

Department of Planning Services Zoning Ordinance Amendment Application

Project Name 2025 Allen County Solar Zoning Ordinance Amendment

Applicant Department of Planning Services

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City Fort Wayne State IN

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☒ Allen County Planning Jurisdiction ☐ City of Fort Wayne Planning Jurisdiction

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Proposed Effective Date September 7, 2025

Legislative Body Allen County Commissioners

Brief Description of Zoning Ordinance Amendment
(Please attach full amendment document)

This set of Solar amendments is proposed to:

- 1) Define what is meant by Commercial Solar Energy(CSE) System;
- 2) Address design standards and other considerations for Commercial Solar Energy (CSE) Systems; and
- 3) Clarify and Update solar language based on the use of the ordinance so far.

Dave Schaab Digitally signed by Dave Schaab
DN: cn=Dave Schaab, email=dave.schaab@allencounty.us, o=Allen County, ou=Department of Planning Services

Signature of Applicant

Dave Schaab

Printed Name

5/6/2025

Date

DRAFT 2025 Allen County Zoning Ordinance Solar Amendments Summary

This set of Solar amendments is proposed to:

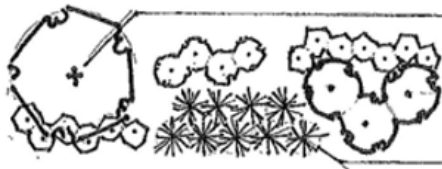
- 1) Define what is meant by Commercial Solar Energy(CSE) System;
- 2) Address design standards and other considerations for Commercial Solar Energy (CSE) Systems; and
- 3) Clarify and Update solar language based on the use of the ordinance so far.

A summary of the proposed 2025 Allen County Solar amendments is below; the proposed effective date is September 7, 2025.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
OD 1	Overlay Districts AC (3)	3-1-13-1 To create additional design standards and considerations, a new Commercial Solar Energy System Overlay District has been created.	Added the “Commercial Solar Energy System Overlay District” to the list of overlays included in the Zoning Ordinance.
SU 1	Special Uses AC (16 - 50)	3-2-3-3 et al “Solar Panel, Residential Large (ground-mounted)” is to be a Special Use, and “Solar Panel, Residential Standard (ground-mounted)” is to be a permitted use.	Added, “, residential large” in the “Solar Panel (ground-mounted)” Special Use in the A1, A3, R1, R2, R3, and MHS zoning districts.
ACC 1	Accessory Buildings, Structures and Uses AC (17 et al)	3-2-3-4 et al Solar Panel, Residential Standard (ground-mounted) is not listed in the Residential Accessory Buildings, Structures, and Uses Table.	Added “Solar panel, residential standard (ground-mounted)” to the Residential Accessory Buildings, Structures, and Uses Table in all zoning districts.
ACC 2	Accessory Buildings, Structures and Uses AC (17 et al)	3-2-3-4 et al Solar Panel, Nonresidential Standard (ground-mounted) is not listed in the Religious Institution Accessory Buildings, Structures, and Uses Table.	Added “Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾ ” to the Religious Institution Accessory Buildings, Structures, and Uses Table in all zoning districts.
DS 1	Development Standards AC (18 – 52)	Development standards for residential solar panels (ground mounted) are not clear.	Added, “Residential ground mounted solar panels shall meet primary building setbacks” as a Note to the front yard, side yard, and rear yard Development Standards Table Sections.

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DS 2	Development Standards AC (63 – 139)	Development standards for nonresidential solar panels (ground mounted) are not clear.	Added, “Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height” as a Note to the height, front yard, side yard, and rear yard Development Standards Table Sections.
SU 2	Special Uses AC (61- 137)	Solar Panel, Nonresidential Large (ground-mounted) will require a Development Plan to ensure compatibility with surrounding areas.	Removed, “Solar Panel (ground-mounted)” Special Use in the C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 zoning districts.
DPS 1	Development Processes and Standards AC (141)	Commercial Solar Energy System Overlay District is not included in the Development Plan Requirements.	Added, “Commercial Solar Energy System Overlay District” to the “When Required” table of the Development Plan Section of the Zoning Ordinance.
DPS 2	Development Processes and Standards AC (141)	Solar Panel, Nonresidential (ground-mounted) is not included in the Development Plan Requirements.	Added, “Projects proposing nonresidential large ground mounted solar panels, or projects requesting a waiver from one or more ordinance standards of nonresidential standard ground mounted solar panels” to the “When Required” table of the Development Plan Section of the Zoning Ordinance.
LS 1	Landscape Standards AC (206)	3-4-8-4 (b) (4) There are no Landscape Standards for Nonresidential Solar Panel (ground-mounted)	Added Nonresidential Solar Panel (ground-mounted) to the B2 landscape code as a requirement.
LS 2	Landscape Standards AC (206)	3-4-8-4 (b) (6) There are no Landscape Standards for Commercial Solar Energy System Overlay Districts	Added landscape code for Commercial Solar Energy System Overlay Districts to the Landscape Standards Section of the Zoning Ordinance.
LS 3	Landscape Standards AC (207)	3-4-8-4 (b) (7) There are no Landscape Standards for Solar Panel, Nonresidential (ground-mounted)	Added Nonresidential Solar Panel (ground-mounted) to the B2 landscape code and the Note “(1) Code B-2 shall always be required to screen Nonresidential Solar Panel (ground mounted).”

Draft Summary of Amendments

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments				
LS 4	Landscape Standards AC (215)	3-4-8-4 (b) (16) There are no Landscape Standards for Commercial Solar Energy System Overlay Districts	Added the landscape code CSE-1 for Commercial Solar Energy System Overlay Districts to the Landscape Standards Section of the Zoning Ordinance.				
		CSE SYSTEM OVERLAY DISTRICT BUFFER YARD STANDARDS CODE CSE-1 CSE System Overlay District adjacent to public street, private access drive, or residential district <table><tr><th>WIDTH</th><th>TREES (per 100 linear feet of required buffer area)</th><th>SHRUBS (per 100 linear feet of required buffer area)</th></tr><tr><td>50'</td><td>1 shade tree (minimum 2" caliper installed) 9 evergreen trees (minimum 4' height installed) 3 ornamental trees (minimum 6' height installed)</td><td>17 medium to large shrubs (minimum 24"-36" height installed)</td></tr></table>  Shade Tree Medium to Large Shrub – spaced 6 to 8 ft o.c. Small to Medium Flowering Tree – spaced 15 to 20 ft o.c. Evergreen Tree – spaced maximum 8 ft o.c.		WIDTH	TREES (per 100 linear feet of required buffer area)	SHRUBS (per 100 linear feet of required buffer area)	50'
WIDTH	TREES (per 100 linear feet of required buffer area)	SHRUBS (per 100 linear feet of required buffer area)					
50'	1 shade tree (minimum 2" caliper installed) 9 evergreen trees (minimum 4' height installed) 3 ornamental trees (minimum 6' height installed)	17 medium to large shrubs (minimum 24"-36" height installed)					
CSES 1	Commercial Solar Energy System Overlay District AC (289)	3-4-14 To create additional design standards and considerations, new Commercial Solar Energy System Overlay District was added.	Added additional design standards and considerations for the Commercial Solar Energy System Overlay District to the Zoning Ordinance.				
PRO 1	Procedures AC (307)	3-5-3-4 (a) Special Use Zoning Districts in the Special Uses Table need to be updated accordingly.	Updated Special Uses Table Accordingly.				
DEF 1	Board of Commissioners AC (343)	3-5-6-2 “Board of Commissioners” and “Commissioners” definitions do not point to each other.	Added “(see “Commissioners”)” to the definition of Board of Commissioners. Moved definition of Board of Commissioners.				
DEF 2	Commercial Solar Energy System AC (349)	3-5-6-2 There is no definition for “Commercial Solar Energy System (CSE System)” in the Zoning Ordinance.	Added “Commercial Solar Energy (CSE) System: A Commercial Solar Energy System (CSE System) that captures and converts solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. This term includes solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, solar monitoring stations, parking areas, staging areas, outdoor storage areas, maintenance areas, accessory equipment or structures, and Utility Scale Battery Energy Storage Systems.” to the Zoning Ordinance.				

Draft Summary of Amendments			
No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF 3	Commission AC (349)	3-5-6-2 “Commission” definition does not reference the Commercial Solar Energy System Overlay District.	Added “For purposes of Development Plan Decisions in the Commercial Solar Energy System Overlay District, the Commission shall be the “permit authority” under I.C. 8-1-42, et seq.” to the Zoning Ordinance.
DEF 4	Commissioners AC (349)	3-5-6-2 “Board of Commissioners” and “Commissioners” do not point to each other. “Commissioners” definition does not reference the Commercial Solar Energy System Overlay District.	Added “Commissioners: The Board of Commissioners of the County of Allen. For purposes of Rezoning Decisions in the Commercial Solar Energy System Overlay District for a Zone Map Amendment, the Commissioners shall be the “permit authority” under I.C. 8-1-42, et seq.”
DEF 5	Solar Panel (building mounted) AC (397)	3-5-6-2 There is no definition for “Solar Panel (building mounted)” in the Zoning Ordinance.	Added “Solar Panel (building-mounted): A building-mounted solar panel or a combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels shall be associated with and accessory to a permitted primary building. Shall also include solar panels that float on water.” to the Zoning Ordinance.
DEF 6	Solar Panel, Nonresidential Large (ground-mounted) AC (397)	3-5-6-2 There is no definition for “Solar Panel, Nonresidential Large (ground mounted)” in the Zoning Ordinance.	Added “Solar Panel, Nonresidential Large (ground-mounted): A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building, exceed a ground coverage of 100,000 square feet, and be compatible with surrounding areas.” to the Zoning Ordinance.

Draft Summary of Amendments

No.	Keyword/Reference AC/FW	Issue	Proposed Amendments
DEF 7	Solar Panel, Nonresidential Standard (ground-mounted) AC (397)	3-5-6-2 There is no definition for “Solar Panel, Nonresidential Standard (ground mounted)” in the Zoning Ordinance.	Added “Solar Panel, Nonresidential Standard (ground-mounted): A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building and be equal to or less than a ground coverage of 100,000 square feet.” to the Zoning Ordinance.
DEF 8	Solar Panel, Residential Large (ground-mounted) AC (397)	3-5-6-2 There is no definition for “Solar Panel, Large (ground mounted)” in the Zoning Ordinance.	Added “Solar Panel, Residential Large (ground-mounted): A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels or a combination of panels shall be associated with and accessory to a permitted primary building and shall exceed a ground coverage of 6,000 square feet.” to the Zoning Ordinance.
DEF 9	Solar Panel, Residential Standard (ground-mounted) AC (397)	3-5-6-2 Clarification is needed to distinguish the difference between “Solar Panel, Residential Large (ground-mounted)” and “Solar Panel, Residential Standard (ground-mounted)”	Added, “, Standard” to the “Solar Panel (ground-mounted)” removed, “shall exceed a total of 500 panels per parcel,” replaced, “shall not exceed” with “be equal to or less than” and changed, “20,000” to “6,000” in the definition.
DEF 10	Utility Scale Battery Energy Storage System (BESS) AC (405)	3-5-6-2 There is no definition for “Utility Scale Battery Energy Storage System (BESS)” in the Zoning Ordinance.	Added “Utility Scale Battery Energy Storage System (BESS): an energy storage system (as defined in NFPA 855) that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage.” to the Zoning Ordinance.

