sign portion of the entryway feature shall be significantly subordinate to the landscaping and hardscape features installed.
 5. **Sign Size.** The maximum sign area incorporated into a large entryway feature shall be 40 square feet. The maximum sign area incorporated into a small entryway feature shall be six square feet.
 6. **Entryway Feature Electives.** An entryway features may encompass both sides of the entrance and include landscaping within the entrance street's median if the median is common area. The permitted sign components may included two signs, one on each side of the entryway, if the entryway feature is present on both sides. In this case, the maximum sign size shall be interpreted as the maximum cumulative sign area (e.g. If the maximum sign size for a large entryway feature is 40 square feet, the development can have two 20 square foot signs on either side of the entryway or one 40 square foot sign on one side of the entryway).
 7. **Entryway Feature Restrictions.** All entryway features shall be located on common area or easement held equitably by the property owners within the development. Also, no entryway feature shall be located in a sight visibility triangle, thus creating a hazard at the street intersection.

Erosion Control Standards (EC)

7.21 EC-01: General Erosion Control Standards

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



- A. **General:** Any development required by County ordinance (See Ordinance 370) or State law to file an erosion control plan for review shall file said plan prior to receiving Plan Commission or Board of Zoning Appeal approval. No changes shall be made in the contour of the land, nor shall grading, or excavating begin until a plan for minimizing erosion and sedimentation has been filed with the Office of the Zoning Administrator and any other required federal, State and/or local agency.
- B. **Off-site Sedimentation:** Whenever sedimentation is caused by stripping of vegetation, regrading, or other development activities, it shall be the responsibility of the developer to remove it from all adjoining surfaces, drainage systems, and watercourses, and to repair any damage at the developer's expense.
- C. **Restoration of Drainage:** It is the responsibility of the developer to restore any stream, watercourse, swale, flood plain or floodway that is disturbed during the period of development, to return these areas to their original or equal condition upon completion.
- D. **Disturbance of Protected Areas:** If any "no disturb" areas are driven over, altered, disturbed or damaged in any way, the developer or legal owner shall be subject to the enforcement and penalties section of the Unified Development Ordinance.
- E. **Obstruction of Drainage:** The developer shall not block, impede the flow of, alter, construct any structure, deposit any material or object, or commit any act which will affect normal or flood flow in any ditch, stream or watercourse without having obtained prior approval from the County Surveyor and/or Drainage Board, Indiana Department of Natural Resources, Indiana Department of Environmental Management, and/or Corps. of Engineers, whichever entity has jurisdiction.

Lot Establishment Standards (LT)

7.22 LT-01: Residential Lot Standards

This Lot Standards section applies to the following types of development:



- A. **General:** The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as allowed by *Article 07: Design Standards*.
- B. **Residential Lot Standards:** Every lot shall meet the following standards.
 1. *Interior Street Frontage.* Residential lots shall be laid out such to only have frontage on interior streets or frontage streets. Minor subdivision are not required to have frontage on interior streets, but may be required to utilize a frontage street.
 2. *Side Lot Lines.* Residential lots shall have side lot lines within 30° of a right angle to the street and right-of-way.
 3. *Corner Lots.* Residential corner lots shall be 20% larger than the minimum lot area indicated for the zoning district. This shall include lots at the corner of the development entrance street and the exterior public street.
 4. *Through Lots.* Residential lots shall be designed to not be through lots, even if the lot does not establish access to the second frontage.
 5. *Special Lots.* Residential lots abutting a watercourse, drainageway, channel or stream shall have an additional setback requirement of 30 feet. Under no circumstances shall an impervious surface (e.g. sidewalk) be installed in this setback that exceeds 5% coverage of this setback area.
 6. *Property Line Corners.* At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet in radius, or by chords of such arcs.

7.23 LT-02: Commercial Lot Standards

This Lot Standards section applies to the following types of development:



- A. **General:** The shape, location and orientation of all lots within a development shall be appropriate for the uses proposed and be in accordance with the zoning districts, except as modified by the Design Standards.
- B. **Commercial Lot Standards:** Every lot shall meet the following standards.
 1. *Interior Street Frontage.* Commercial lots shall be laid out such to only have frontage on interior streets or access streets. Individual lots shall only be laid out to have access on public streets if expressly permitted to do so by the Thoroughfare Plan and County Highway Supervisor.
 2. *Side Lot Lines.* Commercial lots shall have side lot lines within 30° of a right angle to the street and right-of-way. Said side lot lines shall extend in a straight line from the street right-of-way for at least 20% of the property's depth.
 3. *Corner Lots.* Commercial corner lots shall be 20% larger than the minimum lot area indicated for the zoning district. If there is a maximum lot area, that maximum shall also be increased by 20%.
 4. *Special Lots.* Commercial lots abutting a watercourse, drainageway, channel or stream shall have an additional setback requirement of 30 feet. Under no circumstances shall an impervious surface (e.g. parking lot) be installed in this setback.
 5. *Cohesive Design.* Commercial developments (i.e. shopping centers, commercial areas, and office parks) shall be designed holistically as a single project no matter how many lots are generated. All areas of the parent tract shall be shown as it is intended to be laid out and used.
 6. *Sensitivity to Context.* Commercial developments shall be laid out to be sensitive to neighboring developments (if built), or the potential land uses of neighboring zoning districts if undeveloped.
 7. *Flexible Design.* Office parks are encouraged to plat small lots in order to maximize flexibility. Small office projects can consume one lot, while larger projects can consume multiple lots.
 8. *Property Line Corners.* At intersections of streets and alleys, property line corners shall be rounded by arcs of at least 20 feet in radius or by chords of such arcs.

Maintenance Surety Standards (MY)

7.24 MY-01: General Maintenance Surety Standards

This Maintenance Surety Standards section applies to the following types of development:



- A. General: All developers shall provide a surety acceptable to the DeKalb County Commissioners for any street, sidewalk, utility, drainage facility, lighting, or any other facility that is in the process of being dedicated or has already been dedicated to DeKalb County. All such facilities on-site, any off-site improvements committed by the developer, and any off-site improvements required as a condition of approval shall be covered by the surety.
- B. Surety: All acceptable surety options shall be maintained by the DeKalb County Commissioners.
- C. Value: The project engineer and appropriate government entity shall agree to the improvement value necessary to set the surety amount. The maintenance surety will be set at 10% of the improvement value.
- D. Duration of Surety: All maintenance sureties shall be effective for a three-year period of time starting the day the improvement has been dedicated to and accepted by the DeKalb County Commissioners.

Mixed Use Development Standards (MU)

7.25 MU-01: General Mixed Use Development Standards

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



- A. **General:** Any development that incorporates a mix of uses, either as a Traditional Neighborhood, Development Plan, or Planned Unit Development shall meet the standards in this section.
- B. **Traditional Neighborhoods:**
 1. *Rezoning to Most Appropriate Zoning District.* Upon primary plat approval, the Zoning Administrator shall initiate the rezoning of each unique subarea within the development (e.g. single family, townhouses, apartments, commercial center, park, or mixed use village) to the most appropriate zoning district for each subarea of the development to fulfill the developers intention. The developer may make a recommendation for those districts, but the Plan Commission shall make the final determination. The developer shall bear the cost of notice to adjacent property owners, and shall pay the fee for one rezoning, even if the development will be rezoned into more than one new classification. The rezoning process may proceed immediately after primary plat approval. Further, the Plan Commission may make the primary plat approval contingent on the necessary rezoning of each subarea.
 2. *Respecting Traditional Neighborhood Design.* From subarea-to-subarea the developer shall strive to follow nationally recognized guidelines for Traditional Neighborhoods designs (e.g. materials published by the Congress for New Urbanism, NewUrbanism.org, or New Urban News).
- C. **Minimizing On-site Conflicts:** Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
- D. **Planned Unit Developments:**
 1. *Minimizing On-Site Conflicts.* Mixed uses shall be arranged on the site to minimize conflicts between other uses on-site or off-site.
 2. *Buffering Adjacent Properties.* Any land use within the development that borders a lot outside of the development shall be reviewed to determine if a buffer yard is necessary. The lowest intensity zoning district that allows the applicable land use shall be used to determine If a buffer yard is required using the buffer yard determination criteria in *Article 05: Development Standards*. If a buffer yard is required the Planned Development shall install the buffer yard to specifications in *Article 05: Development Standards*.
 3. *Respecting Traditional Neighborhood Design.* From subarea-to-subarea the developer shall strive to follow nationally recognized guidelines for Traditional Neighborhoods designs (e.g. materials published by the Congress for New Urbanism, NewUrbanism.org, or New Urban News).

Monument and Marker Standards (MM)

7.26 MM-01: General Monuments and Marker Standards

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



- A. General: Monuments shall be either strikingly visible and unusually permanent or shall be of ferrous metal to provide magnetic indicator response.
- B. Installation of Monuments and Markers: All monument and marker improvements shall be installed per 865 IAC 1-12-18.
- C. Centerline Monuments: Monuments conforming to 865 IAC 1-12-18(a)(2) shall be set on street centerlines at the beginning and end of curves and at the intersection of centerlines. When it is not practical to set a centerline monument in accordance with 865 IAC 1-12-18(a)(2), a centerline monument conforming to 865 IAC 1-12-18(a)(3) shall be set.
- D. Reporting: Reporting of all monuments and markers shall be as specified in 865 IAC 1-12-18. Any surveys, subdivision plats and/or affidavits required by 865 IAC 1-12-18 and documenting the location, type and installation of all monuments shall be provided to the Plan Commission.

On-street Parking Standards (OG)

7.27 OG-01: Commercial and Industrial On-street Parking

This On-street Parking Standards section applies to the following types of development:



- A. **General:** All commercial and industrial developments (or commercial areas within a mixed use development) that install streets that will be dedicated to DeKalb County and that have on-street parking shall meet the standards within this section.
- B. **On-street Parking Requirements:**
 1. *Striping.* All on-street parking installed in commercial or industrial areas shall be striped to indicate each parking space. Stripes shall be perpendicular to the curb, be at least seven feet long, and be spaced at least 20 feet apart. No parking spaces shall be placed within 30 feet of an intersection, or greater if indicated by a policy of the County Highway Supervisor or County Highway Engineer.
 2. *No Parking Signs.* If parking is only allowed on one side, then the other side of the street shall have a sign at least every 150 feet noting that parking is not permitted.

7.28 OG-02: On-street Parking with Significant Bump-out Standards

This On-street Parking Standards section applies to the following types of development:



- A. **General:** Residential developments that utilize a traditional neighborhood design or village center pattern of streets shall install bump-outs at at least 40% of the internal street intersections. For example, if there are ten internal intersections, five of them shall have bump-outs installed. This provision shall apply to all internal public or private streets.
- B. **Bump-out Configuration:**
 1. *Projection From Curb Line.* The bump-out shall be designed to extend seven feet from the curb line.
 2. *Curb.* The bump-out shall use a straight curb to define its edge to provide a better barrier to protect pedestrians and to calm traffic approaching the intersection.
 3. *Use of Bump outs.* A bump-out shall be used on each side of the street that has on-street parking.
- C. **Prioritizing of Intersections:** The following criteria shall be used to determine which intersections within the development shall utilize bump-outs.
 1. Intersections where four or more legs are through-streets shall be the first priority sites for bump-outs.
 2. Intersections where three legs are through-streets shall be the second priority sites for bump-outs.
 3. Intersections where two legs are through streets shall be the third priority.
 4. Each of the above listed types of intersection shall also be ranked based on their proximity to a development entrance. The closer an intersection is to an entrance, the more priority that intersection shall be given.
 5. Each of the above listed types of intersection shall also be ranked based on the vehicular traffic volume. The higher the expected vehicular traffic volume, the more priority each intersection shall be given.

Open Space Standards (OP)

7.29 OP-01: Residential Open Space Standards

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



- A. **General:** All residential developments shall have a percentage of the land set aside for open space.
- B. **Minimum Open Space:** The minimum open space required for each development shall be:
 1. *For Subdivisions.* As indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*, or
 2. *For Planned Unit Developments.* As indicated as a minimum development standard applicable to planned unit developments in *Article 04: Planned Unit Development Districts*, or
 3. *For Development Plans.* 20% for all residential development plans (e.g. condominium projects and apartment complexes).
- C. **Site Features that Qualify as Open Space:** The following features count toward the minimum open space requirements as described.
 1. *Perimeter Landscaping.* Perimeter landscaping that is at least 50 feet wide and 50 feet long shall count 100% toward the open space requirements.
 2. *Conservation Areas.* Any conservation area required in *Section 7.11(C): Conservation of Environmental Features* shall count 100% toward the open space requirements except as noted in *Section 7.29(D): Site Features that Do Not Fully Qualify as Open Space*.
 3. *Development Amenities.* Any development amenity required by *Section 7.11(C): Conservation of Environmental Features* shall count 100% toward the open space requirements.
 4. *Man-made Water Features.* Any man-made water feature (including retention facilities) shall count 100% toward the minimum open space if it supports aquatic life and provides native habitat as follows:
 - a. *Surface Area.* A surface area at normal pool elevation (not after a storm event) of at least 32,670 square feet (3/4 acre); and
 - b. *Depth.* At least 25% of the water body is at least ten (10) feet deep in order to support aquatic life, and at least 5% shall be over fifteen (15) feet deep; and
 - c. *Perimeter Access.*
 - i. *Width.* A buffer area around the full circumference of the water feature of at least 50 feet from the top of bank shall be available as open space.
 - ii. *Plantings.* This open space shall be planted and maintained as wildlife habitat (except in airport hazard areas). This includes use of native (no more than 20% lawn grass) vegetation including prairie grasses and/or tree planting.
 - d. *Access.* An area of open space at least 50 feet wide shall extend from a street right-of-way to the 25 foot wide perimeter access area.
 5. *Dry Detention Areas.* Man-made storm water detention facilities (dry) shall count 100% toward the minimum open space if it meets the following standards:
 - a. *Area.* The facility shall have at least 10,890 square feet of flat bottom (1/4 acre).
 - b. *Depth.* The man-made depth of a detention facility shall not exceed four feet from top of bank.
 - c. *Slope.* Man-made slopes within the detention facility shall not exceed four to one.
 - d. *Perimeter Access.*
 - i. *Width.* A buffer area around the full circumference of the facility of at least 25 feet from the top of bank shall be available as open space.
 - ii. *Plantings.* This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native plants, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank. Tree planting shall be reserved for the adjoining buffer area.
 - e. *Access.* An area of open space at least 50 feet wide shall extend from a street right-of-way to the 25 foot perimeter access area.
 - f. *Underdrains.* Underdrains shall be installed under the dry detention area to assure the basin will not have any standing water within two days after a ten-year storm event.

Open Space Standards (OP)

- D. Site Features that Do Not Fully Qualify as Open Space. The following features shall not count toward the minimum open space requirements as described.
1. *Floodway.* The floodway of any stream, regulated drain, or river shall not count toward the open space requirements.
 2. *100-Year Floodplain.* The 100-year floodplain of any stream, regulated drain, or river shall only count 50% of the total floodplain (non-floodway) area toward the open space requirements.
 3. *Steep Slopes.* Any area with slopes exceeding a 2:1 ratio shall not qualify as open space.
 4. *Wetlands.* Any wetlands on the development site shall only count 50% of the total wetland area toward the open space requirements.
 5. *Street Right-of-way.* Nothing within the street right-of-way shall count toward open space.

7.30 OP-02: Commercial and Industrial Open Space Standards

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



- A. General: All commercial and industrial developments shall have a percentage of the land set aside for open space.
- B. Minimum Open Space: The minimum open space required for each development shall be:
1. For Subdivisions: As indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*, or
 2. For Planned Unit Developments: As indicated as a minimum development standard applicable to planned unit developments in *Article 04: Planned Unit Development Districts*, or
 3. For Development Plans: 10% for all commercial or industrial development plans (e.g. shopping center or distribution facility).
- C. Site Features that Qualify as Open Space: The following features count toward the minimum open space requirements as described except as noted in *Section 7.30(D): Site Features that Do Not Qualify as Open Space*.
1. Perimeter Landscaping: Perimeter landscaping that is at least 30 feet wide and 30 feet long shall count 100% toward the open space requirements.
 2. Conservation Areas: Any conservation area required in *Section 7.12(C): Conservation of Environmental Features* shall count 100% toward the open space requirements.
 3. Development Amenities: Any development amenity required by *Section 7.12(C): Conservation of Environmental Features* shall count 100% toward the open space requirements.
 4. Man-made Water Features: Any man-made water feature (including retention facilities) shall count 100% toward the minimum open space if it supports aquatic life and provides native habitat as follows:
 - a. Surface Area. A surface area at normal pool elevation (not after a storm) of at least 21,780 square feet (1/2 acre); and
 - b. Depth. At least 25% of the water body is at least eight ten (10) feet deep in order to support aquatic life, and at least 5% shall be over fifteen (15) feet deep; and
 - c. Perimeter Access. At least 15 feet from the top of bank shall be open space.
 - d. Access. An area of open space at least 20 feet wide shall extend from a street right-of-way or parking area to the perimeter access area.
 5. Dry Detention Areas. Man-made storm water detention facilities (dry) shall count 100% toward the minimum open space if it meets the following standards:
 - a. Area. The facility shall have at least 10,890 square feet of flat bottom (1/4 acre).
 - b. Depth. The man-made depth of a detention facility shall not exceed four feet from top of bank.
 - c. Slope. Man-made slopes within the detention facility shall not exceed four to one.

Open Space Standards (OP)

- d. Perimeter Access.
 - i. Width. A buffer area around the full circumference of the facility of at least 10 feet from the top of bank shall be available as open space.
 - ii. Plantings. This open space (facility and buffer area) shall be planted and maintained as usable area. This includes use of prairie grasses, native plants, native ground cover, or lawn grass. Tree planting shall not be within the basin area or on the slopes of the bank. Tree planting shall be reserved for the adjoining buffer area.
 - e. Access. An area of open space at least 20 feet wide shall extend from a street right-of-way to the 10 foot perimeter access area.
 - f. Underdrains. Underdrains shall be installed under the dry detention area to assure the basin will not have any standing water within two days after a ten-year storm event.
- D. Site Features that Do Not Qualify as Open Space: The following features shall not count toward the minimum open space requirements as described.
- 1. Floodway: The floodway of any stream, regulated drain, or river shall not count toward the open space requirements.
 - 2. 100-Year Floodplain: The 100-year floodplain of any stream, regulated drain, or river shall only count 50% of the total floodplain (non-floodway) area toward the open space requirements.
 - 3. Steep Slopes: Any area with slopes exceeding a 2:1 ratio shall not qualify as open space.
 - 4. Wetlands: Any wetland on the development site shall only count 50% of the total wetland area toward the open space requirements.
 - 5. Street Right-of-way. Nothing within the street right-of-way shall count toward open space.

Pedestrian Network Standards (PN)

7.31 PN-01: General Pedestrian Network Standards

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



- A. **General:** Residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt paths for pedestrian transportation and recreation, unless this provision is deemed unnecessary by the Plan Commission.
- B. **Minimum Internal Pedestrian Network Standards:**
 1. *Sidewalk Width.* The minimum sidewalk width shall be as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*; or five feet for planned unit developments and development plans.
 2. *Sidewalk Location.* As indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*; or on both sides of the street for planned unit developments and development plans.
 3. *Sidewalk Location Within the Right-of-Way.* All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to DeKalb County.
 4. *Tree Plot Width.* All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be:
 - a. Subdivisions. As indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*, or
 - b. Planned Unit Developments. Five feet for planned unit developments, or
 - c. Development Plans. Five feet for development plans.
- C. **Minimum External Pedestrian Network Standards:** A pedestrian network comprised of perimeter sidewalks and/or paths shall be required for residential developments when the development is adjacent to an existing pedestrian network, when the development is within one mile of an incorporated city or town, or when otherwise required by the Plan Commission.
 1. *Type of Pedestrian Facility.* The determination of whether the perimeter pedestrian network shall be constructed of concrete or asphalt shall be determined by the Plan Commission.
 2. *Minimum Sidewalk/Path Width.* As indicated on the DeKalb County Construction Standards.
 3. *Sidewalk/Path Spacing from the Right-of-Way.* Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area).
 4. *Minimum Tree Plot Width.* All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a tree plot and to provide pedestrian separation from vehicles. This distance shall be as per *Section 7.31(B)(4): Tree Plot Width*.
 5. *Planting of Tree Plot.* If the tree plot needs planted with grass, the developer shall install grass seed as per the Zoning Administrator in that space between the back of curb/edge of pavement and the perimeter sidewalk/path.
 6. *Special Requirements.* When required by the Plan Commission, other material, methods of construction, and/or development standards may be warranted.
- D. **Pedestrian Crosswalk:** In the design of blocks longer than 800 feet, the Plan Commission may specify the installation of a mid-block pedestrian crosswalk at a location that is useful to facilitate pedestrian circulation to a school, park, recreation area, shopping center, or other significant neighborhood destination; or to assure a safe pedestrian network.
- E. **Administrative Waiver:** When the developer can demonstrate the acceptability of waiving or altering certain development standards relating to perimeter paths or sidewalks, it may be the ruling of the Zoning Administrator with a concurring recommendation from County Highway Supervisor that such standards be altered, reduced, or eliminated.
- F. **Sidewalk or Path Construction:** All concrete sidewalk and asphalt path improvements are to be constructed as per DeKalb County Construction Standards.

Pedestrian Network Standards (PN)

7.32 PN-02: Conservation Residential Pedestrian Network Standards

This Pedestrian Network Standards section applies to the following type of development:



- A. **General:** All conservation residential developments shall integrate an interior and exterior pedestrian network comprised of sidewalks, asphalt, or mulch paths for pedestrian transportation and recreation.
- B. **Minimum Internal Pedestrian Network Standards:**
 - 1. *Sidewalk Width:* The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
 - 2. *Sidewalk Location:* As indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
 - 3. *Sidewalk Location Within the Right-of-Way:* All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to DeKalb County.
 - 4. *Tree Plot Width:* All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
- C. **Minimums Trail Network Standards:**
 - 1. *Trail Surface:* The minimum trail surface shall be constructed of at least five inches of mulch, sand, or limestone fines recessed to be one inch above grade. Asphalt surfaces are allowed as well, but concrete shall not be permitted.
 - 2. *Trail Width:* The minimum trail width shall be four feet.
 - 3. *Trail Length:* The minimum length of total trail to be installed on-site shall be 40% of the total lineal feet of internal streets installed in the development.
 - 4. *Trail Location:* The trail network shall be installed in the conservation areas and be linked to the hard surface pedestrian network. The trail system shall also be sensitively extended to environmental amenities if practicable.
- D. **Minimum External Pedestrian Network Standards:** A pedestrian network comprised of perimeter sidewalks and/or paths shall be required for residential developments when the development is adjacent to an existing pedestrian network, when the development is within one mile of an incorporated city or town, or when otherwise required by the Plan Commission.
 - 1. *Type of Pedestrian Facility:* The determination of whether the perimeter pedestrian network shall be constructed of concrete or asphalt shall be determined by the Plan Commission. Trails are not permitted as part of a perimeter pedestrian network.
 - 2. *Minimum Sidewalk or Path Width:* As indicated on the DeKalb County Construction Standards.
 - 3. *Sidewalk or Path Spacing from the Right-of-Way:* Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic dissuades or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine feet inside of the public right-of-way.
 - 4. *Minimum Tree Plot Width:* All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a tree plot and to provide pedestrian separation from vehicles. This distance shall be as per *Section 7.32(B)(4): Tree Plot Width*.
 - 5. *Planting of Tree Plot:* If the tree plot needs planted with grass, the developer shall install grass seed as per the Zoning Administrator in that space between the back of curb or edge of pavement and the perimeter sidewalk or path.
 - 6. *Special Requirements:* When required by the Plan Commission, other material, methods of construction, and/or development standards may be warranted.
- E. **Administrative Waiver:** When the developer can demonstrate the acceptability of waiving or altering certain development standards relating to perimeter paths or sidewalks, it may be the ruling of the Zoning

Pedestrian Network Standards (PN)

Administrator with a concurring recommendation from County Highway Supervisor that such standards be altered, reduced, or eliminated.

- F. Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed as per DeKalb County Construction Standards.

7.33 PN-03: Commercial Pedestrian Network Standards

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



- A. General: All commercial developments shall integrate an interior and exterior pedestrian network comprised of sidewalks or asphalt for pedestrian transportation and recreation.
- B. Minimum Internal Pedestrian Network Standards:
1. *Sidewalk Width*: The minimum sidewalk width shall be as indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
 2. *Sidewalk Location*: As indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
 3. *Sidewalk Location Within the Right-of-Way or Easement*: All required sidewalks shall be located at least one-half (0.5) foot inside the right-of-way to be dedicated to DeKalb County.
 4. *Tree Plot Width*: All sidewalks shall be spaced away from the back of curb to provide a tree plot and to provide pedestrian separation from vehicles. This minimum distance shall be as indicated on the two-page layouts for this type of subdivision in *Article 06: Subdivisions*.
- C. Minimum External Pedestrian Network Standards: A pedestrian network comprised of perimeter sidewalks and/or paths shall be required for commercial and industrial developments when the development is adjacent to an existing pedestrian network, when the development is within one mile of an incorporated city or town, or when otherwise required by the Plan Commission.
1. *Type of Pedestrian Facility*: The determination of whether the perimeter pedestrian network shall be constructed of concrete or asphalt shall be determined by the Plan Commission.
 2. *Minimum Sidewalk or Path Width*: As indicated on the DeKalb County Construction Standards.
 3. *Sidewalk or Path Spacing From the Right-of-Way*: Generally, all required sidewalks or paths shall be located inside the right-of-way of the perimeter street, but if utility poles, trees, or other physical characteristic block or complicates installation, then the sidewalk or path may encroach into the perimeter landscaping (common area). Also, a perimeter path or perimeter sidewalk shall not extend more than nine feet inside of the public right-of-way.
 4. *Minimum Tree Plot Width*: All sidewalks shall be spaced away from the back of curb or edge of pavement to provide a tree plot and to provide pedestrian separation from vehicles. This distance shall be as per *Section 7.33(B)(4): Tree Plot Width*.
 5. *Planting of Tree Plot*: If the tree plot needs planted with grass, the developer shall install grass seed as per the Zoning Administrator in that space between the back of curb or edge of pavement, whichever exists, and the perimeter sidewalk or path.
 6. *Special Requirements*: When required by the Plan Commission, other material, methods of construction, and/or development standards may be warranted.
- D. Administrative Waiver: Where the developer can demonstrate the acceptability of waiving or altering certain development standards relating to perimeter paths or sidewalks, it may be the ruling of the Zoning Administrator with a concurring recommendation from County Highway Supervisor that such standards be altered, reduced, or eliminated.
- E. Sidewalk or Path Construction: All concrete sidewalk and asphalt path improvements are to be constructed as per DeKalb County Construction Standards.

Perimeter Landscaping Standards (PL)

7.34 PL-01: Residential Perimeter Landscaping Standards

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



- A. **General:** The public right-of-way shall be buffered from the development using a soft barrier outside of the street right-of-way. Further, the landscaping shall be used to define the street corridors and accomplish DeKalb County's character goals.
- B. **Applicability:** The perimeter landscaping standards shall apply to any portion of a residential development that abuts an interstate/limited access highway, major arterial, minor arterial, or collector.
- C. **Minimum Perimeter Landscaping Standards:**
 1. *Perimeter Landscaping Area:* The perimeter landscaping area shall be at least 20 feet in depth and as long as the length of the frontage. Perimeter landscaping area shall be designated as common area on the plat. Note that perimeter landscaping that is 50 feet in width counts 100% toward the minimum open space requirement in *Section 7.29: Residential Open Space Standards*.
 2. *Plant Materials.* Trees shall be provided at a rate of nine trees per 100 lineal feet and shrubs provided at a rate of ten per 100 lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet. It is suggested that the required trees and shrubs be at least 50% evergreen, planted in clusters or irregular patterns.
 3. *Fencing or Mounding.* Either fencing or mounding as described below shall be integrated with the required trees and shrubs.
 - a. **Perimeter Fences.** A high quality perimeter fence common to the development's character shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that simulate natural materials will also be allowed. Fences shall be at least 36 inches in height, but not over 72 inches in height. Fencing may only be provided by the developer and only located in the perimeter landscaping area which must be classified as "common area".
 - b. **Mounds.** Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three feet in height. Maximum side slope shall not exceed a three to one ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are not permitted (i.e. levee-like mounds).

Perimeter Landscaping Standards (PL)

7.35 PL-02: Commercial and Industrial Perimeter Landscaping Standards

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



- A. **General:** The public right-of-way shall be buffered from the development using a soft barrier outside of the street right-of-way. Further, the landscaping shall be used to define the street corridors and accomplish DeKalb County's character goals.
- B. **Applicability:** The perimeter landscaping standards shall apply to any portion of a commercial or industrial development that abuts an interstate/limited access highway, major arterial, minor arterial, or collector.
- C. **Minimum Perimeter Landscaping Standards:**
 1. *Perimeter Landscaping Area:* The perimeter landscaping area shall be at least 20 feet in depth and as long as the length of the frontage. Perimeter landscaping areas shall be designated as common area or permanent easement on the plat. Note that perimeter landscaping that is at least 50 feet in width and length counts 100% toward the minimum open space requirement in *Section 7.30: Commercial and Industrial Open Space Standards*.
 2. *Plant Materials.* Trees shall be provided at a rate of nine trees per 100 lineal feet and shrubs provided at a rate of ten per 100 lineal feet of perimeter planting. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet. It is suggested that the required trees and shrubs be at least 50% evergreen, planted in clusters or irregular patterns.
 3. *Fencing or Mounding.* Either fencing or mounding as described below shall be integrated with the required trees and shrubs.
 - a. *Perimeter Fences.* A high quality perimeter fence common to the development's character shall be combined with plant material and shall be constructed of masonry, stone, wood, or metal. Fences constructed of synthetic materials that closely simulate natural materials will also be allowed. Fences shall be at least 36 inches in height, but not over 72 inches in height. Fencing may only be provided by the developer and only located in the perimeter landscaping area which must be classified as "common area" or "landscape easement".
 - b. *Mounds.* Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "Common Area" or "landscape easement." Mounds shall be a minimum of three feet in height. Maximum side slope shall not exceed a three to one ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds are not permitted (i.e. levee-like mounds).

Prerequisite Standards (PQ)

7.36 PQ-01: General Prerequisite Standards

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



- A. **General:** All developments shall meet the prerequisites as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments.
- B. **Types of Prerequisites:** To qualify for a type of subdivision or for a planned unit development, the following prerequisites apply:
 1. **Prerequisite Base Zoning:** The prerequisite base zoning shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If a parent tract has multiple zoning districts, each of those zoning district must be on the prerequisite listing.
 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: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments.
- C. **Unlisted Types of Prerequisites:** If any the above listed prerequisite standards do not appear for a particular type of subdivision (in *Article 06: Subdivisions*) or for a planned unit development (in *Article 04: Planned Unit Development Districts*), then it does not apply to that particular subdivision type or planned unit development.

Retention Pond Standards (RT)

7.37 RT-01: General Retention Pond Standards

This Retention Pond Standards section applies to the following types of development:



- A. **General:** All developments with retention ponds shall integrate them into the development where they function as storm water retention and where they provide aesthetic benefit for the community at large.
- B. **Retention Pond Location Standards:**
 1. *Retention Ponds:* The location of retention ponds shall be as indicated on the two-page layouts for each type of subdivision in *Article 06: Subdivisions*.
- C. **Exceptions:**
 1. When a site clearly cannot drain toward a required location, then the retention pond shall be located elsewhere in the development, and with at most 75% of the perimeter surrounded by lots, thus maintaining significant access to the water's edge from a public right-of-way.
 2. This section does not apply to detention facilities (dry), which are not subject to location standards.
- D. **Setbacks:** The top of bank for all retention ponds shall be at least 40 feet from all property lines.
- E. **Retention Pond Safety:**
 1. *Maximum Side Slope:* The side slope from the pre-existing average natural elevation of the property to the water's edge shall not exceed a 4:1 ratio (4 feet of run with 1 foot of fall). This maximum slope shall also apply to the side slope to two feet below the average water mark.
 2. *Safety Shelf:* The depth of the pond shall not exceed two feet below the average water mark anywhere within ten feet of the pond edge.
- F. **Dam Safety:** If the vertical distance between the high water mark and the downstream flow elevation exceeds ten feet or the pond impounds more than 50 acrefeet of water, then the property owner shall provide plans prepared by an engineer for review by the county drainage board and Zoning Administrator. If professional engineering services are determined to be necessary for the County Drainage Board or Zoning Administrator to review the plans, the property owner shall bear the cost of those services.
- G. **Vegetative Buffers:** A Vegetative buffer strips shall be established around 70% of the total perimeter of the retention pond for erosion control and additional sediment and nutrient removal. Buffer strips shall be a minimum of 25 feet in width, measured from the water's edge at the average water mark. Vegetative buffers shall be made up of prairie grasses, wildflowers, native understory and ground cover plants found on stream and river banks, and similar native plant material known to effectively prevent erosion and filter sediment and nutrients.
- H. **Landscaping:**
 1. *Quantity.* In addition to vegetative buffers, at least one deciduous tree per 100 lineal feet of water edge at the average water mark shall be installed.
 2. *Location.* The trees required in the previous clause shall be planted within 50 feet of the water's edge, and are encouraged to be clustered or arranged in a natural manner around the perimeter of the retention pond.
- I. **Maximum Outflow Rate:** As per the County Drainage Board.
- J. **Outlets:** All outlets shall include trash racks and anti-vortex devices. All pipe joints are to be watertight and installed according to the County Drainage Board.
- K. **Discharge:**
 1. The County Drainage Board shall determine if an adequate discharge facility (e.g. tile or natural drain) exists, or will determine where and how the discharge will be directed.
 2. Water discharge shall not flow onto or across a neighboring property, unless a drainage easement is established by all property owners and approved by the County Drainage Board.

Storm Water Standards (SM)

7.38 SM-01: General Storm Water Standards

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



- A. **General:** All proposed subdivisions, planned unit developments and development plans submitted to the Plan Commission for approval, under the provisions of the Unified Development Ordinance, shall provide for the collection and management of all storm and surface water drainage.
- B. **General Drainage Considerations:** The purpose of this section is to protect the safety, health, and general welfare of the citizens of DeKalb County by requiring compliance with accepted standards and practices for storm water drainage. This section does not create any liability on the part of DeKalb County, the Plan Commission, or any elected or appointed official or employee thereof, for any damages that result from reliance on this section or any alterations required to conform to the engineering requirements established hereunder or any administrative decisions lawfully made thereunder. Any land alteration must be accomplished in conformity with the drainage requirements.
- C. **Drainage Facility Requirements:** A drainage facility shall be provided to allow drainage of water runoff from all of the upstream drainage area and from all areas within the proposed subdivision to a place adequate to receive such runoff. Furthermore, a drainage facility shall:
 1. Be designed and constructed in accordance with DeKalb County Construction Standards and with other provisions of the Unified Development Ordinance.
 2. Be durable, easily maintained, retard sedimentation, and retard erosion. It shall not endanger the public health and safety, or cause significant damage to property.
 3. Be sufficient to accept the water runoff from the site after development and the present water runoff from all areas upstream. Also, consideration shall be given to 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-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 DeKalb County Comprehensive Plan or the use allowed by current zoning, whichever reflects the most intense use. The volume of water runoff attributable to future development which is not to be accommodated in the proposed drainage facilities, shall be determined by good engineering practice, and may assume use of retention-detention systems, except:
 - a. Parcels that are too small to effectively use a retention-detention system, and
 - b. Parcels where it is not technically and/or economically justifiable to use a retention-detention system.
 4. 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.
 5. Be designed such that the low points of entry for residential, commercial and industrial structures are two feet above and free from a 100-year flood. In addition, avenues of ingress-egress shall also be free from the 100-year flood.
 6. Be designed such that is an overland emergency route which is capable of a 100-year storm and would be within the limits of the drainage easement.
 7. Be designed such that off-site development shall be limited to a two-year predeveloped storm only if the receiving drain or channel is adequate to accommodate the discharge. If the receiving drain cannot handle the two-year predeveloped storm, the discharge shall be limited to a prorated share of the existing drain capacity. As an alternative, the developer may improve the downstream drain to an adequate outlet.
 8. 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. This is in addition to any inspection provided by DeKalb County.

Street and Right-of-Way Standards (SR)

7.39 SR-01: Residential Street and Right-of-Way Standards

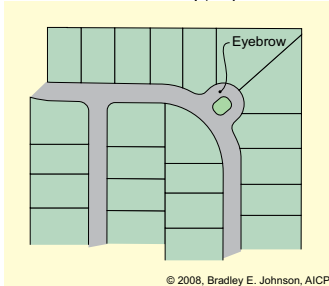
This Street and Right-of-Way Standards section applies to the following types of development:



- A. **General:** All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.
- B. **Private Streets:** Private streets are permitted, but must conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets have easements, rather than rights-of-way. When the term right-of-way is used in this section, it shall also apply to private street easements.
- C. **Street Design Principles:**
 1. *General Street Layout:* Streets shall be laid out on the parent tract:
 - a. In an orderly and logical manner, and
 - b. With concern for connectivity to adjacent parcels, and
 - c. With concern for pedestrian and vehicular safety.
 - d. To provide reasonably direct access to the primary circulation system.
 2. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient. However, under no circumstances shall street grades exceed the maximum allowable grade per the DeKalb County Construction Standards.
 3. *Design Speed:* The maximum design speed shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. For Development Plans, the maximum design speed shall be 35 miles per hour.
 4. *Connectivity:* All developments shall provide stub streets to connect to adjacent properties.
 - a. Where the development abuts undeveloped land, stub streets may be proposed by the developer. However, the final number and location of stub streets shall be determined by the Zoning Administrator and concurred with by the County Highway Supervisor.
 - b. Where the development abuts land that has established stub streets, built or platted, the developer shall design the street system to connect to those stub streets.
 - c. As a general rule, each side of the development that does not border on a public street shall have at least one stub street. In large developments, two stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
 - d. Proposed streets indicated in the DeKalb County Thoroughfare Plan within the Comprehensive Plan that transect the parcel proposed for development shall be incorporated into the development, including dedication of right-of-way and construction of the street. Proposed streets indicated in the DeKalb County Thoroughfare Plan within the Comprehensive Plan that run adjacent to the parcel proposed for development shall be required to dedicate 1/2 the necessary right-of-way and required to construct 1/2 the street. In both cases, the development shall be designed with connectivity to the streets required by the DeKalb County Thoroughfare Plan within the Comprehensive Plan.
 5. *Stub Streets:* Stub streets shall be constructed at the same time the other streets are built within the development. Temporary easements shall be established to provide for turn arounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a permanent sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development. The legal language establishing the temporary easement shall clearly state that the developer is responsible for re-configuring the temporary turn-around into a through-street configuration and post surety acceptable to the DeKalb County Commissioners for its completion.
 6. *Gated Entrances:* Gated development entrances shall have apparatus installed such that emergency vehicles (i.e. fire and 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 DeKalb County to easily turn into the development.