ALLEN COUNTY ZONING ORDINANCE

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Chapter 10 Graphics, Headings, and Illustrations

- 3-1-10-1 To aid in the creation of standards that are reasonable, clear and precise, this ordinance includes diagrams, graphics, illustrations, images, and tables to help show the applicability, **use**, and intent of the relevant standards. The accompanying ordinance text is also intended to explain the standard that the diagram, graphic, or illustration is showing. If there is a conflict between the text and a diagram, graphic, or illustration, the text shall override the diagram, graphic, or illustration.

Chapter 11 Interpretation

- 3-1-11-1 In cases where the provisions of this ordinance require interpretation, such interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission, Board of Zoning Appeals**, definitions used in State or Federal law, or other **Department of Planning Services** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

Chapter 12 Minimum Requirements

- 3-1-12-1 Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **County**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **County**.

Chapter 13 Overlay Districts

- 3-1-13-1 This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource. Overlay **districts** shall include the **Airport Overlay Districts** and **Commercial Solar Energy System Overlay District**.

Chapter 14 Relation to Plans

- 3-1-14-1 In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

Chapter 15 Relation to Other Laws and Regulations

- 3-1-15-1 (a) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.

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- (39) **Recreation facility;**
 - (40) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (41) **Residential facility for a court-ordered re-entry program;**
 - (42) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (43) **Riding stable, nonresidential** (on a **lot** with no residential **building**; the stable shall be located on a **tract** of at least five (5) acres);
 - (44) **Sanitary landfill** (see A.C.C. 3-5-3-4(c)(7) for additional standards);
 - (45) **Sawmill** for the cutting and processing of lumber grown on-site (any saw or other machinery shall be located at least one hundred (100) feet from any **lot line**);
 - (46) **Shooting range** (indoor or outdoor archery, firearm, skeet, trap, or similar);
 - (47) **Sign** (temporary **subdivision** direction);
 - (48) **Solar panel, residential large (ground-mounted);**
 - (49) **Solid waste transfer station** (see A.C.C. 3-5-3-4(c)(8) for additional standards);
 - (50) **Stadium/racetrack;**
 - (51) **Storage building** (as a **primary building**);
 - (52) **Two family dwelling** (to allow conforming status for existing nonconforming **uses**, and to also allow new **two family dwellings**);
 - (53) **Utility facility, private** (not otherwise permitted or exempt);
 - (54) **Veterinary clinic** (any pen or run shall be located at least one hundred (100) feet from any **lot line**);
 - (55) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height);
 - (56) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent** to platted **lots** or **residential zoning districts**); and
 - (57) **Winery.**
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-3-4 Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall/gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution-related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-3-5

Development Standards

- (a) The standards in the following table shall apply in the A1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted; one primary single family detached residential building per lot, plus: Either one Type III manufactured home , or one freestanding single family dwelling unit	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
Public sewer	75'
Private sewage disposal	120'
Front yard ^{(7) (8)}	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 120' wide; 7' if the lot is less than 120' wide
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building (7) <u>Residential ground mounted solar panels shall meet primary building setbacks</u> (6)(8) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

- (29) **Solar panel, residential large (ground-mounted);**
 - (30) **Two family dwelling** (to allow conforming status for existing nonconforming uses, and to also allow new **two family dwellings**);
 - (31) **Utility facility, private** (not otherwise permitted or exempt);
 - (32) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height); and
 - (33) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent** to platted **lots** or **residential zoning districts**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-4-4 Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-4-5

Development Standards

- (a) The standards in the following table shall apply in the A3 **district**; all standards are minimum standards unless otherwise noted (table continues onto next page).

A3 ESTATES DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted: one primary single family detached residential building per lot, plus: One freestanding single family dwelling unit	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer	40,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
All lots	150'
Front yard ^{(7) (8)}	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

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A3 ESTATES DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot	15'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', to a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building (7) <u>Residential ground mounted solar panels shall meet primary building setbacks</u> (6)(8) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

- (18) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (19) **Instruction/training/education (transitional use)**;
 - (20) **Live-work unit (transitional use)**;
 - (21) **Manufactured home, Type II and Type III** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (22) **Medical office (transitional use)**;
 - (23) **Model home** (for extension of time or expansion of scope);
 - (24) **Museum**;
 - (25) **Nature preserve** (that includes a **structure** or **parking area**);
 - (26) **Neighborhood facility**;
 - (27) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (28) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (29) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
 - (30) **Recreation use**, outdoor (**athletic field**, **riding stable**, **swim club**, **tennis club**);
 - (31) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (32) **Residential facility for a court-ordered re-entry program**;
 - (33) **Residential facility for homeless individuals** (for up to eight (8) individuals; the facility shall be located a minimum of 3,000 feet from a **small group residential facility**, a **large group residential facility**, a court-ordered re-entry program residential facility, or another **residential facility for homeless individuals**, as measured from the closest property lines of the facilities);
 - (34) **Sign** (temporary **subdivision** direction);
 - (35) **Solar panel**, **residential large** (ground mounted);
 - (36) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (37) **Studio (transitional use)**;
 - (38) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
 - (39) **Utility facility, private** (not otherwise permitted or exempt);
 - (40) **Wind energy conversion system, micro** (for **single family detached dwellings** on unplatted land); and
 - (41) **Wind energy conversion system, standard** (for **fire/police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-6-4

Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-6-5

Development Standards

- (a) The standards in the following table shall apply in the R1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer (interior lot)	6,000
Public sewer (corner lot)	8,500
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line unless otherwise stated)	
Public sewer (interior lot)	50' (25' at front lot line)
Public sewer (corner lot)	70'
Private sewage disposal	120'
Front yard ^{(3) (7) (8)}	
Platted lot	25' (or platted building line setback, whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

ALLEN COUNTY ZONING ORDINANCE

R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences or walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure (except for fences or walls) shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools <u>(6) If located behind the primary building</u> <u>(7) Residential ground mounted solar panels shall meet primary building setbacks</u> <u>(6)(8) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

- (16) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
 - (17) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (18) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (19) **Instruction/training/education (transitional use)**;
 - (20) **Live-work unit (transitional use)**;
 - (21) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (22) **Medical office (transitional use)**;
 - (23) **Model home** (for extension of time or expansion of scope);
 - (24) **Multiple Family Dwelling (transitional use**, up to ten (10) units, see multiple family **building** and complex perimeter **setback** and **building** separation requirements in R3 **district** (A.C.C. 3-2-8-5 (a)));
 - (25) **Museum**;
 - (26) **Nature preserve** (that includes a **structure** or **parking area**);
 - (27) **Neighborhood facility**;
 - (28) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (29) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (30) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
 - (31) **Recreation use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);
 - (32) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (33) **Residential facility for a court-ordered re-entry program**;
 - (34) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (35) **Sign** (temporary **subdivision** direction);
 - (36) **Solar panel**, **residential large** (ground mounted);
 - (37) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (38) **Studio (transitional use)**;
 - (39) **Utility facility, private** (not otherwise permitted or exempt);
 - (40) **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land** only); and
 - (41) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

Accessory Building, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-7-4

Development Standards

- (a) The standards in the following table shall apply in the R2 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page):

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	40'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50' (25' at front lot line)	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard ⁽³⁾ (7) (8)		
Platted lot	25' (or platted building line setback , whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

ALLEN COUNTY ZONING ORDINANCE

R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building (7) <u>Residential ground mounted solar panels shall meet primary building setbacks</u> (6)(8) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

- (29) **Professional office/business service (transitional use, excluding bank, credit union, loan office, or savings and loan);**
 - (30) **Recreation use, outdoor (athletic field, riding stable, swim club, tennis club);**
 - (31) **Religious institution or non-public school illuminated athletic field(s);**
 - (32) **Residential facility for a court-ordered re-entry program;**
 - (33) **Residential facility for homeless individuals (for up to eight (8) individuals);**
 - (34) **Sign (temporary subdivision direction);**
 - (35) **Solar panel, residential large (ground mounted);**
 - (36) **Subdivision clubhouse, meeting hall, neighborhood center, or swim/tennis facility (if not previously approved as part of the subdivision);**
 - (37) **Studio (transitional use);**
 - (38) **Utility facility, private (not otherwise permitted or exempt);**
 - (39) **Wind energy conversion system, micro (for single family detached dwellings on unplatted land only); and**
 - (40) **Wind energy conversion system, standard (for fire/police station, public park/recreation area, religious institution, or school uses; or unplatted residential land over five (5) acres).**
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-8-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted, as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-8-5

Development Standards

- (a) The standards in the following table shall apply in the R3 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page):

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS		
Building size (square feet)		
Single family dwelling	700 ⁽¹⁾	
Accessory structures	Total square footage shall be less than the primary building	
Number of buildings permitted on a lot		
One primary residential building per lot (multiple primary residential buildings shall be permitted if approved by the Plan Commission as part of a Development Plan)		
Multiple primary nonresidential buildings are permitted per lot		
Height (maximum) ⁽²⁾		
Accessory building	25'	
Primary building	60'	
Lot area (square feet)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	6,000	3,000
Public sewer (corner lot)	8,500	6,000
Private sewage disposal	87,120 (2 acres)	
Lot width (at front building line and at front lot line unless otherwise stated)		
	Detached Single Family Dwelling	Attached Single Family Dwelling
Public sewer (interior lot)	50' (25' at front lot line)	25'
Public sewer (corner lot)	70'	50'
Private sewage disposal	120'	
Front yard ^{(3),(7),(8)}		
Platted lot	25' (or platted building line setback, whichever is greater)	
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement	
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)	
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback	
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)	

ALLEN COUNTY ZONING ORDINANCE

R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot Private sewage disposal Public sewer	15' 5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' if adjacent to a collector or arterial street
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Multiple family building and complex perimeter setback	
One story building	25'
Two story building	30'
Three story or above building	40'
Multiple family complex building separation	
Multiple family building	25' (separation from any other primary multiple family building)
Condominium building	10' (side yard separation from the side of another primary single or two family building)
Townhouse building	10' (separation from the side of another primary townhouse building) 20' (separation from the front or rear of another primary townhouse building)
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions. (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard, if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building (7) <u>Residential ground mounted solar panels shall meet primary building setbacks</u> (6)(8) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

- (16) **Heliport** (private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
 - (17) **Home business** (see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (18) **Homeless shelter** (accessory to a **religious institution**, for up to eight (8) individuals);
 - (19) **Instruction/training/education (transitional use)**;
 - (20) **Live-work unit (transitional use)**;
 - (21) **Medical office (transitional use)**;
 - (22) **Model home** (for extension of time or expansion of scope);
 - (23) **Museum**;
 - (24) **Nature preserve** (that includes a **structure** or **parking area**);
 - (25) **Neighborhood facility**;
 - (26) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (27) **Personal service (transitional use**, excluding copy/duplicating service, **health club**/fitness center, or social service agency);
 - (28) **Professional office/business service (transitional use**, excluding **bank**, **credit union**, **loan office**, or **savings and loan**);
 - (29) **Recreation use**, outdoor (**athletic field**, **riding stable**, **swim club**, **tennis club**);
 - (30) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (31) **Residential facility for a court-ordered re-entry program**;
 - (32) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (33) **Sign** (temporary **subdivision** direction);
 - (34) **Solar panel**, **residential large** (ground mounted);
 - (35) **Subdivision clubhouse**, **meeting hall**, **neighborhood center**, or swim/tennis facility, if not previously approved as part of the **subdivision**;
 - (36) **Studio (transitional use)**;
 - (37) **Two family dwelling** (to allow conforming status for existing **nonconforming uses**);
 - (38) **Utility facility, private** (not otherwise permitted or exempt);
 - (39) **Wind energy conversion system, micro** (for **single family detached dwellings** on **unplatted land** only); and
 - (40) **Wind energy conversion system, standard** (for **fire/police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five (5) acres).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-10-4 Accessory Buildings, Structures, and Uses

Accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution-related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Notes: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-10-5

Development Standards

- (a) The standards in the following table shall apply in the MHS **district**; all are minimum standards unless otherwise noted (table continues onto the next page).

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum)⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer (interior lot)	6,000
Public sewer (corner lot)	8,500
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line unless otherwise stated)	
Public sewer (interior lot)	50' (25' at front lot line)
Public sewer (corner lot)	70'
Private sewage disposal	120'
Front yard⁽³⁾ (7)(8)	
Platted lot	25' (or platted building line setback , whichever is greater)
Unplatted lot if adjacent to : Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 25' from the street right-of-way 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	At each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

ALLEN COUNTY ZONING ORDINANCE

MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot	
Private sewage disposal	15'
Public sewer	5'
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools (6) If located behind the primary building (7) <u>Residential ground mounted solar panels shall meet primary building setbacks</u> (6)(8) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

3-2-11-3 Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Access ramp	Hedge	Satellite dish
Address marker	Holiday decorations	Sign
Arbor or pergola	Landscape elements	Solar panels (building mounted)
Bird bath	Mailbox	Swimming pool
Bird house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill or fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution -related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Notes:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-11-4

Development Standards

- (a) The standards in the following table shall apply in the MHP **district**; all are minimum standards unless otherwise noted.

MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Height (maximum) ⁽¹⁾	
Accessory building	25'
Primary building	40'
Front yard ^{(2) (3)}	
Standard lot	5'
Through lot	5' (minimum yard at both ends of the lot)
Side yard ^{(2) (3)}	
Standard lot	5'
Rear yard ^{(2) (3)}	
Standard lot	5'
Manufactured home park perimeter setback	
50'	
Manufactured home park building separation	
5' (separation from any other primary building)	
Notes:	
<u>(1)</u> (1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions <u>(2)</u> Residential ground mounted solar panels shall meet primary building setbacks <u>(4)(3)</u> Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height	

ALLEN COUNTY ZONING ORDINANCE

3-2-12-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Animal service**, indoor;
 - (2) **Automatic teller machine (ATM)** (stand-alone);
 - (3) **Club, private**;
 - (4) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (5) **Community garden** that includes a **structure**;
 - (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (8) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (9) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (10) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (12) **Parking area** (as a **primary use**, a **special use** shall not be required for a universally permitted **off-site parking area**);
 - (13) **Recreation use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);
 - (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (15) **Residential facility for a court-ordered re-entry program**;
 - (16) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (17) Retail: **art gallery**, **bakery** goods, **coffee shop**, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich **shop**, tea room (this **special use** shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2,500 square feet; **drive-through facilities** shall not be permitted as part of this **special use**);
 - (18) **Sign** (temporary **subdivision** direction);
 - ~~(19) **Solar panel (ground mounted)**;~~
 - ~~(20)~~(19) **Tattoo establishment**;
 - ~~(21)~~(20) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(22)~~(21) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(23)~~(22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-12-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution -related items)
	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-12-5

Development Standards

- (a) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) <u>Residential ground mounted solar panels shall meet primary building setbacks</u>			
(3) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>			

ALLEN COUNTY ZONING ORDINANCE

3-2-13-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service);**
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Gas station;**
 - (5) **Greenhouse** (retail);
 - (6) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (7) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (8) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (9) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Outdoor use** (in conjunction with a permitted **primary use**);
 - (12) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (13) **Plant nursery;**
 - (14) **Recreation area**, including accessory **recreation areas**;
 - (15) **Recreation facility** (if **adjacent** to a **residential district**);
 - (16) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (17) **Residential facility for a court-ordered re-entry program**;
 - (18) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (19) **Shooting range** (indoor);
 - (20) **Sign** (temporary **subdivision** direction);
 - ~~(21) **Solar panel (ground mounted);**~~
 - ~~(22)~~(21) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(23)~~(22) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(24)~~(23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-13-4 Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	Yard light
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution-related items)
	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-13-5

Development Standards

- (a) The standards in the following table shall apply in the C2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C2 LIMITED COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15(Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-14-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service);**
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Gas station;**
 - (5) **Greenhouse** (retail);
 - (6) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (7) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4-(c)(2) for additional standards);
 - (8) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (9) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Outdoor use** (in conjunction with a permitted **primary use**);
 - (12) **Parking area** (as a primary use, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (13) **Plant nursery;**
 - (14) **Recreation area**, including accessory **recreation areas**;
 - (15) **Recreation facility** (if **adjacent** to a **residential district**);
 - (16) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (17) **Residential facility for a court-ordered re-entry program**;
 - (18) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (19) **Sign** (temporary **subdivision** direction);
 - ~~(20) **Solar panel (ground mounted);**~~
 - ~~(21)~~(20) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(22)~~(21) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(23)~~(22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-14-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution-related items)
	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-14-5

Development Standards

- (a) The standards in the following table shall apply in the NC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

NC NEIGHBORHOOD CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure		75'	
Front yard ^{(2) (3)}			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-15-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Automobile maintenance (quick service);**
 - (2) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (4) **Greenhouse** (retail);
 - (5) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (6) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (7) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (8) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (9) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (10) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (11) **Plant nursery**;
 - (12) **Recreation area**, including accessory **recreation areas**;
 - (13) **Recreation facility** (if **adjacent** to a **residential district**);
 - (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (15) **Residential facility for a court-ordered re-entry program**;
 - (16) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (17) **Shooting range** (indoor);
 - (18) **Sign** (temporary **subdivision** direction);
 - ~~(19) **Solar panel (ground mounted)**;~~
 - ~~(20)~~(19) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(21)~~(20) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(22)~~(21) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-15-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution -related items)
	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-15-5

Development Standards

- (a) The standards in the following table shall apply in the SC **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

SC SHOPPING CENTER DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			50'
Through lot			50' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
<u>(1)</u> See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions <u>(2)</u> Residential ground mounted solar panels shall meet primary building setbacks <u>(4)(3)</u> Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-16-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (4) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (5) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (6) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**) a special use shall not be required for a universally permitted off-site parking area;
 - (9) **Recreation use**, outdoor (amusement park, go-cart facility, **stadium/race track**, and water park, only; if **adjacent** to a **residential district**);
 - (10) **Residential facility for a court-ordered re-entry program**;
 - (11) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (12) **Sign** (temporary **subdivision** direction);
 - ~~(13) **Solar panel (ground-mounted)**;~~
 - ~~(14)~~(13) **Tree service**;
 - ~~(15)~~(14) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(16)~~(15) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(17)~~(16) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-16-4 Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution-related items)
	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-16-5

Development Standards

- (a) The standards in the following table shall apply in the C3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C3 GENERAL COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure		75'	
Front yard ^{(2) (3)}			
Non-through lot		35'	
Through lot		35' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-17-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (3) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (4) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (5) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (6) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (7) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (8) **Parking area** (as a **primary use**, if **adjacent** to a **residential district**; a special use shall not be required for a universally permitted off-site parking area);
 - (9) **Recreation use**, outdoor (amusement park, go-cart facility, **stadium/race track**, and water park, only; if **adjacent** to a **residential district**);
 - (10) **Residential facility for a court-ordered re-entry program**;
 - (11) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (12) **Shooting range** (outdoor);
 - (13) **Sign** (temporary **subdivision** direction);
 - ~~(14) **Solar panel (ground mounted)**;~~
 - ~~(15)~~(14) **Tree service**;
 - ~~(16)~~(15) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(17)~~(16) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(18)~~(17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-17-4 Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution-related items)
	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-17-5

Development Standards

- (a) The standards in the following table shall apply in the C4 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C4 INTENSIVE COMMERCIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			35'
Through lot			35' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 in Development Standards Waivers and Exceptions for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 Residential Impact Mitigation and A.C.C. 3-4-11 Airport Overlay Districts for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-21-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
 - (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(5) for additional standards);
 - (2) Illuminated **recreation field** (if **adjacent** to a **residential district**);
 - (3) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (4) **Sign** (temporary **subdivision** direction);
 - ~~(5) **Solar panel (ground-mounted)**;~~
 - ~~(6)~~(5) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - ~~(7)~~(6) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-21-4 Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution -related items)
	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-21-5