Street and Right-of-Way Standards (SR)

7. *Boulevard Entrances*: All residential developments with 100 or more lots shall have a boulevard entrance extending 50 feet from the perimeter street's right-of-way.
8. *Intersections*: All intersections of two streets shall be within 15° of right angles to one another as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted. Local street intersection with center line offsets of less than 125 feet shall not be permitted.
9. *Right-of-Way Width*: The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate width for each development.
10. *Street Width*: The minimum street pavement width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
11. *Curb Type*: Rolled or straight curbs are permitted.
12. *Block Length*: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate maximum length.
13. *Cul-de-sac Length*: The maximum cul-de-sac length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate maximum length.
14. *Cul-de-sac Terminus*: The terminus of each cul-de-sac shall be per the DeKalb County Construction Standards.
15. *Permanent Dead End Streets*: Dead end streets are prohibited. Stub streets or streets ending in cul-de-sacs are not classified as permanent dead end streets.
16. *Temporary Dead-end Streets*: A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turnaround shall be provided for any such temporary dead-ended street which extends 150 feet or more in length. Such easement shall be automatically vacated to abutting property owners and re-configured to a through-street when said dead-ended street is legally extended.
17. *Eyebrows*: Eyebrow street designs shall be constructed for one-way traffic, no parking, and shall have an island in the middle which contains a sidewalk for pedestrians to efficiently and safely travel on the pedestrian network. The minimum radius for the outside edge shall be 30 feet and the minimum radius for the inside edge (the island) shall be 15 feet.



18. *Half-width Streets*: Half-width streets are not permitted.
- D. Dedication of Right-of-Way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the developer shall dedicate additional width along either one or both sides of such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
 - E. Construction and Installation Standards for Streets: All street improvements, private or public, are to be designed, constructed and installed as per DeKalb County Construction Standards.

Street and Right-of-Way Standards (SR)

- F. Minimum Entrances: Any subdivision with 60 or more lots shall be required to have at least two (2) street entrances off of an existing public right-of-way.

7.40 SR-02: Commercial and Industrial Street and Right-of-Way Standards

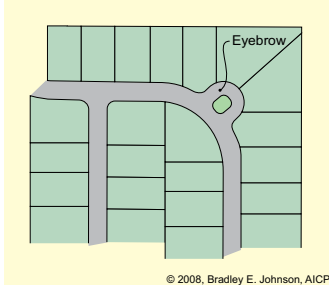
This Street and Right-of-Way Standards section applies to the following types of development:



- A. General: All developments submitted for Plan Commission approval shall allocate adequate areas for new streets in conformity with the Unified Development Ordinance, Comprehensive Plan, and Thoroughfare Plan.
- B. Private Streets: Private streets are permitted, but must conform to all street and right-of-way standards within the Unified Development Ordinance. The only difference shall be that private streets have easements, rather than rights-of-way. When the term right-of-way is used in this section, it shall be applied to private street easements.
- C. Street Design Principles:
1. *General Street Layout*: Streets shall be laid out on the parent tract:
 - a. In an orderly and logical manner, and
 - b. With concern for connectivity to adjacent parcels, and
 - c. With concern for pedestrian and vehicular safety, and
 - d. To provide reasonably direct access to the primary circulation system.
 2. Streets shall be adjusted to the contour of the land so as to produce usable development sites and streets of reasonable gradient. However, under no circumstances shall street grades exceed the maximum allowable grade per the DeKalb County Construction Standards.
 3. *Design Speed*: The maximum design speed shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. For Development Plans, the maximum design speed shall be 35 miles per hour.
 4. *Connectivity*: All developments shall provide stub streets to connect to adjacent properties.
 - a. Where the development abuts undeveloped land, stub streets may be proposed by the developer. However, the final number and location of stub streets shall be determined by the Zoning Administrator and concurred with by the County Highway Supervisor.
 - b. Where the development abuts land that has established stub streets, built or platted, the developer shall design the street system to connect to those stub streets.
 - c. As a general rule, each side of the development that does not border on a public street shall have at least one stub street. In large developments, two stub streets may be determined necessary to provide adequate connectivity to developed or undeveloped abutting properties.
 - d. Proposed streets indicated in the DeKalb County Thoroughfare Plan within the Comprehensive Plan that transect the parcel proposed for development shall be incorporated into the development, including dedication of right-of-way and construction of the street. Proposed streets indicated in the DeKalb County Thoroughfare Plan within the Comprehensive Plan that run adjacent to the parcel proposed for development shall be required to dedicate 1/2 the necessary right-of-way and required to construct 1/2 the street. In both cases, the development shall be designed with connectivity to the streets required by the DeKalb County Thoroughfare Plan within the Comprehensive Plan.
 5. *Stub Streets*: Stub streets shall be constructed at the same time the other streets are built within the development. Temporary easements shall be established to provide for turn arounds, but they shall be released to the neighboring properties when the reciprocal stub street is constructed. Further, a permanent sign shall be installed at the terminus of the stub street stating clearly that it will eventually go through to a future development. The legal language establishing the temporary easement shall clearly state that the developer is responsible for re-configuring the temporary turn-around into a through-street configuration and post surety acceptable to the DeKalb County Commissioners for its completion.
 6. *Gated Entrances*: Gated development entrances shall not be permitted.

Street and Right-of-Way Standards (SR)

7. *Boulevard Entrances*: All commercial developments with 60,000 square feet or 15 tenant space or more shall have a boulevard entrance extending 50 feet from the perimeter street's right-of-way. The width of the center tree plot shall be a minimum of ten feet.
8. *Intersections*: All intersections of two streets shall be within 15° of right angles to one another as measured at the street centerlines. Intersections of more than two streets at one point shall not be permitted. Internal street intersection with center line offsets of less than 125 feet shall not be permitted.
9. *Right-of-Way Width*: The minimum right-of-way width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate width for each development.
10. *Street Width*: The minimum street pavement width shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate width for each development. Street width shall be determined by measuring from back of curb to back of curb.
11. *Curb Type*: Straight curbs are required.
12. *Block Length*: The maximum block length shall be as indicated on the two-page layout for each type of subdivision in *Article 06: Subdivisions*; or as indicated in *Article 04: Planned Unit Development Districts* for Planned Unit Developments. If not indicated, the County Highway Supervisor shall utilize DeKalb County Thoroughfare Plan to determine the appropriate maximum length.
13. *Cul-de-sac Length*: Cul-de-sacs shall not be permitted in the SC or CM subdivision types. The maximum cul-de-sac length for the IP subdivision type shall be as indicated on the two-page layout in *Article 6: Subdivisions*. The maximum cul-de-sac length for the DP and PD development types is 1000' where cul-de-sacs are allowed by the underlying zoning district and subdivision type. If not indicated, the County Highway Supervisor shall utilize the DeKalb County Thoroughfare Plan to determine the appropriate maximum cul-de-sac length.
14. *Cul-de-sac Terminus*: Cul-de-sacs shall not be permitted in the SC or CM subdivision types. Where cul-de-sacs are allowed, the terminus of each cul-de-sac shall be as per the DeKalb County Construction Standards.
15. *Permanent Dead End Streets*: Dead end streets shall not be permitted.
16. *Eyebrows*: Eyebrow streets shall not be permitted.



17. *Half-width Street*: Half-width streets shall not be permitted.

- D. Dedication of Right-of-Way: In developments that adjoin or include existing streets that do not conform to the minimum right-of-way dimensions as established by the Thoroughfare Plan, the developer shall dedicate additional width along either one or both sides of such streets of inadequate width so as to bring them up to standards, provided the area to be used for widening is owned by the subdivider or under his control.
- E. Construction and Installation Standards for Streets: All street improvements, private or public, are to be designed, constructed and installed as per DeKalb County Construction Standards.
- F. Minimum Entrances: Any commercial or industrial subdivision which is expected to generate 8,000 vehicle trips to the development shall be required to have at least two (2) street entrances off of an existing public right-of-way.

Street Lighting Standards (SL)

7.41 SL-01: Residential Street Lighting Standards

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



- A. General: The developer shall install, or cause to be installed, street lights at all intersections, development entrances, and along internal streets as required by the provisions of this section.
- B. Street Lights at Intersections: The developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all internal intersections within the development, consistent with the County Highway Supervisor's guidelines. Fixtures installed in these areas shall not exceed 18 feet in height and cutoff luminaires shall be used to prevent glare in these sensitive areas.
- C. Street Lights at Entrances:
 1. If DeKalb County has established a street light standard at entrances to the development, the developer shall install that lighting standard as per the County Highway Supervisor's specifications.
 2. If there is no established street light standard the developer shall propose fixtures and locations for the approval of the Plan Commission. To be approved, the lighting design shall provide the minimum amount of light necessary for vehicular and pedestrian safety and be in character with the development. Cutoff luminaires shall be used to prevent glare in these sensitive areas.
- D. Street Lights Along Internal Streets: Street lights are not required between street intersections. However, each home site is required to install a front yard light that automatically turns on at dusk and turns off at dawn. This lighting shall be provided by the home builders and maintained by the homeowners in perpetuity. These fixtures may include:
 1. A pole light not to exceed seven feet in height, or
 2. A wall-mounted light located on the front facade of the primary structure no higher than eight feet above ground level; or
 3. A hanging light, mounted near the front door at no more that nine feet above the porch elevation.
- E. Street Lights at Intersection Administrative Waivers: The Zoning Administrator with a concurring recommendation from County Highway Supervisor may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (intersections involving collector or arterial streets) within the development be administratively waived from the requirements by the Zoning Administrator.

7.42 SL-02: Conservation Residential Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. General: The developer shall install, or cause to be installed, street lights at all intersections and development entrances as required by the provisions of this section.
- B. Street Lights at Entrances:
 1. If DeKalb County has established a street light standard at entrances to the development, the developer shall install that lighting standard as per the County Highway Supervisor's specifications.
 2. If there is no established street light standard the developer shall propose fixtures and locations for the approval of the Plan Commission. To be approved, the lighting design shall provide the minimum amount of light necessary for vehicular and pedestrian safety and be in character with the development. Cutoff luminaires shall be used to prevent glare in these sensitive areas.

Street Lighting Standards (SL)

7.43 SL-03: Traditional Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. General: The developer shall install, or cause to be installed, street lights at all intersections, development entrances, and along internal streets as required by the provisions of this section.
- B. Street Lights at Intersections: The developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development as follows:
 1. In residential areas, using a pedestrian-scale vintage-style lighting fixture not exceeding 12 feet in height. Fixtures that shield light from being cast above the horizon line shall be used.
 2. In commercial areas, using a cantilevered vintage-style lighting (e.g. not cobra heads or the like) fixture not exceeding 18 feet in height.
- C. Street Lights at Entrances:
 1. If DeKalb County has established a street light standard along the street that the entrance is located, the developer shall install that lighting standard as per the County Highway Supervisor's specifications.
 2. If there is no established street light standard the developer shall propose fixtures and locations for the approval of the Plan Commission. To be approved, the lighting design shall provide the minimum amount of light necessary for vehicular and pedestrian safety and be in character with the development. Cutoff luminaires shall be used to prevent glare in these sensitive areas.
- D. Street Lights Along Internal Streets: Pedestrian-scale vintage-style lighting fixture not exceeding 12 feet in height, are required between street intersections. The interval between these lighting fixtures shall not exceed 300 feet. Fixtures that shield light from being cast above the horizon line shall be used and reasonable effort shall be taken to shield light from being a nuisance to adjacent properties.

7.44 SL-04: Commercial Street Lighting Standards

This Street Lighting Standards section applies to the following type of development:



- A. General: The developer shall install, or cause to be installed, street lights at all intersections and development entrances as required by the provisions of this section.
- B. Street Lights at Intersections: The developer shall propose a lighting design that provides the minimum amount of light necessary for vehicular and pedestrian safety at all intersections within the development, consistent with the County Highway Supervisor's guidelines. Fixtures installed in these areas shall not exceed 20 feet in height.
- C. Street Lights at Entrances:
 1. If DeKalb County has established a street light standard along the street that the entrance is located, the developer shall install that lighting standard as per the County Highway Supervisor's specifications.
 2. If there is no established street light standard the developer shall propose fixtures and locations for the approval of the Plan Commission. To be approved, the lighting design shall provide the minimum amount of light necessary for vehicular and pedestrian safety and be in character with the development. Cutoff luminaires shall be used to prevent glare in these sensitive areas.
- D. Street Lights at Intersection Administrative Waivers: The Zoning Administrator with a concurring recommendation from County Highway Supervisor may reduce the number of intersections required to have street lighting. Under no circumstances shall the major intersections (intersections involving collector streets) within the development be waived from the requirements by the Zoning Administrator.

Street Name Standards (SN)

7.45 SN-01: General Street Name Standards

This Street Name Standards section applies to the following types of development:



- A. Proposed Street Name(s): The developer shall propose a unique name for each street within the development at the time of initial application.
- B. Street Name Standards: Within the jurisdiction of this ordinance and within the jurisdiction of the E-911 Coordinator the following standards shall apply:
 1. Streets which are extensions or continuations of, or obviously in alignment with, any existing streets, either constructed or appearing on any validly recorded plat or survey, or valid plat previously approved by the Plan Commission, shall bear the names of such existing streets.
 2. The root street name (e.g. Maple) shall not duplicate or be phonetically similar to any existing street name. The only exception to this rule is if a new street is the continuation of an existing street, in which case, the new street shall have the exact same name as the existing street.
 3. Deviations in suffix names (e.g. Street, Court, or Avenue) shall not constitute a unique name. Therefore, if Maple Street existed, the name Maple Court shall not be permissible.
 4. Street numbers for all lots shall be assigned by the Zoning Administrator or in coordination with the E-911 Coordinator.
- C. Authority to Rename a Proposed Street: The Plan Commission, County Commissioners or Zoning Administrator shall have the authority to require a new name to be chosen for any street or a portion of any street. If a new name is not proposed by the developer, the Plan Commission, County Commissioners or Zoning Administrator shall have the right to rename the street prior to, during or after final approval.

Street Sign Standards (SS)

7.46 SS-01: Residential Street Sign Standards

This Street Sign Standards section applies to the following types of development:



- A. **General:** DeKalb County requires that each street within a residential development have the minimum number of signs necessary to:
1. Provide a safe environment for drivers and pedestrians, and
 2. Provide an information system so visitor can efficiently find a certain street, address, or development amenity.
- B. **Developers's Responsibilities:**
1. *Manufacturing:* The developer shall be responsible for having all public safety related street signs, such as: speed limit signs, stop signs, yield signs, street name signs, and the like manufactured, as deemed necessary by the County Highway Supervisor throughout the development. DeKalb County's engineering policies and nationally recognized engineering standards shall be used to determine the type, sign size, and dimensions of each of these signs.
 2. *Public Safety Related Street Signs:* The project developer shall be required to install the public safety related street signs prior to any start of construction of buildings on that street and prior to being opened to the public. These signs shall be installed in the location and to the height determined by the DeKalb County Highway Supervisor.
 3. *Street Name Signs:* The project developer shall be required to install the street name signs prior to any start of construction of buildings on that street and prior to being opened to the public. The developer shall install a minimum of one street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one street name sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from any sidewalk intersection (on the street side) or four feet from the edge of pavement.
 4. *Way-finding/Directional Signs:* The developer shall provide for all proposed internal way-finding and directional signs for consideration. Each sign's design, size and proposed location shall be submitted for Plan Commission approval. These signs shall meet the below described design standards.
 5. *Multifamily Building or Development Amenity Identification:* The developer shall propose and submit sign designs to be used for building identification for the Zoning Administrator's approval. All building identification signs shall be the smallest possible size to be visible from a reasonable distance along interior streets or parking areas. Visibility from perimeter streets does not have to be a consideration of the Zoning Administrator.
- C. **Way-finding and Directional Signs:** The following standards apply.
1. *Prerequisites:* The development shall have at least 50 dwelling units to qualify for any internal way-finding or directional signs. Further, the development shall have an amenity that necessitates a way-finding or directional sign (e.g. a community swimming pool).
 2. *Maximum Number of Signs:* No more than one sign shall be allowed to provide directional assistance for drivers to find any single development amenity. If deemed unnecessary by the Plan Commission due to the conspicuousness of the development amenity, no sign shall be permitted. Also, if one sign is not sufficient to find a development amenity that is not easily located the Plan Commission may grant additional signs.
 3. *Maximum Size:* No way-finding or directional sign shall be more than three square feet in size.
 4. *Location:* No permitted internal way-finding or directional sign shall be located within a sight visibility triangle or within one foot of any asphalt or concrete surface; nor within five feet of any tree.
 5. *Height:* Any way-finding or directional sign shall not exceed five feet in height above ground level.

Street Sign Standards (SS)

7.47 SS-02: Commercial and Industrial Street Sign Standards

This Street Sign Standards section applies to the following types of development:



- A. **General:** DeKalb County requires that each street within a commercial or industrial development to have the minimum number of signs necessary to:
1. Provide a safe environment for drivers and pedestrians, and
 2. Provide an information system so visitor can efficiently find a certain street, address, or multi-tenant building.
- B. **Developers's Responsibilities:**
1. *Manufacturing:* The developer shall be responsible for having all public safety related street signs, such as: speed limit signs, stop signs, yield signs, street name signs, and the like manufactured, as deemed necessary by the County Highway Supervisor throughout the development. DeKalb County's engineering policies and nationally recognized engineering standards shall be used to determine the type, sign size, and dimensions of each of these signs.
 2. *Public Safety Related Street Signs:* The project developer shall be required to install the public safety related street signs prior to any start of construction of buildings on that street and prior to being opened to the public. These signs shall be installed in the location and to the height determined by the DeKalb County Highway Supervisor.
 3. *Street Name Signs:* The project developer shall be required to install the street name signs prior to any start of construction of buildings on that street and prior to being opened to the public. The developer shall install a minimum of one street name sign at each street intersection within the subdivision and on all perimeter intersections. At least one street name sign shall be set on the most conspicuous corner of the intersections, at a point approximately six inches from any sidewalk intersection (on the street side) or four feet from the edge of pavement.
 4. *Way-finding Kiosk:* The developer shall provide for all proposed internal way-finding kiosks for consideration. Each sign or kiosk design, size and proposed location shall be submitted for Plan Commission approval. These kiosks shall meet the below described design standards.
 5. *Multi-tenant Building or Development Amenity Identification:* The developer shall propose and submit sign designs to be used for multi-tenant building or amenity identification for the Zoning Administrator's approval. All multi-tenant building or amenity identification signs shall be the smallest possible size to be visible from a reasonable distance along interior streets or parking areas. Visibility from perimeter streets does not have to be a consideration of the Zoning Administrator.
- C. **Way-finding Kiosks:** The following standards apply.
1. *Prerequisites:* The development shall have at least 10 acres and four multi-tenant buildings to qualify for any way-finding kiosks.
 2. *Maximum Number of Kiosks:* No more than two way-finding kiosks shall be allowed to provide directional assistance for drivers to find their desired destination. If deemed unnecessary by the Plan Commission, due to the conspicuousness of the development's destinations, no way-finding kiosk shall be permitted. Also, if two kiosks are not sufficient to find the development's destinations, the Plan Commission may grant additional way-finding kiosks to be installed.
 3. *Way-finding Kiosk Structure:* All way-finding kiosks shall be architecturally designed and constructed of stone, brick, or another other durable materials used on the facades of the development's buildings. Wayfinding kiosks shall be monolithic, and shall be at least 50% as deep as it is wide; or 50% as deep as it is tall.
 4. *Maximum Size:* No way-finding kiosk shall be more than 14 cubic feet in volume.
 5. *Location:* All permitted way-finding kiosks shall be located outside the right-of-way to be dedicated. They shall be located in a permanent easement. Also, they shall not be located within a sight visibility triangle or within one foot of any asphalt or concrete surface; nor within five feet of any tree.
 6. *Height:* Any way-finding or directional sign shall not exceed five feet in height above ground level.

Utility Standards (UT)

7.48 UT-01: Conservation Utility Standards

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



- A. Sanitary Sewage Discharge: Regardless of whether the zoning district requires sanitary sewer hookup, a conservation subdivisions may provide for the collection and discharge of all sanitary sewage through the installation of a community septic system for the subdivision. The septic system design and location shall be approved by the County Health Department. No individual systems may be installed if the zoning district requires sanitary sewer hookup.
- B. Water: Conservation subdivisions may provide water through the use of a community-serving well for the subdivision. The well design and location shall be approved by the County Health Department.

7.49 UT-02: General Utility Standards

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



- A. Sanitary Sewer Utility Standards:
 1. *When Required by the Zoning District*: Any developments of land under the provisions of *Article 07*, when the subject zoning district requires municipal sanitary sewers, shall provide for the collection of all sanitary sewage and not utilize septic systems. These sewers shall be tied into a community-wide system and constructed within the street rights-of-way or within other dedicated sewer or utility easements.
 2. *When Not Required by the Zoning District*: Any developments of land under the provisions of *Article 07*, when the subject zoning district does not require municipal sanitary sewers, shall provide for the collection of all sanitary sewage and not utilize individual or community septic systems when:
 - a. The cost of installing the septic system for each buildable site is cumulatively 1/2 or more than the total cost of installing a sewer collection system and tying it into a municipal utility. (*For example, if the total cost of installing septic systems to all buildable lots is cumulatively \$200,000 and the cost for installing a sewer collection system and tying it into the municipal utility is cumulatively \$350,000, than the development shall not utilize septic systems.*) The city, county or utility company may subsidize the cost of the sewer installation to meet the above threshold, necessitating a sanitary sewer system to be installed.
- B. Water Utility Standards:
 1. *When Required by the Zoning District*: Any developments of land under the provisions of *Article 07*, when the subject zoning district requires municipal water, shall provide a municipal water system to including fire protection (i.e. hydrants) and potable water to each lot.
 2. *When Not Required by the Zoning District*: Any developments of land under the provisions of *Article 07*, when the subject zoning district does not require municipal water, shall provide a municipal water system to including fire protection (i.e. hydrants) and potable water to each lot when:
 - a. The cost of installing a well for each buildable site is cumulatively 1/3 or more than the total cost of installing water lines from the nearest water main of a municipal utility. (*For example, if the total cost of installing a well for each buildable lot is cumulatively \$100,000 and the cost for installing a municipal water system is cumulatively \$300,000, than the development shall not utilize wells.*) The city, county or utility company may subsidize the cost of installing a water distribution system to meet the above threshold, necessitating a water distribution system to be installed.

Utility Standards (UT)

3. *Use of Private Wells:* Other than when required above in *Section 7.49(B)(2) When Not Required by the Zoning District*, private wells are permitted, provided that:
 - a. Adequate water supplies are available by test drilling and providing a report prepared by a certified ground water hydrologist.
 - i. The scope of the testing and report shall be determined by the hydrologist and County Health Department.
 - ii. The report shall specify the type of well to be constructed, the approximate depth, and expected quantity of water available for the area, consideration being given to the proposed density of the plat and/or demand placed upon the aquifer.
4. *Private Wells:* Private wells and water systems shall be approved by the DeKalb County Health Officer, and be constructed in accordance with the rules, regulations and approval of the Indiana State Board of Health.
5. *Public Water Supplies:* The construction plans shall be approved by the Indiana State Board of Health and shall be on file with the Zoning Administrator prior to the issuance of the Primary Plat Approval.
6. *Coordination of Installation:* It shall be the developer's responsibility to coordinate the installation of the water system with other utilities. Conflicts with prior constructed utilities and damage to them shall not be allowed, the work shall be stopped, and damages repaired before allowing the work to continue.
- C. Construction Standards for Utilities: All utility improvements, private or public (to be dedicated) are to be designed and installed as per DeKalb County Construction Standards.
- D. Up-sizing Utilities Policy: Certain public utilities, to be installed by a developer, may also be of benefit to other owners/developers or the community as a whole if it were up-sized. When this is the case, DeKalb County, the utility, an interested municipality and/or an interested land owner or developer may enter into a contractual agreement which shall provide for proportional cost recovery or shared responsibility for the installation and material costs. All agreements shall be in accordance with the appropriate Indiana Statutes and Administrative Code. The cost for preparing any and all exhibits, studies, and legal services shall be distributed as per the agreements.
- E. Fire Suppression System:
 1. All developments with municipal water shall install fire hydrants throughout the development with a maximum spacing of 600 feet. Fire hydrant installation shall meet the fire hydrant construction standards of the municipality or of the DeKalb County Construction Standards, whichever is stricter.
 2. All developments without municipal water shall install dry hydrants at all retention pond locations for any residential development containing five or more lots, or any commercial or industrial development of 10 acres or more. Dry hydrant installation shall meet the DeKalb County Construction Standards including the provision of access easements.

Warning Siren Standards (WS)

7.50 WS-01: General Warning Siren Standards

This Warning Siren Standards section applies to the following types of development:



A. Warning Siren Standards:

1. *General:* All residential developments with 50 or more dwelling sites; all commercial developments with 60,000 square feet or more occupiable space; and all industrial developments with 100,000 square feet of occupiable shall install a storm warning siren on the development site or within effective proximity to the development to provide adequate dangerous storm alerts to persons living or working on that site. The warning siren shall be installed in accordance with the DeKalb County Construction Standards.
2. *Connection to National Weather Service:* The warning siren shall be fully operable and properly connected to a weather notification system as determined by the DeKalb County Plan Commission.
3. *Exemption:* If the development site is adequately being served by another warning siren in fully operable condition, then the development is exempt from this requirement.

Article
08

**Nonconforming Lots,
Structures & Uses**

**DeKalb County
Unified Development
Ordinance**

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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: Nonconformance* specifies the provisions that apply to these legal nonconforming (informally referred to as grandfathered) lots, structures, and uses.

8.02 Transitional Rule

Any enforcement action being conducted prior to the effective date of the Unified Development Ordinance for a known or suspected violation of the preceding zoning ordinance and/or subdivision control ordinance shall be continued under the terms of enforcement and penalties of the preceding zoning ordinance and/or subdivision control ordinance, assuming the Unified Development Ordinance does not make what was previously a violation a non-violation (i.e. fully conforming). All other enforcement actions for known or suspected violation shall be conducted using the Unified Development Ordinance.

8.03 Distinction Between Conforming, Illegal Nonconforming, Legal Nonconforming and a Change from Illegal Nonconforming or Legal Nonconforming to Conforming

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 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 and determines when status changes from legal nonconforming to conforming:

A. Illegal Nonconforming:

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

B. Legal Nonconforming:

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

- C. The status of an Illegal Nonconforming or Legal Nonconforming structure and/or use may change or become a Conforming structure and/or use if the structure and/or use has been in continual use or existence for 15

Nonconforming Structure

years. For example: a parcel that has a small engine or lawn mower repair shop that may be an illegal nonconforming use shall become a legal conforming use if the use is 15 years or older. If the use is 15 years or newer, it shall be deemed in violation of the Unified Development Ordinance.

Nonconforming Structure

8.04 Illegal Nonconforming Structure, Use, and Lot

An illegal structure, use, or lot is subject to the enforcement procedures and penalties of the Unified Development Ordinance as amended, unless otherwise noted in this Article.

8.05 Legal Nonconforming Structure

The following provisions apply to a legal nonconforming structure, a structure associated with legal nonconforming uses, and structures associated with legal nonconforming lots that are 15 years or newer:

- A. Legal Nonconforming Building Provisions: The provisions for legal nonconforming buildings, a subcategory of structures, are as follows:
 1. *Building Expansion*: A legal nonconforming building shall be permitted to expand in area and height as long as the nonconformity is not increased and the expansion otherwise meets the current Unified Development Ordinance. For example, if a building is in violation of the maximum height standard, it can be expanded in area as long as the new addition does not exceed the maximum height standard and is otherwise in compliance with current Unified Development Ordinance.
 2. *Building Exterior Alteration*: The exterior walls of a building shall not be moved except as provided in the previous clause. Otherwise, the roof and exterior walls may be maintained, repaired, re-faced, and modified, resulting in the original aesthetic character or an altered exterior character, as long as the building's nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance.
 3. *Building Interior Alteration*: Ordinary repair and replacement of interior finishes, heating systems, fixtures, electrical systems, or plumbing systems; and interior wall modifications are not regulated by the Unified Development Ordinance.
 4. *Building Relocating*: A legal nonconforming building may be relocated if, by moving the building, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
- B. Legal Nonconforming Structure Provisions: The provisions for legal nonconforming structures, excluding the subcategory of buildings, are as follows:
 1. *Structure Alteration*: A legal nonconforming structure shall be permitted to be altered in height, area, mass, and time as long as the nonconformity is not increased and the alteration otherwise meets the current Unified Development Ordinance. For example, if a permanent sign is in violation of the maximum height standard, it can be altered as long as the alteration does not exceed the currently allowed maximum height standard and is otherwise in compliance with Unified Development Ordinance.
 2. *Structure Relocating*: A legal nonconforming structure may be relocated if, by moving the structure, it decreases the legal nonconformity and the relocation otherwise meets the current Unified Development Ordinance.
 3. *Conversion for Longevity*: Converting a structural component of a legal nonconforming structure to a more permanent material in order to prolong legal nonconformity shall not be permitted. For example, a legal nonconforming permanent pole sign would not be permitted to replace its existing wood posts with metal posts even if dimensionally the same size.
- C. Loss of Legal Nonconforming Structure Status: The following provisions apply to all types of structures:
 1. *Condemned Structures*: If a structure, through lack of maintenance, is declared by an authorized official to be condemned due to its physical or unsafe condition, it shall lose its legal nonconforming status and become illegal nonconforming; unless the structure is restored or repaired within three months of the declaration. The Zoning Administrator may grant an appropriate extension of time if work was started within the initial three month period and reasonable attempts are being made by the owner to remedy the condemnation.
 2. *Removal of Permanent Structures*: If a permanent structure is fully or significantly removed or razed (i.e. 80% or more of the exterior walls, structure area, structure height), 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.

Nonconforming Lot

3. *Removal of Temporary Structures:* If a temporary structure is removed (e.g. moved inside, taken off-site, or replaced by a new temporary structure), the temporary structure shall lose its legal nonconforming status and become illegal nonconforming.
 4. *Flood:* If a structure is severely damaged from a flood, resulting in a loss of either 50% of its market value or 50% of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other flood damaged structures shall be allowed to rebuild the structure that previously existed.
 5. *Acts of God:* If a structure is severely damaged from an act of god, excluding flooding, resulting in a loss of either 70% of its market value or 70% of its structure, all reconstruction shall be required to meet the current Unified Development Ordinance. All other structures damaged by an act of god shall be allowed to rebuild the structure that previously existed.
- D. Maintenance and Repair: Nothing in this section shall be deemed to prevent the maintenance or repair of a structure to keep it in a safe, aesthetic, and functional condition.

Nonconforming Use

8.06 Legal Nonconforming Lot

The following provisions apply to legal nonconforming lots:

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

Nonconforming Use

8.07 Legal Nonconforming Use

The following provisions apply to legal nonconforming uses that are 15 years or newer:

A. Cross Reference:

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

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

1. *Utilizing Existing Enlarged, New or Relocated Buildings:* A legal nonconforming use shall be permitted to occupy or use an existing building, enlarged existing building, newly constructed building, or relocated building, provided the building meets the current Unified Development Ordinance.
2. *Utilizing Existing, Altered, New or Relocated Structures:* A legal nonconforming use shall be permitted to utilize an existing structure, altered existing structure, newly constructed structure, or relocated structure, provided the building meets the current Unified Development Ordinance.
3. *Utilizing Land:* Any legal nonconforming use shall be permitted to utilize its lot, or lots owned in combination upon the effective date of the Unified Development Ordinance, provided the utilization of land meets the current Unified Development Ordinance.
4. *Increase in Nonconformity:* No legal nonconforming use shall be permitted to increase its nonconformity. The size of operation, number of employees, increase to vehicular traffic and similar increases in size does not increase nonconformity of a use. For example, a five acre legal nonconforming junkyard that expands its operations onto five more acres of land it previously owned, does not qualify as an increase in nonconformity, its still a junkyard. However, if the same junkyard adds a compactor facility which previously did not exist, that would qualify as 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 one year or more, except when a government action impedes access to the premises, it shall lose its legal nonconforming status. Any subsequent use shall conform to the provisions of the current Unified Development Ordinance. See definition.
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.

Nonconforming Use



Article
09

Processes, Permits and Fees

**DeKalb County
Unified Development
Ordinance**

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Process, Permit, and Fee Introduction

9.01 General Petition Information

- A. **Types of Petitions:** DeKalb County requires all petitions for permits, approvals, certificates, or appeals described in this Article to file a complete application and, unless otherwise waived, to remit the appropriate filing fee.
- B. **Filing of Petitions:**
 - 1. *Written Format:* All materials shall be submitted in a hard copy/written format unless stated otherwise.
 - 2. *Electronic Format:* All Subdivisions (Primary & Secondary Plats) and Development Plans are required to be submitted in an electronic format in the form of a Computer Aided Drafting (CAD) file (i.e. .dwg file) to be imported into the County's GIS in addition to the hard copy/written format. Approval from the Zoning Administrator shall be required to submit materials in an alternate format. Materials required to be submitted in an electronic format shall have the statement "(electronic format required)" after the listed materials.
 - a. All elements in the CAD file will be projected in the Indiana East State Plane (1301) projection.
 - b. The units of the CAD file will be in feet.
 - c. The CAD file will be required to contain the parcel, right-of-way, easement boundaries, including the control points, Harrison Marker and a Point of Beginning (P.O.B.).
 - d. If the CAD file is a .dwg file, it will be saved as an AutoCAD 2013 file.
 - e. If the digital file is sent as a .shp file, the file will be sent as a *.zip file and include the .cpg, .dbf, .prj, .sbn, sbx, .shp, .shp.xml, and .shx files.
- C. **Submittal of Petition Fees:** The Zoning Administrator shall calculate the total of the application fee and any other applicable fees. The applicant shall be responsible for paying the fees at the time of application submittal.
- D. **Complete Petition Application:** The Zoning Administrator shall have up to 15 days after the filing of an application to determine if the application is complete and ready to be accepted. Incomplete applications may not be acted upon. The Zoning Administrator may require additional information from the applicant or from others before determining if an application is complete.

9.02 Schedule of Fees

- A. **Official Fee Schedule:** Section Twelve of The DeKalb County Plan Commission Rules of Procedure shall serve as the official fee schedule of the Unified Development Ordinance. Therefore, all fees associated with permits and processes outlined in the Unified Development Ordinance shall be determined by Section Twelve: Fee Schedule in the DeKalb County Plan Commission Rules of Procedure.
- B. **Final Action:** Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Section Name	Page Number	Section Name	Page Number
Administrative Appeal	9-3	Performance Surety.....	9-33
Administrative Interpretation.....	9-5	Planned Unit Development.....	9-35
Amendment to Ordinance Text.....	9-6	Questionable Land Use Determination.....	9-43
Amendment to Zoning Map	9-8	Sign Permit.....	9-45
Design Standards Waiver.....	9-10	Special Exception	9-46
Development Plan	9-12	Storm Water Drainage Plan.....	9-49
Development Standards Variance	9-16	Subdivision Control.....	9-51
Easements.....	9-18	Surety Release	9-66
Floodplain Standards Appeal.....	9-23	Temporary Use Permit.....	9-67
Floodplain Standards Variance.....	9-25	Use Variance	9-68
Improvement Location Permit.....	9-29	Zoning Compliance Permit	9-70
Maintenance Surety.....	9-31		

Administrative Appeal

9.03 Administrative Appeal

- A. Purpose and Intent: The Board of Zoning Appeals is charged with hearing administrative appeals from a requirement, decision, or determination made by an administrative official charged with the enforcement of any part of the Unified Development Ordinance.
- B. Prerequisites: A written request for an administrative appeal may be filed by the owner, his/her 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.
- C. Applicability:
 1. *Hearing*: An appeal taken from any order, requirement, decision, or determination made by an administrative official, hearing officer, staff member, administrative board or other body, except the Plan Commission, charged with the administration or enforcement of any part of this Unified Development Ordinance shall be filed with the Board of Zoning Appeals.
 2. *Stay of Work*.
 - a. *Authority*. When an appeal from the decision of an administrative official or body has been filed, the Board of Zoning Appeals may stay the proceedings and work on the premises affected.
 - b. *Restraining Order*. If the administrative official or body from which the appeal is taken certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the administrative official or body and to the owner of the premises affected, and after due cause is shown, the Board of Zoning Appeals or the circuit or superior court may grant the Restraining Order.
- D. Exemptions:
 1. *Plan Commission*. Any order, requirement, decision, or determination made by the Plan Commission in relation to the enforcement of the Unified Development Ordinance shall not be the subject of an Administrative Appeal.
 2. *Indiana Code*.
 - a. *Mandatory*. Where the Indiana Code requires that a given appeal be made to either the Plan Commission or to the County Commissioners, such appeal shall be made in accordance with the applicable statutes, ordinances and Rules of Procedure, and shall not be the subject of an Administrative Appeal.
 - b. *Elective*. Where the Indiana Code provides the option for a given appeal be made to either the Plan Commission or to the County Commissioners, and the Unified Development Ordinance provides for such, said appeal shall be made in accordance with the applicable statutes, ordinances and Rules of Procedure, and shall not be the subject of an Administrative Appeal.
 3. *Floodplain Standards Appeals*. Appeals of any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the Ordinance for Flood Hazard Areas for DeKalb County shall be the subject of a petition filed under *Section 9.11: Floodplain Standards Appeal*.
- E. Pre-application: Not required.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. The applicant shall submit all required material within 30 days of the decision alleged to be in error.
 2. *Required Documentation*.
 - a. *Narrative*: The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material.
 - b. The administrative official or body from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.

Administrative Appeal

3. *Required Plans:* None.
- G. Board of Zoning Appeals:
1. *Public Notice.* Administrative appeals require public notice in the newspaper per IC 5-3-1-2 and IC 5-3-1-4
 2. *Public Hearing.* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
 3. *Review.* At their next regularly scheduled public meeting, the Board of Zoning Appeals shall then review:
 - a. The written statement and supportive material submitted by the applicant;
 - b. The record of action supplied by the administrative official or body from which the appeal is taken;
 - c. The testimony of the applicant; and
 - d. The testimony of the administrative official or body from which the appeal is taken.
 4. *Decision.* The Board of Zoning Appeals may reverse, affirm or modify the order, requirement, decision or determination from which the appeal stems. The Board of Zoning Appeals may add conditions to any application which was approved at the appeal stage.
 5. *Conditions of Approval.*
 - a. *Requirement.* In conjunction with the approval of an Administrative Appeal, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the parcel.
 - b. *Recording.* Legal Counsel shall prepare the conditions of approval in written form to be reviewed and signed by the chairman of the Board of Zoning Appeals and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a condition of approval modification instrument or conditions of approval termination instrument in the same manner required for a condition of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. *Enforcement.* The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
- H. Duration: An Administrative Appeal shall be effective from the date of the Board of Zoning Appeals final decision pursuant to Indiana Code.
- I. Changes or Amendments: Not applicable.