Development Standards

- (a) The standards in the following table shall apply in the **BTI district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure		75'	
Front yard ^{(2) (3)}			
Non-through lot		50'	
Through lot		50' at each end of the lot	
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback	
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-22-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) Contractor (construction, excavation, landscape, tree service);
 - (3) Dairy/creamery;
 - (4) **Equipment rental (general)**;
 - (5) **Gas station**;
 - (6) **Group residential facility** (large) (if **adjacent** to a residential **district**);
 - (7) Growing/processing/raising of natural products;
 - (8) Illuminated **recreation field** (if **adjacent** to a residential **district**);
 - (9) Metal and plastic extrusion and molding facility;
 - (10) Metal cutting facility;
 - (11) Metal fabricating facility;
 - (12) Metal processing facility (anodizing, buffing, galvanizing, plating, and polishing);
 - (13) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (14) **Parking area** (as a primary use, if **adjacent** to a residential **district**; a special use shall not be required for a universally permitted **off-site parking area**);
 - (15) Processing facility (small scale);
 - (16) **Residential facility for a court-ordered re-entry program**;
 - (17) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a residential **district**);
 - (18) Sheet metal fabrication and/or processing;
 - (19) **Sign** (temporary **subdivision** direction);
 - ~~(20) **Solar panel (ground-mounted)**;~~
 - ~~(21)~~(20) **Wind energy conversion system, micro** (on land **adjacent** to a residential **district**, or to erect an additional micro system or systems); and
 - ~~(22)~~(21) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a residential **district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-22-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution -related items)
	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-22-5

Development Standards

- (a) The standards in the following table shall apply in the I1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) <u>Residential ground mounted solar panels shall meet primary building setbacks</u>			
(4)(3) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>			

ALLEN COUNTY ZONING ORDINANCE

3-2-23-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) Animal **slaughter house** (outdoor);
 - (2) **Automobile service, general**;
 - (3) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (4) Fuel **storage** facility;
 - (5) **Gas station**;
 - (6) **Group residential facility** (large) (if **adjacent** to a residential **district**);
 - (7) Illuminated **recreation field** (if **adjacent** to a **residential** district);
 - (8) **Junk yard** (outdoor);
 - (9) **Motor vehicle storage yard**;
 - (10) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (11) **Parking area** (as a primary use, if **adjacent** to a residential **district**); a **special use** shall not be required for a universally permitted **off-site parking area**;
 - (12) Parking or **outdoor display** area, gravel (not otherwise permitted);
 - (13) Processing facility for: animals (includes skins, hides, or reduction of animal matter; outdoor) or animal products (outdoor);
 - (14) **Residential facility for a court-ordered re-entry program**;
 - (15) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (16) **Salvage yard** (outdoor);
 - (17) **Sawmill**;
 - (18) **Sign** (temporary **subdivision** direction);
 - ~~(19) **Solar panel (ground-mounted)**;~~
 - ~~(20)~~(19) **Solid waste transfer station** (see A.C.C. 3-5-3-4(c)(8) for additional standards);
 - ~~(21)~~(20) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - ~~(22)~~(21) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-23-4

Accessory Buildings, Structures and Uses

The noted **accessory buildings, structures, and uses** shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note: (1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building , including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent , parsonage, rectory, or similar residence
Greenhouse	Donation site/ recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution -related items)
	<u>Solar panel, nonresidential standard (ground-mounted)</u> ⁽¹⁾
Tree house	Storage Building ⁽¹⁾
Note: (1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-23-5

Development Standards

- (a) The standards in the following table shall apply in the I2 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

3-2-24-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (2) **Group residential facility** (large) (if **adjacent** to a **residential district**);
 - (3) **Illuminated recreation field** (if **adjacent** to a **residential district**);
 - (4) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (5) **Open use of land** (not otherwise permitted);
 - (6) **Parking or outdoor display area**, gravel (not otherwise permitted);
 - (7) **Residential facility for a court-ordered re-entry program**;
 - (8) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (9) **Sign** (temporary **subdivision** direction);
 - ~~(10) Solar panel (ground-mounted);~~
 - ~~(11)~~(10) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems); and
 - ~~(12)~~(11) **Wind energy conversion system, standard** (on land of under two (2) acres, or on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

3-2-24-4

Accessory Buildings, Structures and Uses

The noted accessory buildings, structures, and uses shall be permitted as set forth below:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit ⁽¹⁾	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	
Note:		
(1) Integrated accessory dwelling units only. Freestanding accessory dwelling units are not permitted.		

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall and gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Donation site/recycling collection point ⁽¹⁾
Grill or fire pit	Dumpster ⁽¹⁾
4H/similar indoor small animal project	Family counseling or education
Home occupation	Food bank
Hot tub, Jacuzzi, or spa	Maintenance building
Shed	Outdoor events (short-term)
Smoke house/oven (outdoor)	Performances (indoor)
<u>Solar panel, residential standard (ground-mounted)</u>	Shop (for sale of religious institution-related items)
	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Note:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

3-2-24-5

Development Standards

- (a) The standards in the following table shall apply in the I3 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

I3 INTENSIVE INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			50'
Through lot			50' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) Residential ground mounted solar panels shall meet primary building setbacks			
(4)(3) Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height			

ALLEN COUNTY ZONING ORDINANCE

ARTICLE 3 – DEVELOPMENT PROCESSES AND STANDARDS

Chapter 1 Development Plans

3-3-1-1 Purpose

The Development Plan process is intended to:

- (a) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**; and
- (b) Allow for public, **Commission** and staff review of and input on the site layout, access and circulation, and **development** quality of certain **development** proposals, the potential impacts of those proposals on surrounding areas, and the ability of the **County** and other governmental or quasi-governmental entities to provide public services required by those **developments**.

3-3-1-2 When Required

- (a) A Development Plan application shall be submitted and approved when an applicant is proposing the types of **development** indicated in the following table. If a Secondary Development Plan is not required, an administrative Site Plan Review process will generally be required following the Primary Development Plan approval.

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Rezoning (when accompanied by a specific development project proposal, for which the applicant is requesting Plan Commission approval)	✓	
Projects proposing more than one new primary building on a single lot or development site	✓	✓
Projects proposing the phased construction of infrastructure or streets	✓	✓
<u>Commercial Solar Energy System Overlay District</u>	<u>✓</u>	<u>✓</u>
<u>Projects proposing nonresidential large ground mounted solar panels, or projects requesting a waiver from one or more ordinance standards of nonresidential standard ground mounted solar panels</u>	<u>✓</u>	
Projects requesting a waiver from one or more ordinance standards	✓	

- (b) In addition to the provisions above, an applicant or **lot owner** may choose to voluntarily submit a project or **development** through the Development Plan process.

ALLEN COUNTY ZONING ORDINANCE

- (4) The following landscape codes shall be applicable to the noted **building** types and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS			
Building Type		Landscape Code, if Adjacent To:	
		Residential districts	Nonresidential districts
Office, Personal Service, or Other C1 Use Building		B-1	No requirement
Commercial, Retail, Industrial, <u>Nonresidential Solar Panel (ground mounted)</u> , or Universally Permitted Use Building		B-2	No requirement
Multiple Family Building/Complex, or Manufactured Home Park		B-3	B-4
Nonresidential Outdoor Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-7
	Other activity area	A-3	A-8
	Storage area	A-4	No requirement
	Eating/drinking/smoking area	A-5	No requirement
	Home Industry Outdoor Storage Area	A-6	No requirement

- (5) The following landscape codes shall be applicable to the noted **parking area** situations:

LANDSCAPE CODES – PARKING AND OUTDOOR DISPLAY AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas more than 50 spaces (shall not apply to outdoor display areas)	P-4

- (6) The following landscape code shall be applicable to the Commercial Solar Energy System Overlay District:

<u>LANDSCAPE CODES – COMMERCIAL SOLAR ENERGY SYSTEM OVERLAY DISTRICT</u>	
<u>Site Situation</u>	<u>Landscape Code</u>
<u>Adjacent to public street, private access drive, or residential district</u>	<u>CSE-1</u>

ALLEN COUNTY ZONING ORDINANCE

- (7) The following Code B-1 **buffer yard** standard shall apply if an office, **personal service**, or other C1 use building is **adjacent** to a **residential district**:

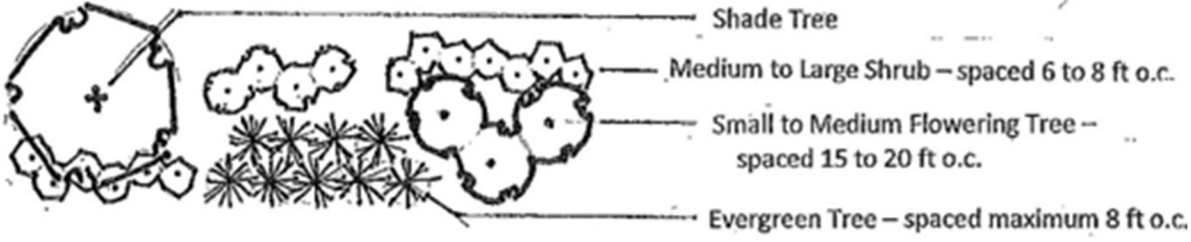
BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office, Personal Service, or Other C1 Use Building Adjacent to a Residential District		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25'; a minimum of 3 per façade up to 50% ornamental trees may be used	50% large shrub buffer in groups of at least five
PLAN ELEVATION		

- (8) The following Code B-2 **buffer yard** standard shall apply if a commercial, retail, industrial or **universally permitted use building** is **adjacent** to a **residential district**:

BUILDING BUFFER YARD STANDARDS		
CODE B-2		
Commercial, Retail, Industrial <u>Nonresidential Solar Panel (ground mounted)</u> , or Universally Permitted Use Building Adjacent to a Residential District		
WIDTH	TREES (Per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20'; a minimum of 5 per façade	50% large shrub buffer in groups of at least five
PLAN ELEVATION		
<u>(1) Code B-2 shall always be required to screen Nonresidential Solar Panel (ground mounted).</u>		

ALLEN COUNTY ZONING ORDINANCE

- (16) The following Code CSE-1 Commercial Solar Energy System Overlay District landscaping standard shall apply if the Commercial Solar Energy System is adjacent to a public street, private access drive, or a residential district:

<u>CSE SYSTEM OVERLAY DISTRICT BUFFER YARD STANDARDS</u>		
<u>CODE CSE-1</u>		
<u>CSE System Overlay District adjacent to public street, private access drive, or residential district</u>		
<u>WIDTH</u>	<u>TREES</u> <u>(per 100 linear feet of required buffer area)</u>	<u>SHRUBS</u> <u>(per 100 linear feet of required buffer area)</u>
<u>50'</u>	<u>1 shade tree (minimum 2" caliper installed)</u> <u>9 evergreen trees (minimum 4' height installed)</u> <u>3 ornamental trees (minimum 6' height installed)</u>	<u>17 medium to large shrubs</u> <u>(minimum 24"-36" height installed)</u>
		

ALLEN COUNTY ZONING ORDINANCE

Chapter 14 Commercial Solar Energy System Overlay District

3-4-14-1 Purpose

The purpose and intent of the **Commercial Solar Energy (CSE) System District** is to:

- (a) Promote the public health, safety, convenience and general welfare of the residents of unincorporated Allen County;
- (b) Encourage the appropriate location of **CSE Systems**;
- (c) Impose land **use** controls, which shall be in addition to the existing underlying zoning classifications, to maintain a compatible relationship between the **CSE System** and the existing and future land **uses** surrounding the overlay district;
- (d) Regulate and restrict **building** sites, placement of **structures**, and land **uses** by separating conflicting land **uses** and prohibiting certain land **uses**;
- (e) Provide a uniform basis for the implementation and administration of regulations for **CSE Systems** in unincorporated Allen County by adopting the development standards set forth herein;
- (f) Establish development standards that supplement or supersede the underlying zoning district.

3-4-14-2 Jurisdiction

CSE Systems shall only be located in the **Commercial Solar Energy System Overlay District**. The jurisdiction of the **Commercial Solar Energy System Overlay District** shall extend over all land within the jurisdictional boundary set forth in the Zone Map Amendment ordinance adopted by the **Board of Commissioners**. The **Commercial Solar Energy System Overlay District** does not regulate or apply to small scale, private solar panels on residential or agricultural land and/or structures that are not sold commercially to a utility and is used for personal energy consumption.

3-4-14-3 Applicability

The **Commercial Solar Energy System Overlay District** regulations shall apply to all property located within the **CSE System** Zone Map Amendment ordinance adopted by the **Board of Commissioners**.

3-4-14-4 Rezoning

The **Commercial Solar Energy System Overlay District** is established by a Zone Map Amendment pursuant to A.C.C. 3-5-3-7. The rezoning application for the **Commercial Solar Energy System Overlay District** shall be submitted simultaneously with the **CSE System** application for Primary Development Plan required by A.C.C. 3-4-14-5. The rezoning application for the **Commercial Solar Energy System Overlay District** will not be scheduled for public hearing until **DPS** staff determines that the **CSE System** Primary Development Plan application is complete under A.C.C. 3-4-14-5. The public hearing for the **Commercial Solar Energy System Overlay District** will be held simultaneously with the public hearing on the Primary Development Plan for the **CSE System**.

3-4-14-5 Primary and Secondary Development Plan Required

- (a) A **CSE System** shall receive approval from the **Plan Commission** of a Primary Development Plan, pursuant to A.C.C. 3-3-1-3, and a Secondary Development Plan, pursuant to A.C.C. 3-3-1-4.

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(b) After receipt of the **CSE System** application, **DPS** staff shall review the **CSE System** application and shall have sixty (60) days to review the **CSE System** application to determine whether the **CSE System** application is complete. If the **CSE System** application is complete, **DPS** staff shall schedule the **CSE System** Primary Development Plan and **Commercial Solar Energy System Overlay District** Rezoning for a public hearing. If the **CSE System** application is determined by the **DPS** staff to be incomplete, **DPS** staff shall notify the applicant of the incomplete items within the 60-day review period. The applicant shall have thirty (30) days to correct the noted items to make the **CSE System** application complete. After the applicant submits its revisions to the **CSE System** application, **DPS** staff shall review the **CSE System** application and shall make a determination if the **CSE System** is complete within sixty (60) days of the submission of the **CSE System** application revisions. If the application is again deemed to be incomplete by **DPS** Staff, then the Executive Director shall make a formal, written zoning determination concerning the completeness of the **CSE System** application and shall notify the applicant of the zoning determination. A **CSE System** application shall not be scheduled for a public hearing until the **CSE System** application is determined to be complete.

3-4-14-6 Written Commitments

Written Commitments for **Commercial Solar Energy System** Development Plans shall be governed by A.C.C. 3-3-1-6.

3-4-14-7 Amendments to **CSE System** Development Plans

Amendments to an approved primary or secondary development plan for a **CSE System** shall be governed by A.C.C. 3-3-1-7.

3-4-14-8 Waivers

The **Plan Commission** may waive the development standards for a **CSE System** as part of its approval of a Development Plan, pursuant to A.C.C. 3-4-5-2(c).

3-4-14-9 Development Standards for **Commercial Solar Energy Systems**

(a) Definitions

The following definitions apply for the **Commercial Energy System Overlay District**:

(1) “**Dwelling**” shall have the same meaning as A.C.C. 6-3-5-6-2.

(2) “**Nonparticipating property**” shall mean **lot** or **parcel** of real property:

(A) That is not owned by a **project owner**; and

(B) With respect to which:

(i) The **project owner** does not seek:

[a] To install or locate one (1) or more **CSE Systems** or other facilities related to a **CSE System** project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or

[b] To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a **CSE System** project; or

(ii) The owner of the property does not consent:

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[a] To having one (1) or more **CSE Systems** or other facilities related to a **CSE System** project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or

[b] To otherwise enter into a lease or any other agreement with the **project owner** for use of all or part of the property in connection with a **CSE System** project;

This term does not include a **lot** or **parcel** of real property if the owner of the **lot** or **parcel** consents to participate in a **CSE System** project through a neighbor agreement, a participation agreement, or another similar arrangement or agreement with a **project owner**.

(3) “**Permit Authority**” shall mean the **Board of Commissioners** for all rezoning decisions and the **Plan Commission** for all development plan decisions

(4) “**Project owner**” shall mean a person that:

(A) Will own one (1) or more **CSE Systems** proposed to be located in unincorporated Allen County; or

(B) Owns one (1) or more **Commercial Solar Energy Systems** located in unincorporated Allen County;

This term includes an agent, representative, successors and assignees of a person described in the above definition. This term does not include an electricity supplier as defined in I.C. § 8-1- 2.3-2.

(b) Setbacks and Height of **CSE Systems**

(1) A **project owner** may not install or locate a **CSE System** on property in unincorporated Allen County unless the distance, measured as a straight line, from the nearest outer edge of the **CSE System’s** fencing to:

(A) The centerline of the **street** or right-of-way is at least one thousand (1,000) feet; or

(B) The property line of any **nonparticipating property** is at least one thousand (1,000) feet.

(2) A **project owner** may not install or locate a **CSE System** on property in unincorporated Allen County unless the height of the **CSE System** solar panels are not more than fifteen (15) feet above ground level when the **CSE System’s** arrays are at full tilt.

(c) **CSE System** Landscaping Standards

(1) Removal of top soil is prohibited, unless approved to the satisfaction of Allen County Surveyor’s Office.

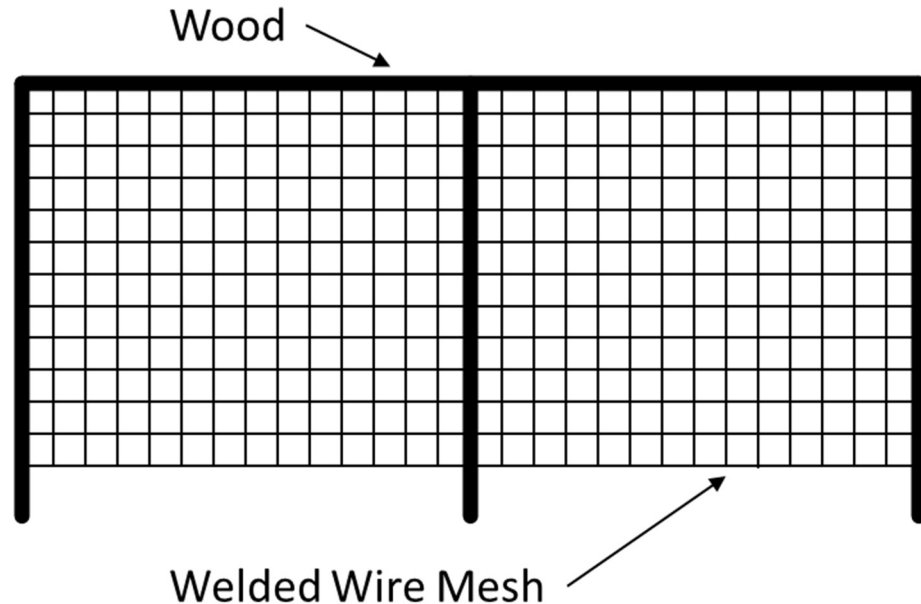
(2) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall plant, establish, and maintain for the life of the **CSE System** perennial vegetated ground cover under and around the solar arrays meeting the following requirements:

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- (A) Shall meet the “provides exceptional habitat - 125 point” requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University; and
 - (B) Shall plant a diverse seed mix of native species consistent with guidance specific to the local area provided by the Indiana Soil and Water Conservation District or the Indiana Native Plant Society under and around the solar arrays.
 - (3) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall plant, establish, and maintain for the life of the **CSE System** the applicable Landscape Code in A.C.C. 3-4-8-4(b)(4) in project site buffer areas and meet the following requirements:
 - (A) The nearest edge of the landscape buffer must be at least sixty (60) feet from centerline of the **street** or **right-of-way**. Otherwise the buffer area can be located anywhere within the required setback;
 - (B) Evergreens, trees and shrubs installed in project buffer areas shall be native, as identified by the Indiana Native Plant Society;
 - (C) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The **project owner** shall be responsible for the continued property maintenance of all landscaping materials and shall be kept in a proper, neat, and orderly appearance free from refuse and debris at all times;
 - (D) Unhealthy and dead plants shall be replaced within six (6) months of being provided written notice from the **Plan Commission** of the violation;
 - (E) The effectiveness of screening shall be maintained as the plant materials mature;
 - (F) Grass or ground cover shall be planted on all portions of the required buffer areas not occupied by other landscaped material. Only non-invasive species as listed by the Indiana Invasive Species Council shall be used; and
 - (G) Property within the setback but outside the buffer area may comply with the provisions and **uses** of the underlying zoning district.
 - (4) Landscaping must be located between the property line of any **nonparticipating property** or **street/right-of-way** and **CSE System** parking areas, staging areas, outdoor storage areas, maintenance areas, accessory equipment or structures, and any similar areas.
 - (5) The **CSE System** site shall be maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council. Maintenance shall include eradication of all noxious weeds and plants prior to the weeds’ seeding and spreading.
- (d) **Fencing**
 - (1) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall completely enclose the **CSE System** with **fencing** that is at least eight (8) feet high.