Administrative Interpretation

9.04 Administrative Interpretation

- A. Purpose and Intent: The interpretation authority established by this section is intended to recognize that the provisions of this Unified Development Ordinance, though detailed and extensive, cannot, address every specific situation to which they may have to be applied. Many situations can be readily addressed by an interpretation of the specific provisions of this Unified Development Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Unified Development Ordinance but is intended only to allow authoritative application of that content to specific cases.
- B. Prerequisites: Applications for Administrative Interpretations may be filed by any person having a legal or equitable interest in property that gives rise to the need for an Administrative Interpretation; provided that Administrative Interpretation shall not be sought by any person based solely on hypothetical circumstances or where the Administrative Interpretation would have no effect other than as an advisory opinion.
- C. Applicability:
1. *Zoning Administrator*. The Zoning Administrator, subject to the procedures, standards, and limitations of this Article, may render written Administrative Interpretation of the provisions of this Unified Development Ordinance and of any rule or regulation issued pursuant to it.
 2. *Plan Commission*. The Zoning Administrator may forward requests for Administrative Interpretations to the Plan Commission, where, in the opinion of the Zoning Administrator, he cannot make a clear interpretation of the purpose and intent of the rule or regulation.
- D. Exemptions: Not applicable.
- E. Pre-application: Prior to submitting an application for an Administrative Interpretation, the applicant shall meet with the Zoning Administrator to review the section of the Unified Development Ordinance that is the subject of the Administrative Interpretation.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. There is no filing deadline for an Administrative Interpretation.
 2. *Required Documentation*.
 - a. Information describing the nature of the requested Administrative Interpretation.
 - b. Additional information as may be required by the Zoning Administrator to evaluate the application.
 3. *Required Plans*: None.
- G. Office of the Zoning Administrator: The Zoning Administrator shall inform the applicant in writing of his Administrative Interpretation, stating any specific precedent, the reasons, and the analysis upon which the determination is based.
- H. Board of Zoning Appeals: The Board of Zoning Appeals shall, pursuant to *Section 9.03: Administrative Appeal* of this Unified Development Ordinance, hear and decide appeals from any Administrative Interpretation by the Zoning Administrator acting pursuant to his authority and duties under this Section.
- I. Duration: An Administrative Interpretation of the Unified Development Ordinance only expires when there is an amendment to the section of the Unified Development Ordinance upon which it was based. If the Unified Development Ordinance is amended, a new Administrative Interpretation may be requested by an applicant. Any Administrative Appeals of the Administrative Interpretation shall be made within 30 days of the Administrative Interpretation pursuant to *Section 9.03: Administrative Appeal* of this Unified Development Ordinance.
- J. Changes or Amendments: Not applicable.

Amendment to Ordinance Text

9.05 Amendment to Ordinance Text

- A. Purpose and Intent: The Plan Commission has the authority to hear a proposal to amend the Unified Development Ordinance text and make a recommendation to the County Commissioners concerning that proposal. The County Commissioners have the power to approve or reject a proposal to amend the Unified Development Ordinance text.
- B. Prerequisites: Only the Plan Commission or County Commissioners shall have standing to initiate a proposal to amend the Unified Development Ordinance text. Persons who wish to propose an amendment to the Unified Development Ordinance text, and who are not members of either the group shall find a sponsor among the members of either the Plan Commission or County Commissioners to introduce the proposal.
- C. Applicability: Any proposal to amend the text of the Unified Development Ordinance shall be subject to these procedures.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application: The Zoning Administrator shall file the application and required supportive information at least 30 calendar days prior to the regularly scheduled Plan Commission meeting.
- G. Plan Commission:
 1. *Initiation*. The Plan Commission or County Commissioners may initiate a proposal to amend the Unified Development Ordinance text. The Zoning Administrator shall prepare the proposal so that it is consistent with IC 36-7-4-601.
 2. *Review*. In preparing and considering proposals to amend the Unified Development Ordinance text, the Plan Commission shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
 3. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure.
 4. *Public Hearing*. Within 60 days of initiating a proposal to amend the Unified Development Ordinance text or of receiving a proposal from the County Commissioners, the Plan Commission shall hold a public hearing in accordance with the Plan Commission's Rules of Procedure.
 5. *Decision*. The Plan Commission shall:
 - a. Certify and forward the proposal to the County Commissioners with a favorable recommendation;
 - b. Certify and forward the proposal to the County Commissioners with a negative recommendation;
 - c. Certify and forward the proposal to the County Commissioners with no recommendation; or
 - d. Continue the proposal to a definite future meeting date.
 6. *Rejection or Amendment*. If the County Commissioners return the proposal, the Plan Commission shall consider the rejection or amendment, and shall vote on the proposal within 45 days.
- H. County Commissioners:
 1. *Action*. The County Commissioners shall vote on the proposal within 90 days of certification by the Plan Commission, which governs whether the proposal is adopted or defeated.
 2. *Review*. In preparing and considering proposals to amend the Unified Development Ordinance text, the County Commissioners shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.

Amendment to Ordinance Text

3. *Public Notice.* If the Plan Commission forwards the proposal to the County Commissioners with either a negative or no recommendation, then the County Commissioners shall be responsible for publishing notice of the meeting at which it will consider the proposal, pursuant to the Indiana Open Door Law.
 4. *Publication.* If the proposal is adopted by the County Commissioners pursuant to IC 36-7-4-607, the Plan Commission shall arrange for the inclusion of the amended text in the Unified Development Ordinance printed by the County.
 5. *Notice of Adoption.* Within 30 calendar days after adoption of a text amendment, the Zoning Administrator shall publish a notice of adoption. The notice of adoption shall:
 - a. Summarize the subject matter of the text amendment ordinance;
 - b. Give the date of adoption;
 - c. Specify the places or areas that would be directly affected by the text amendment ordinance (this does not require the identification of any real property by metes and bounds);
 - d. Specify the penalty or forfeiture prescribed for a violation of the Unified Development Ordinance; and
 - e. Give two locations open to the public where the entire text of the ordinance is available for inspection.
- I. County Auditor:
1. *File Copies.* Two copies of the adopted text amendment ordinance shall be filed with the County Auditor, and these copies shall be kept in the County Auditor's office for public inspection.
 2. *Additional Copies.* The County Auditor shall keep additional copies of the text amendment ordinance in the office for the purpose of sale or distribution.
- J. Duration:
1. *Effective Date.* Unless a text amendment ordinance provides for a later effective date, the ordinance takes effect when it is adopted.
 2. *Provision for a Penalty.* When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until 14 days after the later of the following:
 - a. The final day on which notice of its adoption is published; or
 - b. The day on which it is filed in the County Auditor's office.
- K. Changes or Amendments: Not applicable.

Amendment to Zoning Map

9.06 Amendment to Zoning Map

- A. Purpose and Intent: The Plan Commission has the authority to hear a petition to amend the zoning map (rezoning) and make a recommendation to the County Commissioners. The County Commissioners consider the Plan Commission's recommendation, approves or rejects the recommendation and makes the final decision approving or rejecting the zoning map amendment petition.
- B. Prerequisites: An amendment to the zoning map request may 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.
- C. Applicability: The amendment to the zoning map section is applicable to proposals to change the zoning district classification of a parcel of real property to a different zoning district classification other than a Planned Unit Development zoning district. This process does not replace the requirements for Development Plan approvals, Special Exception approvals, Improvement Location Permit applications, etc.
- D. Exemptions: Not applicable.
- E. Pre-Application: Prior to submitting a rezone petition, applicants shall meet with the Zoning Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Zoning Administrator shall aid and advise the applicant in preparing the application and supportive documents as necessary.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Legal description of the parcel.
 - b. Such additional information as may be required by the Zoning Administrator or by the Plan Commissions' Rules of Procedure.
 3. *Required Plans*. Not applicable.
- G. Plan Commission:
1. *Public Notice*. The applicant and Plan Commission shall notify the public of the hearing in accordance with the Plan Commission's Rules of Procedure.
 2. *Public Hearing*. Within 60 days of initiating a proposal to amend the zoning map of the Unified Development Ordinance or of receiving a proposal from the County Commissioners, the Plan Commission shall hold a public hearing in accordance with the Plan Commission's Rules of Procedure.
 3. *Review*. The Plan Commission shall pay reasonable regard to:
 - a. The Comprehensive Plan;
 - b. Current conditions and the character of current structures and uses in each zoning district;
 - c. The most desirable use for which the land in each zoning district is adapted;
 - d. The conservation of property values throughout the jurisdiction; and
 - e. Responsible development and growth.
 4. *Decision*. The Plan Commission shall:
 - a. Forward the petition to the County Commissioners with a favorable recommendation;
 - b. Forward the petition to the County Commissioners with conditions and/or commitments with a favorable recommendation;
 - c. Forward the petition to the County Commissioners with a negative recommendation;
 - d. Forward the petition to the County Commissioners with no recommendation; or
 - e. Continue the petition to a definite future meeting date.

Amendment to Zoning Map

5. *Commitments.*
 - a. *Acceptance.* The Plan Commission will consider and may accept written or verbal commitments by the applicant, resulting in the approval of the petition.
 - b. *Recording.* If written or verbal commitments were made and accepted, the applicant shall prepare the commitments in a written form to be reviewed and approved by the County Attorney. Subsequent to the County Attorney's approval, the written commitments shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A commitment made under this section may be modified or terminated only by a decision of the Plan Commission. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - d. *Enforcement.* The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
6. *Plan Revisions.* The applicant shall submit revised copies of the plans and/or support material that reflect commitments, requests for clarity, requests for additional documentation, or the like to the Zoning Administrator.
7. *Cause for Stalled Certification.* If the petitioner does not submit the required plan revision in order for the County Commissioners to be given an accurate depiction of the proposed amendment to the Zoning Map, the Plan Commission's official certification is stalled until a time that task is completed. Once submitted, the Plan Commission's certification is considered complete and the petition will be scheduled to be heard by the County Commissioners.
- H. County Commissioners: The County Commissioners shall act on the petition within 90 days of certification by the Plan Commission.
 1. *Conditions of Approval.*
 - a. *Requirement.* In conjunction with the approval of an amendment to the zoning map, the County Commissioners may impose conditions of approval concerning the use or development of the parcel.
 - b. *Recording.* Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the president of the County Commissioners and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A condition of approval under this section may be modified or terminated only by a decision of the County Commissioners. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. *Enforcement.* The Zoning Administrator may enforce any condition of approval the County Commissioners has imposed as if the condition were a standard of the Unified Development Ordinance.
- I. Duration: A rezoning shall be effective from the date of its final approval.
- J. Changes and Amendments: Not applicable.

Design Standards Waiver

9.07 Design Standards Waiver

- A. Purpose and Intent: When the Plan Commission finds practical difficulties may result from strict compliance with these regulations and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to the Design Standards of the Unified Development Ordinance so that substantial justice may be done and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of these regulations.
- B. Prerequisites: A request for a Design Standards Waiver shall be submitted in writing by the subdivider prior to approval of the Primary Plat by the Plan Commission.
- C. Applicability: Only the Plan Commission shall grant waivers to the Design Standards within the Unified Development Ordinance. The Board of Zoning Appeals shall not grant variances to the Design Standards.
- D. Exemptions: None.
- E. Pre-Application: Prior to submitting a request for a Design Standards Waiver, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Zoning Administrator shall aid and advise the applicant in preparing the application and supportive documents as necessary.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Narrative: A statement in writing by the applicant describing the requested Design Standards Waiver. This narrative should include a reason(s) why the waiver is necessary and explain how the waiver requested is the minimum relief necessary for development of the property.
 - b. Such additional information as may be required by the Zoning Administrator or by the Plan Commission' Rules of Procedure.
 3. *Required Plans*.
 - a. Primary Plat (electronic format required).
- G. Plan Commission:
 1. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure.
 2. *Public Hearing*. A public hearing shall be held in accordance with the Plan Commission's Rules of Procedure.
 3. *Review*. The Design Standards of this Unified Development Ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria:
 - a. The granting of the waiver will not be detrimental to the public safety, health, or welfare, or injurious to other property.
 - b. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property.
 - c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result if the strict letter of these regulations is carried out. Financial hardship shall not constitute grounds for a waiver.
 - d. The waiver shall only vary the regulations of the Design Standards of the Unified Development Ordinance and shall not vary any other regulations in the Unified Development Ordinance or the Comprehensive Plan.
 4. *Decision*. The Plan Commission shall approve the waiver, approve the waiver with conditions, deny the waiver or continue the waiver to a definite future meeting date.

Design Standards Waiver

5. *Conditions of Approval.*
 - a. **Requirement:** In conjunction with the approval of a waiver, the Plan Commission may impose conditions of approval concerning the use or development of the parcel.
 - b. **Recording:** Legal Counsel shall prepare the conditions of approval in written form to be reviewed and signed by the Plan Commission president and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. **Modification or Termination:** A condition of approval under this section may be modified or terminated only by a decision of the Plan Commission. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument.
 - d. **Enforcement:** The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
- H. **Duration:** A Design Standards Waiver granted by the Plan Commission shall run with the parcel until such time as the property conforms with the Unified Development Ordinance.
- I. **Changes or Amendments:** Not applicable.

Development Plan

9.08 Development Plan

- A. Purpose and Intent: The purpose of this section is to outline the procedure employed by the Plan Commission when considering a petition for the approval of a Development Plan. Further, the intent of the Development Plan section is to ensure that the statutory requirements established in the Indiana Code for the consideration of a Development Plan petition are met.
- B. Prerequisites: The applicant shall have a controlling interest in each parcel of land incorporated within the Development Plan.
- C. Applicability:
1. *Requirement*: Development Plans are required in the following zoning districts:

OP

A1

A2

A3

A4

RE

R1

R2

R3

M1

M2

MP

IN

C1

C2

C3

C4

I1

I2

I3

HI

AP1

AP2

AP2
 2. *Simple Development Plans*: For agricultural buildings, and single- and two-family dwellings being constructed on a legally established lot, the Improvement Location Permit serves as the Development Plan.
- D. Exemptions: Any approvals from the Board of Zoning Appeals for Variance from Developmental Standards, Special Exceptions and/or Use Variances.
- E. Pre-application: A pre-application review between the Zoning Administrator and the applicant is recommended at least 15 days prior to filling the application.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. The Development Plan application shall be signed by the applicant, certifying that all information is accurate.
 2. *Required Documentation*.
 - a. Legal description of the parcel.
 - b. Declaration of covenants.
 - c. Development Schedule, indicating delineations of specific areas and proposed construction completion date.
 - d. Applicable letters from the utilities serving the area setting forth their ability to serve the development.
 - e. Development Report: Information on the number and type of structures, parcel size, and proposed lot coverage of buildings and structures.
 - f. Public Safety Report: Report from the Fire Department of jurisdiction and Sheriff's Department, when applicable or requested by the Zoning Administrator.
 - g. Government Department Reports: Written reports and/or recommendations from the County Drainage Board, the County Health Department, the County Highway Department, and all other applicable federal, State and local agencies, when applicable or requested by the Zoning Administrator.
 - h. Such additional information as may be required by the Zoning Administrator.
 3. *Required Plans*. All plans shall be drawn to a scale and submitted both electronically and in hard copy. Electronic plans shall be submitted in .dxf or .dwg file format. Hard copy plans shall be not less than one inch equals fifty feet (1 = 50'). All plans shall also include the drawing's scale, a north arrow, the date prepared, the name of the development (if applicable), property address (or address range), name and address of the applicant, and the name and address of the designer and/or engineer who prepared the plan.
 - a. Site Plan (electronic format required). The site plan shall include the following items:
 - i. Boundary lines and acreage of the site.
 - ii. Existing Features of the site, when applicable, including:

Development Plan

- easements (including location, width and purpose);
 - utilities;
 - streets on and adjacent to the site (including street name, right-of-way width, walks, curbs, gutters, and culverts);
 - land-use on abutting properties;
 - conditions of the site and on adjoining land such as topography (based on NAVD 1988 datum); embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat;
 - any land on the site within the one-hundred-year floodplain; and
 - water courses, wetlands, rock outcrops, wooded areas, isolated trees 12 inches or more in diameter, existing structures and other significant features of the site.
- iii. Proposed features of the site, when applicable, including:
- location, minimum size and configuration of areas to be conveyed, dedicated or otherwise reserved as common open spaces, parks, recreational areas, school sites and similar public and semipublic uses;
 - easements (e.g. utility, drainage, and access);
 - parking areas;
 - section or reserve lines or other legal points of reference, and distances to same;
 - building lines, lot lines, easement locations and dimensions;
 - plans, profiles, cross sections and names, location and geometry for roads and entrances onto public rights-of-way, including acceleration/deceleration and passing lanes, and dedication documents;
 - length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths;
 - right-of-way required by the Thoroughfare Plan Map in the DeKalb County Comprehensive Plan;
 - new road right-of-way required by the Thoroughfare Plan Map in the DeKalb County Comprehensive Plan; and
 - location of construction access roads.
- b. Erosion Control Plan.
- c. Storm Water Drainage Plan.
- d. Outdoor Lighting Plan. The outdoor lighting plan shall include areas to be lighted, the types of fixtures to be used, and the lighting intensity level for all areas to be lighted.
- e. Signage Plan. The signage plan shall include the size, type and location of all proposed signs.
- f. Landscaping Plan. The landscaping plan for the entire site shall include the location of landscaping beds, proposed ground cover in landscaping beds, proposed plant materials (e.g. trees or shrubs), proposed hardscape features (e.g screens, fences, boulders, or walls).
- G. Plan Commission:
1. *Authority.* The approval or disapproval of Development Plans within the County's planning jurisdiction is vested in the Plan Commission. The Plan Commission may approve a Development Plan upon finding that:
 - a. The development is consistent with the purpose and intent of the Comprehensive Plan; and,
 - b. The Development Plan satisfies the requirements of the Unified Development Ordinance.
 2. *Public Notice.* Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure.
 3. *Public Hearing.* The Plan Commission shall hold a public hearing in accordance with the Plan Commission's Rules of Procedure.
 4. *Review.* The Plan Commission shall review the Development Plan based on the following minimum design standards:
 - a. Environmental Design.

- i. It is the intent of the Plan Commission to encourage the preservation of natural site amenities and to minimize disturbance to the natural environment.
 - ii. Existing trees and other natural features shall be preserved whenever possible. The location of these features shall be considered when planning common open space, location of buildings, underground services, walks, paved areas and finished grade levels.
 - iii. The Plan Commission may specify that natural features will be protected or preserved in the development and during construction.
 - b. The erosion control measures in *Section 5.11(C): Erosion Prevention* shall be followed.
 - c. The County's storm water drainage standards as established by the Standards Committee shall be followed.
 - d. All structures are located to allow adequate light, air, ease of entry and access by emergency vehicles.
 - e. The vehicular and pedestrian circulation facilities shall meet the specific standards in *Article 07: Design Standards* as well as the standards in this Unified Development Ordinance.
 - f. All water supply and sewage disposal systems, from private to public in nature, shall be subject to compliance with local and, where appropriate, State Board of Health requirements.
 - g. The parking standards in *Sections 5.36 thru 5.39: Parking Standards* shall be followed.
 - h. The floodplain management standards in the Ordinance for Flood Hazard Areas for DeKalb County shall be followed.
 - i. All Development Plans shall comply with the requirements of the applicable federal, State or local wetland laws.
 - j. All Development Plans shall comply with the Airport Overlay district, where applicable.
5. *Commitments.*
 - a. *Acceptance.* In conjunction with the approval of a Development Plan, the Plan Commission may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel.
 - b. *Recording.* The applicant shall prepare the commitments in a form approved by the County Attorney, and record the commitments in the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A commitment made under this section may be modified or terminated only by a decision of the Plan Commission. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - d. *Enforcement.* The Zoning Administrator may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
6. *Action.*
 - a. The Plan Commission shall determine if the Development Plan meets the minimum design standards as listed in *Section 9.08: Development Plan*, is consistent with the Comprehensive Plan, and complies with the standards of this Unified Development Ordinance.
 - b. The Plan Commission may impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the standards of this Unified Development Ordinance.
7. *Findings of Fact.* The Plan Commission shall make written findings of fact concerning each decision to approve or disapprove a Development Plan. Approval of the findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance with which there is not compliance. The Plan Commission president shall be responsible for signing the written findings of fact.

H. Duration:

1. *Completion.* The proposed development shall begin within three years of the date of approval. Substantial completion of the proposed development shall occur within seven years of the date of

Development Plan

Development Plan approval by the Plan Commission. A longer time frame may be granted by the Plan Commission on larger projects.

2. *Extension.* The Zoning Administrator may grant a one-time extension of up to one year to obtain substantial completion.
 3. *Special Request.* If substantial completion has not occurred within seven years of the date of approval, or by the end of the one year extension period, the developer shall present a special request before the Plan Commission for an extension of time in which to achieve substantial completion.
 4. *Null and Void.* If an extension of time is not requested by the developer or if a requested extension is subsequently denied by either the Zoning Administrator or the Plan Commission, the prior Development Plan approval shall be deemed null and void. All work shall stop and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the Unified Development Ordinance in effect at the time of filing of the new Development Plan.
- I. Changes or Amendments: Any proposed amendments to the Development Plan after the Plan Commission has granted approval shall be submitted to the Zoning Administrator. If in the opinion of the Zoning Administrator, the amendments to the Development Plan are substantial in terms of the scope of the overall project and/or the possible impact upon the community and land uses, then the Zoning Administrator may either require the matter to be heard by the Plan Commission or defer the decision to the Plan Commission.

Development Standards Variance

9.09 Development Standards Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance. Development Standards Variances shall be granted in accordance with the standards set forth in this section and shall be granted upon findings of fact in compliance with IC 36-7-4-900 et seq. The Board of Zoning Appeals may grant a variance from the development standards of the Unified Development Ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing that support the granting of the Development Standards Variance.
- B. Prerequisites: A petition for a Development Standards Variance may 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.
- C. Applicability: No development standard may be altered from the Unified Development Ordinance without first obtaining a Development Standards Variance from the Board of Zoning Appeals.
- D. Exemptions: None.
- E. Pre-application: It is recommended that an applicant discuss a possible Development Standards Variance application with the Zoning Administrator before filing the application.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Narrative: A statement in writing by the applicant describing the requested Development Standards Variance. This narrative should include a reason(s) why the variance is necessary and explain how the variance requested is the minimum relief necessary for development of the property.
 - b. Such additional information as may be required by the Zoning Administrator or by the Board of Zoning Appeal's Rules of Procedure.
 3. *Required Plans*.
 - a. Site Plan. The site plan shall be drawn at a scale not less than one inch equals fifty feet (1" = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, the name and address of the development or property owner, and the name and address of the designer, engineer, or construction company if applicable.
 - ii. Proposed and existing buildings and structures on the property.
 - iii. Buildings, structures, and pavement within 100 feet of the property or within the adjacent property, whichever is less.
 - iv. Open space.
 - v. Points of ingress/egress.
 - vi. Parking.
 - vii. Property lines.
 - viii. Easements.
 - ix. Other site features as necessary to demonstrate compliance with criteria.
 4. *Time Limitation*. The Zoning Administrator shall refuse to accept a petition for a Development Standards Variance within six months of the date of denial when said petition involves the same subject matter. However, the Zoning Administrator shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six-month period.
- G. Board of Zoning Appeals:
1. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Board of Zoning Appeals Rules of Procedure.

Development Standards Variance

2. *Public Hearing.* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
 3. *Review.* The regulations of this Unified Development Ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria:
 - a. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner.
 - c. The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property.
 4. *Decision.* The Board of Zoning Appeals shall approve the petition, approve the petition with conditions and/or commitments, deny the petition or continue the petition to a definite future meeting date.
 5. *Commitments.*
 - a. *Acceptance:* In conjunction with the approval of a variance, the Board of Zoning Appeals may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel.
 - b. *Recording:* The applicant shall prepare the commitments in a form approved by the County Attorney, and record the commitments in the Office of the DeKalb County Recorder.
 - c. *Modification or Termination:* A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - d. *Enforcement:* The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
 6. *Conditions of Approval.*
 - a. *Requirement:* In conjunction with the approval of a variance, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the parcel.
 - b. *Recording:* Legal Counsel shall prepare the conditions of approval in written form to be reviewed and signed by the chairman of the Board of Zoning Appeals and the applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination:* A condition of approval under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. *Enforcement:* The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
 7. *Revisions.* Within 30 calendar days of Board of Zoning Appeals approval, the applicant shall submit revised plans that address the comments and concerns of the Board of Zoning Appeals to the Zoning Administrator.
- H. Duration: A Development Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms with the Unified Development Ordinance.
- I. Changes or Amendments: Not applicable.

Easements

9.10 Easements

A. General:

1. *Private Easements*. This Section does not govern private easements that are not:
 - a. Required pursuant to a provision of the Unified Development Ordinance;
 - b. Offered as a commitment by the applicant;
 - c. Required as a condition of approval by the Plan Commission or Board of Zoning Appeals; or
 - d. Shown on a recorded plat.
2. *Form*. When an easement is required pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the applicant, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, the applicant shall render the easement instrument in a form acceptable to the County Attorney.
3. *Recording*. The applicant shall record the approved easement instrument in the Office of the DeKalb County Recorder. The applicant shall deliver one copy of the recorded easement instrument to each grantee for the given type of easement and to the Office of the Zoning Administrator within five business days of recording.
4. *Covenants, Conditions, and Restrictions*. Language defining easements shall not be included in a covenants, conditions, and restrictions instruments, but language defining easements may be placed on a subdivision plat. Easement instruments shall be independently recorded documents only modifiable, terminable, or vacatable as provided in the Unified Development Ordinance.

B. Modification of Easements.

1. When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the applicant, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body (*i.e.* the Board of Zoning Appeals or Plan Commission) for modification of the easement.
2. *Filing Requirements*. The petition application shall:
 - a. State the circumstances of the case by:
 - i. Providing a written rationale for the modification of the easement;
 - ii. Providing a written description of any work to be performed in conjunction with the modification of the easement; and
 - iii. Providing an exhibit showing any improvements or infrastructure that is to be removed, relocated, or otherwise affected by the modification of the easement.
 - b. Specifically describe the easement proposed to be modified by:
 - i. Including a metes & bounds description of the easement; and
 - ii. Providing copies of the recorded easement instrument and copies of any recorded easement modification instruments thereto.
 - c. Give the names and addresses of all owners of land that abuts the easement proposed to be modified; and
 - d. Provide either:
 - i. Written consent from the other party to the easement clearly stating that the other party does not object to the modification; or
 - ii. Documentation from the other party to the easement that specifies the conditions under which the other party accedes to the modification.
3. *Easement Modification Instrument*. The applicant shall prepare for review by the approving body an easement modification instrument in the same manner prescribed in the Unified Development Ordinance for the given type of easement, with the proposed amendatory language clearly indicated.
4. The approving body shall approve, approve with conditions, or deny the modification petition.
 - a. If approved, the applicant may proceed to record the easement modification instrument.
 - b. If approved with conditions, the applicant shall meet the conditions of approval before recording the easement modification instrument.

Easements

- c. If denied, the applicant shall not file a new application with the same or substantially similar request for a period of 12 months.
 5. *Recording.* The applicant shall record the easement modification instrument in the Office of the DeKalb County Recorder. The applicant shall deliver one copy of the recorded easement modification instrument to each grantee for the given type of easement and the Office of the Zoning Administrator within five business days of recording.
 6. *Staff Approval.* When an easement has been established and the County is the grantee, either the grantor or grantee may apply to the Office of the Zoning Administrator for modification of the easement in the manner outlined in this Section.
- C. Termination of Unplatted Easements:
1. When an easement has been established pursuant to a provision of the Unified Development Ordinance, offered as a commitment by the applicant, or required as a condition of approval by the Plan Commission or Board of Zoning Appeals, either the grantor or grantee may apply to the approving body (*i.e.* the Board of Zoning Appeals or Plan Commission) for termination of the easement.
 2. *Filing Requirements.* The petition application shall:
 - a. State the circumstances of the case by:
 - i. Providing a written rationale for the termination of the easement;
 - ii. Providing a written description of any work to be performed in conjunction with the termination of the easement; and
 - iii. Providing an exhibit showing any improvements or infrastructure that is to be removed, relocated, or otherwise affected by the termination of the easement.
 - b. Specifically describe the easement proposed to be terminated by:
 - i. Including a metes and bounds description of the easement;
 - ii. Providing copies of the recorded easement instrument and copies of any recorded easement modification instruments thereto; and
 - iii. Providing an exhibit showing the easement and any improvements or infrastructure located within the easement.
 - c. Give the names and addresses of all owners of land that abuts the easement proposed to be terminated; and
 - d. Provide:
 - i. Written consent from the other party to the easement clearly stating that the other party does not object to the termination; or
 - ii. Documentation from the other party to the easement that specifies the conditions under which the other party accedes to the termination; or
 - iii. Evidence that the grantee and all heirs, successors, and assigns to the easement no longer exist.
 3. *Easement Termination Instrument.* The applicant shall prepare for review by the approving body an easement termination instrument. Said instrument shall:
 - a. Specify the docket numbers of the petitions with which the easement termination instrument is associated;
 - b. Release all those rights and prohibitions specified in the original easement and in any modifications thereto;
 - c. Be cross-referenced to the recorded instrument that established the easement and to the most recently recorded deed to the property on which the easement is established;
 - d. Include a metes and bounds description of the easement;
 - e. Specify an effective date;
 - f. Be rendered in a form acceptable to the Legal Department.
 4. *Approval or Denial of Petition.* The approving body shall approve, approve with conditions, or deny the termination petition.
 - a. If approved, the applicant may proceed to record the easement termination instrument.

- b. If approved with conditions, the applicant shall meet the conditions of approval before recording the easement termination instrument.
 - c. If denied, the applicant shall not file a new application with the same or substantially similar request for a period of 12 months.
5. *Removal of Improvements.* The applicant shall remove any improvements associated with the use of the easement prior to the termination of the easement.
 6. *Recording.* The applicant shall record the easement termination instrument in the Office of the DeKalb County Recorder. The applicant shall deliver one copy of the recorded easement termination instrument to each grantee for the given type of easement and the Office of the Zoning Administrator within five business days of recording/approval.
 7. *Staff Approval.* When an easement has been established and the County is the grantee, either the grantor or grantee may apply to the Office of the Zoning Administrator for termination of the easement in the manner outlined in this Section.
- D. Vacation of Platted Easements:
1. When an easement has been established on a plat, either the grantor or grantee may petition the County Commissioners for vacation of the easement in accordance with the requirements of IC 36-7-3-16.
 2. *Filing Requirements.* The petition application shall:
 - a. State the circumstances of the case by:
 - i. Providing a written rationale for the vacation of the easement;
 - ii. Providing a written description of any work to be performed in conjunction with the vacation of the easement; and
 - iii. Providing an exhibit showing any improvements or infrastructure that is to be removed, relocated, or otherwise affected by the vacation of the easement.
 - b. Specifically describe the easement proposed to be vacated by:
 - i. Including a metes and bounds description of the easement;
 - ii. Providing copies of the recorded easement instrument and copies of any recorded easement modification instruments thereto;
 - iii. Providing a copy of the plat on which the easement appears; and
 - iv. Providing an exhibit showing the easement and any improvements or infrastructure located within the easement.
 - c. Give the names and addresses of all owners of land that abuts the easement proposed to be vacated; and
 - d. Provide:
 - i. Written consent from the other party to the easement clearly stating that the other party agrees to the vacation; or
 - ii. Documentation from the other party to the easement that specifies the conditions under which the other party accedes to the vacation; or
 - iii. Evidence that the grantee and all heirs, successors, and assigns to the easement no longer exist.
 3. *Easement Vacation Ordinance.* The applicant shall prepare for review by the County Commissioners an easement vacation ordinance. Said ordinance shall:
 - a. Specify the docket numbers of the petitions with which the easement vacation ordinance is associated;
 - b. Release all those rights and prohibitions specified in the original easement and in any modifications thereto;
 - c. Be cross-referenced to the recorded instrument that established the easement, to the plat on which the easement appears, and to the most recently recorded deed to the property on which the easement is established;
 - d. Include a metes and bounds description of the easement;
 - e. Specify an effective date;
 - f. Be rendered in a form acceptable to the County Attorney.
 4. *Public Notice.* The County Auditor shall give public notice of the petition and of the time and place of the hearing.

- a. Public notice shall be published one time, at least ten days before the date of the public hearing.
 - b. Public notice shall be sent by certified mail to each owner of land that abuts the easement proposed to be vacated.
 - c. The cost of the public notice shall be borne by the applicant.
5. *Public Hearing.* The County Commissioners shall hold a hearing on the petition within 30 days after it is received.
 6. *Approval or Denial of Petition.* The County Commissioners shall approve, approve with conditions, or deny the vacation petition.
 - a. If approved, the applicant may proceed to record the easement vacation ordinance.
 - b. If approved with conditions, the applicant shall meet the conditions of approval before the easement vacation ordinance is recorded.
 - c. If denied, the applicant shall not file a new application with the same or substantially similar request for a period of 12 months.
 7. *Removal of Improvements.* The applicant shall remove any improvements associated with the use of the easement prior to the vacation of the easement.
 8. *Recording.* The County Auditor shall record the easement vacation ordinance in the Office of the DeKalb County Recorder.
 - a. The County Auditor shall deliver one copy of the easement vacation ordinance to the DeKalb County Auditor.
 - b. The County Auditor shall deliver one copy of the recorded easement vacation ordinance to the grantor, to each grantee for the easement and to the Office of the Zoning Administrator.
- E. Specific Easements:
1. *Other Easements.*
 - a. *Creation.* The property owner of record (“grantor”) shall execute the easement instrument in favor of the appropriate authority (“grantee”). Said instrument shall:
 - i. Specify the docket numbers of the petitions with which the easement is associated;
 - ii. Specify those activities that the grantee is authorized to perform in the easement;
 - iii. Specify those activities that the grantor is prohibited from performing in the easement;
 - iv. Be binding on all heirs, successors, and assigns to the property on which the easement is located;
 - v. Be enforceable by the County;
 - vi. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the easement;
 - vii. Provide for modification in the manner stipulated in the Unified Development Ordinance;
 - viii. Be cross-referenced to the most recently recorded deed to the property on which the easement is to be established;
 - ix. Include a metes and bounds description of the easement;
 - x. Be signed by a duly authorized representative of the property owner of record granting the easement and by a duly authorized representative of the grantee accepting the easement.
 2. *Pedestrian Access Easements.*
 - a. *Creation.* The property owner of record (“grantor”) shall execute the pedestrian access easement instrument in favor of the general public through the County Commissioners (“grantee”). Said instrument shall:
 - i. Specify the docket numbers of the petitions with which the pedestrian access easement is associated;
 - ii. Grant the general public the right to access the pedestrian access easement for purposes of walking, running, bicycling, skating, or utilizing certain other classes of non-motorized vehicles;
 - iii. Grant the County the right to alter, repair, maintain, or remove the improvements;
 - iv. Prohibit any person from parking vehicles within the pedestrian access easement;
 - v. Prohibit the property owner or any other person from placing any obstruction within the pedestrian access easement;

- vi. Be binding on all heirs, successors, and assigns to the property on which the pedestrian access easement is located;
 - vii. Be enforceable by the County;
 - viii. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the pedestrian access easement;
 - ix. Provide for modification in the manner stipulated in the Unified Development Ordinance;
 - x. Be cross-referenced to the most recently recorded deed to the property on which the pedestrian access easement is to be established;
 - xi. Include a metes & bounds description of the pedestrian access easement;
 - xii. Be signed by a duly authorized representative of the property owner of record granting the pedestrian access easement and by duly authorized representatives of the County Commissioners accepting the easement.
3. *Temporary Turnaround Easements.*
- a. Creation. The property owner of record (“grantor”) shall execute a temporary turnaround easement instrument in favor of the general public through the County Commissioners (“grantee”). Said instrument shall:
 - i. Specify the docket numbers of the petitions with which the temporary turnaround easement is associated;
 - ii. Grant the general public the right to access the temporary turnaround easement for purposes of maneuvering vehicles;
 - iii. Grant the County the right to alter, repair, maintain, or remove the improvements;
 - iv. Prohibit any person from parking vehicles within the temporary turnaround easement;
 - v. Prohibit the property owner or any other person from placing any obstruction within the temporary turnaround easement;
 - vi. Be binding on all heirs, successors, and assigns to the property on which the temporary turnaround easement is located;
 - vii. Be enforceable by the County;
 - viii. Specify any other specially affected persons and classes of specially affected persons that are entitled to enforce the temporary turnaround easement;
 - ix. Provide for modification in the manner stipulated in the Unified Development Ordinance;
 - x. Be cross-referenced to the most recently recorded deed to the property on which the temporary turnaround easement is to be established;
 - xi. Include a metes & bounds description of the temporary turnaround easement;
 - xii. Be signed by a duly authorized representative of the property owner of record granting the temporary turnaround easement and by duly authorized representatives of the County Commissioners accepting the easement.

Floodplain Standards Appeal

9.11 Floodplain Standards Appeal

- A. Purpose and Intent: The purpose of the Floodplain Standards Appeal section is to outline the procedure employed by the County in order to afford the public an avenue of appeal when there is some doubt that the Floodplain Administrator has rendered a correct interpretation of the applicable ordinances and regulations while administering or enforcing the requirements of the Ordinance for Flood Hazard Areas for DeKalb County.
- B. Prerequisites: A written request for a Floodplain Standards Appeal may 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.
- C. Applicability:
1. *Hearing*. The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of the Ordinance for Flood Hazard Areas for DeKalb County.
 2. *Stay of Work*.
 - a. *Authority*: When an appeal from the decision of the Floodplain Administrator has been filed, the Board of Zoning Appeals may stay the proceedings and work on the premises affected.
 - b. *Restraining Order*: If the Floodplain Administrator certifies to the Board of Zoning Appeals that, by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property, a Stay of Work shall not be issued. In that case, proceedings or work may not be stayed except by a Restraining Order. After application, after notice to the Floodplain Administrator and to the owner of the premises affected, and after due cause is shown, the Board of Zoning Appeals or the circuit or superior court of DeKalb County may grant the restraining order.
- D. Exemptions: Not applicable.
- E. Pre-application: Prior to submitting a Floodplain Standards Appeal application, the appellant shall meet with the Zoning Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, and review the procedures.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. The applicant shall submit all required material within 30 days of the decision alleged to be in error.
 2. *Required Documentation*.
 - a. The applicant shall submit a written statement specifying the grounds for the appeal and any applicable supporting material.
 - b. The administrative official or body from the which appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
 3. *Required Plans*: None.
- G. Board of Zoning Appeals:
1. *Authorization*. The Board of Zoning Appeals shall hear and decide Floodplain Standards Appeals.
 2. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Board of Zoning Appeal's Rules of Procedure.
 3. *Public Hearing*. A public hearing shall be held in accordance with the Board of Zoning Appeal's Rules of Procedure.
 4. *Review*. The Board of Zoning Appeals shall review:
 - a. The written statement and supportive material submitted by the appellant;
 - b. The record of action supplied by the Floodplain Administrator;
 - c. The testimony of the appellant, the Floodplain Administrator, and the public;
 - d. All technical evaluations;
 - e. All standards specified in other sections of the Unified Development Ordinance;

Floodplain Standards Appeal

- f. The danger of life and property due to flooding or erosion damage;
 - g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - h. The importance of the services provided by the proposed facility to the community;
 - i. The necessity to the facility of a waterfront location, where applicable;
 - j. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 - k. The compatibility of the proposed use with existing and anticipated development;
 - l. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - m. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - n. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
 - o. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - p. Any additional information provided at or prior to the public hearing.
5. *Decision.* The Board of Zoning Appeals may reverse, affirm or modify the order, requirements, decision or determination of the Floodplain Administrator.
 6. *Appeal.* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the circuit or superior court of DeKalb County, as provided in IC 36-7-4-1000 *et seq.*
- H. Duration: Not applicable.
- I. Changes or Amendments: Not applicable.

Floodplain Standards Variance

9.12 Floodplain Standards Variance

- A. Purpose and Intent: The purpose of the Floodplain Standards Variance section is to outline the process by which the Board of Zoning Appeals considers petitions for variances from the floodplain standards of the Unified Development Ordinance, and approve those that will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the Unified Development Ordinance will result in unnecessary hardship, and so that the spirit of the Unified Development Ordinance shall be observed and substantial justice done. Further, it is the purpose of this Section to make federally subsidized flood insurance available for structures and their contents in the planning and zoning jurisdiction of the County by fulfilling the requirements of the National Flood Insurance Program.
- B. Prerequisites: A petition for a Floodplain Standards Variance may 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.
- C. Applicability:
1. *Residential Use*. No Floodplain Standards Variance for a residential use within a floodway subject to the Ordinance for Flood Hazard Areas for DeKalb County shall be granted.
 2. *Permit Requirement*. In addition to the local Floodplain Development Permit, any Floodplain Standards Variance granted in a floodway subject to the Ordinance for Flood Hazard Areas for DeKalb County shall require a Permit for Construction in a Floodway from the Indiana Department of Natural Resources.
 3. *New Structure*. Floodplain Standards Variances to the Ordinance for Flood Hazard Areas for DeKalb County may be granted only when a new structure is to be located on a lot of one-half acre ($\frac{1}{2}$ ac.) or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
 4. *Historic Structures*. A Floodplain Standards Variance may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological & Cultural Sites, Structures, Districts, & Objects.
- D. Exemptions: Not applicable.
- E. Pre-application: Prior to submitting a Floodplain Standards Variance application, the applicant shall meet with the Floodplain Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property. The Zoning Administrator shall aid and advise the applicant in preparing the application and supportive documents as necessary.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Narrative. A statement in writing by the applicant describing the requested Floodplain Standards Variance.
 - b. Letter of recommendation from the Maumee River Basin Commission.
 - c. Such additional information as may be required by the Zoning Administrator or by the Board of Zoning Appeals' Rules of Procedure.
 3. *Required Plans*.
 - a. Site Plan (electronic format required). The site plan shall be drawn at a scale not less than one inch equals fifty feet (1 = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, the name and address of the development or property owner, and the name and address of the designer, engineer, or construction company if applicable.
 - ii. Proposed and existing buildings, structures, and easements on the property.

Floodplain Standards Variance

- iii. Buildings, structures, and pavement within 100 feet of the property or within the adjacent property, whichever is less.
- iv. Location of the floodplain (including floodway and flood fringe where established).
- v. Topographic Survey (two-foot contours) which shall be tied to a vertical datum NAVD 1988.
- vi. Use Variances.
- vii. Open space.
- viii. Points of ingress/egress.
- ix. Parking.
- x. Property lines.
- xi. Other site features as necessary to demonstrate compliance with criteria.

G. Board of Zoning Appeals:

1. *Designation of Floodplain Standards Variance & Appeals Board.* The Board of Zoning Appeals shall hear and decide Floodplain Standards Variances.
2. *Public Notice.* Notification of the public hearing shall be completed in accordance with the Board of Zoning Appeals Rules of Procedure.
3. *Public Hearing.* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
4. *Review.* The Board of Zoning Appeals shall review:
 - a. The application and required supportive information;
 - b. The testimony of the applicant and the public;
 - c. The Floodplain Administrator's report;
 - d. All technical evaluations;
 - e. All standards specified in other sections of the Unified Development Ordinance;
 - f. The danger of life and property due to flooding or erosion damage;
 - g. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - h. The importance of the services provided by the proposed facility to the community;
 - i. The necessity to the facility of a waterfront location, where applicable;
 - j. The availability of alternative locations for the use that are not subject to flooding or erosion damage;
 - k. The compatibility of the proposed use with existing and anticipated development;
 - l. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - m. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - n. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site;
 - o. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
 - p. Any additional information provided at or prior to the public hearing.
6. *Decision.* The Board of Zoning Appeals shall:
 - a. Approve the petition;
 - b. Approve the petition with conditions and/or commitments;
 - c. Deny the petition; or
 - d. Continue the petition to a definite future meeting date.

Floodplain Standards Variance

7. *Findings of Fact.*
 - a. The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance if, after a public hearing, they makes written findings of fact that:
 - i. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - ii. The use and value of the area adjacent to the property included in the Floodplain Standards Variance will not be affected in a substantially adverse manner; and
 - iii. The strict application of the terms of the Unified Development Ordinance will result in a practical difficulty. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction of economic gain; and
 - iv. The Floodplain Standards Variance is the minimum necessary, considering the flood hazard, to afford relief; and
 - v. The applicant has shown good and sufficient cause; and
 - vi. A determination that failure to grant the Floodplain Standards Variance would result in exceptional hardship; and
 - vii. A determination that the granting of a Floodplain Standards Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
 - b. Findings of Fact for a Historic Structure. The Board of Zoning Appeals may grant a variance from the floodplain standards of the Unified Development Ordinance for the repair or rehabilitation of “historic structures” if, after a public hearing, the Board of Zoning Appeals makes written findings of fact that:
 - i. The proposed repair or rehabilitation shall not preclude the structure’s continued designation as an “historic structure;” and
 - ii. The Floodplain Standards Variance is the minimum to preserve the historic character and design of the structure.
 - c. Signed. The findings shall be signed by the Chair of the Board of Zoning Appeals.
 - d. Notification.
 - i. Approval. The Board of Zoning Appeals shall give the applicant written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. The Board of Zoning Appeals shall give the applicant written notice over the signature of the Chair of the Board of Zoning Appeals that:
 - [a] The issuance of a Floodplain Standards Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
 - [b] Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the DeKalb County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
 - ii. Denial. In the case of a denied petition, the Board of Zoning Appeals shall furnish the applicant with a copy of its decision.
8. *Surety Requirement.* In conjunction with the approval of a Floodplain Standards Variance, the applicant shall provide financial surety for all public improvements pursuant to *Section 9.14 Maintenance Surety and Section 9.15 Performance Surety.*
9. *Commitments.*
 - a. Acceptance. In conjunction with the approval of a Floodplain Standards Variance, the Board of Zoning Appeals may permit the applicant to make written commitments concerning the use or development of the parcel.

Floodplain Standards Variance

- b. **Form.** The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The applicant and the Chair of the Board of Zoning Appeals shall sign the commitment instrument.
 - c. **Recording.** The applicant shall record the commitment instrument in the Office of the DeKalb County Recorder within 30 days of the approval of the Floodplain Standards Variance. The applicant shall deliver a copy of the recorded commitment instrument to the Zoning Administrator before applying for a Floodplain Development Permit.
 - d. **Modification or Termination.** A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - e. **Enforcement.** The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
10. *Conditions of Approval.*
- a. **Requirement.** Upon the consideration of the factors listed in *Section 9.11(G)(4): Review*, and the purposes of the Ordinance for Flood Hazard Areas for DeKalb County the Board of Zoning Appeals may attach such conditions to the granting of Floodplain Standards Variances as it deems necessary to further the purposes of the Ordinance for Flood Hazard Areas for DeKalb County. One required condition shall be for the property owner to record a document stating the current and all future property owners hold the County harmless from any consequences of the granting of the Floodplain Standards Variance.
 - b. **Recording.** Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the chairman of the Board of Zoning Appeals and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. **Modification or Termination.** A condition of approval imposed under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a condition of approval modification instrument or conditions of approval termination instrument in the same manner required for a condition of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. **Enforcement.** The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
11. *Revisions.* Within 30 calendar days of approval, the applicant shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Zoning Administrator.
- H. **Duration:** Unless a more stringent standard is applied pursuant to a commitment or condition of approval, a Floodplain Standards Variance granted by the Board of Zoning Appeals shall run with the parcel until such time as the property conforms to the Unified Development Ordinance as written.
- I. **Changes or Amendments:**
1. *Changes:* Any change to an approved Floodplain Standards Variance shall be the subject of a new Floodplain Standards Variance petition.
 2. *Standards:* Changes, amendments or resubmittals shall be subject to the DeKalb County engineering standards in effect at the time the application for such changes, amendment or resubmittal is made.

Improvement Location Permit

9.13 Improvement Location Permit

- A. Purpose and Intent: The purpose of an Improvement Location Permit is to allow the County to review all improvements to verify they conform with the Unified Development Ordinance and the Thoroughfare Plan established in the DeKalb County Comprehensive Plan.
- B. Prerequisites:
1. *Utility Systems*: No Zoning Compliance Permit shall be allowed for any lot in a subdivision until all utility systems have been installed and released by the Zoning Administrator, or unless the construction of all unfinished and/or uninspected utility systems has been bonded naming the County Commissioners or applicable public utility provider(s) as the benefactor. Any Zoning Compliance Permit release from the Zoning Administrator must be preceded by a statement in writing from the public utility provider(s) indicating they believe the utility systems have been constructed appropriately to the Zoning Administrator. Under no circumstances shall an Occupancy Permit be issued until the utility systems are in place and fully operable.
 2. *Streets, curbs and sidewalks*: No Zoning Compliance Permit shall be allowed for any lot in a subdivision until all required streets, curbs and sidewalks have been installed and released by the Zoning Administrator, or unless the construction of all unfinished and/or uninspected streets, curbs or sidewalks have been bonded naming the County Commissioners as the benefactor. Any Zoning Compliance Permit release from the Zoning Administrator must be preceded by a statement in writing from the County Highway Department indicating they believe the roads, curbs, and sidewalks to be constructed appropriately to the Zoning Administrator. An Occupancy Permit may be issued if the lot has access to the perimeter street on local streets with at least a base coat of asphalt (or equivalent) and a performance bond has been established to cover the cost of the top coat and all other unfinished components of the public right of way.
 3. *Drainage*: No Zoning Compliance Permit shall be allowed for any lot in a subdivision until all drainage systems have been installed and released by the Zoning Administrator, or unless the construction of all unfinished and/or uninspected drainage system has been bonded naming the County Commissioners as the benefactor. Any Zoning Compliance Permit release from the Zoning Administrator must be preceded by a statement in writing from the County Surveyor's office indicating it believes the drainage system has been constructed appropriately to the Zoning Administrator. Under no circumstances shall an Occupancy Permit be issued until the drainage system is in place and fully operable.
- C. Applicability: No structure, improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted lands, unless the structure, improvement, or use, and its location has been reviewed and determined to be in full compliance with the Unified Development Ordinance by the Zoning Administrator and the Zoning Administrator has issued an Improvement Location Permit.
- D. Exemptions: An Improvement Location Permit is not needed for the following items:
1. ground level patios,
 2. painting,
 3. paneling or new siding,
 4. gutter and downspout replacement,
 5. insulation,
 6. window or door replacement of a like size,
 7. storm windows or storm doors,
 8. roofing replacement,
 9. chimney replacement,
 10. cosmetic or aesthetic improvements,
 11. chain-link or wire fences (that do not provide a visual barrier),
 12. fence less than or equal to 4.5 feet tall, and
 13. sidewalk, driveway and street.

Improvement Location Permit

- E. Pre-application: Not required.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. There is no filing deadline for an Improvement Location Permit application.
 2. *Required Documentation*.
 - a. A copy of the deed for the parcel showing ownership and legal description of the parcel.
 - b. Government Department Reports: Written reports and/or recommendations from the County Surveyor's Office, the County Health Department, the County Highway Department, and all other applicable federal, State and local agencies, when applicable or requested by the Zoning Administrator.
 - c. Such additional information as may be required by the Zoning Administrator.
 3. *Required Plans*.
 - a. *Site Plan*. The site plan shall be drawn at a scale not less than one inch equals fifty feet (1 = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, the name and address of the development or property owner, and the name and address of the designer, engineer, or construction company if applicable.
 - ii. The location and dimensions of existing structures and site features,
 - iii. The location and dimensions of the proposed structure, improvement or use,
 - iv. The dimensions of the parcel including sizes of yards and open spaces, and
 - v. Existing and proposed streets and rights-of-way.
- G. Office of the Zoning Administrator: Once the completed Improvement Location Permit application, Site Plan and fee are submitted to the Office of the Zoning Administrator, the Zoning Administrator shall review the application and issue or deny the Improvement Location Permit based on whether it is in full compliance with the Unified Development Ordinance. Denial of an Improvement Location Permit shall specify the provision of the Unified Development Ordinance or DeKalb County Code that was not met.
- H. Duration:
1. *Completion*. Substantial completion of the development shall occur within one year of the date of Improvement Location Permit approval.
 2. *Extension*. The Zoning Administrator may grant a one-time extension for six months to obtain substantial completion.
- I. Changes or Amendments: Improvement Location Permits are issued on the basis of plans and applications and only authorize the use, arrangement, and construction as shown on approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed a violation of the Unified Development Ordinance and subject to enforcement actions and penalties described in *Article 10: Enforcement and Penalties*.

Maintenance Surety

9.14 Maintenance Surety

- A. Purpose and Intent: The Purpose of the Maintenance Surety shall be to:
1. Assure and guarantee the maintenance of all improvements and installations during a three-year period following preliminary acceptance of the improvements;
 2. Provide maintenance surety satisfactory to the County;
 3. Warrant the workmanship and all materials used in the construction, installation and completion of said improvements and that the installations are of good quality and have been constructed and completed in a workmanlike manner in accordance with:
 - a. The standards, specifications and requirements of this Unified Development Ordinance; and
 - b. The approved Construction Plans and specifications.
 4. Provide that for a period of three years after the County Commissioners meeting at which said installations and improvements have been completed and are preliminarily accepted for public maintenance by the County or agency thereof, the applicant shall at his own expense make all repairs to said improvements and installations.
- B. Prerequisites: None.
- C. Applicability: When a performance bond has been required for a project and that project has been completed, the applicant shall provide a Maintenance Surety concurrent with request for release of the Performance Surety.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date before the County Commissioners shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Certification by a professional engineer that all improvements were installed as shown and in conformance with the Unified Development Ordinance and all testing results.
 - b. List of materials installed and the cost of those materials.
 - c. Estimate prepared by a professional engineer for the amount of the maintenance bond or letter of credit. The estimate shall be a minimum of 10% of the cost of construction.
 - d. Additional information as may be required by the Zoning Administrator to evaluate the application.
 3. *Required Plans*.
 - a. As-built drawings prepared by a professional engineer.
- G. Office of the Zoning Administrator:
1. *Review*. Upon receipt of a complete application and supportive documents, the Zoning Administrator shall review the Maintenance Surety estimate and report the results of the review to the County Commissioners.
- H. County Commissioners:
1. *Review*. The County Commissioners shall consider the Zoning Administrator's report.
 2. *Decision*. The County Commissioners shall:
 - a. Accept the Maintenance Surety;
 - b. Require adjustment to the amount of the Maintenance Surety; or
 - c. Reject the Maintenance Surety. If the Maintenance Surety is rejected, the applicant shall revise the Maintenance Surety and reapply for approval.
- I. Duration:
1. *Time Limit*. The period of the Maintenance Surety shall be five years from the date of acceptance by the County Commissioners.

Maintenance Surety

2. *Nonperformance.* Should the improvements and installations require maintenance within the three-year period and the applicant fails to perform such maintenance, the County shall take the necessary steps to maintain the improvements and installations, making use of the maintenance bond or letter of credit.
 3. *Expiration.* The maintenance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the Certificate of Final Acceptance is approved by the County Commissioners.
- J. Changes or Amendments: Not applicable.

Performance Surety

9.15 Performance Surety

- A. Purpose and Intent: Prior to or at the time of approval, the applicant shall be required to provide financial performance guarantee, by performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to the County, that all public facility improvements and installations required under the provisions of this Unified Development Ordinance and the DeKalb County Construction Standards shall be completed.
- B. Prerequisites: None.
- C. Applicability:
1. A performance agreement between the applicant and the County, supported by a performance bond or irrevocable letter of credit, shall be required ensuring the timely and proper installation of required public improvements.
 2. The Plan Commission and Board of Zoning Appeals shall not approve any project that involves public improvements without a performance bond or irrevocable letter of credit to cover the proposed improvements and installation.
 3. The performance guarantee for each individual public facility improvement or installation may be handled separately and shall in no way be contingent on the completion of any of the other individual public facility improvements and installations or their performance guarantees.
 4. The posting of a performance guarantee may be accepted for incomplete requirements that will be completed as per a written agreement with the County. The time period and amount of the performance guarantee shall be determined by the Zoning Administrator.
- D. Exemptions: Not applicable.
- E. Pre-application: Not required.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date before the County Commissioners shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Construction Cost Estimate. Estimate prepared by a professional engineer for the amount of the performance bond or letter of credit.
 - b. Additional information as may be required by the Zoning Administrator to evaluate the application.
 3. *Required Plans*. None.
- G. Office of the Zoning Administrator:
1. *Review*. Upon receipt of a complete application and supportive documents, the Zoning Administrator shall review the Performance Surety estimate and report the results of the review to the County Commissioners.
- H. County Commissioners:
1. *Review*. The County Commissioners shall consider the Zoning Administrator's report.
 2. *Decision*. The County Commissioners shall:
 - a. Accept the Performance Surety;
 - b. Require adjustment to the amount of the Performance Surety; or
 - c. Reject the Performance Surety. If the Performance Surety is rejected, the applicant shall revise the Performance Surety and reapply for approval.
- I. Duration:
1. *Time Limit*. The completion of public facility improvements and installations shall be within one year of the approval of the project.
 2. *Extension of Completion Time*. Should the applicant not complete the public facility improvements and installations as herein required within a one-year period, the County Commissioners may approve the

applicant's written request for an extension of time, granted at one year intervals, for completion of the required public facility improvements and installations.

3. *Nonperformance.* Should the applicant not complete the public facility improvements and installations as herein required within the one-year period or within any time extension approved by the Zoning Administrator, the County may take the necessary steps to proceed with the completion of the public facility improvements and installations, making use of the performance bond or letter of credit.
4. *Expiration.* The performance bond or letter of credit shall be in effect and shall not terminate until 30 calendar days after the Certificate of Final Acceptance is approved by the County Commissioners, and the Maintenance Surety has been accepted.

J. Changes or Amendments:

1. *Performance Surety Reductions.*
 - a. Periodic partial releases of Performance Sureties held by the County may be approved by the County Commissioners.
 - b. Bonds held by the County shall be reduced in accordance with County bonding policy.
 - c. Upon recommendation of the Zoning Administrator, the County Commissioners shall act within 30 days of the receipt of any written request for a bond reduction, unless the Zoning Administrator notifies the applicant in writing of nonreceipt of approval by applicable State agencies or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period.
2. *Standards.* The following standards shall apply to any request for a bond reduction:
 - a. No more than one reduction shall be permitted.
 - b. No bond shall be reduced below 20% of the original bond amount.
3. *Inspection.* The Zoning Administrator may inspect at any reasonable time any structure, other improvement, or site that is the subject of a Performance Surety Reduction.

Planned Unit Development

9.16 Preliminary Plan

- A. Purpose and Intent: A planned unit development (PUD) is not intended to be used to circumvent the use of subdivision regulations or development plan review. Under no circumstances should a planned unit development holistically result in a lesser quality development than would result from the application of the development and design standards within the Unified Development Ordinance. The PUD provisions are intended to provide an opportunity for:
 1. Mixed use developments that predominantly reflect the identified land use(s) in the Comprehensive Plan and Official Zoning Map;
 2. Truly unique developments that cannot otherwise be permitted through standard subdivision or development plan review process with a reasonable number of waivers and/or variances; and
 3. Truly unique sites that cannot reasonably be developed by applying the development standards (zoning) and design standard (subdivision control) in the Unified Development Ordinance.
- B. Prerequisites: The applicant shall have a controlling interest in each parcel of land within the proposed planned unit development.
- C. Applicability: The PUD Preliminary Plan review is required when an applicant has a parcel he would like to develop as a planned unit development.
- D. Exemptions: None.
- E. Pre-application: Prior to filing a formal application for approval of a planned unit development, the applicant shall schedule a pre-application conference with the Zoning Administrator.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 - c. Compilation of materials shall:
 - i. Include an index identifying all materials included in the PUD Preliminary Plan.
 - ii. Include a cover sheet indicating that it is the PUD Preliminary Plan and indicating the date and docket number.
 - iii. Be bound together and all materials submitted on paper 8.5" x 11" in dimension, except for the maps, sketches, plans and conceptual layout which must be folded to 8.5" x 11".
 2. *Required Documentation*.
 - a. PUD District Ordinance draft.
 - b. Topographic Survey (two-foot contours) which shall be tied to a vertical datum NAVD 1988.
 - c. Location Map.
 - d. Narrative Materials:
 - i. Explanation of the character of the planned unit development and the reasons why it has been planned to take advantage of the flexibility of these regulations. This item shall include a specific explanation of how the proposed planned unit development meets the objectives of all adopted land use policies that affect the land in question.
 - ii. Statement of proposed residential uses including gross area, architectural concepts (narrative, sketch, or representative photo), number of units, bedroom breakdown, and proposed occupancy limits for each residential component;
 - iii. Statement of proposed nonresidential uses including gross area, architectural concepts (narrative, sketch, or representative photo), and building heights.
 - e. Development Schedule: A development schedule indicating:
 - i. Stages in which project will be built, including the area, density, use, public facilities, and open space to be developed with each stage. Each stage shall be described and mapped.
 - ii. Projected dates for beginning and completion of each stage.

Planned Unit Development

- f. Traffic Analysis Report. If requested by the Zoning Administrator, Plan Commission, or the County Commissioners, a study of the impact caused by the planned unit development and any measures proposed to accommodate that impact.
- g. Statement of present and proposed ownership of all land within the project including the beneficial owners of a land trust.
- h. Declaration of covenants.
- i. All materials and information included in the pre-application conference as updated or amended.
- j. Such additional information as may be required by the Zoning Administrator.

3. *Required Plans.*

- a. Site Plan (electronic format required). The detailed site plan of the planned unit development shall be drawn at a scale not less than one inch equals fifty feet (1 = 50'). The detailed site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, and the name of the development.
 - ii. Boundary lines and acreage of each land use component.
 - iii. Existing Features of the site, including but not limited to:
 - [a] easements (including location, width and purpose);
 - [b] utilities;
 - [c] streets on and adjacent to the site (including street name, right-of-way width, walks, curbs, gutters, and culverts);
 - [d] land-use on abutting properties;
 - [e] conditions of the site and on adjoining land such as topography (based on NAVD 1988 datum); embankments or retaining walls; use and location of major buildings, railroads, power lines, towers and other influences; name of any adjoining subdivision plat;
 - [f] any land on the site within the one-hundred-year floodplain; and
 - [g] water courses, wetlands, rock outcrops, wooded areas, isolated trees 12 inches or more in diameter, existing structures and other significant features of the site.
 - iv. Streets and other major improvements planned by the public for future construction on or adjacent to the site;
 - v. Proposed Features of the site, including but not limited to:
 - [a] major circulation layout;
 - [b] generalized location and dimensions of buildings, structures, parking areas, open space areas and recreational facilities.
- b. Facilities Plan (electronic format required). The facilities plan shall include preliminary concepts and feasibility reports for roads, sidewalks, sanitary sewers, storm water management, water supply systems, street lighting, and public utilities.
- c. Conceptual Landscape Plan (electronic format required). The conceptual landscape plan shall include existing vegetation to be preserved and the locations, nature, and purpose of proposed landscaping.

G. Plan Commission:

1. *Authority.* The Plan Commission forwards a recommendation to the County Commissioners for a PUD Preliminary Plan.
2. *Public Notice.* Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure.
3. *Public Hearing.* The Plan Commission shall hold a public hearing in accordance with the Plan Commission's Rules of Procedure.
4. *Review.* In their consideration of a PUD Preliminary Plan, the Plan Commission, in its recommendation, shall consider as many of the following as may be relevant to the specific proposal:
 - a. The extent to which the proposed PUD Preliminary Plan meets the requirements, standards, and stated purpose of the planned unit development regulations.

Planned Unit Development

- b. The extent to which the proposed PUD Preliminary Plan departs from the Unified Development Ordinance otherwise applicable to the subject property, including but not limited to, the density, dimension, bulk, use, required improvements, construction and design standards, and the reasons why such departures are or are not deemed to be in the public interest.
 - c. The extent to which the proposed PUD Preliminary Plan meets the purposes of this Unified Development Ordinance, the Comprehensive Plan, and any other adopted planning objectives of the County. Any specific benefits shall be specifically cited.
 - d. The physical design of the planned unit development and the extent to which it:
 - i. Makes adequate provision for public services;
 - ii. Provides adequate control over vehicular traffic;
 - iii. Provides for and protects designated common open space; and
 - iv. Furthers the amenities of light and air, recreation and visual enjoyment.
 - e. The relationship and compatibility of the proposed PUD Preliminary Plan to the adjacent properties and neighborhood, and whether the proposed PUD Preliminary Plan would substantially interfere with the use or diminish the value of adjacent properties and neighborhoods.
 - f. The desirability of the proposed PUD Preliminary Plan to the County's physical development, tax base and economic well-being.
 - g. The proposal will not cause undue traffic congestion, and can be adequately served by existing or programmed public facilities and services.
 - h. The proposed PUD Preliminary Plan preserves significant ecological, natural, historical and architectural resources to the extent possible.
 - i. The proposed PUD Preliminary Plan will not be injurious to the public health, safety, and general welfare.
 - j. The proposed PUD Preliminary Plan is an effective and unified treatment of the development possibilities on the planned unit development site.
5. *Decision.* The Plan Commission shall:
- a. Forward the petition to the County Commissioners with a favorable recommendation.
 - b. Forward the petition to the County Commissioners with commitments and/or conditions with a favorable recommendation.
 - c. Forward the petition to the County Commissioners with a negative recommendation.
 - d. Forward the petition to the County Commissioners with no recommendation.
 - e. Continue the petition to a definite future meeting date.
6. *Commitments.*
- a. *Acceptance:* In conjunction with the approval of a PUD Preliminary Plan, the Plan Commission may permit or require the applicant to make written commitments concerning the use or development of the parcel.
 - b. *Form:* The applicant shall prepare the commitment instrument in a form approved by the County Attorney. The applicant and the President of the Plan Commission shall sign the commitment instrument.
 - c. *Recording:* The applicant shall record the commitment instrument in the Office of the DeKalb County Recorder within 30 days of the approval of the PUD Preliminary Plan. The applicant shall deliver a copy of the recorded commitment instrument to the Office of the Zoning Administrator before filing a PUD Final Plan application.
 - d. *Modification or Termination.* A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - e. *Enforcement.* The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

Planned Unit Development

7. *Conditions of Approval.*
 - a. *Requirement.* In conjunction with the approval of a PUD Preliminary Plan, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
 - b. *Recording.* Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the president of the Plan Commission and applicant. Subsequently, the written conditions shall be recorded at the Office of the DeKalb County Recorder within thirty (30) days of the approval of the PUD Preliminary Plan. The applicant shall then deliver a copy of the recorded conditions of approval instrument to the Office of the Zoning Administrator before filing a PUD Final Plan application.
 - c. *Modification or Termination.* A condition of approval under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. *Enforcement.* The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
8. *Revisions.* Following Plan Commission approval, the applicant shall submit revised copies of the PUD Preliminary Plan that address the comments and concerns of the Plan Commission.
9. *Final Plan Approval.* When there are environmentally sensitive features on the site or the Final Plan is expected to be complex, or there are other important planning implications involved, the Plan Commission may, at the time of its favorable recommendation of a PUD Preliminary Plan, elect to review the PUD Final Plan. If the Plan Commission recommends denial of a PUD Preliminary Plan and the County Commissioners approve the PUD Preliminary Plan, the Plan Commission shall review the PUD Final Plan.

H. County Commissioners:

1. *Action.* The County Commissioners shall vote on the proposal within 90 days after the Plan Commission certifies the proposal. The County Commissioners may adopt or reject the proposal. If the Plan Commission has given the proposal a favorable recommendation and the County Commissioners fail to act on the proposal within 90 days, the PUD Preliminary Plan takes effect as if it had been adopted (as certified) 90 days after certification. If the Plan Commission has failed to make a recommendation or has given the proposal an unfavorable recommendation and the County Commissioners fails to act on the proposal within 90 days, the proposal is defeated.
 2. *Review.* In their consideration of a PUD Preliminary Plan, the County Commissioners, in their decision, shall consider as many of the same standards as the Plan Commission did during their review.
 3. *Effect of Approval of the PUD Preliminary Plan.*
 - a. When a PUD Preliminary Plan for a planned unit development has been approved by the County Commissioners, the PUD Preliminary Plan shall become effective and its location shall be shown on the zoning map. The zoning map shall be amended to designate the site as a planned unit development.
 - b. Upon such amendment of the zoning map, the use and development of the site shall be governed by the PUD Preliminary Plan, subject to approval of a PUD Final Plan.
 - c. No permit of any kind shall be issued until the PUD Final Plan has been approved.
- I. Duration: The PUD Preliminary Plan does not expire.
- J. Changes or Amendments: Any amendment to a PUD Preliminary Plan shall be subject to the procedure for approval of a new PUD Preliminary Plan, and no amendment shall be approved unless the application and review encompass the entire planned unit development.

Planned Unit Development

9.17 Final Plan

- A. Purpose and Intent: The purpose of the PUD Final Plan is to designate with particularity the controls for development of the planned unit development. The PUD Final Plan shall show the exact location of each building and improvement to be constructed and a designation of the specific internal use or range of uses to which each building shall be put.
- B. Prerequisites: The PUD Final Plan shall conform to the PUD Preliminary Plan as approved.
- C. Applicability: No permit of any kind for the development shall be issued until the PUD Final Plan has been approved.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Development Schedule: A development schedule indicating:
 - i. The area, density, use, public facilities, and open space to be developed with for the entire phase for which PUD Final Plan approval is being request.
 - ii. Projected dates for beginning and completion of the phase.
 - b. Agreements and covenants that govern the use, maintenance, and continued protection of the planned unit development and its common spaces, shared facilities, and private roads.
 - c. Surety Requirement Materials: In conjunction with the approval of a PUD Final Plan, the applicant shall provide financial surety for all public improvements pursuant to *Section 9.14 Maintenance Surety and Section 9.15 Performance Surety*.
 - d. A tabulation on each separate subdivided use area, including land area, number of buildings, number of dwelling units per acre, type of unit, bedroom breakdown, and limits on occupancy.
 - e. All updated or amended materials and information from the PUD Preliminary Plan approval.
 - f. Such additional information as may be required by the Zoning Administrator.
 3. *Required Plans*.
 - a. Site Plan (electronic format required). The detailed site plan of the entire phase for which PUD Final Plan approval is being requested drawn at a scale not less than one inch equals fifty feet (1 = 50'). The detailed site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, and the name of the development.
 - ii. Design of each separate unsubdivided use area, including open space.
 - iii. Precise location of all buildings to be constructed, and a designation of the specific use or range of uses for each building. Single-family residential development on individual lots need not show precise location of buildings on each lot, but plans shall show setback and other bulk constraints.
 - iv. Design and precise location of all streets, drives and parking areas, including construction details, center line elevations, pavement type, curbs, gutters, and culverts.
 - v. Location of all utility lines and easements.
 - b. Secondary Plat (electronic format required): If lands within the planned unit development need to be subdivided, a Secondary Plat in the same format and meeting all the requirements of a normal Secondary Plat shall be filed concurrent with PUD Final Plan.
 - c. Landscape Plan (electronic format required): A final, detailed landscape plan, including size and species, installation specifications, identification of vegetation to be preserved and the site measures to accomplish preservation, and conservation easements where required.
 - d. Lighting Plan (electronic format required): A final, detailed lighting plan, including type, size and height of all fixtures.

Planned Unit Development

G. Office of the Zoning Administrator:

1. *Review.* The Zoning Administrator shall review the application upon receipt of a complete application, supportive documents, and the appropriate fees. The Zoning Administrator shall review the PUD Final Plan to include Site Plan Review.
2. *Decision.*
 - a. It shall generally be the responsibility of the Zoning Administrator to review the PUD Final Plan unless the PUD Final Plan involves major changes from the approved PUD Preliminary Plan. The Zoning Administrator may permit a written commitment and may also impose reasonable conditions.
 - b. If the Zoning Administrator finds major changes on the PUD Final Plan, the Zoning Administrator shall not approve the PUD Final Plan, but shall notify the applicant that a PUD Preliminary Plan Amendment is required pursuant to the procedures for approval of a new PUD Preliminary Plan. If the applicant disagrees with the Zoning Administrator determination, he may request that the Plan Commission review the PUD Final Plan and determine whether major changes are involved, and, if the Plan Commission determines the changes are minor, the Plan Commission shall review and act upon the PUD Final Plan. If the Plan Commission determines the changes are major, the Plan Commission shall review the proposal as a PUD Preliminary Plan Amendment application at a public hearing and shall forward a recommendation to the County Commissioners.
 - c. Interested parties affected by the decision of the Zoning Administrator upon review of a PUD Final Plan may within 14 days of such decision request that the Plan Commission review the Zoning Administrator's decision. Such request shall be in writing and shall specify the grounds of the appeal. A public hearing shall be required with notice pursuant to the Plan Commissions' Rules of Procedure. The Plan Commission may affirm, reverse or modify the Zoning Administrator's decision.
3. *Commitments.* In conjunction with the approval of a PUD Final Plan, the Zoning Administrator may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel following the same standards as the Plan Commission.
4. *Conditions of Approval.* In conjunction with the approval of a PUD Final Plan, the Zoning Administrator may impose conditions of approval concerning the use or development of the parcel following the same standards as the Plan Commission.
5. *Revisions.* Following Zoning Administrator approval, the applicant shall submit revised copies of the PUD Final Plan reflecting commitments made.
6. *Recording.* The Zoning Administrator shall prepare the conditions of approval in a written form to be reviewed and signed by the Zoning Administrator and applicant. Subsequently, the written detailed plans, covenants, written commitments, conditions, plats, and modifications thereof shall be recorded in the Office of the DeKalb County Recorder within ten days of approval. The applicant shall provide two copies bearing recording information to the Office of the Zoning Administrator for the record.
7. *Construction.* No construction or installation work may commence on any public improvements until satisfactory Improvement Plans and specifications have been submitted and approved by the Plan Commission and until the applicant provides at least 48 hours notice to the Zoning Administrator or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.
8. *Conformity.* All development shall be in conformity with the approved PUD Final Plan and Improvement Plans. Any material deviation from the plans is subject to appropriate enforcement action.

H. Plan Commission:

1. *Authority:* If the Zoning Administrator finds major changes on the PUD Final Plan, the applicant shall be required to submit a PUD Preliminary Plan Amendment to the Plan Commission. If the applicant disagrees with the Zoning Administrator determination, he may request the Plan Commission review the PUD Final Plan and determine whether major changes are involved
2. *Public Notice.* Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure.
3. *Public Hearing.* The Plan Commission shall hold a public hearing in accordance with the Plan Commission's Rules of Procedure.
4. *Review.* At their regularly scheduled public meeting, the Plan Commission shall review:

Planned Unit Development

- a. The written statement and supporting material submitted by the applicant;
 - b. The PUD Preliminary Plan;
 - c. The PUD Final Plan;
 - d. Any commitments or conditions of approval attendant to prior approvals;
 - e. The requirements of *Article 04: Planned Unit Development Districts*;
 - f. The applicable standards of the Unified Development Ordinance;
 - g. The applicable standards of the County's engineering manuals;
 - h. The procedures of *Article 06: Subdivisions*, when applicable;
 - i. The Office of the Zoning Administrator's report; and
 - j. Such additional information as may be required by the Plan Commission to evaluate the application.
5. *Decision.* The Plan Commission shall:
- a. Approve the petition.
 - b. Approve the petition with conditions and/or commitments.
 - c. Deny the petition.
 - d. Continue the petition to a definite future meeting date.
6. *Commitments.*
- a. **Acceptance:** In conjunction with the approval of a PUD Final Plan, the Plan Commission may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel.
 - b. **Recording:** The applicant shall prepare the commitments in a form approved by the County Attorney, and record the commitments in the Office of the DeKalb County Recorder.
 - c. **Modification or Termination:** A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - d. **Enforcement:** The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.
7. *Conditions of Approval.*
- a. **Requirement:** In conjunction with the approval of a PUD Final Plan, the Plan Commission may impose conditions of approval concerning the use or development of the parcel.
 - b. **Recording:** Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the president of the Plan Commission and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. **Modification or Termination:** A condition of approval under this section may be modified or terminated only by a decision of the Plan Commission. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. **Enforcement:** The County may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
8. *Maintenance.*
- a. The covenants shall make adequate provision for a private organization (*i.e.* owners association) with direct responsibility to, and control of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities are a part of the planned unit development, and legal assurances shall be provided which show the private organization is self-perpetuating.
 - b. All common facilities not dedicated to the public shall be maintained by the private organization in such a manner that adequate access is provided at all times to traffic so fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so the

Planned Unit Development

vehicles will have adequate turning area. All streets and streetways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

9. *Revisions.* Following Plan Commission approval, the applicant shall submit revised copies and electronic files of the PUD Final Plan that address the comments and concerns of the Plan Commission.
10. *Recording.* All approved detailed plans, covenants, commitments, plats, and modifications thereof shall be recorded in the Office of the DeKalb County Recorder within ten (10) days of approval. The applicant shall provide two copies bearing recording information to the Office of the Zoning Administrator for the record.
11. *Construction.* No construction or installation work may commence on any public improvements until satisfactory Improvement Plans and specifications have been submitted and approved by the Plan Commission and until the applicant provides at least 48 hours notice to the Zoning Administrator or entity having jurisdiction of the public facility, in order that inspections may be made as the work progresses.
12. *Conformity.* All development shall be in conformity with the approved Final Plan and Improvement Plans. Any material deviation from the plans is subject to appropriate enforcement action.

I. Duration:

1. *Abandonment.* Development authorized under this section shall expire if construction is not substantially complete within three years from the approval of the final development plan. The County Commissioners shall be the entity solely responsible for determining if the development is substantially complete.
2. *Extension.* An extension, not to exceed 12 months, for accomplishing any matters set forth within *Article 04: Planned Unit Development Districts* may be granted by the Plan Commission for good cause shown. The Plan Commission may grant one, 12-month extension. If an extension for expiration is granted such extension shall be recorded.