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- (2) **Fencing** shall be set back one thousand (1,000) feet from the property line of any **nonparticipating property** and the centerline of the **street or right-of-way**.
- (3) **Fencing** shall be constructed of black vinyl coated welded wire mesh and wood.



- (4) **Fencing** shall include six (6) inch clearance at bottom for wildlife passage.
- (5) The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **Commercial Energy System Overlay Districts** abutting a residential district, a fence or wall may not be designed to cause pain or injury to humans or animals. This includes the use of barbed wire, broken glass, nails, razor wire, spikes, electric charge or similar materials. For the purposes of this provision, “abutting” shall include any area separated from a residential district by an alley right-of-way.
- (6) **Plan Commission** may require solid fencing if the **CSE System** is **adjacent** to a **nonparticipating property**. If so, **solid fencing** shall be constructed of polyvinylchloride (PVC), or similar **fencing** material.
- (e) **Infrastructure**
- If a **project owner** installs a **CSE System** in unincorporated Allen County, all cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical above ground infrastructure may be located and maintained above ground. Buried cables shall be at a depth of at least thirty-six (36) inches below grade or, if necessitated by onsite conditions, at a greater depth. Any damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of the aforementioned cables, transmission lines, substations, junction boxes, and other

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infrastructure must be completely repaired by the **project owner** or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. The installation of these elements must also adhere to any additional requirements provided in A.C.C. 3-4-14-9(j). **Project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(f) Glare and Traffic Disruption

A **CSE System** installed by a **project owner** in unincorporated Allen County must be designed and constructed to minimize:

- (1) Glare on adjacent properties: **project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section;
- (2) Glare on roadways and not interfere with vehicular traffic: **project owner** must submit with a Primary Development Plan application a letter of approval from the applicable agency or agencies that the **CSE System** meets the requirements of this section; and
- (3) Glare affecting air traffic: **project owner** must submit with a Primary Development Plan application a letter of approval from the **Airport Authority** that the **CSE System** meets the requirements of this section.

(g) Mitigation of Impacts

A **CSE System** installed by a **project owner** in unincorporated Allen County must be installed in a manner so as to minimize and mitigate impacts to agricultural global positioning systems, weather and doppler radar, television and microwave signals, and radio reception. A **CSE System** installed by a **project owner** in unincorporated Allen County must be installed in a manner so as to eliminate impacts to military defense radar. **Project owner** must submit with a Primary Development Plan application written approval from the local military representative confirming no impacts will occur to local military defense radar as a result of the proposed **CSE System**. **Project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(h) Road Use and Maintenance Agreement

A **CSE System** installed by a **project owner** in unincorporated Allen County must have a Road Use and Maintenance Agreement so as to minimize and mitigate impacts to local roadways. All repairs must be completed within a reasonable period of time to the satisfaction of the Allen County Highway Department. **Project owner** must submit with a Primary Development Plan application a Road Use and Maintenance Agreement. This agreement shall be approved by the Allen County Highway Department prior to Primary Development approval.

(i) Sounds Limits

A **project owner** may not install or locate a **CSE System** in unincorporated Allen County unless the **project owner** demonstrates to the **Plan Commission** that the **CSE System** will operate in a manner such that the sound attributable to the **CSE System** will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the outer wall of a **dwelling** located on an **adjacent nonparticipating property**.

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Project owner must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(j) **Drainage Requirements**

A **CSE System** shall be designed and constructed to adequately allow the flow of stormwater through the site in compliance with the Allen County Stormwater Technical Standards. For projects that will disturb one (1) acre or more of total land area, a stormwater pollution prevention plan submittal must be provided to the Allen County Surveyor's Office and a permit obtained before any land disturbing activities may commence. All damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a **CSE System** must be completely repaired by the **project owner** or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and must be repaired and remedied to maintain drainage to the satisfaction of Allen County Surveyor's Office, Allen County Drainage Board, Allen County Highway Department, and other applicable reviewing agency or agencies, subject to applicable federal, state, and local drainage laws and regulations.

(k) **Decommissioning Plan and Site Restoration Plan**

(1) A **project owner** may not install or locate a **CSE System** in unincorporated Allen County unless the **project owner** submits to the **Plan Commission** and the **Commissioners** a satisfactory decommissioning and site restoration plan, and posts a surety bond, or an equivalent means of security acceptable to the **Plan Commission** and the **Commissioners**, including a parent company guarantee or an irrevocable letter of credit, but excluding cash, in an amount equal to 150% of the estimated cost of decommissioning the **CSE System**, as calculated by a third party licensed or registered engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners**. The decommissioning and site restoration plan must be approved to the satisfaction of Allen County Surveyor's Office, Allen County Highway Department, Allen County Department of Environmental Management, and other applicable reviewing agency or agencies, subject to applicable federal, state, and local laws and regulations. The required bond or other security shall be posted at the time of the **Plan Commission** submittal.

(A) For purposes of this section, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners** at least once every succeeding three (3) year period.

(B) The total amount of the bond or security posted under this section shall be adjusted as necessary after each reevaluation.

(2) For purposes of this section, the estimated cost of decommissioning a **CSE System**, as calculated by a licensed or registered professional engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners**, shall be net of any estimated salvage value attributable to the **CSE System** at the time of

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decommissioning, unless **Plan Commission**, the **Commissioners**, and the project owner agree to include any such value in the estimated cost.

- (3) A **project owner** shall provide to the **Plan Commission** and the **Commissioners** written notice of the **project owner's** intent to decommission a **CSE System** not later than sixty (60) days before the discontinuation of commercial operation by the **CSE System**. After the discontinuation of commercial operation by the **CSE System**, and as part of the decommissioning process:

 - (A) All **structures**, foundations, roads, gravel areas, and cables associated with the project shall be removed within one (1) year of intent to decommission written notice; and
 - (B) The ground shall be restored to a condition reasonably similar to its condition before the start of construction activities in connection with the **CSE System** project within one (1) year of intent to decommission written notice.
 - (4) If the **project owner** fails to remove all **CSE System** project assets not later than one (1) year after the proposed date of final decommissioning, as set forth in the notice to the **Plan Commission** and the **Commissioners** under the above section, the **Plan Commission** and the **Commissioners** may engage qualified contractors to enter the project site, remove the **CSE System** project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.
 - (5) Project assets may remain in place after decommissioning is complete if the location and condition of the assets conform with local regulations at the time of decommissioning and the written consent of the landowner is obtained.
 - (6) Both the **Plan Commission** and the **Commissioners** shall be joint obligees and beneficiaries under the bond or other security required by the **Plan Commission** and the **Commissioners**.
- (l) Abandonment
- (1) If a **CSE System** installed in unincorporated Allen County does not generate electricity for six (6) consecutive months:

 - (A) The **CSE System** is considered abandoned as of the date that is one hundred eighty (180) days after the date on which the **CSE System** last generated electricity: and
 - (B) All **CSE System** project assets shall be removed in accordance within this chapter not later than one (1) year after the date of abandonment specified in this section.
 - (2) In the case of abandonment, as described in this section above, if the **project owner** fails to remove the **CSE System** project assets not later than one (1) year after the date of abandonment, as required by this section, the **Plan Commission** and the **Commissioners** may engage qualified contractors to enter the project site, remove the **CSE System** project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.

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(m) Force Majeure Event

- (1) As used in this section, “force majeure event” includes the following:
 - (A) Fire, flood, tornado, or other natural disasters or acts of God;
 - (B) War, civil strife, a terrorist attack, or other similar acts of violence; or
 - (C) Other unforeseen events or events over which a project owner has no control.
- (2) In the case of a “force majeure event” causing damage to the CSE System that results in immediate danger or a threat to life safety, the project owner shall immediately rectify the situation to prevent continued danger or threat to life safety. If the project owner fails to address the danger or a threat to life safety immediately, the Plan Commission and the Commissioners may engage qualified contractors to enter the project site, address the immediate danger or a threat to life safety, and initiate proceedings to recover any costs incurred.
- (3) If a force majeure event results in a CSE System not generating electricity, the project owner shall:
 - (A) As soon as practicable after the occurrence of the force majeure event, provide notice to the Plan Commission and the Commissioners of the event and of the resulting cessation of generating operations; and
 - (B) Demonstrate to the Plan Commission and the Commissioners that the CSE System will be substantially operational and generating electricity not later than twelve (12) months after the occurrence of the force majeure event.
- (4) If the CSE System does not become substantially operational and resume generating electricity within the time set forth in section above:
 - (A) The CSE System is considered abandoned as of the date that is one hundred eighty (180) days after the date on which the CSE System last generated electricity, unless the project owner demonstrates to the Plan Commission and the Commissioners that the project owner is using all commercially reasonable efforts to resume generation; and
 - (B) All CSE System project assets shall be removed in accordance with this chapter not later than one (1) year after the date of abandonment specified in this section.
- (4)(5) In the case of presumed abandonment, as described in this section, if the project owner fails to remove the CSE System project assets not later than one (1) year after the date of abandonment, as required by this section, the Plan Commission and the Commissioners may engage qualified contractors to enter the project site, remove the CSE System project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.