J. Changes or Amendments:

1. The Zoning Administrator shall determine if proposed changes are of a significant nature to require resubmittal of a PUD Final Plan.
2. If the Zoning Administrator determines the proposed changes warrant resubmittal, the applicant shall follow the procedures set forth for the PUD Final Plan.
3. The Zoning Administrator may determine that the changes are of a less significant nature, in which case the Zoning Administrator may act as the review body.
4. *PUD Final Plan Amendment.* A PUD Final Plan Amendment shall be processed in the same manner as PUD Final Plan applications. A PUD Final Plan Amendment shall be required when:
 - a. An element of the PUD Final Plan is proposed to be amended (*e.g.* Landscape or Sign Plan, *etc.*); or
 - b. A recorded road name change is proposed; or
 - c. A recorded development name change is proposed; or
 - d. A recorded address change is proposed; or
 - e. Lots are being joined;
 - f. Lots are being split (also requires a PUD Preliminary Plan Amendment); or
 - g. Platted easements are being modified or vacated (see also *Section 7.19 General Easement Standards*);
 - h. A public way is being vacated (Note: per IC 36-7-3-12, right-of-way vacation also requires that an ordinance be adopted by the County Commissioners); or
 - i. Other significant changes to the PUD Final Plan are proposed.
5. Changes, amendments or resubmittals shall be subject to the DeKalb County engineering standards in effect at the time the application for such changes, amendments or resubmittals are made.

Questionable Land Use Determination

9.18 Questionable Land Use Determination

- A. Purpose and Intent: The interpretation authority established by this section is intended to recognize that the provisions of this Unified Development Ordinance, though detailed and extensive, cannot, address every specific situation to which they may have to be applied. In particular, certain categories of uses are listed as either special exception or permitted, but certain specific proposed uses may not clearly fall within the common ordinary meaning of any of the listed uses. Many such situations can be readily addressed by an interpretation of the specific provisions of this Unified Development Ordinance in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, an interpretation shall not have the effect of adding to or changing the essential content of this Unified Development Ordinance but is intended only to allow authoritative application of that content to specific cases.
- B. Prerequisites: A petition for Questionable Land Use Determinations may be filed by any person having a legal or equitable interest in property that gives rise to the need for a Questionable Land Use Determination provided that interpretation shall not be sought by any person based solely on hypothetical circumstances or where the Questionable Land Use Determination would have no effect other than as an advisory opinion.
- C. Applicability:
1. *Zoning Administrator*. The Zoning Administrator, subject to the procedures, standards, and limitation of this Unified Development Ordinance may render written Questionable Land Use Determinations based on the provisions of the Unified Development Ordinance.
 2. *Plan Commission*. The Zoning Administrator may forward requests for Questionable Land Use Determination to the Plan Commission when the proposed use is not sufficiently similar to a use expressly listed as permitted or as a Special Exception to allow the Zoning Administrator to make a determination.
- D. Exemptions: Not applicable
- E. Pre-Application: Prior to submitting a Questionable Land Use Determination application, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. There is no filing deadline for Questionable Land Use Determination.
 2. *Required Documentation*.
 - a. Narrative: The applicant shall submit a written statement specifying the grounds for the request of a Questionable Land Use Determination. This narrative shall also include:
 - i. The proposed land use;
 - ii. The existing zoning district;
 - iii. The lot's address;
 - iv. The applicant's name, address, and contact information; and
 - v. The property owner's name, address, and contact information (if different).
 3. *Required Plans*: None.
- G. Office of the Zoning Administrator:
1. *Review*. The Zoning Administrator shall determine if the proposed land use is significantly like a Permitted Use or Special Exception in the subject zoning district or if the proposed land use is not significantly like a Permitted Use or Special Exception in the subject zoning district.
 2. *Standards for Questionable Land Use Determinations*. The following standards shall govern the Zoning Administrator, the Plan Commission, and the Board of Zoning Appeals on appeals from the Zoning Administrator, in issuing a Questionable Land Use Determination:
 - a. Any listed use defined in *Article 11: Definitions*, shall be interpreted as therein defined;

Questionable Land Use Determination

- b. No Questionable Land Use Determination shall authorize any use in any zoning district unless evidence is presented demonstrating that it will comply with the general zoning district regulations established for that particular zoning district;
- c. No Questionable Land Use Determination shall authorize any use in a particular zoning district unless such use is substantially similar to other uses specifically listed as Permitted Use or as a Special Exception in such zoning district and is more similar to such uses than to other uses listed as Permitted Use or as a Special Exception in another zoning district;
- d. If the proposed use is most similar to a use allowed only as a Special Exception in the zoning district in which it is proposed to be located, then any Questionable Land Use Determination authorizing such use shall be subject to review by the Board of Zoning Appeals for a Special Exception.
- e. No Questionable Land Use Determination shall allow the establishment of any use that would be inconsistent with the statement of purpose of the zoning district in question.

3. *Decision.*

- a. *Approval.* If the Zoning Administrator determines the use is significantly like a Permitted Use in the subject zoning district, he shall approve the land use. The Zoning Administrator shall give the applicant written notice of the approval.
- b. *Denial.* If the Zoning Administrator determines the use is not significantly like a Permitted Use in the subject zoning district, he shall deny the land use. The Zoning Administrator shall give the applicant written notice of the denial. If the applicant wishes to pursue the matter further, the Zoning Administrator shall advise the applicant of the procedures for filing a Use Variance application with the Board of Zoning Appeals. Denial of a Questionable Land Use Determination application by the Zoning Administrator cannot be the subject of an Administrative Appeal by the applicant.

H. Board of Zoning Appeals:

1. *Administrative Appeal.* When an Administrative Appeal of the Zoning Administrator's decision to approve a Questionable Land Use Determination petition is heard by the Board of Zoning Appeals, the Administrative Appeal shall follow the procedures set forth in *Section 9.09 Administrative Appeal.*
2. *Use Variance.* When an Use Variance is heard by the Board of Zoning Appeals following the Zoning Administrator's decision to deny a Questionable Land Use Determination application, the Use Variance shall follow the procedures set forth in *Section 9.28: Use Variance.*

I. Duration:

1. *Favorable Determination.* A Questionable Land Use Determination finding a particular use to be permitted in a particular zoning district only approves the use. It does not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. All necessary permits shall be obtained and all necessary procedures shall be followed.
2. *Limitations On Favorable Determination.* A Questionable Land Use Determination finding a particular use to be permitted, or allowed as a Special Exception in a particular zoning district, shall be deemed to authorize only the particular use for which it was issued, and such Questionable Land Use Determination shall not be deemed to authorize any allegedly similar use for which a separate Questionable Land Use Determination has not been issued. A Questionable Land Use Determination expires when there is an amendment to the section of the Unified Development Ordinance upon which it is based or when the property has been rezoned. If the Unified Development Ordinance is amended, a new Questionable Land Use Determination may be requested by an applicant.

J. Changes or Amendments: Not applicable.

Sign Permit

9.19 Sign Permit

- A. Purpose and Intent: The purpose of a Sign Permit is to protect the public health, safety, and welfare of the County and its residents by establishing a means to permit communication that will not present a hazard to pedestrians and motorists; that will insure light, air, and open space; and that will protect the natural beauty and environment.
- B. Prerequisites: None.
- C. Applicability: No sign shall be erected within the County without first obtaining a Sign Permit from the Zoning Administrator. See *Section 9.19(D) Exemptions* for exemptions.
- D. Exemptions: Signs that are exempt from having to obtain a Sign Permit are listed in *Section 5.47(E): Exempt Signs*.
- E. Pre-application: Not required.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. There is no filing deadline for a Sign Permit application.
 2. *Required Documentation*.
 - a. Name, address, and telephone number of applicant.
 - b. Location of building, structure, or land on which the sign is to be erected.
 - c. Written consent of the owner and a copy of the deed showing ownership of the land on which the sign is to be erected in the event the applicant is not the owner.
 - d. A copy of any required Electrical Permit issued for the sign or a copy of the application.
 3. *Required Plans*.
 - a. *Site Plan*: A scale drawing of the sign, showing the elevation of the sign, the face composing the sign, the position of lighting or other extraneous devices, and any other components of the sign.
 - b. *Location Plan*: A location plan showing the position of the proposed sign, as well as any existing signage, on any building or land and its position in relation to nearby buildings or structures and to any private or public street or highway right-of-way.
- G. Office of the Zoning Administrator:
 1. *Review*. The Zoning Administrator shall review the application upon receipt of a complete application, supportive documents, and the appropriate fees.
 2. *Decision*. The Zoning Administrator shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to erect the sign. If the proposed sign is in compliance with all the requirements of this Unified Development Ordinance, a Sign Permit shall be issued.
- H. Duration:
 - a. *Completion*: The authorized sign shall be completed and erected within six months of the date of issuance; otherwise, the Sign Permit shall lapse and become null and void.
 - b. *Extension*: One extension of up to six months may be authorized by the Zoning Administrator for reason or cause. The applicant shall submit the request in writing to the Zoning Administrator, and the Zoning Administrator shall make a written determination to extend or deny extension.
- I. Changes or Amendments: When a Sign Permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the Sign Permit without prior written approval of the Zoning Administrator.

Special Exception

9.20 Special Exception

- A. Purpose and Intent: A Special Exception is process used to determine whether a use is appropriate for a given location. A Special Exception use is generally an appropriate land uses in the subject district, but due to it's intensity, design features, potential for nuisance, or similar unique features; or due to the sensitivity of neighboring properties, the Board of Zoning Appeals is assigned the task of determining whether the land use is appropriate or not.
- B. Prerequisites: A petition for a Special Exception may 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.
- C. Applicability:
1. In accordance with the procedures and standards set out in this Article, the Board of Zoning Appeals may grant Special Exception approval authorizing only those developments which are permitted as Special Exceptions in the applicable zoning district.
 2. The granting of a Special Exception authorizes the use and establishes the terms of use.
 3. Special Exceptions are also subject to all necessary permits and approvals, and other applicable requirements.
- D. Exemptions: Not applicable.
- E. Pre-Application: It is recommended that an applicant discuss a possible Special Exception application with the Zoning Administrator before filing the application.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Material*.
 - a. Narrative. A statement by the applicant showing how the proposed Special Exception will conform to the general standards set forth in *Section 5.50: Special Exception Use; General* for the particular Special Exception requested.
 - b. Architectural elevations, photos, or other written or pictorial representation of the appearance of the structure.
 - c. Site Plan (electronic format required). The site plan shall be drawn at a scale not less than one inch equals fifty feet (1 = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, date of preparation, name and address of the development or property owner, and name and address of the designer, engineer, or construction company if applicable.
 - ii. Proposed and existing buildings and structures on the property.
 - iii. Buildings, structures, and pavement within 100 feet of the property or within the adjacent property, whichever is less.
 - iv. Open space.
 - v. Points of ingress/egress.
 - vi. Parking.
 - vii. Property lines.
 - viii. Easements.
 - d. Landscape Plan (electronic format required), showing all proposed and existing landscaping;
 - e. Lighting Plan (electronic format required), indicating the location, design, and effect on adjacent properties of all lighting fixtures.
 - f. Such additional information as may be required by the Zoning Administrator or by the Board of Zoning Appeals' Rules of Procedure.
 3. *Waiver of Material*. The Zoning Administrator may waive any of the required material after clearly determining that it is not essential for the Board of Zoning Appeals to review and make a decision.

Special Exception

G. Board of Zoning Appeals:

1. *Public Notice.* Notification of the public hearing shall be completed in accordance with the Board of Zoning Appeals Rules of Procedure.
2. *Public Hearing.* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
3. *Review.* The Board of Zoning Appeals shall review:
 - a. A Special Exception shall be approved only upon the determination that:
 - i. The proposed Special Exception is consistent with the purpose of the zoning district and the Comprehensive Plan.
 - ii. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community.
 - iii. The proposed Special Exception is in harmony with all adjacent land uses.
 - iv. The proposed Special Exception will not alter the character of the District; and
 - v. The proposed Special Exception will not substantially impact property value in an adverse manner.
 - b. When considering a Special Exception, the Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - i. Topography and other natural site features;
 - ii. Zoning of the site and surrounding properties;
 - iii. Driveway locations, street access and vehicular and pedestrian traffic;
 - iv. Parking amount, location, design;
 - v. Landscaping, screening, buffering;
 - vi. Open space and other site amenities;
 - vii. Noise production and hours of operation;
 - viii. Design, placement, architecture, and building material of the structure;
 - ix. Placement, design, intensity, height, and shielding of lights;
 - x. Traffic generation;
 - xi. General site layout as it relates to its surroundings; and,
 - xii. Any other matters that the Board of Zoning Appeals feels are relevant to the particular Special Exception request.
4. *Decision.* The Board of Zoning Appeals shall either:
 - a. Approve the petition, or
 - b. Approve the petition with conditions and/or commitments, or
 - c. Deny the petition, or
 - d. Continue the petition to a definite future meeting date.
5. *Commitments.*
 - a. *Acceptance.* The Board of Zoning Appeals will consider and may accept written or verbal commitments by the applicant, resulting in the approval of the petition.
 - b. *Recording.* If written or verbal commitments were made and accepted, the applicant shall prepare the commitments in a written form to be reviewed and approved by the County Attorney. Subsequent to the County Attorney's approval, the written commitments shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument.
 - d. *Enforcement.* The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.

Special Exception

6. *Conditions of Approval.*
 - a. *Requirement.* In conjunction with the approval of a Special Exception, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the parcel.
 - b. *Recording.* Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the chairman of the Board of Zoning Appeals and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A condition of approval under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument.
 - d. *Enforcement.* The Zoning Administrator may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
 - e. *Compliance.* Whenever any Special Exception granted pursuant to this section is made subject to conditions or limitations to be met by the applicant, the applicant shall meet such conditions as may be applicable, prior to the issuance of a Zoning Compliance Permit.
 7. *Plan Revisions.* The applicant shall submit revised copies of the plans and/or support material that reflect commitments, conditions, requests for clarity, requests for additional documentation, or the like to the Zoning Administrator.
 8. *Cause for Incomplete Approval.* If the petitioner fails to submit the required plan revisions, record commitments, or record conditions of approval the Board of Zoning Appeals approval is incomplete until a time those tasks are completed.
- H. Duration: Any Special Exception approved by the Board of Zoning Appeals shall expire:
1. *Structure.* In the case of new construction or modifications to an existing structure:
 - a. Three years after the date granted by the Board of Zoning Appeals, unless an Improvement Location Permit has been obtained and construction of the structure or structures has commenced; or,
 - b. At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from above.
 2. *Use of Land.* In the case of a use of land which does not involve new construction:
 - a. Three years after the date granted by the Board of Zoning Appeals, unless a Zoning Compliance Permit has been issued and the use has commenced; or
 - b. At the date of termination established by the Board of Zoning Appeals as a condition or commitment if different from above.
 3. *Null and Void.* Any Special Exception that has expired is completely null and void. If the applicant desires to reinstate the Special Exception after it expires, it is necessary to apply for a new Special Exception.
- I. Changes or Amendments:
1. *Modification.* Any modification or intensification of a Special Exception that alters the essential character or operation of the use in a way not intended by the Board of Zoning Appeals at the time the Special Exception was approved shall require a new Special Exception approval. The property owner/operator or his authorized representative shall apply for such Special Exception approval prior to any modification of the use or property.
 2. *Decision.* The Zoning Administrator shall determine in writing whether the proposed modification or intensification represents an alteration in the essential character of the original Special Exception as approved. The operator of the Special Exception shall provide the Zoning Administrator with all the necessary information to render this determination.

Storm Water Drainage Plan

9.21 Storm Water Drainage Plan

- A. Purpose and Intent: It is recognized that smaller streams, drainage ditches and drainage tiles serving the County may not have sufficient capacity to receive and convey storm water runoff, resulting when land use changes from open or agricultural use to a residential, commercial or industrial use. It is further recognized deposits of sediment from development during and after construction can reduce capacities of storm sewers and drainage systems and result in damages to receiving lakes and streams. Therefore, the storage and controlled release of storm water runoff shall be required of all developments covered under this Unified Development Ordinance.
- B. Prerequisites: A Storm Water Drainage Plan shall be submitted to the County Drainage Board and be "preliminarily approved" by the County Drainage Board prior to being submitted to the Plan Commission as part of the required application materials. All references to the "Storm Water Drainage Plan" in this Section shall be to the a Storm Water Drainage Plan that has been "preliminarily approved" by the County Drainage Board.
- C. Applicability: Applicants filing a Planned Development, Development Plan, or a Primary Plat (i.e. subdivision) with the Plan Commission are required to submit a Storm Water Drainage Plan with their application.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
1. *Filing*. The Storm Water Drainage Plan shall be submitted to the Office of the Zoning Administrator.
 2. *Required Documentation*. None.
 3. *Required Plans*.
 - a. Storm Water Drainage Plan: The Storm Water Drainage Plan shall show the following items:
 - i. The extent and area of each watershed tributary to the drainage channels in the development.
 - ii. The street storm sewers and other storm drains to be built, the basis of their design, outfall and outlet locations and elevations, the receiving stream or channel and its high water elevation.
 - iii. The parts of the proposed street system where pavements are planned to be depressed sufficiently to convey or temporarily store overflow from storm sewers and over the curb runoff resulting from the heavier rainstorms and the outlets for such overflow.
 - iv. Existing streams and floodplains to be maintained, and new channels to be constructed, their locations, cross sections and profiles.
 - v. Proposed culverts and bridges to be built, their materials, elevations, waterway openings and basis of their design.
 - vi. Existing detention basins and ponds to be maintained, enlarged, or otherwise altered and new basins or ponds to be built and the basis of their design.
 - vii. The estimated location and percentage of impervious surfaces existing and expected to be constructed when the development is completed.
 - viii. The slope, type and size of all sewers and other waterways.
 - ix. For all detention basins, a calculation of storage volumes shall be shown with corresponding water surface elevations and a calculation of the basin overflow rates for those water surface elevations.
- G. Plan Commission: The Plan Commission shall review the Storm Water Drainage Plan. The Storm Water Drainage Plan shall be consistent with the general and specific concerns, values, standards and conditions of the Comprehensive Plan, applicable State and federal storm drainage control programs, and the County's Drainage Standards as established by the Standards Committee.
- H. Board of Zoning Appeals: The Board of Zoning Appeals shall review the Storm Water Drainage Plan as part of the submittal for Special Exception approval. The Storm Water Drainage Plan shall be consistent with the general and specific concerns, values, standards and conditions of the Comprehensive Plan, applicable State and federal storm drainage control programs, and the County's Drainage Standards as established by the Standards Committee.

Storm Water Drainage Plan

- I. Duration: Not applicable.
- J. Changes or Amendments: Any proposed amendments to the Storm Water Drainage Plan after the Plan Commission or Board of Zoning Appeals has granted approval shall be resubmitted to the Drainage Board for review and approval. The County Drainage Board's approval shall then be forwarded onto the Zoning Administrator to determine if the application needs further review and/or approval by the Plan Commission or Board of Zoning Appeals.

Subdivision Control

9.22 General Subdivision Control Information

- A. Citation: This series (*Sections 9.22 through 9.25*) may be cited as the Subdivision Control Ordinance.
- B. Purpose and Intent: The purpose of this Subdivision Control Ordinance section is to guide the development of the Plan Commission's jurisdictional area in such a manner as to provide for the improvement of the health, safety, convenience and welfare of its citizens and to plan for the future development of the community; to the end that streets and highways be carefully planned; that new areas grow only with adequate street/utility, health, education and recreational facilities. Further, that the needs of public utilities and facilities be recognized in the future growth; that residential areas provide healthy surroundings for the family life and that the growth of the community is commensurate with the efficient and economical use of public funds.
- C. Authorization to Subdivide: The subdivision of land may occur in the following zoning districts:
- OP A1 A2 A3 A4 RE R1 R2 R3 M1 M2 MP**
IN C1 C2 C3 C4 I1 I2 I3 HI AP1 AP2 AP3
- D. Adoption and Jurisdiction: The Plan Commission hereby recommends to the County Commissioners this ordinance containing provisions for subdivision control, which ordinance shall be adopted, amended, or repealed in the same manner as other sections of the Unified Development Ordinance. After the Subdivision Control Ordinance has been adopted and a certified copy of the ordinance has been filed with the Office of the DeKalb County Recorder, the Plan Commission shall have exclusive control over the approval of all plats and replats involving land covered by the Subdivision Control Ordinance.
- E. Jurisdiction over Unincorporated Land: The Plan Commission shall have exclusive control over the approval of plats and replats involving unincorporated land within its jurisdiction.
- F. Condominiums: The Subdivision Control Ordinance does not apply to Condominiums regulated by IC 32-25.
- G. Plat Committee:
1. *Authority to Appoint*. The Plan Commission may appoint a Plat Committee to hold hearings on and approve plats, replats, and plat vacations on behalf of the Plan Commission.
 2. *Authorization*: The Plat Committee may grant subdivision plat approval with public notice and a public hearing for land that:
 - a. Does not involve the opening of a new public way, and
 - b. Complies in all respects with the Subdivision Control Ordinance; and
 - c. Complies in all respects with the remainder of the Unified Development Ordinance.
 3. *Committee Establishment*. The Plat Committee shall be established and maintained in accordance with the Plan Commission's Rules of Procedure.
 4. *Appeal*: Such interested parties shall have 5 days after the decision to make an appeal or request a hearing by the Plan Commission. See 9.23 I(8)
- H. Development Review Committee:
1. *Authority to Appoint*. The Plan Commission may establish advisory committees to report to the Plan Commission.
 2. *Authorization*: The Development Review Committee may review subdivision plats for technical conformity with the Unified Development Ordinance and reports its findings to the Plan Commission.
 3. *Committee Establishment*. The Development Review Committee shall be established and maintained in accordance with the Plan Commission's Rules of Procedure.

Subdivision Control

9.23 Primary Plat

- A. Purpose and Intent: The purpose of the Primary Plat section is to outline the procedure employed by the County when considering a petition for the platting of a subdivision. Further, the intent of the Primary Plat section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.
- B. Prerequisites: The applicant shall own a controlling interest in each parcel within the area that is the subject of the petition or provide written permission from the owner of each parcel of land within the area that is the subject of the petition authorizing the applicant to act as the agent of the owner of each parcel.
- C. Applicability: A Primary Plat shall be prepared for any proposal to subdivide or plat land.
- D. Exemptions: Any split that is not considered a subdivision by one of the following exemptions must receive sign-off from the Zoning Administrator or their assignee. The County Auditor and County Recorder shall not accept or record such split without an attached "Exempt Subdivision Approval Form" provided from the Zoning Administrator. All exempt subdivisions are required to be reviewed by a Technical Review. See 9.23 J for additional standards.
1. Any land that is being divided for agriculture (as defined) purposes and not for the purpose, whether immediate or future, of use, building development, or other improvement for residential, commercial, industrial, recreational, or other non-residential purpose; or any land being divided as agricultural crop production. Such divisions must be at least 20 acres in size. These divisions are considered non-buildable, except for agricultural structures for storage purposes only, and do not have to comply with lot area or lot width of the Unified Development Ordinance.
 2. Any land being divided for sale or exchange between adjoining land-owners or for the combining with an existing adjacent parcel. These divisions are considered non-buildable and do not have to comply with lot area or lot width of the Unified Development Ordinance unless they are combined with an existing parcel and meet all standards of the Unified Development Ordinance. In this instance the exempt parcel may not be sold off separately from the adjoining land-owner or existing adjacent parcel.
 3. Any land being divided which had an existing residence or business structure located on the parcel prior to January 1, 2009 and meets the Unified Development Ordinance standards and regulations.
 4. Any land being divided pursuant to court decree. Such divisions must comply with zoning and subdivision standards. A copy of such court decree is required.
 5. Any land being divided or acquired by a public agency or utility for a street or utility right-of-way or easement or any essential service, other than those required for a subdivision as defined in this Ordinance. These divisions are considered non-buildable and do not have to comply with lot area or lot width standards of the Unified Development Ordinance. Divisions for public use may create an adjoining parcel to become a legal non-conforming parcel. These parcels do not have to comply with lot coverage, lot area, lot width, or setbacks of the Unified Development Ordinance.
 6. Any land being divided into cemetery plots. These splits will be considered non-buildable and do not have to comply with lot area or lot width of the Unified Development Ordinance.
 7. Any land being divided only for the purpose of establishing a site for a radio or television tower, telecommunications antenna, cell towers, wind towers or facility provided such use has zoning approval. These parcels are considered buildable and must comply with all standards of the Unified Development Ordinance except for lot area and lot width.
- E. Pre-application. Prior to submitting a Primary Plat application, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Zoning Administrator shall aid and advise the applicant in preparing the application and supportive documents as necessary.
- F. Application:
1. Filing.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.

2. *Required Documentation.*
 - a. Legal description of the parcel,
 - b. All materials and information included in the pre-application conference as updated or amended.
 - c. Such additional information as may be required by the Zoning Administrator.
3. *Required Plans.*
 - a. **Vicinity Key Map.** The vicinity key map shall show the layout of the proposed subdivision and all existing subdivisions, streets and tract lines of acreage parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing thoroughfares. The vicinity key map shall also show how streets in the proposed subdivision may connect with existing and proposed streets in the neighborhood subdivision or undeveloped property to produce the most advantageous development of the entire neighboring area.
 - b. **Primary Plat (electronic format required).** The Primary Plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') on sheets eighteen inches by twenty-four inches (18" x 24") in size except that when the drawing at that scale requires more than two sheets, the plat may be drawn at a scale of one inch equals two hundred feet (1" = 200'). The Primary Plat shall include the following items:
 - i. A scale, a north arrow, the date of preparation, and the proposed name of the development that does not duplicate or nearly duplicate other subdivision names in the County,
 - ii. Name and address of owner of record, subdivider, and/or developer, where applicable.
 - iii. Name, address and seal of registered land surveyor preparing the plat,
 - iv. Existing Features of the site, including but not limited to:
 - [a] Boundary line of proposed subdivision indicated by solid heavy line,
 - [b] Location, width and names of all existing or prior platted streets or other public ways, railroad and utility right-of-way, parks and other public open spaces, permanent buildings or structures, and section and municipal corporation lines, within or adjacent to the tract,
 - [c] In case of a replat all descriptive lines of the original plat being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the plat, the new plat being clearly shown in solid lines so as to avoid ambiguity or confusion,
 - [d] Existing sewers, water mains, culverts or other underground facilities within the tract, indicating pipe sizes, grades and exact location, as obtained from public records,
 - [e] Boundary lines of adjacent unsubdivided and subdivided land, showing owners' names,
 - [f] Existing zoning of proposed subdivision and adjacent tracts, in zoned areas,
 - [g] Contours, based on NAVD 1988 datum, at not more than five feet nor less than the two feet vertical intervals;
 - [h] If containing lands identified on the zoning maps as flood hazard areas, the elevation of the regulatory flood and the area subject to inundation thereby.
 - v. Proposed Features of the site, including but not limited to:
 - [a] Layout of streets, their names and widths and also widths of alleys, crosswalks and easements. The names of the streets shall conform as far as practicable to the names of corresponding streets existing in the vicinity of the subdivision. The name of a new street, not an extension or a correspondent of an existing street, shall not duplicate that of an existing street in the County,
 - [b] Full legal description showing the net acreage of the entire subdivision.
Define each proposed lot as follows:
 - i. gross acreage - dedicated right-of-way & easements = net acreage
 - [c] Layout, dimensions and numbers of lots,
 - [d] Parcels of land to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision,
 - [e] Building setback lines, showing dimensions.

Subdivision Control

- G. Office of the Zoning Administrator:
1. *Review of Application*. The Zoning Administrator or their designee shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. Within 30 days of the complete filing, the Zoning Administrator shall announce the date for a hearing before the Plan Commission or, if the subdivision meets the requirements, the Primary Plat may be reviewed by the Plat Committee. The Zoning Administrator shall notify the applicant in writing of the meeting date and time.
 2. *Development Review Committee*. The Development Review Committee shall review major subdivisions only. The Zoning Administrator shall place the item on an agenda of the Development Review Committee and inform the applicant of the time, date, and place of the meeting.
- H. Development Review Committee (DRC): The Development Review Committee shall review Primary Plats and report its findings to the Plan Commission or Plat Committee.
- I. Plan Commission:
1. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Plan Commission's Rules of Procedure. Due notice to interested parties shall be completed in accordance with the Plan Commission's Rules of Procedures.
 2. *Public Hearing*. A public hearing shall be held in accordance with the Plan Commission's Rules of Procedure.
 3. *Review of Application*. At their regularly scheduled monthly meeting, the Plan Commission shall review:
 - a. The Application for the Subdivision
 - b. All supporting information including the site plan, site access and traffic circulation plan, elevations, etc.
 - c. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee or other applicable department
 - d. The testimony of the applicant
 - e. Input from the public during the public hearing
 - f. Input from the members of the Plan Commission
 - g. Any applicable provisions of the Unified Development Ordinance
 - h. Any other information as may be required by the Plan Commission to evaluate the application
 4. *Decision*:
 - a. The Plan Commission shall make findings of fact and take final action, table 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:
 - i. If the Primary Plat conforms to the Comprehensive Plan, and
 - ii. If the Primary Plat conforms to the following standards:
 - a. The minimum width, depth, and area of lots in the subdivision shall be as specified for the zoning district in *Article 02: Zoning Districts*.
 - b. Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways.
 - c. The extension of water, sewer, and other municipal services shall be as specified in *Article 07: Design Standards*.
 - d. Standards for the allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses, and utilities, and any other standards related to the purposes of this Subdivision Control Ordinance shall be as specified in *Article 06: Subdivision Regulations* and *Article 07: Design Standards*.
 - c. Final Action:
 - i. Approve the petition: If the Plan Commission determines the application and primary plat comply with the standards in the Unified Development Ordinance, it shall make written findings and a decision granting primary approval to the plat. Approval of findings may be in the form of

a general statement. The petition may be approved with conditions and/or commitments. This decision shall be signed by the Plan Commission President.

- ii. Deny the petition: If the Plan Commission denies the primary plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. Disapproval of findings shall specify the provision of this Unified Development Ordinance with which there is not compliance or the matter in which the project is not consistent with the DeKalb County Comprehensive Plan. This decision shall be signed by the Plan Commission President.
- iii. Continue the petition to a definite future meeting date.

5. *Commitments.*

- a. Acceptance. In conjunction with the approval of a Primary Plat, the Plan Commission may make, or permit the owner of a parcel of property to make, written commitments concerning the use or development of the parcel.
- b. Recording. The Zoning Administrator shall prepare the commitments in a form approved by the County Attorney. The owner shall record the commitments in the Office of the DeKalb County Recorder.
- c. Modification or Termination. A commitment made under this section may be modified or terminated only by a decision of the Plan Commission. The Zoning Administrator shall prepare a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment. The owner shall record the commitments in the Office of the DeKalb County Recorder.
- d. Enforcement. The County may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

6. *Conditions of Approval.*

- a. Requirement. In conjunction with the approval of a Primary Plat, the Plan Commission may impose conditions of approval concerning the use or development of the parcel.
- b. Filing. The Zoning Administrator shall prepare the conditions of approval in a written form to be reviewed and signed by the President of the Plan Commission. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded by the official minutes of the Plan Commission.
- c. Modification or Termination. A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission. The Zoning Administrator shall prepare a condition of approval modification instrument or conditions of approval termination instrument in the same manner required for a condition of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval. The owner shall record the commitments in the Office of the DeKalb County Recorder.
- d. Enforcement. The County may enforce any condition of approval or recorded commitment the Plan Commission has imposed as if the condition or commitment were a standard of the Unified Development Ordinance.

7. *Revisions.* Following Plan Commission approval, the applicant shall submit revised copies of the plans that address the comments and concerns of the Plan Commission.

8. *Appeal of a Decision of the Plat Committee.* See 9.22G(4) If the Primary Plat was reviewed by the Plat Committee, an appeal of the Plat Committee's decision shall be reviewed by the Plan Commission as though it were a Primary Plat application filed with the Plan Commission. The decision of the Plan Commission shall:

- a. Affirm the decision of the Plat Committee;
- b. Affirm the decision of the Plat Committee with additional conditions and/or commitments;
- c. Reverse the decision of the Plat Committee;
- d. Continue the petition to a definite future meeting date.

J. Exempt Divisions of Land:

1. An exempt subdivision must be submitted in the same manner as Section 9.23 F(3).
2. Within 10 business days, the Zoning Administrator will review a complete application and forward on to the Technical Review committee. The Zoning Administrator will provide an approval form for the exempt division after all required approvals have been submitted. The Zoning Administrator will have other County Departments review the exempt division for approval. The exemptions do not exclude the subdivider from other County Departments regulations and approvals, as required.
3. The Exempt Divisions Approval Form provided by the Zoning Administrator must be recorded with all deeds and surveys.
4. For a parcel created through an exempt division, the land divider shall dedicate to the public real property of a sufficient width to meet the required right-of-way width for the specific road as indicated on the DeKalb County Throughfare Plan and of the same length along that public road equal to the length of that parcel along that roadway.
5. Any and all covenants as directed by the Zoning Administrator shall be on all exempt divisions. See Article 7.14: Covenant Standards (CE) for those covenants.

K. Plat Committee:

1. *Authorization.* The Plat Committee may grant Primary Plat approval to any subdivision of land that:
 - a. Does not involve the opening of a new public way, and
 - b. Complies in all respects with the Subdivision Control Ordinance; and
 - c. Complies in all respects with the remainder of the Unified Development Ordinance.
2. *Public Hearing.* A public hearing before the Plat Committee is required. As such, public notification and notification of interested parties is required for the approval. Subject to notice of interested parties for appeal rights. See 9.22 G(4).
3. *Review of Application.* The Plat Committee shall review:
 - a. The Application for the Subdivision
 - b. All supporting information including the site plan, site access and traffic circulation plan, elevations, etc.
 - c. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee or other applicable department
 - d. The testimony of the applicant
 - e. Input from the public during the public hearing
 - f. Input from the members of the Plan Commission
 - g. Any applicable provisions of the Unified Development Ordinance
 - h. Any other information as may be required by the Plan Commission to evaluate the application
4. *Decision:*
 - a. The Plat Committee shall make findings of fact and take final action, table or continue the application for Primary Plat to a defined future meeting date.
 - b. Findings of Fact: The Plat Committee shall make the following findings of fact:
 - i. If the Primary Plat conforms to the Comprehensive Plan, and
 - ii. If the Primary Plat conforms to the following standards:
 - a. The minimum width, depth, and area of lots in the subdivision shall be as specified for the zoning district in *Article 02: Zoning Districts*.
 - b. Public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways.
 - c. The extension of water, sewer, and other municipal services shall be as specified in *Article 07: Design Standards*.
 - d. Standards for the allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses, and utilities, and any other standards related to the purpose of this Subdivision Control Ordinance shall be as specified in *Article 6: Subdivision Regulations* and *Article 7: Design Standards*.

- c. Final Action:
 - i. Approve the petition: If the Plat Committee determines the application and primary plat comply with the standards in the Unified Development Ordinance, it shall make written findings and a decision granting primary approval to the plat. Approval of findings may be in the form of a general statement. The petition may be approved with conditions and/or commitments. This decision shall be signed by a member of the Plat Committee.
 - ii. Deny the petition: If the Plat Committee disapproves the primary plat, it shall make written findings that set forth its reasons and a decision denying primary approval and shall provide the applicant with a copy. Disapproval of findings shall specify the provision of this Unified Development Ordinance with which there is not compliance or the matter in which the project is not consistent with the DeKalb County Comprehensive Plan. This decision shall be signed by a member of the Plat Committee.
 - iii. Continue the petition to a defined future meeting date.
- 5. *Commitments.* The Plat Committee may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel following the same standards as the Plan Commission.
- 6. *Conditions of Approval.* The Plat Committee may impose conditions of approval concerning the use or development of the parcel following the same standards as the Plan Commission.
- 7. *Revisions.* Following Plat Committee approval, the Zoning Administrator shall prepare the written conditions and they shall be signed by the Plat Committee chairman and applicant. The applicant shall then submit revised copies of the plans that address the conditions and concerns of the Plat Committee.
- 8. *Right to Appeal.* See 9.22G(4).
- L. Duration:
 - 1. *Duration.* A Secondary Plat application shall be filed not later than three (3) years after the date of approval of the Primary Plat, otherwise the Primary Plat approval shall be considered null and void.
 - 2. *Extension.* One extension of up to six (6) months may be authorized by the Zoning Administrator for reason or cause. The applicant shall submit the request for extension in writing to the Zoning Administrator, and the Zoning Administrator shall make a written determination regarding his decision to extend or deny extension. Both the request and the determination shall be made part of the Primary Plat record.
- M. Changes and Amendments:
 - 1. *Primary Plat Amendment:* Primary Plat Amendment applications shall be processed in the same manner as Primary Plat applications. A Primary Plat Amendment shall be required when:
 - a. An increase in the density of the subdivision is proposed (*i.e.* additional lots); or
 - b. A new right-of-way is proposed; or
 - c. A right-of-way is proposed to be removed from an approved Primary Plat (Note: per IC 36-7-3-12, if the right-of-way has already been established by way of metes and bounds dedication or on a recorded Secondary Plat, the right-of-way vacation also requires that an ordinance be adopted by the Board of County Commissioners); or
 - d. The ratio of platted lot area to common area and/or open space is being increased; or
 - e. Any element of the plan that was approved as part of the Primary Plat is proposed to be amended (*e.g.* Common Area Landscape Plan, Subdivision Sign Plan, *etc.*); or
 - f. The boundary of the subdivision is proposed to be:
 - i. Expanded to incorporate additional area; or
 - ii. Amended to exclude area originally or subsequently included and for which a Secondary Plat has not been recorded.
 - 2. *Standards:* Changes, amendments or resubmittals shall be subject to the DeKalb County Technical Review in effect at the time the application for such changes, amendments or resubmittals are made.

Subdivision Control

9.24 Secondary Plat or Replat

- A. Purpose and Intent: The purpose of the Secondary Plat or Replat section is to outline the procedure employed by the County when considering a petition for the platting of a subdivision. Further, the intent of the Secondary Plat or Replat section is to ensure that the statutory requirements established in the Indiana Code for the subdivision of land are met.
- B. Prerequisites:
1. The Plan Commission or Plat Committee shall have approved the Primary Plat;
 2. The Primary Plat shall not be expired;
 3. All conditions of the Primary Plat approval have been met; and
 4. All fees associated with the Primary Plat approval have been paid.
- C. Applicability: No Secondary Plat or Replat of a subdivision of land located within the jurisdiction and territorial limits of the Plan Commission shall be recorded in the Office of the DeKalb County Recorder until the plat has been approved by the Plan Commission in accordance with the following requirements, standards, and specifications, and such approval has been entered in writing on the plat by the President of the Plan Commission, Chair of the Plat Committee, or the Zoning Administrator.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Such additional information as may be required by the Zoning Administrator.
 3. *Required Plans*.
 - a. Secondary Plat (electronic format required). The Secondary Plat shall be drawn at a scale of one inch equals one hundred feet (1" = 100') on sheets eighteen inches by twenty-four inches (18" x 24") in size except that when the drawing at that scale requires more than two sheets, the plat may be drawn at a scale of one inch equals two hundred feet (1" = 200'). The Secondary Plat shall include the following items:
 - i. A scale, a north arrow, the date of preparation, and the name of the development,
 - ii. Name and address of owner of record, subdivider, and/or developer, where applicable.
 - iii. Name, address and seal of registered land surveyor preparing the plat,
 - iv. Location by section, township and range, or by other legal description;
 - v. Boundary of plat, based on an accurate traverse with angular and lineal dimensions;
 - vi. Exact location, width and name of all streets within and adjoining the plat, and the exact location and widths of all alleys and crosswalks;
 - vii. True courses and distances to the nearest established street lines or official monuments which shall accurately describe the location of the plat;
 - viii. County, township, county or section line accurately tied to the lines of the subdivision by distances and courses;
 - ix. Radii, internal angles, central angles, points of curvature and tangency, lengths of tangents and lengths of all arcs;
 - x. Full legal description showing net acreage of the entire platted subdivision.
Define each proposed lot as follows:
 1. gross acreage - dedicated right-of-way & easements = net acreage
 - xi. All easements for rights-of-way provided for public services or utilities;

- xii. All lot and block numbers and lines, with accurate dimensions in feet and hundredths. Blocks in numbered additions to subdivisions bearing the same name may be numbered consecutively through the several additions;
 - xiii. Line of all streets with accurate dimensions in feet and hundredths, showing angles to street, alley and lot lines;
 - xiv. Accurate outlines and legal description of any areas to be dedicated or reserved for public use, with the purposes indicated thereon and in the dedication; and of any area to be served by deed covenant for common uses of all property owners;
 - xv. Building setback lines accurately shown with dimensions;
 - xvi. A description of the property platted which shall be the same as that recorded in preceding transfer of the property or that portion of the transfer covered by plat;
 - xvii. Restrictive covenants of all types which run with the land;
 - xviii. Certificates for approval by the Plan Commission;
 - xix. If containing lands identified on the zoning maps as flood hazard areas, the elevation of the regulatory flood and the area subject to inundation thereby.
- b. Certificate of Approval; Plan Commission. The certificate of approval by the Plan Commission shall be in substantially the following form:
“Under the authority provided by Chapter 174-Acts of 1947 enacted by the General Assembly of the State of Indiana and Ordinance adopted by the County Commissioners of DeKalb County, Indiana this plat was given approval by the County, as follows:
“Approved by Plan Commission at a meeting held _____.
President
Zoning Administrator”
- c. Certificate of Surveyor. Each Secondary Plat submitted to the Plan Commission for approval shall carry a certificate signed by a registered professional land surveyor in substantially the form:
“I hereby certify that I am a Land Surveyor licensed in compliance with the laws of the State of Indiana; that this Plat correctly represents a survey completed by me on _____; that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.
SEAL
Signature”
- d. Deed of Dedication. Each Secondary Plat submitted to the Plan Commission for approval shall carry a deed of dedication in substantially the following form:
“We the undersigned (name), owners of the real estate shown and described herein, do hereby lay off, plat and subdivide, said real estate in accordance with the within plat.
“This subdivision shall be known and designated as (name) an addition to DeKalb County, Indiana. All streets and alleys shown and now heretofore dedicated, are hereby dedicated to the public.
“Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets, there shall be erected or maintained no building or structure.
“There are strips of ground (number) feet in width as shown on this plat and marked “Easement,” reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures now to be erected or maintained upon said strips of land, but owners of lots in this subdivision, shall take their titles subject to the rights of the public utilities, and to the rights of the owners of other lots in this subdivision.”
(Additional dedications and protective covenants, or private restrictions, would be inserted here upon the subdivider’s initiative or the recommendation of the Plan Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitual floor area).

“The foregoing covenants, (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, _____, (twenty-five-year period is suggested), at which time said covenants, (or restrictions), shall be automatically extended for successive periods of ten years unless by a vote of a majority of the then owners of the building sites covered by these covenants, or restrictions, it is agreed to change such covenants, or restrictions, in whole or in part.

“Invalidation of any one of the foregoing covenants, or restrictions, by judgment or court order shall in no way affect any of the other covenants or restrictions, which shall remain in full force and effect.

“The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

“WITNESS our Hands and Seals this _____ day of _____.

State of Indiana

ss:

County of DeKalb

Before me, the undersigned Notary Public, in and for the County and State, personally appeared (name); (name) acknowledging the execution of the foregoing instrument as his or her voluntary act and deed, for the purpose therein expressed.

Witness my Hand and Notarial Seal this _____ day of _____.

_____, Notary Public”

- e. Certificate or Bond.
 - i. The application shall be accompanied by a notice from the County Commissioners stating that there has been filed with and approved by the County Commissioners, one of the following:
 - [a] A certificate that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with County specifications;
 - [b] A subdivision bond or performance bond;
 - [c] A cash bond held in an escrow account;
 - [d] A certificate of deposit in the joint names of the subdivider and the County or assigned to the County; or
 - [e] An irrevocable letter of credit issued to the County.
 Each must cover an additional 25% over and above the estimated sum described in §ii to guarantee completion in a timely manner.
 - ii. All the above must.
 - [a] Name or run to the County for a specific time covering the estimated time of completion of the improvements and specifying their location;
 - [b] Be in an amount determined by the County Commissioners and approved by the Plan Commission to be sufficient to complete the improvements and installation in compliance with this Unified Development Ordinance and to provide for cost of inflation and administrative expenses in case of default; and
 - [c] Be issued by a company entered and licensed to do business in Indiana.

G. Office of the Zoning Administrator:

- 1. *Review of Application.* Upon receipt of a complete application, supportive documents, and the appropriate fees, the Zoning Administrator shall review the application for technical conformity with the standards fixed in the Unified Development Ordinance. The Zoning Administrator shall then decide to:
 - a. Utilize the administrative approval process if authorized to do so and review the Secondary Plat; or
 - b. Assign the Secondary Plat or Replat to the Plat Committee if the Plat Committee reviewed and approved the Primary Plat; or
 - c. Assign the Secondary Plat or Replat to the Plan Commission. The Zoning Administrator shall notify the applicant in writing of the meeting date and time.

2. *Authorization.*
 - a. Secondary Plat. The Zoning Administrator or Plat Committee may grant Secondary Plat approval to a subdivision of land that:
 - i. Complies in all respects with the approved Primary Plat; and
 - ii. Complies in all respects with the Subdivision Control Ordinance; and
 - iii. Complies in all respects with the remainder of the Unified Development Ordinance.
 - b. Replat. The Zoning Administrator or Plat Committee may grant Replat approval to a subdivision of land that:
 - i. Does not involve the opening of a new public way;
 - ii. Does not involve the vacation of a platted public way;
 - iii. Does not increase the number of buildable lots in the subdivision;
 - iv. Complies in all respects with the approved Primary Plat;
 - v. Complies in all other respects with the Subdivision Control Ordinance; and
 - vi. Complies in all other respects with the remainder of the Unified Development Ordinance.
- H. Review of Secondary Plat or Replat.
 1. *Public Notice.* Notification of the public hearing, if held before the Plan Commission, shall be completed in accordance with the Plan Commission's Rules of Procedure.
 2. *Public Hearing.* A public hearing, if held before the Plan Commission, shall be held in accordance with the Plan Commission's Rules of Procedure.
 3. *Review.* The Zoning Administrator, Plat Committee, or Plan Commission shall study the Secondary Plat or Replat and all supportive documents to:
 - a. Determine if the Secondary Plat or Replat conforms to the Comprehensive Plan and to the minimum development standards as outlined and required by this Unified Development Ordinance.
 - b. Consider all information presented at the Primary Plat hearing.
 - c. Consider all information presented at the Development Review Committee meeting.
 - d. Determine, based upon the facts presented, whether or not to approve the Secondary Plat or Replat, or notify the applicant in writing what revisions, changes, or further changes in the application are needed for approval.
 4. *Approval.*
 - a. Sign and Seal. Upon approval of the Secondary Plat or Replat, the official approving the plat (Zoning Administrator, Chair of the Plat Committee, or President of the Plan Commission) shall sign and seal the plat at the appropriate locations.
 - b. Notification. The Zoning Administrator shall then notify the applicant in writing of the Zoning Administrator's, Plat Committee's or Plan Commission's actions.
 - c. Recording. The plat may then be filed for recording in the Office of the DeKalb County Recorder, as required by law.
 3. The approved plat shall have incorporated all changes or modifications required by the Zoning Administrator, Plat Committee, Plan Commission, the members of the Development Review Committee, County Surveyor, and any other applicable government agency and it may constitute only that portion of the Primary Plat that the subdivider proposed to record and develop at that time, provided that such portion conforms with all requirements of this section and meets the approval of the Plan Commission or Plat Committee, and was stipulated at the time of Primary Plat submittal.
 4. *Appeals.*
 - a. Any person aggrieved by a decision of the Zoning Administrator or Plat Committee upon any proposed plat or replat may apply in writing to the Plan Commission prior to its next regular monthly meeting for modification of the action complained of, and such application shall be considered by the Plan Commission.
 - b. Review by Certiorari. A decision of the Plan Commission may be reviewed by certiorari. Any person aggrieved by a decision of the Plan Commission may present to the circuit or superior court of DeKalb County a verified petition setting forth that the decision is illegal in whole or in part and

specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after the entry of the decision of the Plan Commission being challenged.

- c. **Exclusive Control.** It shall not be within the jurisdiction of the Board of Zoning Appeals to review any determination or decision made pursuant to this title.

I. **Duration:**

1. ***Recording Deadline.*** The applicant shall record an approved Exempt Division, Secondary Plat or Replat within 6 months of approval. If the plat has not been recorded within the prescribed period, the approval shall be considered null and void; and the applicant shall submit a new Exempt Division, Secondary Plat or Replat application, provided the Primary Plat has not expired.
2. ***Construction.*** No construction or site grading shall begin prior to the issuance of an ILP as required.
3. ***Construction Plans.*** Construction Plans approved in conjunction with a Secondary Plat or Replat are valid for three (3) years from the date of approval of the Secondary Plat or Replat. If development of the project has not begun by the end of the three-year period (or by the end of the extension), the approval expires and new Construction Plans shall be submitted, reviewed and approved by the County.
4. ***Extension.*** The Zoning Administrator may grant one, one-year extension for reason or cause. The applicant shall submit the request for extension in writing to the Zoning Administrator, and the Zoning Administrator shall make a written determination regarding the decision to extend or deny extension. Both the request and the determination shall be made part of the Secondary Plat or Replat record.

J. **Changes or Amendments:**

1. ***Secondary Plat Amendment.*** Secondary Plat Amendment applications shall be processed in the same manner as Secondary Plat applications. A Secondary Plat Amendment shall be required when:
 - a. A street name change is proposed; or
 - b. A subdivision name change is proposed; or
 - c. A platted address change is proposed; or
 - d. The Zoning Administrator determines the proposed change to the recorded Secondary Plat is insufficient to warrant a Replat.
2. ***Replat.*** Replat applications shall be processed in the same manner as Secondary Plat applications. A Replat shall be required when:
 - i. Lots are being joined;
 - ii. Lots are being split (also requires a Primary Plat Amendment); or
 - iii. Platted easements are being modified or vacated (see also *Section 9.10: Easements Standards*);
 - iv. A public way has been vacated (requires County Commissioners action); or
 - v. Other significant changes to the Secondary Plat are proposed.
3. ***Standards.*** Changes, amendments or resubmittals shall be subject to the DeKalb County Technical Review in effect at the time the application for such changes, amendments or resubmittals are made.

Subdivision Control

9.25 Plat Vacation

- A. Purpose and Intent: The purpose of the Plat Vacation section is to outline the procedure employed by the County when considering a petition for the vacation of a subdivision. Further, the intent of the Plat Vacation section is to ensure that the statutory requirements established in the Indiana Code for the vacation of a subdivision of land are met.
- B. Prerequisites: The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.
- C. Applicability:
 - 1. The owner of land in a Secondary Plat may file with the Plan Commission a petition to vacate all or part of the plat pertaining to the land owned by the applicant.
 - 2. This Plat Vacation procedure shall not be used to vacate right-of-way.
- D. Exemptions: Notwithstanding this Article, Plat Vacation proceedings do not deprive a public utility of the use of all or part of a public way or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that public way or public place for the location and operation of its facilities. However, the utility may waive its rights under this Subsection by filing its written consent in the Plat Vacation proceedings.
- E. Pre-Application: Prior to submitting a Plat Vacation application, the applicant shall meet with the Office of the Zoning Administrator to review the zoning classification of the site, review the regulatory ordinances and materials, review the procedures and examine the proposed development of the property. The Zoning Administrator shall aid and advise the applicant in preparing the application and supportive documents as necessary.
- F. Application:
 - 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 - 2. *Required Documentation*.
 - a. Plat Vacation Instrument: The Plat Vacation Instrument shall:
 - i. Specify the docket numbers of the petitions with which the plat vacation instrument is associated;
 - ii. Be cross-referenced to:
 - [a] The Secondary Plat on which the property appears; and
 - [b] The most recently recorded deed to the property.
 - iii. Include a legal description of the property to be vacated;
 - iv. Be rendered in a form acceptable to the County Attorney.
 - b. The Petition. The petition shall:
 - i. State the reasons for and circumstances prompting the request;
 - ii. Specifically describe the property in the Secondary Plat proposed to be vacated; and
 - iii. Give the name and address of each owner of land in the Secondary Plat.
 - iv. The petition may include a request to vacate any recorded covenants or commitments filed as part of the Secondary Plat. The covenants or commitments are subject to vacation.
 - c. Such additional information as may be required by the Zoning Administrator.
 - 3. *Required Plans*.
 - a. Secondary Plat (electronic format required).
- G. Office of the Zoning Administrator:
 - 1. *Review of Application*. Upon receipt of a complete application, the Zoning Administrator shall review the application for technical conformity with the standards in the Unified Development Ordinance. The Zoning Administrator shall then decide to:

Subdivision Control

- a. Assign the Plat Vacation to the Plat Committee; or
- b. Assign the Plat Vacation to the Plan Commission.

2. *Notification*: The Zoning Administrator shall notify the applicant in writing of the meeting date and time.

H. Review of the Plat Vacation:

1. *Public Notice*. Notification of the public hearing, if held before the Plan Commission, shall be completed in accordance with the Plan Commission's Rules of Procedure.
2. *Public Hearing*. A public hearing, if held before the Plan Commission, shall be held in accordance with the Plan Commission's Rules of Procedure.
3. *Grounds for Remonstrances and Objections*. A remonstrance or objection may be filed or raised by any person aggrieved by the proposed Plat Vacation, but only on one or more of the following grounds:
 - a. The Plat Vacation would hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
 - b. The Plat Vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
 - c. The Plat Vacation would hinder the public's access to a church, school, or other public place.
 - d. The Plat Vacation would hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.
4. *Decision*. The Plan Commission or Plat Committee shall make findings of fact and take final action, table or continue the application for Plat Vacation to a defined future meeting date:
 - a. Approve the petition: The Plan Commission or Plat Committee shall approve the petition for Plat Vacation of all or part of a Secondary Plat only upon making written findings that:
 - i. Conditions in the platted area have changed to defeat the original purpose of the Secondary Plat;
 - ii. It is in the public interest to vacate all or part of the Secondary Plat; and
 - iii. The value of that part of the land in the Secondary Plat not owned by the applicant will not be diminished by vacation. This decision shall be signed by the Plan Commission President or the Chair of the Plat Committee and recorded in the Office of the DeKalb County Recorder.
 - b. Deny the petition: If the Plan Commission or Plat Committee disapproves the Plat Vacation, it shall make written findings that set forth its reasons and a decision denying Plat Vacation and shall provide the applicant with a copy. This decision shall be signed by the Plan Commission President or the Chair of the Plat Committee. The applicant shall be furnished a copy of the decision.
 - c. Continue the petition to a definite future meeting date.
5. *Plat Vacation Instrument*. The plat vacation instrument shall be signed by the President of the Plan Commission or the Chair of the Plat Committee and the owner of the vacated property. The applicant shall record the Plat Vacation instrument in the Office of the DeKalb County Recorder. Failure to record the Plat Vacation Instrument will result in an incomplete approval.
6. *Commitments*.
 - a. *Acceptance*. In conjunction with the approval of a Plat Vacation, the Plan Commission or Plat Committee may make, or permit the owner of a parcel of property to make, written commitments concerning the use or development of the parcel.
 - b. *Recording*. The Zoning Administrator shall prepare the commitments in a form approved by the County Attorney. The owner shall record the commitments in the Office of the DeKalb County Recorder. Failure to record the Plat Vacation Instrument will result in an incomplete approval.
 - c. *Enforcement*. The Plan Commission may enforce any commitment it has accepted as if the commitment were a standard of the Unified Development Ordinance.
7. *Conditions of Approval*.
 - a. *Requirement*. In conjunction with the approval of a Plat Vacation, the Plan Commission or Plat Committee may impose conditions of approval concerning the use or development of the parcel.
 - b. *Filing*. The Zoning Administrator shall prepare the conditions of approval in a written form to be reviewed and signed by the members of the Plan Commission or chairman of the Plat Committee

Subdivision Control

and agreed upon by the applicant as stated in the official minutes of the Plan Commission. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded by the official minutes of the Plan Commission.

- c. **Enforcement.** The Plan Commission may enforce any condition of approval it has imposed as if the condition were a standard of the Unified Development Ordinance.
- I. **Duration:** Not applicable.
- J. **Changes and Amendments:** After the termination of a Plat Vacation proceeding under this Article, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years.

Surety Release

9.26 Surety Release

- A. Purpose and Intent: The purpose of the Surety Release section is to outline the procedure employed by the County in order to ensure compliance with all applicable ordinances and regulations when considering an application for a Surety Release.
- B. Prerequisites: None.
- C. Applicability: When the required public facility improvements and installations are completed for any project for which a Surety has been submitted, the owner or developer shall apply for a Surety Release from the County.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date before the County Commissioners shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Certification. Certification by a professional engineer that all improvements were installed as shown and in conformance with the Unified Development Ordinance.
 - b. Application Packet.
 - c. Such additional information as may be required by the Zoning Administrator.
- G. Office of the Zoning Administrator:
 1. *Review*. The Zoning Administrator shall review the Surety Release application. The Zoning Administrator shall report to the County Commissioners on the condition of the work and recommend the Surety be released, released with known non-impactful deviations in construction, extended to allow time for known impactful deviations in construction to be corrected, or declared in default due to known deviations in construction.
- H. County Commissioners:
 1. *Review*. The County Commissioners shall consider the Zoning Administrator's report. The County Commissioners shall act on the request for Surety Release by either releasing, extending for a specific period of time, or declaring the the improvement in default and pursue remedy through the surety provided.
 2. *Conditions*. The County Commissioners shall accept public improvements that meet the following conditions:
 - a. The completed public improvements shall comply with the design standards of *Article 07: Design Standards*; and have been installed in accordance with the approved plans;
 - b. All final inspections required by the County Code of Ordinances have been completed and the improvements found to be acceptable by the Zoning Administrator;
 - c. The applicant has prepared and submitted two sets of prints of record plans that accurately depict the improvements as actually built (as-built plans); and
 - d. The applicant, by appropriate instrument, has conveyed to the County good title, free of all liens, to all public improvements for which the County is to be responsible for operation and maintenance. Any required easement shall be deeded to the appropriate governmental entity by instrument approved in form by the County Attorney and bearing acceptance on behalf of the appropriate entity. The applicant shall have furnished a copy of the recording receipt to the County prior to Surety Release, and
 - e. Such other matters that were reasonably required by the County Commissioners.
 3. *Decision*. The County Commissioners shall:
 - a. Release the Surety and accept the public improvements as constructed and provide a signed written statement for recording, filing and for the applicants records; or
 - b. Extend the release of the Surety due to known impactful deviations in construction that need remedied prior to Surety Release. This extension may provide guidance or conditions necessary for the Surety Release; or
 - c. Declare Default. If the public improvements are rejected, the applicant shall either agree to bring the improvements up to the County standards or the County shall collect on the Surety and bring the improvement up to County standards itself at the expense of the Surety.

Temporary Use Permit

9.27 Temporary Use Permit

- A. Purpose and Intent: Temporary use provisions allow short-term and minor deviations for uses which are temporary in nature, which will not adversely impact the surrounding properties and land uses, and which can be terminated and removed at will.
- B. Prerequisites: None.
- C. Applicability: Temporary Use Permits may be granted for the uses listed in *Sections 5.53 thru 5.56 Temporary Use and Structure*.
- D. Exemptions: None.
- E. Pre-application: Not required.
- F. Application:
 - 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. There is no filing deadline for a Temporary Use Permit application.
 - 2. *Required Documentation*.
 - a. Such information as may be required by the Zoning Administrator.
 - 3. *Required Plans*.
 - a. **Site Plan**. The site plan shall be drawn at a scale not less than one inch equals fifty feet (1" = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, the name and address of the development or property owner, and the name and address of the designer, engineer, or construction company if applicable.
 - ii. Proposed and existing buildings and structures on the property.
 - iii. Points of ingress/egress.
 - iv. Parking areas.
 - v. Property lines.
 - vi. Other site features as necessary to demonstrate compliance with criteria.
- G. Office of the Zoning Administrator:
 - 1. *Review*. The Zoning Administrator shall review the application upon receipt of a complete application, supportive documents, and the appropriate fees.
 - 2. *Decision*. The Zoning Administrator shall examine such plans, specifications, and other data submitted with the application, and, if necessary, the building or premises upon which it is proposed to establish the temporary use. If the proposed temporary use is in compliance with all the requirements of this Unified Development Ordinance, a Temporary Use Permit shall be issued.
- H. Duration: A Temporary Use Permit may be issued for a period of six months. A one-time extension of six (6) months may be granted at the Zoning Administrator's discretion.
- I. Changes or Amendments: Not applicable.

Use Variance

9.28 Use Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of this Unified Development Ordinance. Use Variances shall be granted in accordance with the standards set forth in this section and shall be granted upon findings of fact in compliance with IC 36-7-4-900 et seq. The Board of Zoning Appeals may grant a variance of use if, after a public hearing, it makes findings of facts in writing that support the granting of the Use Variance.
- B. Prerequisites: A petition for a Use Variance may 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.
- C. Applicability: No use may be altered from the Unified Development Ordinance without first obtaining a Use Variance from the Board of Zoning Appeals.
- D. Exemptions: None.
- E. Pre-Application: It is recommended that an applicant discuss a possible Use Variance application with the Zoning Administrator before filing the application.
- F. Application:
 1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. Based on the filing date and the current number of items on the agenda, a hearing date shall be scheduled by the Zoning Administrator.
 2. *Required Documentation*.
 - a. Narrative. A statement in writing by the applicant describing the requested Use Variance. This narrative should include a reason(s) why the variance is necessary and explain how the variance requested is the minimum relief necessary for development of the property.
 - b. Such additional information as may be required by the Zoning Administrator or by the Board of Zoning Appeals' Rules of Procedure.
 3. *Required Plans*.
 - a. Site Plan. The site plan shall be drawn at a scale not less than one inch equals fifty feet (1" = 50'). The site plan shall include the following items:
 - i. A scale, a north arrow, the date of preparation, the name and address of the development or property owner, and the name and address of the designer, engineer, or construction company if applicable.
 - ii. Proposed and existing buildings and structures on the property.
 - iii. Buildings, structures, and pavement within 100 feet of the property or within the adjacent property, whichever is less.
 - iv. Open space.
 - v. Points of ingress/egress.
 - vi. Parking.
 - vii. Property lines.
 - viii. Easements.
 - ix. Other site features as necessary to demonstrate compliance with criteria.
 4. *Time Limitation*. The Zoning Administrator shall refuse to accept a petition for a Use Variance within six months of the date of denial when said petition involves the same subject matter. However, the Zoning Administrator shall have the authority and discretion to determine that a petition containing major changes may justify re-filing within said six-month period.
- G. Board of Zoning Appeals:
 1. *Public Notice*. Notification of the public hearing shall be completed in accordance with the Board of Zoning Appeal's Rules of Procedure.
 2. *Public Hearing*. A public hearing shall be held in accordance with the Board of Zoning Appeal's Rules of Procedure.

3. *Review.* The regulations of this Unified Development Ordinance shall not be varied unless findings based on the evidence are made in each specific case that affirm each of the following criteria:
 - a. The approval of the Use Variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - b. The use and value of the area adjacent to the property included in the Use Variance will not be affected in a substantially adverse manner.
 - c. That the need for the Use Variance arises from some condition peculiar to the property involved.
 - d. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the Use Variance is sought.
 - e. The approval does not interfere substantially with the Comprehensive Plan.
 4. *Decision.* The Board of Zoning Appeals shall approve the petition, approve the petition with conditions and/or commitments, deny the petition or continue the petition to a definite future meeting date.
 5. *Commitments.*
 - a. *Acceptance.* In conjunction with the approval of a variance, the Board of Zoning Appeals may permit the owner of a parcel of property to make written commitments concerning the use or development of the parcel.
 - b. *Recording.* The applicant shall prepare the commitments in a form approved by the County Attorney, and record the commitments in the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A commitment made under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - d. *Enforcement.* The County may enforce any commitment the Board of Zoning Appeals has accepted as if the commitment were a standard of the Unified Development Ordinance.
 6. *Conditions of Approval.*
 - a. *Requirement.* In conjunction with the approval of a variance, the Board of Zoning Appeals may impose conditions of approval concerning the use or development of the parcel.
 - b. *Recording.* Legal Counsel shall prepare the conditions of approval in a written form to be reviewed and signed by the chairman of the Board of Zoning Appeals and applicant. Subsequently, the written conditions shall be filed at the Office of the Zoning Administrator and recorded at the Office of the DeKalb County Recorder.
 - c. *Modification or Termination.* A condition of approval under this section may be modified or terminated only by a decision of the Board of Zoning Appeals. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - d. *Enforcement.* The County may enforce any condition of approval the Board of Zoning Appeals has imposed as if the condition were a standard of the Unified Development Ordinance.
 7. *Revisions.* Within 30 calendar days of Board of Zoning Appeals approval, the applicant shall submit revised copies of the plans that address the comments and concerns of the Board of Zoning Appeals to the Zoning Administrator.
- H. Duration: A Use Variance granted by the Board of Zoning Appeals may run with the parcel or applicant until such time as:
1. The use of the variance ends, is vacated, or unused for three months consecutively;
 2. The property conforms with the Unified Development Ordinance as written; or,
 3. The property is sold.
- I. Changes or Amendments: Not applicable.

Zoning Compliance Permit

9.29 Zoning Compliance Permit

- A. Purpose and Intent: The purpose of a Zoning Compliance Permit (ZCP) is to allow the County to review all improvements to verify they conform with the Comprehensive Plan and the Unified Development Ordinance.
- B. Prerequisites:
1. *Other Permits Required*. The applicant shall obtain an Improvement Location Permit.
 2. *Inspection Required*. The applicant shall pass a final inspection by the County Building Inspector and a final site inspection/zoning compliance inspection by the Zoning Administrator.
- C. Applicability:
1. *Permit Required*: The County requires a Zoning Compliance Permit be obtained for all structures, improvements and uses of land that may be altered, changed, placed, erected or located on platted or unplatted lands before the structure, improvement or use is utilized for any purpose.
 2. *Failure to Obtain Permit*. If a Zoning Compliance Permit is required, it is unlawful and a violation of the Unified Development Ordinance for anyone to occupy or utilize a structure, improvement or use until the Zoning Compliance Permit has been issued by the Zoning Administrator. Anyone who is required to obtain a Zoning Compliance Permit and fails to do so is subject to a Stop Work Order, mitigation, or fines and penalties as specified in *Article 10: Enforcement and Penalties*.
- D. Exemptions: Structures, improvements or uses that do not require an Improvement Location Permit do not require a Zoning Compliance Permit.
- E. Pre-application: Not required.
- F. Application:
1. *Filing*.
 - a. The completed application shall be submitted to the Office of the Zoning Administrator.
 - b. A Zoning Compliance Permit application shall be filed with the Improvement Location Permit.
 2. *Required Documentation*.
 - a. Release and/or acceptance of a project or portions of a project by any applicable federal, State or local agency.
 - b. Engineer's certification of completion when required by the Zoning Administrator.
 - c. Completion, and recording if required, of any documents required by the conditions of approval of any applicable Subdivision Plat, Development Plan, Planned Unit Development, Special Exception, Variance, etc.
 - d. Building Department Report: Report of completion from the Building Department.
 - e. Such additional information as may be required by the Zoning Administrator.
 3. *Required Plans*.
 - a. Site survey showing setbacks and building elevations when required by the Zoning Administrator.
- G. Office of the Zoning Administrator: The Zoning Administrator shall be given 14 days notice to complete the inspection. A Zoning Compliance Permit shall be issued after all requirements of the Improvement Location Permit have been completed. However, due to weather or other circumstances, a Zoning Compliance Permit may be issued without the required landscaping, building finishes, parking lot finishes, or the like; provided some sort of surety has been posted to satisfy the Zoning Administrator.
- H. Duration: Zoning Compliance Permits do not expire; however, for each new structure, improvement or use, a new Zoning Compliance Permit shall be issued.
- I. Changes or Amendments: Not applicable.

Article
10

Enforcement and Penalties

**DeKalb County
Unified Development
Ordinance**

Enforcement and Penalties

10.01 Actionable Violations

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

- A. Non-permitted Structures: Construct, place, or modify a structure in a manner that is not expressly permitted by the Unified Development Ordinance;
- B. Permitted Structures: Construct, place, or modify a structure in a manner permitted by the Unified Development Ordinance without first being issued all permits and/or other approvals required by the 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 the Unified Development Ordinance;
- D. Non-permitted Uses: Utilize a property for a use that is not expressly permitted by the Unified Development Ordinance in the applicable zoning district; or by a use variance or other approval allowed under the Unified Development Ordinance;
- E. Permitted Uses: Utilize a property for a use expressly permitted by the Unified Development Ordinance without first being issued a permit and/or other approvals required by the 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 the Unified Development Ordinance.

10.02 Enforcement Official

Enforcement of the Unified Development Ordinance shall be conducted by an enforcement official. 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 from 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, 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. The surrender 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 the 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 New Permits at Location Where a Violation Exists

When a violation or alleged violation of the 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 application (e.g. application for an Improvement Location Permit) shall be held by the zoning administrator until the violation or alleged violation is resolved. However, the Zoning Administrator has the discretion to take action

Enforcement and Penalties

on a new application provided that what is being requested will clearly not complicate, escalate, or add to the violation or alleged violation.

10.07

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 the Unified Development Ordinance:

- A. Request to stop work;
- B. Stop work order;
- C. Enforcement as a common nuisance;
- D. Request to Remedy;
- E. Bring action to local court to invoke any legal, equitable or special remedy;
- F. Bring action to local court to enforce a condition, covenant or commitment;
- G. Bring action to local court to request a prohibitory or permanent injunction to restrain;
- H. Bring action to local court to request a mandatory injunction to remove a structure;
- I. Impose a fine for violations;
- J. Bring action to a local court to invoke a fine for violations; or
- K. Any remedy or actions set forth in Indiana Code, common law, or other applicable State regulations.

10.08

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 the Unified Development Ordinance when one (1) or more of the following statements apply:
 1. 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. 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; or
 3. 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. 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 is at risk.
- C. General Procedure:
 1. The request to stop work shall, in writing (i.e. notice), describe the violation or alleged violation and request the immediate cessation of work until the matter is resolved.
 2. 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. The request to stop work shall become effective upon posting on the property.
 4. 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. 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. 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. 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.

Enforcement and Penalties

10.09

Stop Work Order

- A. Authority: The enforcement official may bring action to 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. 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. 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; or
 3. 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. 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 is at risk.
- C. General Procedure:
1. Before or after filing with the court, 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.
 2. Before or after filing with the court, the enforcement official shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 3. 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 the Unified Development Ordinance.
 4. 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. The stop work order shall become effective upon court issuance and either phone notification to the violator or posting the notice on site.
 6. 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.

10.10

Enforcing a Violation as a Common Nuisance

- A. Authority: The enforcement official may initiate enforcement action and prepare a formal conveyance to legal counsel. Legal counsel may then prosecute.
- B. Cause: According to Indiana Code, a structure that is erected, raised, or converted, or land or premises is used in violation of this Unified Development Ordinance is a common nuisance and the owner or possessor of the structure or land is liable for maintaining a common nuisance.
- C. General Procedure:
1. Before or after formal conveyance, 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.
 2. Legal counsel shall, upon formal conveyance of information in regard to an alleged violation of the Unified Development Ordinance, make an investigation of the alleged violation. If acts elicited by the investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the owner or possessor, the attorney representing the county may file a complaint against the person and prosecute the alleged violation.

10.11

Request to Remedy

- A. Authority: An enforcement official may initiate a Request to Remedy.
- B. Cause: A violation or alleged violation exists.
- C. General Procedure:

Enforcement and Penalties

1. Before or after sending a notice letter, the enforcement official shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 2. 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. The enforcement official shall grant the violator an opportunity to provide evidence that there isn't a violation or to bring the violation into compliance; including a timeframe of at least one day but not more than 21 days. The timeframe 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. A timeframe extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
 5. 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 timeframe given for remedy, then the enforcement official may choose another enforcement option. If the violator is making satisfactory progress and will likely meet the timeframe for remedy, the enforcement official shall not begin another enforcement option until the timeframe 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 timeframe.

10.12

Invoke a Legal, Equitable, or Special Remedy

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a legal, equitable, or special remedy.
- B. Cause: A violation or alleged violation exists on a property.
- C. General Procedure:
 1. 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. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 3. The Plan Commission shall bring an action to the court of jurisdiction to invoke a legal, equitable or special remedy for a violation or alleged violation.
 4. Any violator found liable for a violation shall be subject to any court-imposed legal, equitable or special remedy. The legal, equitable or special remedy shall force compliance with the Unified Development Ordinance or be a unique court ruling that fulfills the intent of the DeKalb County Comprehensive Plan and Unified Development Ordinance. 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.

10.13

Enforce a Condition, Covenant, or Commitment

- A. Authority: The Plan Commission may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may enforce compliance with a condition, covenant or commitment.
- B. Cause: A condition, covenant or commitment is not in compliance with terms of an approval.
- C. General Procedure:
 1. 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 non-compliance.

Enforcement and Penalties

2. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is non-compliance.
3. The Plan Commission shall bring an action to a court of jurisdiction to enforce a condition, covenant (in connection to a plat, planned development or development plan), or commitment.
4. Any non-compliance shall be subject to any court-imposed remedy. The court-imposed remedy may include enforcing the condition, covenant, or commitment, or be a unique court ruling that fulfills the intent of the DeKalb County Comprehensive Plan and Unified Development Ordinance. The severity of the court ruling may consider the severity of the non-compliance, 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.

10.14

Request a Prohibitory or Permanent Injunction to Restrain

- A. Authority: The enforcement official may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a prohibitory or permanent injunction against a violator or potential violator.
- B. Cause: A violation, alleged violation or intent to violate exists.
- C. General Procedure:
 1. 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, alleged violation, or intent to violate.
 2. Before or after bringing an action to the court of jurisdiction, the Plan Commission shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation, or an alleged intent to violate.
 3. The enforcement official shall bring an action to a court of jurisdiction to request a prohibitory or permanent injunction to restrain a violation of the Unified Development Ordinance.
 4. Any violator found liable for a violation or intending to violate the Unified Development Ordinance shall be subject to prohibitory or permanent injunction to restrain. The court-imposed restraint may instead result in a unique court ruling that fulfills the intent of the DeKalb County Comprehensive Plan and Unified Development Ordinance. 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 the precedent that may be set by the ruling.

10.15

Request a Mandatory Injunction to Remove a Structure

- A. Authority: The Board of Zoning Appeals may bring action to a court of jurisdiction as an independent enforcement action or concurrent to another enforcement action; except as stated in the Request to Remedy section. A court of jurisdiction may issue a mandatory injunction against a violator.
- B. Cause: A structure was constructed, modified or installed in violation or alleged violation.
- C. General Procedure:
 1. Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals 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. Before or after bringing an action to the court of jurisdiction, the Board of Zoning Appeals shall make reasonable attempt to investigate an alleged violation to conclude if there is a violation.
 3. The Board of Zoning Appeals may bring an action to a court of jurisdiction to request a mandatory injunction to remove a structure in violation of the Unified Development Ordinance.
 4. If a structure is found in violation, the violator shall be subject to a mandatory injunction to remove the structure and all costs associated with the action. The court-imposed remedy may instead result in a unique court ruling that fulfills the intent of the DeKalb County Comprehensive Plan and Unified Development Ordinance. 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

Enforcement and Penalties

and welfare of the public, repetitiveness of similar violations by the same violator, and the precedent that may be set by the ruling.

10.16

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 "Invoke a Fine for Violation" section or as stated in the Request to Remedy section.
- B. Cause: A violation exists.
- C. General Procedure:
 1. Before imposing a fine, the enforcement official shall collect evidence to conclude there is a violation.
 2. 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. If not addressed in a concurrent enforcement action, the enforcement official shall grant the violator an opportunity to provide evidence that there isn't a violation or to bring the violation into compliance, including a timeframe of at least one day but not more than 21 days. The timeframe 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. A timeframe extension may be granted upon request by the enforcement official if the violator is making satisfactory progress.
 5. The enforcement official may imposed a fine in the amount of \$100 per day up to \$2,500 for the first violation and \$100.00 for the second or subsequent violations up to \$7,500 cumulative total. 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.

10.17

Invoke a Fine for Violation

- A. Authority: The enforcement official 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 the Request to Remedy section. A court of jurisdiction may issue a fine for violation.
- B. Cause: A violation exists.
- C. General Procedure:
 1. Before or after bringing an action to the court of jurisdiction, the enforcement official shall collect evidence to conclude there is a violation.
 2. Before or after bringing an action to the court of jurisdiction, 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.
 3. The enforcement official shall bring an action to a court of jurisdiction to invoke a fine for a violation.
 4. A violator found liable for a violation shall be subject to a court-imposed 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, court fees, legal fees, and the like. Fines imposed by the court of jurisdiction shall be no higher than \$2,500 for the first violation, and no higher than \$7,500 for the second or subsequent violations according to IC 36-1-3-8.

10.18

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 the Unified Development Ordinance remedy or compliance with the terms of an approval.



Article

11

Definitions

DeKalb County Unified Development Ordinance

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Definitions

11.01

General

The definitions contained in *Article 11: Definitions* shall be observed and applied in the interpretation of all Articles in the Unified Development Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

11.02

Defined Words

The following terms shall have the following meanings:

Definitions - A

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with no action taken to either transfer the rights to the property to another owner or resume the use of the property.