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SPECIAL USES	
Special Use	District(s) Where Allowed
Parking area (as a primary use)	C1
Parking area (if adjacent to a residential district)	C2, NC, SC, C3, C4, I1 and I2
Parking or outdoor display area, gravel (not otherwise permitted)	I2 and I3
Personal service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Plant nursery	C2, NC and SC
Plant nursery (retail)	A1
Processing facility (small scale)	I1
Processing facility for: animals (outdoor: includes skins, hides, or reduction of animal matter) or animal products (outdoor)	I2
Professional office/business service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Quarry or mine	A1 and A3
Reception , meeting, or recreation hall; clubhouse	A1 and A3
Recreation area	A1 and A3
Recreation area (including accessory recreation areas)	C2, NC and SC
Recreation facility	A1 and A3
Recreation facility (if adjacent to a residential district)	C2, NC and SC
Recreation use, outdoor (amusement park, go-cart facility, stadium/race track, and water park, only; if adjacent to a residential district)	C3 and C4
Recreation use, outdoor (athletic field, riding stable, swim club, tennis club) ⁽¹⁾	R1, R2, R3, MHS, C1
Religious institution or non-public school illuminated athletic field(s)	A1, A3, R1, R2, R3, MHS, C1, C2, NC and SC
Residential facility for a court-ordered re-entry program	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2 and I3
Residential facility for homeless individuals (for up to eight (8) individuals)	A1, A3, R1 ⁽¹⁾ , R2, R3 and MHS
Residential facility for homeless individuals (for up to eight (8) individuals, if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Retail (art gallery, bakery goods, coffee shop, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich shop, tea room) ⁽¹⁾	C1
Riding stable, nonresidential ⁽¹⁾	A1 and A3
Salvage yard (outdoor)	I2
Sanitary landfill ⁽²⁾	A1
Sawmill ⁽²⁾	A1 ⁽¹⁾ and I2
Sheet metal fabrication and/or processing	I1
Shooting range (indoor or outdoor archery, firearm, skeet, trap, or similar)	A1
Shooting range (indoor)	C2 and SC
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Solar panel, residential large (ground mounted)	A1, A3, R1, R2, R3, <u>and</u> MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2 and I3
Solid waste transfer station ⁽²⁾	A1 and I2

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Base Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Base Flood Elevation (BFE) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Basement (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Beauty Shop

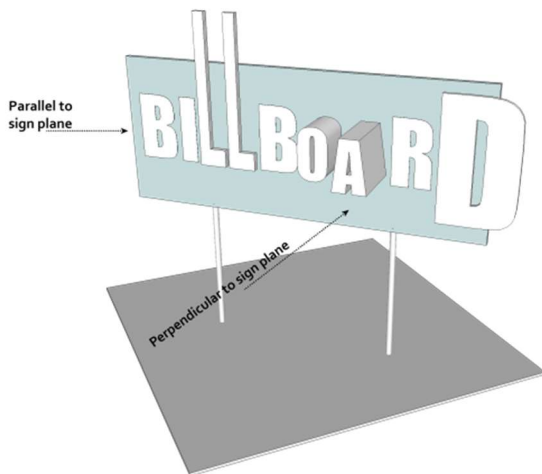
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the **lot**.

Billboard Embellishment

A portion of a **billboard** that extends vertically or horizontally from the surface area of the **billboard sign** face (generally a rectangle) when viewed perpendicular to the sign plane, or that extends outward from the surface of the sign when viewed parallel to the sign plane, to accommodate extensions of words or images on the primary **sign area**.



Block

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

Board

The Allen County **Board of Zoning Appeals**. This term shall not include the **Board of Commissioners** or the Fort Wayne **Board of Public Works**. For purposes of granting a **special use**, use variance, or variance of **development** standards for a wireless service provider, the **Board** shall be the “permit authority” under I.C. 8-1-32.3, et seq.

Board of Commissioners (see “Commissioners”)

~~The Board of Commissioners of the County of Allen.~~

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Clinic

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the **clinic**. A use that meets the definition of “**Treatment Center**” shall not be considered to be a **Clinic**.

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws. Any use that meets the definition of “**sexually oriented business**” as defined in Allen County Code Section 8-30-1-2 shall not be considered a **Private Club**.

Clubhouse

A **building** that provides a meeting place for a **club** as a **primary use**.

Coffee Shop

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the use of patrons.

Collector Street (see “Street, Collector”)

Commercial Communication Tower

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding those used exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar private/residential communications.

Commercial Solar Energy (CSE) System

A **Commercial Solar Energy System (CSE System)** that captures and converts solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. This term includes solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, solar monitoring stations, parking areas, staging areas, outdoor storage areas, maintenance areas, accessory equipment or structures, and **utility scale battery energy storage systems (BESS)**.

Commission

The Allen County **Plan Commission**. For purposes of Development Plan Decisions in the Commercial Solar Energy System Overlay District, the Commission shall be the “permit authority” under I.C. 8-1-42, et seq.

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Commissioners

The Board of Commissioners of the County of Allen. For purposes of Rezoning Decisions in the Commercial Solar Energy System Overlay District for a Zone Map Amendment, the Commissioners shall be the “permit authority” under I.C. 8-1-42, et seq.

Commitment

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

Common Area

Real property and/or improvements on property, including, but not limited to, private storm drains, **streets**, sidewalks, utilities, parks, lakes and/or screening **walls**; open space; trails and/or floodplain management areas. **Common area** is typically shown on the face of a **subdivision plat** and is owned in fee by an **Owner's** Association for the common **use**, enjoyment, and benefit of the members of the Association.

Community (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Community Facility

Buildings, structures, or facilities owned, operated, or occupied by a non-profit entity to provide a service to the public, including broadcast **studio**, **museum**, planetarium, public transportation or similar public facility, **radio station**, **television station**, or **zoo**.

Community Garden

A common property for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one **person** or **family**. If permitted in the **zoning district** in which it is located, a **community garden** may include **accessory structures**, along with water and other facilities.

Comprehensive Plan

A plan for the physical **development** of the community, prepared and adopted by the **Board of Commissioners** and the Fort Wayne Common Council, pursuant to the 500 Series of State law, including any part of that plan separately adopted, any amendments to the plan separately adopted, and any other documents incorporated by reference.

Concrete Plant

A facility that specializes in the mixing or other **manufacturing** related activities required for the production of concrete.

Conditions

Any terms of approval placed upon an application by the decision-making body. For **conditions** imposed by the **Board**, a condition includes any greater additional **development** standard, regulation, safeguard or restriction that the **Board** finds reasonably necessary to meet the intent of this ordinance or the public health, safety, or general welfare. Whenever the **Board** imposes an additional **development** standard, regulation, safeguard or restriction on any approval that is greater than the minimum regulations of this ordinance, the greater or more restrictive condition safeguard or restriction shall govern.

Condominium

Real estate defined as a "**condominium**" under IC 32-25 (**Condominiums**).

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Sign Separation from Districts, Uses, or Features

Where **signs** are required to be separated from specified **zoning districts**, land **uses**, or other features, the distance shall be measured radially starting from the center of the **sign** base at grade, and shall extend outward in a circular manner for the distance specified.

Sign Separation from other Signs

Minimum required distances between **off-premises signs** and **billboards** shall be measured (a) horizontally along the side of the **street** where the **sign** is located and (b) along the opposite side of the **street** where the **sign** is located, beginning from a point directly opposite the **off-premises sign** or **billboard**, as measured from an imaginary line perpendicular to the centerline of the **street** at that point.

Significant Natural Features

Noteworthy elements of the natural environment including rock outcroppings, ravines, **streams**, irrigation ditches, stands of more than 100 mature trees, and identified historical or archeological sites.

Single Family Dwelling (Detached) (see “Dwelling, Single Family, Detached”)

Site Area, Gross

The entire land area within the boundaries of a site, including all existing and proposed public and private **rights-of-way**.

Site Area, Net

The entire land area within the boundaries of a site, excluding all the area of any existing and proposed public and private **rights-of-way**.

Slaughter House

A facility for the slaughtering and processing of **domestic farm animals** or deer, and the refining of their byproducts.

Small Satellite Dish (see “Satellite Dish, Small”)

Solar Panel (building-mounted)

A building-mounted solar panel or a combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels shall be associated with and accessory to a permitted primary building. Shall also include solar panels that float on water.

Solar Panel, Nonresidential Large (ground-mounted)

A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building, exceed a ground coverage of 100,000 square feet, and be compatible with surrounding areas.

Solar Panel, Nonresidential Standard (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity.

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Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building and be equal to or less than a ground coverage of 100,000 square feet.

Solar Panel, Residential Large (ground-mounted)

A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building and exceed a ground coverage of 6,000 square feet.

Solar Panel, Residential Standard (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels ~~or a combination of panels~~ shall be associated with and accessory to a permitted primary building, ~~shall not exceed a total of 500 panels per parcel,~~ and ~~be equal to or less than shall not exceed~~ a ground coverage of ~~620~~,000 square feet.

Solid Waste

Any **garbage, refuse**, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material as described in 329 IAC 10-2-174(A)(6). However, the term “**solid waste**” does not include the following:

- (1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the City Code;
- (2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);
- (3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

A facility at which **solid waste**, as defined in 329 IAC 10-2, is transferred from a vehicle or container to another vehicle or container for transportation from one mode of transportation to another including the transfer of a trailer, container or waste from rail to road transportation. The following may also be located at a transfer station as **accessory uses**: **solid waste** baler, **solid waste** shredder, composting facility or **garbage** grinding facility. The **storage** or transfer of **hazardous waste** as regulated under 329 IAC 3.1(as may be amended) shall not be permitted at the facility. This term does not include the following:

- (1) Collection containers for **solid waste**;

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Utility Scale Battery Energy Storage System (BESS)

An energy storage system (as defined in NFPA 855) that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage.

Variance (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Veterinary Clinic (see “Animal Hospital”)

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

Violation (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement.

Wall

The vertical exterior surface of a **building** or **structure**.

Walled and Roofed (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Wall, Freestanding (see “Fence”)

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a self-service **storage** (mini-warehouse) facility.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

Watercourse (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include,

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Chapter 10 Graphics, Headings, and Illustrations

- 3-1-10-1 To aid in the creation of standards that are reasonable, clear and precise, this ordinance includes diagrams, graphics, illustrations, images, and tables to help show the applicability, **use**, and intent of the relevant standards. The accompanying ordinance text is also intended to explain the standard that the diagram, graphic, or illustration is showing. If there is a conflict between the text and a diagram, graphic, or illustration, the text shall override the diagram, graphic, or illustration.

Chapter 11 Interpretation

- 3-1-11-1 In cases where the provisions of this ordinance require interpretation, such interpretation shall be provided by the **Zoning Administrator**, with assistance from the **Plan Commission, Board of Zoning Appeals**, definitions used in State or Federal law, or other **Department of Planning Services** staff, if determined necessary by the **Zoning Administrator**. In interpreting this ordinance, words are to be given their plain, ordinary, and usual meaning, unless a contrary purpose or meaning is shown by the ordinance itself. Where possible, every word is to be given effect and meaning, and no word or part is to be held to be meaningless if it can be reconciled with the rest of this ordinance.

Chapter 12 Minimum Requirements

- 3-1-12-1 Unless specifically noted otherwise, the provisions of this ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the **County**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **County**.

Chapter 13 Overlay Districts

- 3-1-13-1 This ordinance permits the creation of overlay **districts**, as a **district** that extends across one or more underlying **zoning districts**, to prescribe additional or alternate regulations to the regulations included in the underlying **zoning district** for a specific critical feature or resource. Overlay **districts** shall include the **Airport Overlay Districts** and **Commercial Solar Energy System Overlay District**.

Chapter 14 Relation to Plans

- 3-1-14-1 In the administration, enforcement, and amendment of this ordinance, reasonable regard should be paid to the **Comprehensive Plan**. Amendments to the text of this ordinance should maintain and enhance the consistency between this ordinance and the **Comprehensive Plan**. In the event the **Plan Commission** determines that this ordinance is inconsistent with the **Comprehensive Plan**, the **Commission** may initiate an ordinance amendment pursuant to I.C. 36-7-4-602(b).