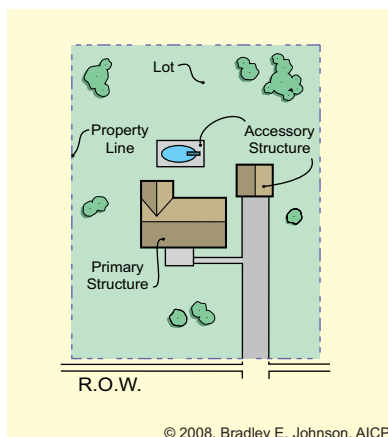
Abandonment of Use: A use that has not been occupied by residing in, doing business in, or what the intended use was by the time set in Article 8 shall be considered abandoned. Proof of occupancy cannot be by proof of property of structure maintenance or utility bills, payment of taxes or similar. The Zoning Administrator shall determine if there has been abandonment.

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

Access Street: See "Street, Access."

Accessory Building or Structure (see also Storage Buildings, if applicable): A building or structure which:

- Is subordinate to a primary building or structure in area, intent, and/or purpose,
- Contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use,
- Does not alter or change the character of the premises,
- Is located on the same parcel or lot and zoning district as the primary building, structure, or use,
- Conforms to the setback, height, impervious surface coverage, and other development standards or requirements of the Unified Development Ordinance unless otherwise provided for,
- May not be constructed prior to the time of construction of the primary building or structure, unless used for agricultural or personal storage or otherwise specified in the Unified Development Ordinance,
- Is not designed for human occupancy as a dwelling or commercial use but may have a bathroom, kitchen, sink or other facilities needed for sanitary purposes so long as there is Health Department approval, and,
- In the case of a private/noncommercial telecommunications tower, antenna, or other radio or cellular communications or equipment, the tower, antenna, or other radio or cellular communications or equipment shall be setback equal to the height of the tower (IE: if the tower is 50 feet tall it shall be setback 50 feet from any property line). The subordinate structure (typically considered a cabinet) of which is incidental and accessory to that of the principal private/noncommercial telecommunications tower, antenna, or other radio or cellular communications equipment this is detached from but located on the same site, shall be considered an accessory structure and must comply with accessory structure setback requirements.
- Exemptions to the accessory structure setback requirements are: Flag Poles, freestanding chicken coops, animal cages/runs, lawn art or lawn statues, outdoor kitchens for single family homes that do not have a covered structure, water features such as fountains, small fish ponds or similar that are not defined or meet the standards of a recreational pond, or other similar items as deemed exempt by the Zoning Administrator and is not specifically defined in the Unified Development Ordinance.



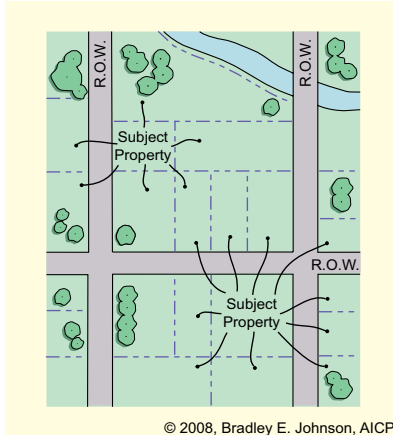
Definitions - A

Accessory Use: A use that is customarily incidental and subordinate to the permitted or approved principal use on the same lot. An accessory use is incidental and subordinate in all applicable ways including: consumption of square feet, percent of revenue, quantity of items sold, prominence on a site or in a structure, and marketing of a product or service.

Actionable: Giving cause to inspect or investigate, or to take legal action in order to inspect or investigate. Actionable may also include giving cause to take enforcement action or to bring action to a court of jurisdiction.

ADA: The Americans with Disabilities Act.

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



Adult Bookstore: An establishment having more than 10% of its stock in trade or its dollar volume in books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

Adult Business: Any commercial activity whether conducted intermittently or free time, which primarily involves the sale, display, exhibition, or viewing of books, magazines, films, photographs, or other materials, distinguished or characterized by an emphasis on matter depicting, describing, or relating to human sex acts, or by an emphasis on male or female genitals, buttocks, or female breasts. Such businesses shall include while not being exclusive of:

- Adult bookstores,
- Adult mini-motion picture theater,
- Adult motel,
- Adult motion picture theater,
- Cabaret,
- Massage parlor,
- Adult motion picture arcade, or
- Motel studio.

Adult Entertainment: An adult bookstore, adult retail store, adult motion picture theater, or adult strip club or like uses.

Adult Mini-Motion Picture Theater: An enclosed building with a capacity of 50 persons or less used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.

Adult Motel: A motel wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Definitions - A

Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing sexual conduct or specified anatomical areas.

Adult Motion Picture Theater: A facility for audio and visual productions and performing arts specifically for adult motion pictures and adult entertainment.

Adult Retail Store: An establishment having more than 10% of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

Adult Strip Club: A facility (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any person, or any other services appealing to or designed to appeal to erotic or sexual appetites or inclinations.

Advisory Plan Commission: A plan commission serving a single local government jurisdiction established as defined under IC 36-7-1-2, as amended. The DeKalb County Plan Commission is an Advisory Plan Commission.

Agricultural District: Refers to the A1, A2, A3, and A4 districts.

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

Airport District: Refers to the AP1, AP2, and AP3 districts.

Airport Operations Area (AOA): Any area of the airport used or intended to be used for the landing, takeoff or surface maneuvering of aircraft. An Airport Operations Area includes such paved or unpaved areas that are used or intended to be used for the unobstructed movement of aircraft in addition to its associated runways, taxiways or aprons. An Airport Operations Area may also be referred to as an Airfield Operation Area or Air Operations Area.

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

Amusement Park: A commercially operated establishment that offers recreational entertainment that may include any of the following: amusement rides, roller-coasters, carnival games, miniature golf, batting cages, go-carts, bungee jumping, or the like.

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

Approval: Any administrative action, vote, certificate, permit, or appeal incorporated into the Unified Development Ordinance necessary to authorize the construction, installation, establishment, modification, or demolition of a structure; establishment of modification of a land use; alteration of land or environmental features; platting; developing; or the like.

Arterial Street: See "Street, Arterial."

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

Definitions - A

ATM: See "Automated Teller Machine."

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

Automobile Oriented Business: A business that includes services rendered directly on, to, or for vehicles.

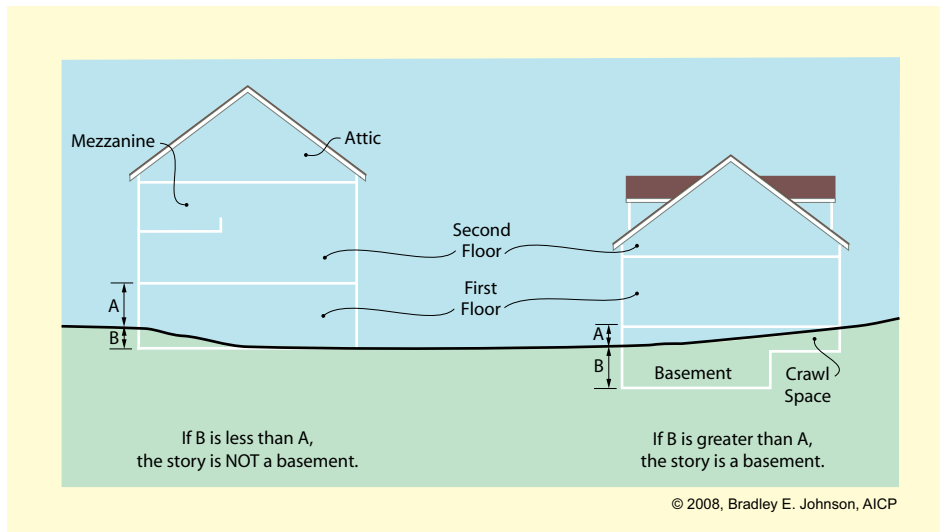
Automated Teller Machine (ATM): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access.

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

Average Setback: See "Setback, Average."

Definitions - B

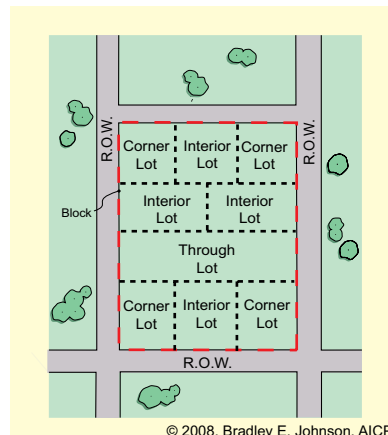
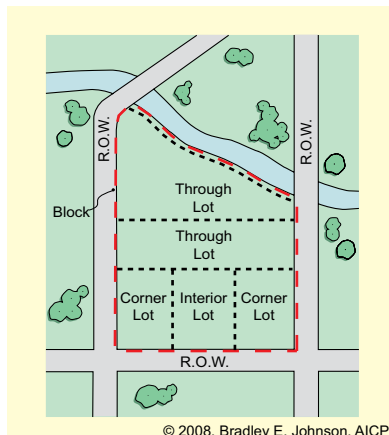
Basement: That portion of a building below the first or ground floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is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



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

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

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



Board: See "Board of Zoning Appeals."

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

BOCA: Refers to the Building Code and Code Administrators International

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

Definitions - B

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

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

Buildable Site: The net area of a lot that remains after subtracting out areas that are deemed unbuildable by the Unified Development Ordinance (e.g. water courses, floodways, wetlands, natural lake surfaces, pipeline utility easements, and slopes over a 2:1 ratio).

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

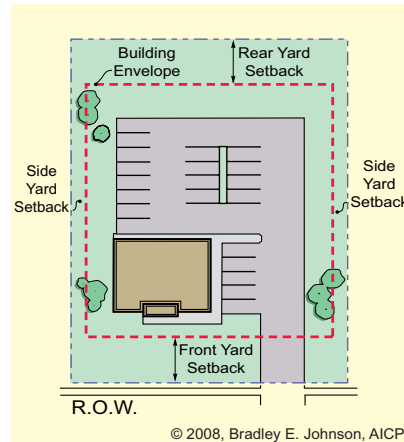
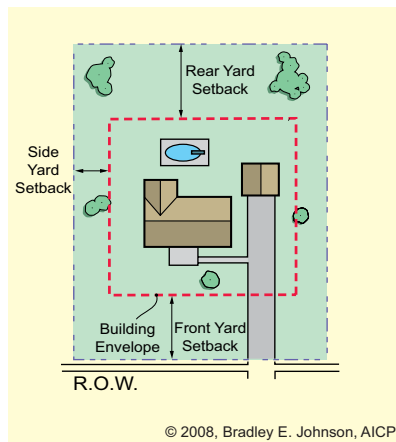
Building Area: The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

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

Building, Detached: See "Detached Building."

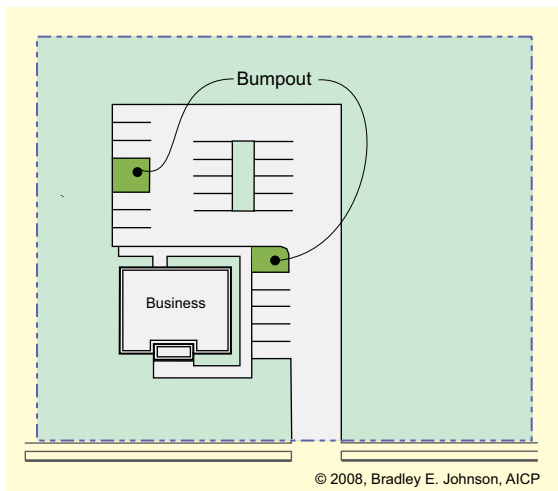
Building Height: See "Structure Height."

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



Definitions - B

Bumpout: A landscaping feature typically in a parking lot used similarly to a landscape island in a parking lot; to provide visual relief, reduce heat, and add to a healthful environment. Bumpouts can be used along streets, especially near intersections to, in addition to previously mentioned benefits, help define on-street parking areas and shorten crosswalk distances.



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

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

BZA: See "Board of Zoning Appeals."

Definitions - C

Cabaret: A nightclub, theater, or other establishment which is licensed to serve food and/or alcoholic beverages which feature live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on sexual conduct or specified anatomical areas.

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

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

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

Casino: A use that involves games of chance which may include: slot machines, blackjack, poker, roulette, and similar games on which money is gambled. Casinos are also inclusive of restaurants and live performance theaters.

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

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

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

Central Sewer System: A community sewer system including collection and treatment facilities owned and maintained by the County.

Certificate of Compliance: A certificate that is issued prior to the certificate of occupancy stating that the building, structure or use has been constructed and complies with the provisions of the Unified Development Ordinance, developer commitments, and all conditions of the Plan Commission or Board of Zoning Appeals. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.

Certificate of Occupancy: See "Certificate of Compliance."

Child Care Home: An establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least six children (not including the children for whom the provider is parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian or custodian; (2) for regular compensation; and (3) for more than four (4) hours but less than 24 hours in each of 10 consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes class I child care home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8.

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

Child Care Institution:

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

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

Church: See "Places of Worship."

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

Definitions - C

Club or Lodge: A building that is occupied by a social club or organization.

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

Collector Street: See "Street, Collector."

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

Commercial Districts: Refers to the C1, C2, C3, C4 Districts.

Commercial Solar Energy System (CSES): A solar energy system for the sole purpose of generating and selling large scale power. This includes all components associated with the generation of electricity.

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

Commission: See Advisory Plan Commission

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

Comprehensive Plan: Refers to the DeKalb County Comprehensive Plan. The plan includes goals, objectives and implementation measures for managed growth, efficient infrastructure systems, a responsible transportation network, protection of environmental assets, enhancement of community character, providing high quality public services, diversifying the local economy and fostering inter-local cooperation. The plan was developed and adopted by the Plan Commission pursuant to the IC 36-7-4-500 Series and includes any part and/or policies separately adopted and any amendment to the plan and/or the policies.

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

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

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

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

Controlling Interest: A representative that has a majority clear title ownership of each parcel included in a proposed development, or a representative that by legal contract has been delegated the right to apply on behalf of the property owner(s).

County: DeKalb County, Indiana.

County Engineering Standards: See Engineering Standards.

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

Court of Jurisdiction: The DeKalb County Circuit Court, Superior Court I, or Superior Court II.

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

Critical Facility: Police station, fire station, hospital, EMS and the like.

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



Definitions - D

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

Day Care, Adult: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a period of less than 24 hours per day.

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

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

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

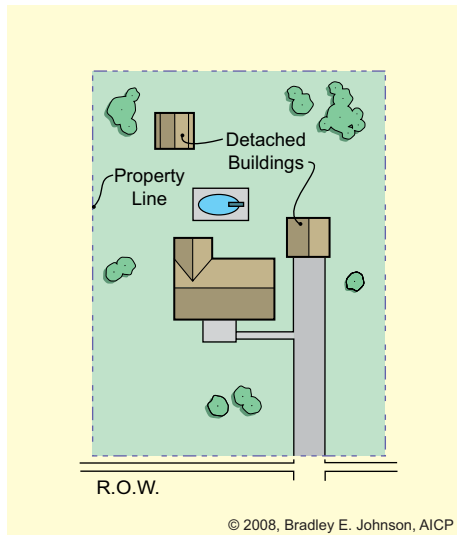
Demolition: The complete removal or destruction of any structure excluding its foundation.

Dependent Housing: A second residence on a single parcel or lot, typically a mobile home or similar structure without a permanent foundation that may be capable of being conveniently moved off the property, used for a property owner's aged, disabled and/or dependent relative or similar. The dependent housing is incidental to the primary residence on a parcel or lot which is only placed on said parcel or lot during the occupancy of said dependent. See Development Standards for additional information. A special exception is needed for approval of the dependent housing in the specified zoning district.

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

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

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



Detention Pond: See "Pond, Detention."

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

Development Amenity: A neighborhood facility that provides comfort, convenience, or pleasure to the residents of a subdivision such as a playground, recreational courts/fields, pocket park, swimming pool or the like.

Development Review Committee: The Zoning Administrator and any additional County staff (e.g. Highway Department staff, Fire Department staff, Health Department staff), County Officials (e.g. Surveyor), or professional consulting staff (consulting engineer) assembled by the Zoning Administrator or Plan Commission for their knowledge relevant to review a project.

Definitions - D

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.

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

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

Distribution Facility: A facility where goods are received and/or stored for delivery to the ultimate consumer at another location.

DNR: The Indiana Department of Natural Resources.

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

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

Duplex: See "Dwelling, Two-Family."

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

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

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

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

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

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

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

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

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

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

Definitions - E

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 Board of County Commissioners (as a group), Plan Commission (as a group), Board of Zoning Appeals (as a group), Zoning Administrator, and Legal Counsel are each designated as an enforcement official.

Engineering Standards: Those standards for engineering and construction of public facilities (e.g. streets and utilities) and other public facilities or common area facilities as duly established by the County Commissioners.

EPA: United States Environmental Protection Agency.

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

Eyebrow Street: See "Street, Eyebrow."

Definitions - F

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:

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

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

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

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

Farmstead: A single-family dwelling unit that is located on a base tract and used in connection with a farm. A subdivision of land is necessary before additional farmstead home are located on the base tract.

FCC: United States Federal Communications Commission.

FEMA: United States Federal Emergency Management Agency.

Fence: A structure enclosing or bordering a property made of posts, wire, wood, or metal, used to prevent entrance, to confine, to mark a boundary or used for decorative purposes.

Filtration Strip: A filter strip is an area of grass or other permanent vegetation used to reduce contaminants from runoff, including sediment, organics, nutrients, and pesticides in order to maintain or improve water quality. Filter strips function by intercepting undesirable contaminates from runoff before they enter a waterbody. They provide a buffer between a contaminant source and a waterbody (e.g. between a pasture and natural lake). Filter strips also slow the velocity of water, allowing the settling out of suspended soil particles, infiltration of runoff and soluble pollutants, adsorption of pollutants on soil and plant surfaces, and uptake of soluble pollutants by plants.

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

FIRM: Flood Insurance Rate Map.

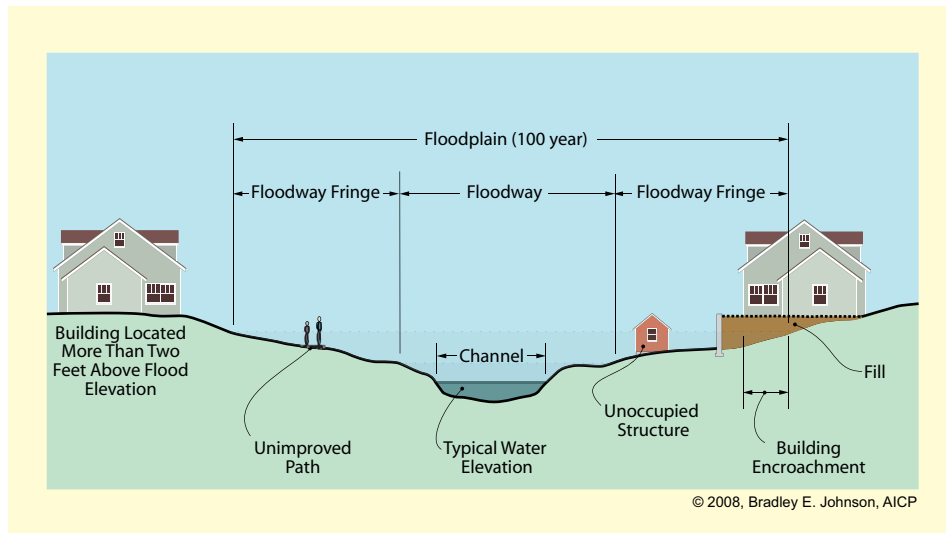
Flood Fringe: See "Floodway Fringe."

Flood Protection Grade (FPG): An elevation two feet above the base flood elevation.

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

Definitions - F

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. Flood plain 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 outside the floodway.

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

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

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered finished floor area.

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

Foundation: The supporting member of a wall or structure.

Forest Area: A tract of land covered with trees and underbrush.

Freeway: See "Street, Interstate/Limited Access."

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

Front Yard: See "Yard, Front."

Frontage: See "Lot Frontage."

Frontage Street: See "Street, Frontage."

Definitions - G

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

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

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

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

GIS: See "Geographic Information System."

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

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

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

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

Group Care Home for Developmentally Disabled: A facility as described by IC 12-28-4-8 that houses not more than eight persons who are developmentally disabled. A Group Care Home for Developmentally Disabled is 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. It is not subject to the definition of "Family." A Group Care Home for Developmentally Disabled shall abide by IC 12-11-1.1 and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Group Care Home for Mentally Ill: A facility as described by IC 12-28-4-7 that houses not more than 15 persons who are mentally ill. A Group Care Homes for Mentally Ill is 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. It is not subject to the definition of "Family." A Group Care Home for Mentally Ill shall abide by IC 12-22-2-3(2) through (6) and shall be a licensed facility with the State, meeting fire codes, building codes, and specific group home regulations.

Definitions - H

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-Width Street: See "Street, Half-Width."

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

Height: See "Structure Height."

High Impact Uses District: Refers to the HI district.

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

Home Enterprise: A business activity conducted completely within a dwelling unit or residential accessory structure, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the property for residential purposes and conforming to the applicable regulations in *Section 5.22: Home Based Business; General*.

Home Occupation: A business activity conducted completely within a dwelling unit, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the dwelling for residential purposes and conforming to the applicable regulations in *Section 5.22: Home Based Business; General*.

Home Workshop: A business activity conducted completely within a dwelling unit or residential accessory structure, carried on by any lawful resident of the property, clearly incidental and secondary to the use of the property for residential purposes and conforming to the applicable regulations in *Section 5.22: Home Based Business; General*.

Home-Based Business: A low-intensity business activity conducted on a residential property by a lawful resident of that property and conducted in a manner which is incidental to the use of the property for residential purposes. Home-based businesses shall be categorized as a Home Occupation, a Home Workshop, or a Home Enterprise as appropriate and shall follow the applicable regulations as set forth in *Section 5.22: Home Based Business; General*.

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

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

Definitions - I

IAC: Indiana Administrative Code.

IC: Indiana Code.

IDEM: Indiana Department of Environmental Management.

Impervious Surface: Any surface material that prevents the absorption of stormwater into the ground including concrete, asphalt, bricks, roofing materials, plastics, swimming pools, lakes, and ponds. This does not include gravel, rock, or loose stone.

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

Improved Street: See "Street, Improved."

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

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

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

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

INDOT: Indiana Department of Transportation.

Industry, Light: See "Manufacturing, Light."

Industry, Heavy: See "Manufacturing, Heavy."

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

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

Institutional District: Refers to the IN district.

Intensive Use: (the definition should reference that this is a high concentration of people)

Interested Parties: (need to define based on noticing requirements)

Interior Lot: See "Lot, Interior."

Internal Street: See "Street, Internal."

Interstate: See "Street, Interstate/Limited Access."

Definitions - J – K

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

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

Jurisdiction: See "Planning Jurisdiction."

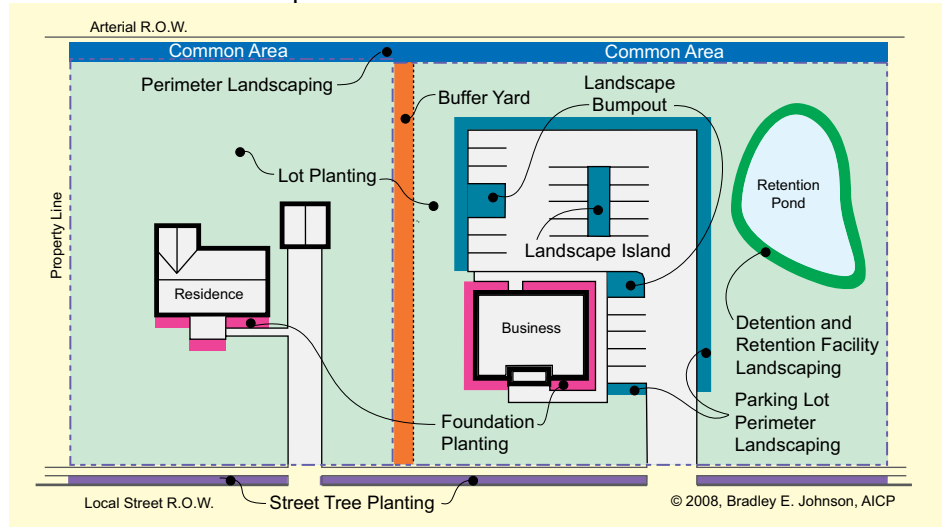
Juvenile Detention Facility: A facility that holds children or minors (typically under 18 years of age) for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

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

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

Definitions - L

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



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

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

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

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

Legal Counsel: Any attorney employed by or contracted by DeKalb County to represent the County Commissioners, Plan Commission, Board of Zoning Appeals, other boards or bodies, or staff; including his designees.

Legal Nonconforming Building or Structure: Any continuously occupied, lawfully established structure or building prior to the effective date of the Unified Development Ordinance, or its subsequent amendments, that no longer meets the development standards, unless otherwise noted in Article 8..

Legal Nonconforming Lot of Record: Any legally established and recorded lot prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot-specific development standards, unless otherwise noted in Article 8.

Legal Nonconforming Sign: Any sign lawfully existing on the effective date of this Unified Development Ordinance, or amendment thereto, that does not conform to all the standards and regulations of the Unified Development Ordinance, unless otherwise noted in Article 8.

Legal Nonconforming Use: Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of the Unified Development Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located, unless otherwise noted in Article 8.

Limited Use: Use is acceptable only if density/intensity restrictions and other required conditions are met

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

Local Street: See "Street, Local."

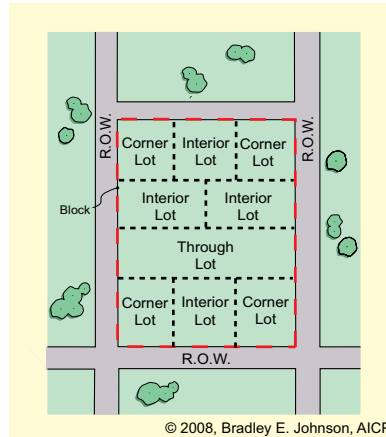
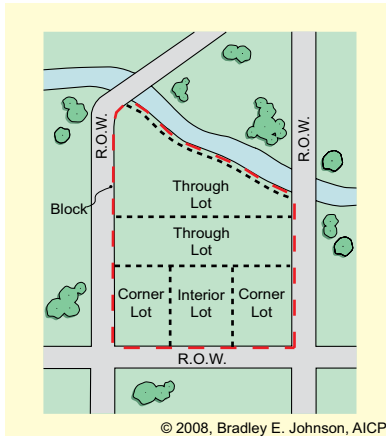
Definitions - L

Lodging House: A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants of the lodging house for a fee. Lodging houses do not include bed and breakfasts, multifamily dwellings, hotels or motels.

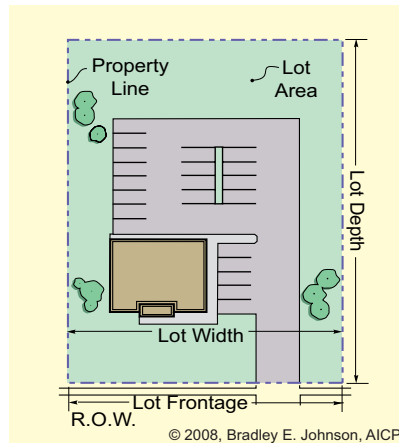
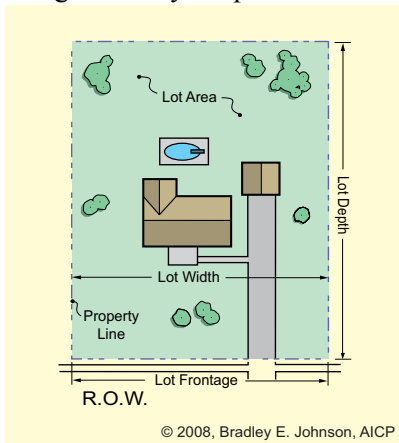
LOMA: FEMA Letter of Map Amendment.

LOMR: FEMA Letter of Map Revision.

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



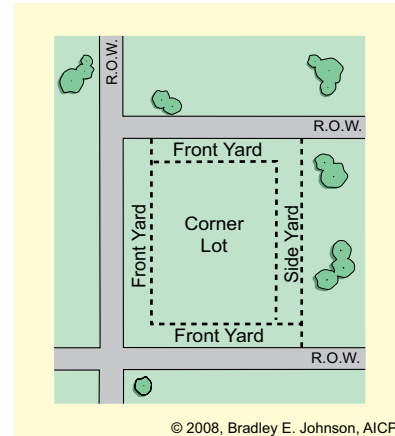
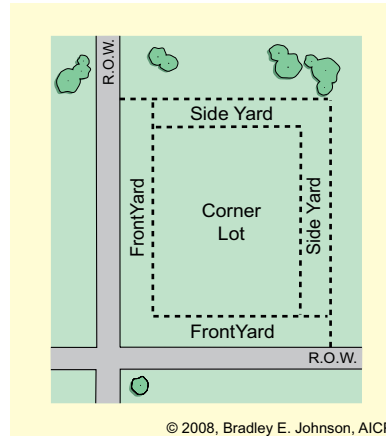
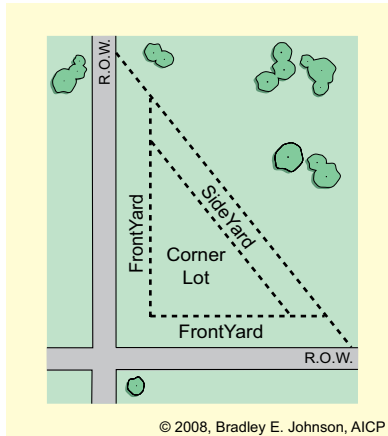
Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines, excepting any easement or right-of-way for public streets.



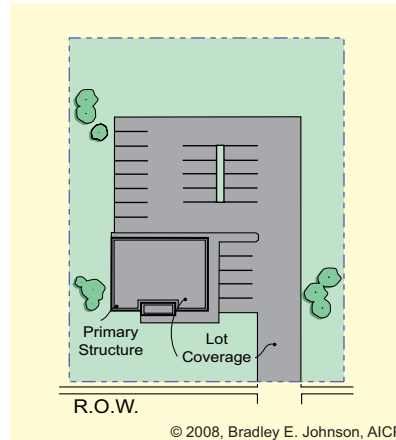
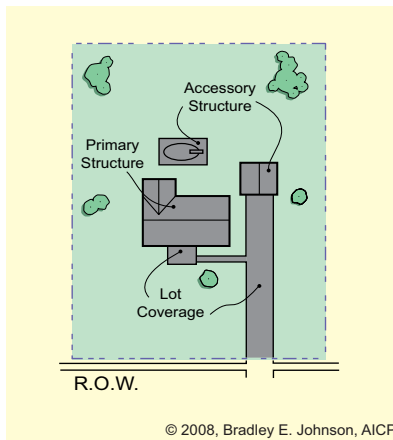
Lot, Buildable: See "Lot, Improved."

Definitions - L

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



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



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

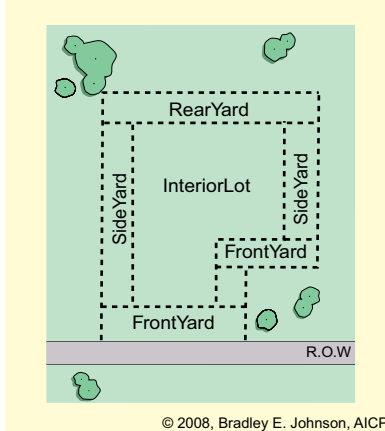
Lot, Developed: A lot with buildings or structures situated thereon.

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

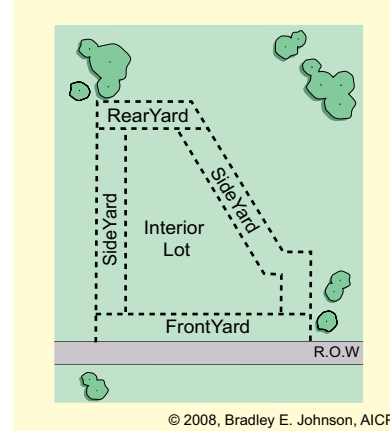
Lot, Improved: A lot upon which a structure or building can be constructed and occupied as a result of the fact that it has frontage on and access to an improved street, meets minimum setback requirements, and has all necessary utilities available to the lot such as sewer, water, electricity, etc.

Definitions - L

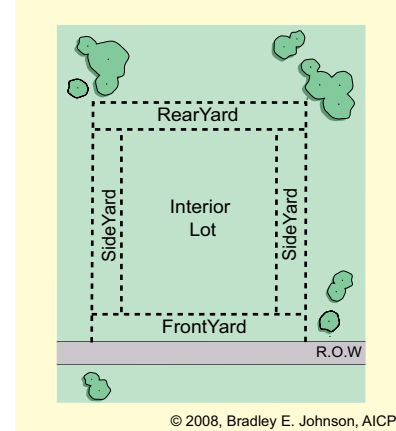
Lot, Interior: A lot other than a corner lot or a through lot.



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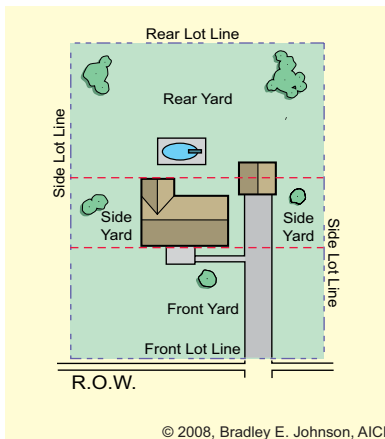
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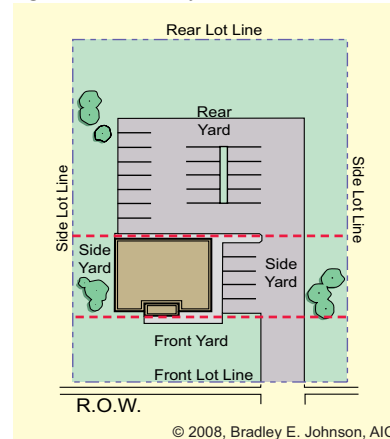
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Lot Line, Front:

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



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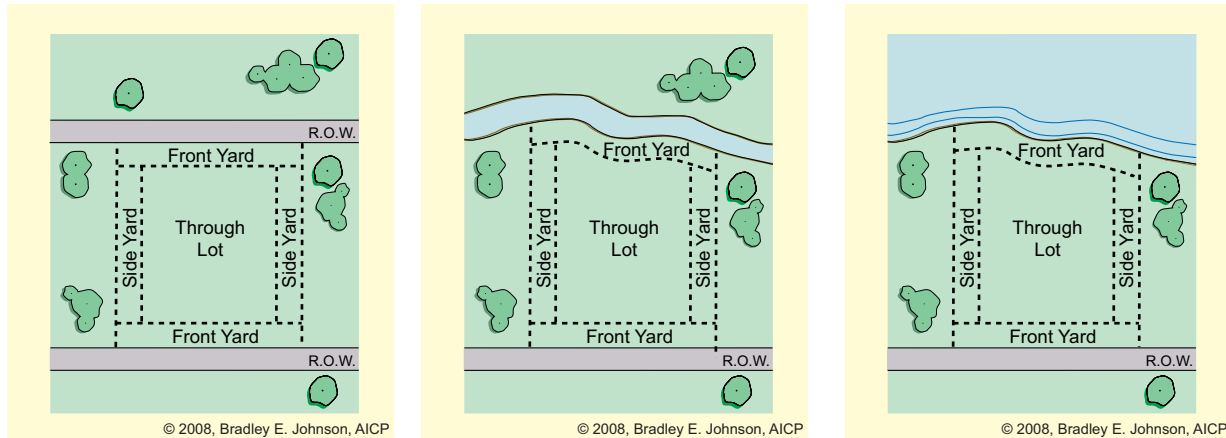
Lot Line, Side: A lot boundary line other than a front or rear lot line. (See Graphic for "Lot Line, Front")

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

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

Definitions - L

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



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

Lowest Floor:

Luces: The plural of Lux.

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

Definitions - M

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

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

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

Manufactured Home: See "Dwelling, Manufactured Home."

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

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

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

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

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

Master Plan: See "Comprehensive Plan."

Maximum Intensity Multiplier: The maximum population intensity for any specific subarea of a site provided the population intensity limits for the entire site are not exceeded (i.e. if the population intensity limit for a 3.0 acre site is 50 persons/acre and the maximum intensity multiplier is 1.5 then on any single acre within a multi-acre site the maximum population intensity would be 75 persons provided the site limit of 150 persons is not exceeded).

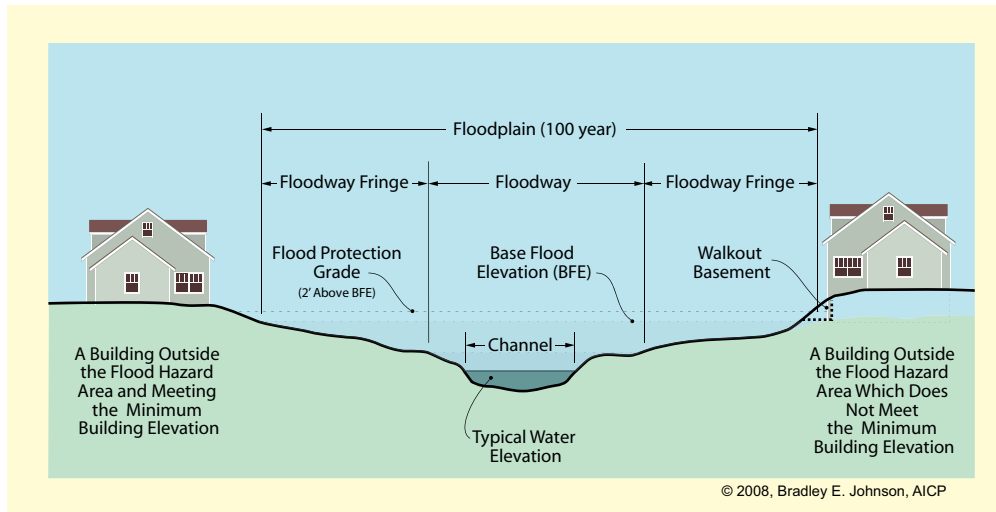
Meteorological Sensor Station: The weather monitoring equipment used to evaluate the changes in weather that will then allow the operators to adjust each set of rotors to create optimal generating potential, and in the case of extremely high winds, tilt the rotor blades to minimize damage.

Medical Office: See "Office, Medical."

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

Minimum Building Elevation: The elevation of any opening to a living area or potential living area necessary to prevent flooding inside a building that is adjacent to a Special Flood Hazard Area.

Definitions - M



Mobile Home: See "Dwelling, Mobile Home."

Mobile Home Park: See "Manufactured Home Park."

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

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

Motor Home: See Recreational Vehicle.

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

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

Multifamily District: Refers to the M1, M2, and MP districts.

Definitions - N

Natural Lake: A lake geologically formed. Not man-made.

NFIP: The National Flood Insurance Program.

No Disturb: A defined area on a lot on which earthmoving, and locating of temporary or permanent structures shall not be permitted. No disturb areas are typically used to protect environmental features, reserve sites for septic systems, or critical aesthetic components of a development. No disturb areas are typically applied as a covenant, condition, or commitment and would be recorded on the plat or plot plan and filed with the County Recorders Office.

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

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

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

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

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

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

Definitions - O

Occupied Structure: An Occupied Structure is any structure intended to be regularly occupied by a person or persons for the purpose of carrying on residential, commercial, industrial, institutional activities therein including, but not limited to, agricultural, residential, commercial, industrial, and/or institutional structures. This term includes any dwelling unit whether occupied, unoccupied, or vacant.

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

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

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

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

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

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

Open Space: (As defined in Airport Overlay District) A relatively level area at least 300 feet long by 75 feet wide and free of obstructions such as structures, overhead lines, poles and large trees. This can include land used for agricultural crop production. Open space should generally be required only on larger developments of 20 acres or more unless the provision of open space on smaller developments can be done without eliminating the viability of the development or unless development within an area occurs in a series of small developments that have the effect of circumventing the requirement to provide open space.

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

Open Space and Parks District: Refers to the OP district.

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

OSHA: Occupational Safety & Health Administration.

Outdoor Storage: See "Storage, Outdoor."

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

Definitions - P

Parcel: See "Lot."

Parent Tract: An individual parcel of record as recorded in the DeKalb County Recorder's Office on or prior to January 1, 2009. Multiple pieces (lots) owned by one person, persons in partnership, or a company and that are contiguous shall together be considered one parent tract. Roads, rivers, easements, and other built or natural features shall not constitute a separation of two or more pieces of land owned by one person, persons in partnership, or a business.

Park, Public: A parcel of land available to the public for passive and active recreation and is maintained and governed by DeKalb County

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

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

Participating Land Owner: A Property used by the CSES Operator by leasing or owning land to facilitate a CSES Development. If property is leased, there must be a signed and recorded lease document as to who the lessor and lessee is.

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

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

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

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

Permitted Use: See "Use, Permitted."

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

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

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

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

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

Definitions - P

and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

Planning Director: See "Zoning Administrator."

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

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

Plat: A map or chart that shows a division of land and/or the layout for subdivisions 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.

Pond, Detention: See "Pond, Detention." A pond designed to be used as a means to detain or temporarily hold storm water as part of a storm water drainage system. A detention pond is generally dry and typically does not detain storm water for longer than 24-72 hours after a storm event.

Pond, Recreational: A pond designed to permanently hold water and be used primarily for recreational and/or scenic purposes.

Pond, Retention: A pond designed to be used as a means to retain or permanently hold storm water as part of a storm water drainage system. A retention pond generally retains storm water to some normal water level but may also temporarily detain additional amounts of storm water above the normal water level.

Population Intensity: The average number of persons/acre per site (i.e. a 3.0 acre site containing 105 people would have an average population intensity of 35 persons/acre). The population intensity for a use can be determined by parking requirements as per local ordinances, by the maximum allowable occupancy levels set in accordance with Indiana fire code or by a survey of similar uses.

Population Intensity Limit: The maximum number of persons/acre per site allowed within an Airport Compatibility Zone. The population intensity is a never-to-be-exceeded maximum per site and is not an average measured over any specific period of time.

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

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

Prairie: An area of flat or rolling grassland with few trees.

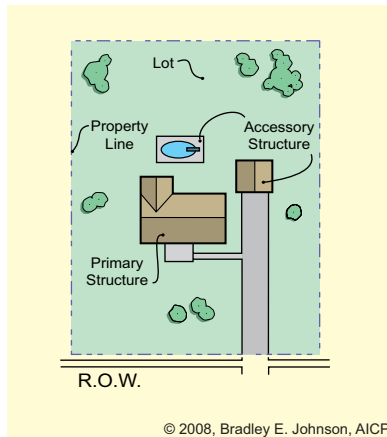
Pre-Development Site Area: The area of the lot prior to being subdivided.

Primary Arterial: See "Street, Primary Arterial."

Primary Plat: See "Plat, Primary."

Professional Engineer: A qualified professional who is a licensed professional engineer in the State of Indiana

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



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

Principal Use: See "Use, Principal."

Private Street: See "Street, Private."

Processing of Agricultural Products: The conversion of raw agricultural products (e.g. corn, soy beans, wheat) into another product or material. This definition is not inclusive of removing byproducts (e.g. threshing).

Professional Office: See "Office, Professional."

Prohibited Use: Use is not permitted under any circumstances

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

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

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

Public Street: See "Street, Public."

Public Utility: See "Utility, Public."

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

Definitions - R

Radio/TV Station: The broadcast building for the production of radio and television programming, not to include any telecommunication towers.

Rear Lot Line: See "Lot Line, Rear."

Rear Yard: See "Yard, Rear."

Recreation Center/Play Center: A building or enclosed structure containing recreational facilities, such as a tennis court, swimming pool, and/or gymnasium. This shall not include outdoor amphitheaters, tennis courts or swimming pools.

Recreational Pond: See "Pond, Recreational."

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, boats, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

Recreational Vehicle Park: Any commercially zoned site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.

Registered Land Surveyor: A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer: An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Regulatory Flood: See "Flood, Regulatory."

Regulatory Floodway: See "Floodway, Regulatory."

Replat: A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

Residential/Agricultural Private Accessory Solar Energy System: A solar energy system used by a private land owner to generate solar power for their property which is accessory to the primary residential or agricultural use of the property. The power generated shall not be sold to a utility unless it is considered excess or unused solar generated electricity after the property has used the solar generated electricity on their property.

Residential District: Refers to the RE, R1, R2, R3, M1, M2, and MP districts.

Responsible Party: For purposes of issuing notice of violation, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: the property owner(s); persons with any possessory interest in the property, and/or any persons and/or their agents who have caused the violation. Any owner, tenant, builder, developer, possessor of interest, architect, designer, property manager, equipment operator known or suspected to be responsible in part or in whole for a violation of the Unified Development Ordinance.

Restaurant: An establishment whose use is the selling of food in a ready-to-consume state, in individual servings, in which the customer consumes these foods while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and which may include carry-out service. "Restaurant" shall include that portion of any establishment which sells prepared food, such as a bakery or a delicatessen, and which is used for seating for the consumption of food on the premises. (See also "Drive-Through Establishments.")

Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (small), building finishes store (large), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance store (large), office supplies (large), sporting goods (large), superstore, variety store (large), and vehicle sales (small).

Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include an: antique shop, apparel shop, art and craft supplies,

Definitions - R

auto part sales (new), auto part sales (used), book store (large), boutique, building finishes store (small), building supply store (small), computer sales, convenience store (large), craft gallery (large), department store (small), drug store (large), fabric shop, furniture store (small), garden shop, gift shop (large), golf/tennis pro shop, grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, musical instruments store, office supplies (small), pawn shop, pet store (small), plant/tree shop, shoe sales, sporting goods (small), and variety store (small).

Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a: bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), gift shop (medium), and meat market.

Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include a: boat sales (large), construction vehicle sales, farm equipment sales, heavy equipment sales, manufactured home sales, semi tractor-trailer sales, and vehicle sales (large).

Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an: art gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Retention Pond: See "Pond, Retention."

Retirement Community: An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have nursing home and assisted living components.

Right-of-Way: A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

Riparian Area: Wooded or vegetated areas along creeks, streams, rivers or designated regulated drains. The area on each bank designated as a riparian area shall be no wider than the average width of the creek, stream or river at normal flow elevation, but be no less than 10 feet in width from the top of banks.

ROW: See "Right-of-Way."

Road: See "Street."

Root Protection Zone: Generally, 18 to 24 inches deep and a distance from the trunk of a tree equal to one-half its height or its drip line, whichever is greater.

Rule 5: Relates to the Indiana Department of Environmental Management's construction soil erosion control plan requirements. Referenced to 327 IAC 15-5 (Rule 5).

Definitions - S

Satellite Dish/Antenna: An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

Sanitary Landfill/Refuse Dump: A solid waste disposal site where the waste is buried between layers of earth.

Secondary Arterial: See "Street, Secondary Arterial."

Secondary Plat: See "Plat, Secondary."

School: A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

School, Trade, Business, or Commercial: An educational facility which offers instruction specific to a trade, business, or commercial.

Scrap Metal Yard: A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and/or all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and/or use in other industries or businesses including open hearth, electric furnaces and foundry operations. Such an establishment shall not include junk yards, dumps, or automobile or other vehicle graveyards.

The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.

Setback: The minimum horizontal distance between the building line and a lot line or right-of-way.

Shadow Flicker: The strobe effect of the shadows caused by the rotation of wind energy systems rotor blades.

Side Lot Line: See "Lot Line, Side"

Side Yard: See "Yard, Side."

Sign: Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations are not considered a sign unless accompanied with text. Address numbers are not considered a sign.

Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of a sign, including all background area figures and letters. However, such perimeter shall not include any structural elements lying outside the limits of the sign which are not part of the information, visual attraction, or symbolism of the sign.

Sign, Accessory: A sign which is related to the principal use of the premises.

Sign, Commercial: A sign identifying only the name and location of a particular business enterprise and located on the premises where the sign is displayed.

Sign, Construction: A sign directing attention to construction upon the property where the sign is displayed, and bearing the name, address, subplot number, or other identifier of the contractor, subcontractor, and/or architect.

Sign, Directional: A sign intending to direct the safe flow of vehicular and pedestrian traffic and includes "enter," "exit," and "arrow" signs.

Sign, Flashing: Any illuminated sign which exhibits changing light or color effects.

Sign, Ground: A sign in which the bottom edge of the sign is permanently affixed to the ground. A monument sign is another name for a Ground Sign.

Definitions - S

Sign, Illuminated: A sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or which is illuminated by reflectors.

Sign, Monument: A sign permanently attached to the ground, and not attached to any part of a building, which is erected in a manner so that no views are possible underneath the bottom edge of the sign surface.

Sign, Mural: A sign painted onto the side of a building, wall, ground, or structure. A mural sign is regulated as a wall sign in the Unified Development Ordinance. Murals without a commercial message are not regulated by the Unified Development Ordinance.

Sign, Non-accessory: A sign which is not related to the principal use of the premises.

Sign, Nonconforming: See "Nonconforming Sign."

Sign, Non-Commercial: Any sign wording, logo or other representation that, directly or indirectly, does not name, advertise, or call attention to a business, product, service, or other commercial activity.

Sign, Off-Premises: A sign directing attention to a specific business, product, service, entertainment, or any other activity offered, sold, or conducted elsewhere than upon the lot where the sign is displayed.

Sign, On-Premises: A name, identification, description, display of illustration or symbol which is affixed to, or painted, or represented directly upon a structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business located on, in, or within such structure or on such piece of land and which is visible from any public street, right-of-way, sidewalk, park, or other public property.

Sign, Outdoor Advertising: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. Also called billboard or off-premise sign.

Sign, Permanent: A sign that is designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, including, but not limited to, business signs, directional signs, residential complex or subdivision signs, and illuminated signs.

Sign, Pole: A sign that is supported by one or more poles, posts, or braces upon the ground, not attached to or supported by any building, with a clear space in excess of six feet from the finished grade to the bottom of the sign face.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of the business.

Sign, Public Information: A sign displaying public information as the principal message in addition to information designed to assist, alert, or inform the public. Such signs may display only the name and corporate logo of the business or agency providing such information.

Sign, Real Estate: A sign announcing the sale, rental, or lease of the lot where the sign is displayed, or announcing the sale, rental, or lease of one or more structures, or a portion thereof, located on such lot, and identifying the owner, realty agent, telephone numbers, or "open house" information.

Sign, Residential: A sign containing the name of a residential complex or subdivision, with or without its accompanying address.

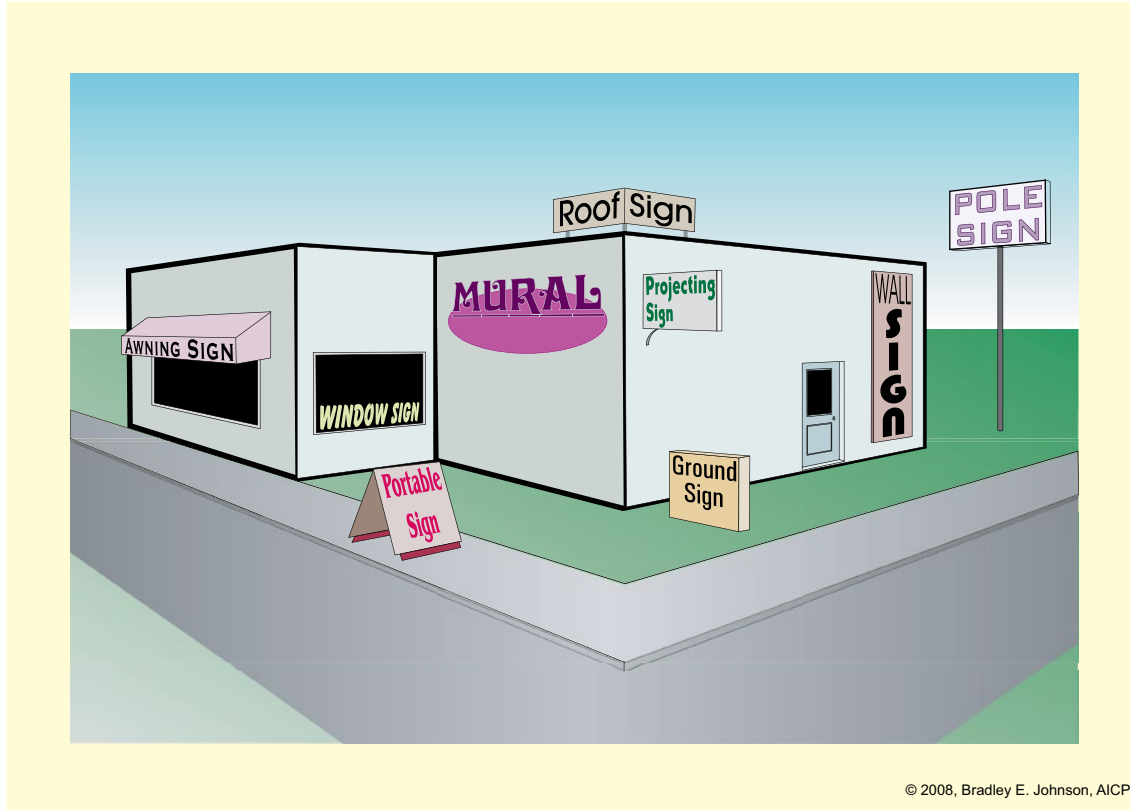
Sign, Restaurant Menu: Any display of all or part of a restaurant menu, or a summary thereof, in such a way that it is visible from the exterior of the building.

Sign, Special Event: A sign upon which information about events or activities conducted by religious, civic, educational, community, governmental, or similar organizations is displayed.

Sign, Temporary: An on-premise advertising device not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

Definitions - S

Signs, Types of: The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.



Sign, Wall: A sign attached to and/or integral with exterior wall or window surface of a building, the face of which is parallel to the surface and which does not project more than nine inches from the surface.

Site Plan: A map of a site, drawn accurately to scale, showing existing and proposed features of the site including but not limited to buildings, and other structures, circulation, grading, trees, and landscaping, sufficient for review. A site plan shall serve as the development plan regulated by IC 36-7-4-1400.

Special Exception: The authorization of a use that is designated as such by this ordinance as being permitted in the district concerned if it meets special conditions, is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

Special Flood Hazard Area (SFHA): See "Floodplain."

Special Handling Retail: Retail businesses that sell products that require special handling due to risks to public safety. Example businesses include: fireworks sales, gun sales, and hunting stores.

Specimen Tree: Trees with a DBH of 24 inches or greater.

Sports Field: An area designed for playing sports, including but not limited to baseball, football, and soccer.

Stable, Commercial: A structure and/or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted.

Stable, Private: An accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling, but in no event for hire, boarding, or other business use.

Stadium: A large facility with one or more sports fields and tiers of seats for spectators.

State: The State of Indiana.

Steep Slope: Areas where the natural grade of land is equal to or exceeds 15% which, because of this slope, are subject to high rates of stormwater runoff and, therefore, erosion and flooding.

Definitions - S

Storage Buildings: Agricultural: a stand-alone building or buildings designed or used for farming machinery and agricultural practices. Examples include barns; storage building for farm equipment, animal supplies or feed; storage buildings for crops grown and raised; and similar uses. These building cannot be used for human occupancy or commercial purposes

Storage Buildings: Private, Non-Accessory: a stand-alone building or buildings designed or used primarily for the shelter or storage of personal belongings, vehicles or boats, but not airplanes, recreational vehicles, that is not accessory to a single-family or duplex residence on the same building site. This does not apply to any vehicles or boats that are being repaired and/or kept for money paid for the work or service, storage, hire or sale. This term shall not include agricultural storage buildings. These buildings cannot be used for human occupancy or commercial purposes and should not alter or change the character of the surrounding premises.

Storage, Outdoor: The outdoor accumulation of goods, motor vehicles, equipment, products, or materials for permanent or temporary holding.

Storage Tanks (Hazardous): Any one of a combination of tanks located either above or below ground, including underground pipes connected thereto, which is use to contain an accumulation of hazardous regulated substances designed for wholesale distribution or mass consumption.

Storage Tanks (Non-Hazardous): Any one of a combination of tanks located either above or below ground, including underground pipes connected thereto, which is use to contain an accumulation of regulated substances designed for wholesale distribution or mass consumption.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof.

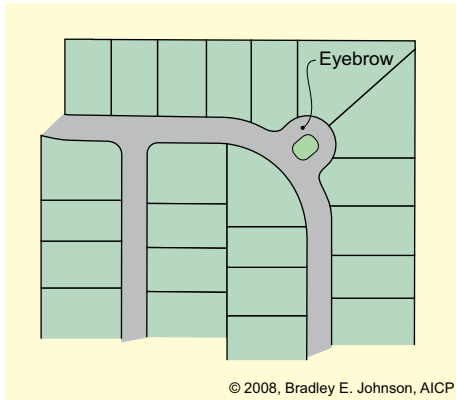
Street: Any vehicular right-of-way that:

- Is an existing state, county, or municipal roadway,
- is shown upon a plat approved pursuant to law,
- is approved by other official action, or
- is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a Plan Commission and the grant to such Plan Commission to review plats; includes the land between the street lines, whether improved or unimproved.

Street, Access: A street designed to provide a travel lane between a parking lot or parcel and another street.

Street, Collector: A street designed to collect traffic from local streets and from several neighborhoods and to distribute traffic to arterial streets.

Street, Eyebrow: A street designed and constructed for one-way traffic in the form of a small loop used to provide access to unusual lots; and having an island in the middle, and having a traversing sidewalk for pedestrians to efficiently and safely travel on the pedestrian network without having to go around the loop.



Street, Frontage: A street designed to provide access to individual parcels and that runs relatively parallel with another street that does not provide access to those parcels.

Street, Half-Width: A street designed and constructed that does not meet the minimum required street width.

Definitions - S

Street, Improved: A street designed and constructed to meet or exceed the County's minimum standards of the street's functional classification in the Thoroughfare Plan.

Street, Internal: The streets constructed as a part of a development that are intended to be conveyed to the public.

Street, Interstate/Limited Access: A street that has designated access points, operates at high traffic volumes, allows for high travel speeds, carries region-wide traffic, and is generally part of the interstate system.

Street, Local: A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the DeKalb County Thoroughfare Plan.

Street, Major Arterial: A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials and collector streets, as depicted by the DeKalb County Thoroughfare Plan.

Street, Private: Vehicular streets and driveways, paved or unpaved, that are maintained by the owner(s) and that are wholly within private property except where they intersect with other streets within public rights-of-way. All private streets shall be covered by an appropriate easement.

Street, Public: All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

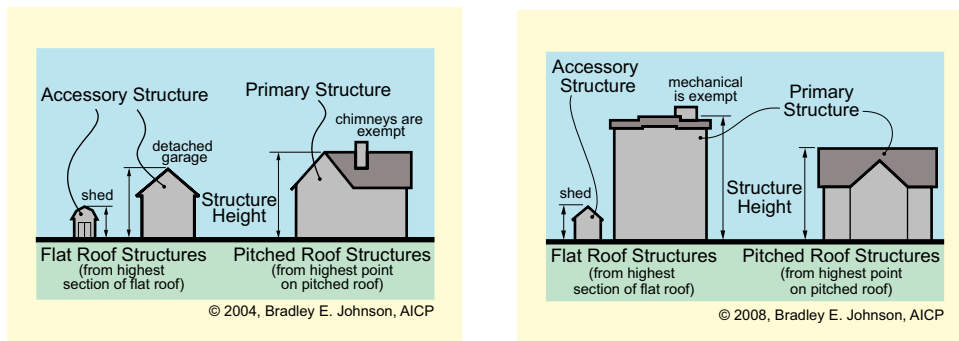
Street, Minor Arterial: A street that collects and distributes traffic to and from collector and arterial streets.

Street, Throat: An short street perpendicular to a perimeter street leading to a frontage street.

Structural Alterations: Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any change in the footprint or increase in the size of living space. Also, substantial roofing and siding work when repairs are made to the structure beneath.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, freestanding signs, ponds, and other similar items.

Structure Height: The vertical distance measured from the lot ground level to the highest point of the roof.



Structure, Tall: Any object constructed or installed by man including, but not limited to, cranes, buildings, towers, smokestacks, electronic transmission or receiving towers, antennae and overhead transmission lines, that equals or exceeds a height of

1. Two hundred feet (200') above ground level at the site at any point within five nautical miles of the DeKalb County Airport property;
2. Two hundred feet (200') above the established elevation of the DeKalb County Airport at any point within five nautical miles of the DeKalb County Airport property;
3. The elevation of any of the FAR Part 77 surfaces of the DeKalb County Airport at any point within one of those surfaces; or
4. A height of 500 feet above ground level of the site anywhere within DeKalb County.

Studio Arts: Karate studio, dance studio, art studio and the like.

Definitions - S

Subdivision: The division or partial division of a parent tract (as defined) or any parcel of land into at least two or more smaller lots, parcels, sites, units, plats, or interests or the combination of two or more smaller lots into one lot for the purpose of offer, sale, lease, transfer of ownership, or development. It also includes replat or vacation of plat. Divisions of parent tracts which meet the standards of an exempt division (9.23 D) shall not be counted in determining whether or not a further division qualifies as an exempt subdivision. No division shall create the original, parent parcel to be a nonconforming lot.

Subdivision, Minor: Any subdivision of land that includes the following:

- A. Any land being divided into three or fewer lots or the combined and cumulative total of three or fewer lots from an original parent tract which does not involve the construction, extension or substantial realignment of any street.
- B. The Zoning Administrator or their designee may allow a Minor Subdivision to be approved by the Plat Committee or full Plan Commission if and when they deem necessary.

Subdivision, Major: Any subdivision of land that includes the following:

- A. Any land being divided which involves the construction, extension, substantial realignment of any street.
- B. Any land being divided that under the terms set forth in this Ordinance involves the substantial improvement or realignment of an existing street or road or the provisions of any public facility or utility.
- C. Any land being divided into four or more lots from an original parent tract, or the combined and cumulative total of more than four lots from an original parent tract.
- D. Any replat or changes on a recorded secondary plat approved pursuant to this Ordinance which is not a minor subdivision (as defined).
- E. Any subdivision which requires a modification to the terms of this Ordinance.
- F. Any subdivision which has common open space or land to be maintained by a covenant agreement or property owners association.
- G. All subdivisions that are considered Major Subdivisions shall fall under one of the following types and shall be decided by the Zoning Administrator:
 - i. Conventional Subdivision (CV)
 - ii. Conservation Subdivision (CS)
 - iii. Traditional Subdivision (TS)
 - iv. Strip Commercial Subdivision (SC)
 - v. Commercial District Subdivision (CM)
 - vi. Industrial Park Subdivision (IP)

Surrounding Area: Land within close proximity to the subject parcel.

Swimming Pool: A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/use.

Definitions - T

Tall Structure: See "Structure, Tall."

Telecommunications Facility: A land based facility, consisting of towers, antennae, accessory buildings and structures or other structures intended for use in connection with the commercial transmission or receipt of radio or television signals, or any other spectrum-based transmissions/receptions.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes: radio and television transmission towers, microwave towers, cellular telephone and wireless communication towers, alternative tower structures and the like.

Temporary Use/Structure: See "Use, Temporary."

Theater: A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

Thoroughfare: A public way or public place that is included in the Thoroughfare Plan. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

Thoroughfare Plan: The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares, as found in the DeKalb County Comprehensive Plan.

Throat Road: See "Street, Throat."

Top of Bank: The point at which the slope leading from a man-made pond or water body meets the pre-existing average natural elevation of the property.

Tower: See "Telecommunications Tower."

Tower Setback: The horizontal distance from the base of the tower to an abutting property line and/or proposed right-of-way.

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

Definitions - U

Underlying District: A base district zone is the existing zoning district of the subject lot:

- prior to the approval of a planned development, or
- prior to the effects of an overlay district.

Unified Development Ordinance: This title of the DeKalb County Code and its accompanying zoning map, including any amendments thereto.

Use: The purposes for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations and standards.

Use, Principal: The main use of land or structures as distinguished from an accessory use. A “principal use” may be a “permitted” or “special exception” use, or a use approved by variance, or a nonconforming use.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than four months with the intent to discontinue such use or structure upon the expiration of the time period.

Utility: Every plant or equipment within the State used for:

1. The conveyance of telegraph and telephone messages;
2. The production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this chapter.

Utility, Municipally-owned: Every utility owned or operated by a city or town.

Utility, Public: Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewage systems.

Or every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the State for the:

1. Conveyance of telegraph or telephone messages;
2. Production, transmission, delivery, or furnishing of heat, light, water, or power; or
3. Collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

Utility, Stormwater: A mechanism to assess property owners for stormwater management improvements and maintenance based on a rate structure and billing system founded on the amount of impervious surface on each individual property.

Definitions - V – W

Variance, Development Standards: A specific approval granted by the Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

Variance, Use: The approval of a use other than that prescribed by the Unified Development Ordinance.

Variety Store: A retail establishment that sells a multitude of consumer goods.

Vegetative Ground Cover:

Vehicle: See "Motor Vehicle."

Violation: Any act or existence of violating the Unified Development Ordinance, or non-compliance with an approval, substantiated with enforcement official inspection or investigation, witness testimonial, or other evidence. A violation is considered actionable.

Violation, Alleged: An unverified complaint or report from a neighbor, interested party, government agency, or concerned citizen made to an enforcement official suggesting that a violation exists on a specific property. An alleged violation may also include a suspected violation that cannot be verified due to denial of access to conduct an inspection, or other limiting factor necessitating more formal investigation (e.g. suspecting a foundation was poured too close to the property line, but not having a stake survey to measure from). An alleged violation is considered actionable.

Violator: The owner, possessor, tenant, occupant, legal representative, or manager of a property who is in violation or is subject to an alleged violation of the Unified Development Ordinance.

Wall: An upright structure of masonry, wood, plaster, or other building material serving to enclose, divide, or protect an area.

Wetland: A low area where the land is saturated with water and is a natural habitat of wildlife.

Wind Energy System (WES): The term used to describe the total collection of components that comprise wind powered generation and transmission to an electrical utility. These components will include but are not limited to:

- 1) Foundations
- 2) Tower
- 3) Generator/Nacelle
- 4) Rotor
- 5) Meteorological station
- 6) Transmission lines
- 7) Transformers
- 8) Substation
- 9) Switching and Communication Equipment
- 10) Temporary Test Tower

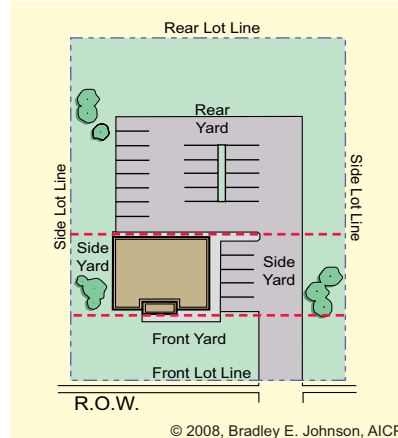
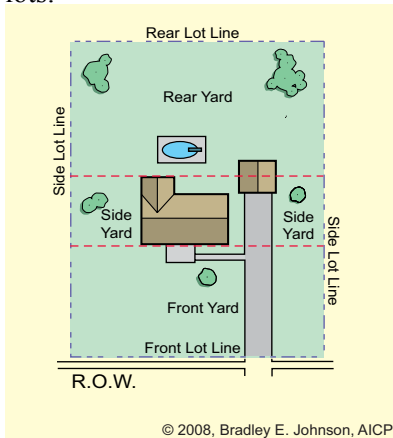
WES Operator: The company or individual who has direct financial responsibility for the operation and maintenance of the tower or WES.

WES Tower: Each individual electric generation tower.

WES Tower Height: The distance from the highest point of a rotor blade to the ground level at the base of the tower.

Definitions - X – Y

Yard: A space on the same lot with a primary building that is open and unobstructed except as otherwise authorized by this Zoning Ordinance. All required yards shall be kept free of all material including but not limited to, buildings, structures, material for sale, storage, advertising or display to attract attention and parking lots.



Yard, Front: The horizontal space between the nearest foundation of a building or structural appurtenance, or roof eave (whichever is closer) to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line. (See Graphics for "Yard")

Yard, Rear: The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. Corner lots do not have rear yards, rather they have two side yards. (See Graphics for "Yard")

Yard, Side: The horizontal space between the nearest foundation or structural appurtenance of a building to the side lot line. (See Graphics for "Yard")

Definitions - Z

Zoning Administrator: The officer appointed by and/or delegated the responsibility for the administration of the Unified Development Ordinance's regulations by the Plan Commission. Administrator of the Plan Commission Office for DeKalb County, Indiana. The term "Zoning Administrator" includes his/her authorized representatives.

Zoning District: See "District."

Zoning Map: See "Official Zoning Map."

Zoning Compliance Permit: A certificate stating that the occupancy and use of a building or structure complies with the provisions of all applicable DeKalb County Codes and Ordinances.

Zoning Ordinance: See "Unified Development Ordinance."

Appendix

A

Land Use Matrix

**DeKalb County
Unified Development
Ordinance**

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Land Use Matrix

Accessory Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
artificial lake (10 or more acres)	S	-	S	S	-	S	S	S	-	-	-	-	S	-	-	S	S	S	S	S	-	-	-	-
coin laundry	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-	-	-	-	-
dependent housing	-	S	S	-	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
home based business	-	P	P	P	-	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
home enterprise	-	S	S	-	-	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
home workshop	-	S	S	-	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
agricultural crop production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P
confined feeding operation, up to 2 times CAFO	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
confined feeding operation, above 2 times CAFO	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
farm implement sales	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
grain elevator	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
orchard	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
processing of agricultural product	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
raising of farm animals	-	P	P	P	P	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
sale of agricultural product	-	P	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
stable, commercial	-	S	S	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
storage buildings: agricultural	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
storage of agricultural product	-	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
tree farm	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
amusement park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-
auction park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
automobile oriented business																								
<i>automobile accessory installation</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
<i>automobile body shop</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>automobile gas station</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-
<i>automobile oil change facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
<i>automobile parts sales</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>automobile rental</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P
<i>automobile repair/service station</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
<i>automobile wash</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	-	-	-	-
bank machine/atm	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	P	P
banquet hall	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	S	-	-	-	-	-	-
bar/tavern	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
barber/beauty shop	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
billiard/arcade room	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
bowling alley	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
campground	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
casino	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-
cellular phone services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-
club or lodge	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
coffee shop	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	P	P
coin laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
commercial training facility or school	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-
construction trade office																								
<i>electrical contractor</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-
<i>general contractor</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-
<i>heating/cooling contractor</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Land Use Matrix

Commercial Land Uses	Zoning Districts																								
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3	
landscape contractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
plumbing contractor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
dance/night club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
day care, adult	-	-	S	-	-	S	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-
day care, child	-	-	S	-	-	S	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-
driving range	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
farmers market	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
fitness center/health club	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
funeral home or mortuary	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
general services office																									
design services office	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	P	-	-	-	-	-	-	-
dry-cleaning service (drop off)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
dry-cleaning service (on-site)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
employment service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
financial services office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-
fitness services office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
insurance office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-
law office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	-	-
membership associations	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
publishing corporate office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
reading clinic	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
real estate office	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-	-	-	-	-	-
secretarial service	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
service organization	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P	-	-	-	-	-	-	-
temporary service agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
title company	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
trade office	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	-
travel agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-	-	-	-	P
golf course	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
health/day spa	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
high intensity retail																									
bakery	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	-	-	-	-	-	-	-
building supply store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
department store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
furniture shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
grocery/supermarket	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
home electronics/appliance store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
office supply store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
sporting goods store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
vehicle sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-
hotel/motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P
ice cream shop	-	-	-	-	-	S	S	S	-	-	-	-	-	P	P	P	-	-	-	-	-	-	P	P	-
kennel	-	-	S	-	S	S	S	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-
low intensity retail																									
antique shop (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
art gallery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
bakery (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	P	P	-	-	-	-	-	-	-	-
book store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
convenience store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
craft gallery (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
delicatessen	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	-	P	P	-
drug store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Land Use Matrix

Commercial Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
low intensity retail (con't)																								
flower shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
gift shop (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
jewelry store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
meat market (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
news dealer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
medical office																								
assisted living facility	-	-	-	-	-	-	-	-	-	P	-	-	S	-	-	-	-	-	-	-	-	-	-	-
dental clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-
emergency medical care clinic	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	-	-	-	-	-	-
medical clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-
optical clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-
rehabilitation clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	-	-	-	-	-	-	-	-
retirement community	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	-	-
vetrinarian clinic/hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
medium intensity retail																								
antique shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
apparel shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
arts and crafts studio/gallery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
book store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
boutique	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
building supply store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
computer sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
convenience store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
department store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
drug store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
fabric shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
furniture shop (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
garden shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
gift shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
grocery store/supermarket (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
home electronics/appliance store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
liquor sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
meat market/meat locker	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
music/media shop (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
office supply store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
party/event rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
pawn shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
pet store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
shoe sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
sporting goods store (small)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
miniture golf	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
movie theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
outdoor theater	S	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	S	-	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Land Use Matrix

Commercial Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
paintball facility (indoor only)	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	S	S	-	-	-	-	-
paintball facility	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
party/event store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
pet grooming/store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
photographic studio	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
plant nursery	-	-	-	-	P	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
print shop/copy center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
quick cash/check cashing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
race track	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	S	-	-	-	-
recreation center/play center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
resturant	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P
resturant with drive-up window	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
sexually oriented retail business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-
sexually oriented accessory retail business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	S	-	-	P	-	-	-	-
sexually oriented entertainment business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	S	-	-	-	-
shoe repair	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-
skate park	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
skating rink (indoor use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
studio arts	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P								
special handling retail																								
<i>fireworks sales</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>gun sales</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>heavy equipment sales/rental</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>hunting store</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>manufactured home sales</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
<i>semi tractor/trailer sales</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
sports field	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
stadium	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
swimming pool	P	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
tailor/pressing shop	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
tanning salon	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
tattoo/piercing parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
truck stop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
video/dvd rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Land Use Matrix

Industrial Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
assembly	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P
bio-fuel production	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
composting facility	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
distribution facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P
electric generation plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
flex-space	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P
food production/processing	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-
gavel/sand processing	-	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
hazardous waste landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
incinerator	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
junk yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
liquid fertilizer storage/distribution	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
manufacturing, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	S
manufacturing, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P
manufacturing of hazardous products	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
outdoor storage	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	S
petroleum refinement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
printing press facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-
processing of hazardous chemicals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
processing of hazardous waste	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
radio/TV station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-
recycling processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
rendering plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-
research center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	P
sanitary land fill/refuse dump	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
scrap metal yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
sewage treatment plant	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	P	-	-	-	-
sign painting/fabrication	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P
solid waste landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
solid waste processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
storage of hazardous materials	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
storage tanks (hazardous)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
storage tanks (nonhazardous)	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	-	P
telecommunication facility	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-
testing lab	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	-	-	-	S
tool and die shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P
utility facility, above ground																								
electrical generator	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-
<i>pipeline pumping station</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-
<i>public well</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-
<i>telephone exchange</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-
<i>utility substation</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	P	P	P	-	-	-
warehouse	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P
water treatment plant	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	P	P	-	-	-
welding	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
wind energy system	-	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Land Use Matrix

Institutional Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
airport, public municipal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
airport, public non-municipal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
airport, private	-	-	S	-	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-
cemetery, mausoleum	-	-	S	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	-	-
child care institution	-	-	-	-	-	-	-	-	-	-	-	-	P	P	S									
church, temple or mosque	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
community center	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
crematory	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-
government office	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
government operation (non office)	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	P	-	-	P	-
heliport, municipal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-
hospital	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-	-	-	-
jail	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
juvenile detention facility	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
library, public	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
museum	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
park, public	P	-	-	-	-	P	P	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-
parking lot, public	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	P	P
peer counseling center (non-profit)	-	-	S	-	-	-	S	S	-	-	-	-	S	P	P	P	-	-	-	-	-	-	-	-
police, fire or rescue station	-	-	P	-	-	S	S	S	S	S	S	-	P	P	-	-	-	-	-	-	-	-	P	P
pool, public	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
post office	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-
prison	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
recycling collection point	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	-	-	-	-
school (P-12)	-	-	-	-	-	S	S	S	S	S	S	-	P	P	-	-	-	-	-	-	-	-	-	-
trade or business school	-	-	-	-	-	-	-	-	-	-	-	-	P	P	S	S	S	-	S	S	-	-	-	-
university or college	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE

Residential Land Uses	Zoning Districts																							
	OP	A1	A2	A3	A4	RE	R1	R2	R3	M1	M2	MP	IN	C1	C2	C3	C4	I1	I2	I3	HI	AP1	AP2	AP3
assisted living facility	-	-	-	-	-	-	-	-	-	P	P	-	S	-	-	-	-	-	-	-	-	-	-	-
bed and breakfast	-	-	S	-	-	P	S	P	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
child care, home	-	P	P	-	-	P	P	P	P	P	-	P	-	-	-	-	-	-	-	-	-	-	-	-
dwelling, manufactured home	-	S	P	-	-	P	P	P	P	S	S	P	-	-	-	-	-	-	-	-	-	-	-	-
dwelling, mobile home	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
dwelling, multiple-family (two or three units)	-	-	-	-	-	-	-	P	S	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-
dwelling, multiple-family (four or more units)	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-
dwelling, single-family	-	S	P	-	-	P	P	P	P	S	S	P	-	-	-	-	-	-	-	-	-	-	P	-
dwelling unit (upper floors)	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-
fair housing facility (large)	-	-	-	-	-	-	-	-	-	-	S	-	P	-	-	-	-	-	-	-	-	-	-	-
fair housing facility (small)	-	S	P	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-
farmstead	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
lodging house	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-
manufactured home park	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
mobile home park	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
nursing home	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	-	-
retirement community	-	-	-	-	-	-	-	-	-	-	P	-	S	S	-	-	-	-	-	-	-	-	-	-
storage buildings: private, non-accessory	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

P = PERMITTED S = SPECIAL EXCEPTION - = USE VARIANCE