Chapter 15 Relation to Other Laws and Regulations

- 3-1-15-1 (a) This ordinance does not supersede or amend more restrictive requirements of ordinances or regulations adopted by other local entities, including **building**, drainage, health, housing, **on-site sewage systems**, sewage, and water regulations or other similar requirements. If a conflict arises between this ordinance and other local ordinances or regulations, any action taken under this ordinance shall be based on the standards and regulations herein. When not in conflict, this ordinance shall be construed as being in addition to or supplemental to such other ordinances or regulations.

ALLEN COUNTY ZONING ORDINANCE

Same Revisions have also been made in A3, R1, R2, R3, and MHS, Zoning Districts

- (39) **Recreation facility;**
 - (40) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (41) **Residential facility for a court-ordered re-entry program;**
 - (42) **Residential facility for homeless individuals** (for up to eight (8) individuals);
 - (43) **Riding stable, nonresidential** (on a **lot** with no residential **building**; the stable shall be located on a **tract** of at least five (5) acres);
 - (44) **Sanitary landfill** (see A.C.C. 3-5-3-4(c)(7) for additional standards);
 - (45) **Sawmill** for the cutting and processing of lumber grown on-site (any saw or other machinery shall be located at least one hundred (100) feet from any **lot line**);
 - (46) **Shooting range** (indoor or outdoor archery, firearm, skeet, trap, or similar);
 - (47) **Sign** (temporary **subdivision** direction);
 - (48) **Solar panel, residential large (ground-mounted);**
 - (49) **Solid waste transfer station** (see A.C.C. 3-5-3-4(c)(8) for additional standards);
 - (50) **Stadium/racetrack;**
 - (51) **Storage building** (as a **primary building**);
 - (52) **Two family dwelling** (to allow conforming status for existing nonconforming **uses**, and to also allow new **two family dwellings**);
 - (53) **Utility facility, private** (not otherwise permitted or exempt);
 - (54) **Veterinary clinic** (any pen or run shall be located at least one hundred (100) feet from any **lot line**);
 - (55) **Wind energy conversion system, micro** (to allow systems for **single family detached dwellings** on platted land, or to request approval of a greater height);
 - (56) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five (5) acres, or **adjacent** to platted **lots** or **residential zoning districts**); and
 - (57) **Winery.**
- (b) Reserved

Same Revisions have also been made in A3, R1, R2, R3, MHS, MHP, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 Zoning Districts

3-2-3-4

Accessory Buildings, Structures and Uses

Accessory buildings, structures, and uses shall be permitted, including but not limited to:

UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES		
Accessory dwelling unit	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels (building mounted)
Arbor or pergola	Mailbox	Swimming pool
Bird bath/house	Name plate	Swing set
Carport	Newspaper delivery box	Television aerial
Deck	Patio	Trellis
Driveway	Play equipment	Utility fixture
Fence	Pond	Walk
Flagpole	Property boundary marker	Wall
Garage	Radio antenna (amateur)	Yard light
Gazebo	Rain barrel	
Geothermal system	Rain garden	

RESIDENTIAL ACCESSORY BUILDINGS, STRUCTURES, AND USES	RELIGIOUS INSTITUTION ACCESSORY BUILDINGS, STRUCTURES, AND USES
Basketball backboard and goal	Athletic or recreation fields (non-illuminated)
Bath house or cabana	Assembly building, including hall/gymnasium
Class I child care home	Bleachers or similar structures
Day care	Child care ministry
Dog/pet house	Clothing bank
Garage or yard sale	Community garden
Garden (private)	Convent, parsonage, rectory, or similar residence
Greenhouse	Dumpster ⁽¹⁾
Grill/fire pit	Family counseling or education
4H/similar indoor small animal project	Food bank
Home occupation	Maintenance building
Hot tub, Jacuzzi, or spa	Outdoor events (short-term)
Shed	Performances (indoor)
Smoke house/oven (outdoor)	Shop (for sale of religious institution-related items)
<u>Solar panel, residential standard (ground-mounted)</u>	<u>Solar panel, nonresidential standard (ground-mounted) ⁽¹⁾</u>
Tree house	Storage Building ⁽¹⁾
Notes:	
(1) Also permitted for nonresidential uses	

ALLEN COUNTY ZONING ORDINANCE

Same Revisions have also been made in A3, R1, R2, R3, and MHS, Zoning Districts

3-2-3-5

Development Standards

- (a) The standards in the following table shall apply in the A1 **district**; all are minimum standards unless otherwise noted (the table continues onto the next page).

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700 ⁽¹⁾
Accessory structures	On lots of less than two (2) acres served by an on-site sewage system , new detached accessory building square footage shall be less than the square footage of the primary building
Number of buildings permitted on a lot	
Two freestanding single family dwelling units are permitted; one primary single family detached residential building per lot, plus: Either one Type III manufactured home , or one freestanding single family dwelling unit	
Multiple primary nonresidential buildings are permitted per lot	
Height (maximum) ⁽²⁾	
Accessory building	25'
Primary building	40'
Lot area (square feet)	
Public sewer	12,000
Private sewage disposal	87,120 (2 acres)
Lot width (at front building line and at front lot line)	
Public sewer	75'
Private sewage disposal	120'
Front yard ^{(7) (8)}	
Platted lot	25' (or platted front building line , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the street 65' from the centerline of the street 30' from the easement
Flag Lot	30' Flag lots shall have two (2) required front yards (see definition of lot line, front)
Through lot	As noted above, at each end of the lot , based on the street classification/type the yard is adjacent to, except that: • If no access is permitted to the rear of the lot, then a detached accessory structure shall be permitted as set forth below, and a fence shall be permitted with no setback; or • If access is permitted to the rear of the lot, then a detached accessory structure shall be permitted with a 10' setback and a fence shall be permitted with a 5' setback
If there is an existing residence on an adjacent parcel on the same side of the street with a nonconforming front setback , and the existing residence is within 300' of the proposed residence	The minimum front yard shall be the smallest existing nonconforming setback on the adjacent parcel(s)

ALLEN COUNTY ZONING ORDINANCE

Same Revisions have also been made in A3, R1, R2, R3, and MHS, Zoning Districts

A1 AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS	
Side yard ⁽³⁾ (7) ⁽⁸⁾	
Interior lot Private sewage disposal Public sewer	15' 15' if the lot is at or over 120' wide; 7' if the lot is less than 120' wide
Corner lot	The street side yard setback shall be the same as the front yard setback, based on the side lot line street classification, except that: • On corner lots, if there is a platted street side yard building line then an addition to a primary residential structure or an accessory structure shall meet that platted building line. • If there is no platted building line, on a lot of up to 70', a primary residential structure or an accessory structure (except for fences and walls) shall meet a 10' side yard setback; on a lot of over 70', a primary residential structure or an accessory structure shall meet a 25' side yard setback. • For fences and walls, if there is no platted building line, a fence (except for an ornamental fence or a retaining wall of up to 3' in height) shall meet a 5' setback; an ornamental fence or a retaining wall of up to 3' in height shall not have a setback requirement.
Rear yard ⁽⁷⁾ ⁽⁸⁾	
Primary building	25' ⁽⁴⁾ 50' (if adjacent to an arterial or collector street)
Accessory structure ⁽⁵⁾	3' from a side or rear lot line ⁽⁶⁾
Swimming pool	6' from a side or rear lot line ⁽⁶⁾
Notes: (1) Excluding basement and attached garage area (2) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions (3) See rear yard information for accessory structure and swimming pool side yard standards (4) A single story addition to an existing single family detached dwelling may encroach up to 10' into the required rear yard , if the addition is 250 square feet or less (5) Excluding swimming pools ⁽⁶⁾ If located behind the primary building ⁽⁷⁾ <u>Residential ground mounted solar panels shall meet primary building setbacks</u> ⁽⁶⁾⁽⁸⁾ <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>	

ALLEN COUNTY ZONING ORDINANCE

3-2-11-4

Development Standards

- (a) The standards in the following table shall apply in the MHP **district**; all are minimum standards unless otherwise noted.

MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS	
Building size (square feet)	
Single family dwelling	700
Accessory structures	Total square footage shall be less than the primary building
Number of buildings permitted on a lot	
One primary residential building per lot	
Height (maximum) ⁽¹⁾	
Accessory building	25'
Primary building	40'
Front yard ^{(2) (3)}	
Standard lot	5'
Through lot	5' (minimum yard at both ends of the lot)
Side yard ^{(2) (3)}	
Standard lot	5'
Rear yard ^{(2) (3)}	
Standard lot	5'
Manufactured home park perimeter setback	
50'	
Manufactured home park building separation	
5' (separation from any other primary building)	
Notes:	
<u>(1)</u> (1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions <u>(2)</u> Residential ground mounted solar panels shall meet primary building setbacks <u>(4)(3)</u> Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height	

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Same Revisions have also been made in C2, NC, SC, C3, C4, BTI, I1, I2, and I3 Zoning Districts

3-2-12-3

Special Uses

- (a) The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **special use** petition:
- (1) **Animal service**, indoor;
 - (2) **Automatic teller machine (ATM)** (stand-alone);
 - (3) **Club, private**;
 - (4) **Commercial communication tower** (see A.C.C. 3-5-3-4(c)(1) for additional standards);
 - (5) **Community garden** that includes a **structure**;
 - (6) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted);
 - (7) **Group residential facility (large)** (if **adjacent** to a **residential district**);
 - (8) **Home business** (in an existing **single family detached dwelling** only; see A.C.C. 3-5-3-4(c)(2) for additional standards);
 - (9) **Homeless shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**);
 - (10) **Manufactured home, Type II** (see A.C.C. 3-5-3-4(c)(6) for additional standards);
 - (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**);
 - (12) **Parking area** (as a **primary use**, a **special use** shall not be required for a universally permitted **off-site parking area**);
 - (13) **Recreation use**, outdoor (**athletic field**, **riding stable**, swim **club**, tennis **club**);
 - (14) **Religious institution** or non-public **school** illuminated **athletic field(s)**;
 - (15) **Residential facility for a court-ordered re-entry program**;
 - (16) **Residential facility for homeless individuals** (for up to eight (8) individuals, if **adjacent** to a **residential district**);
 - (17) Retail: **art gallery**, **bakery** goods, **coffee shop**, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich **shop**, tea room (this **special use** shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2,500 square feet; **drive-through facilities** shall not be permitted as part of this **special use**);
 - (18) **Sign** (temporary **subdivision** direction);
 - ~~(19) **Solar panel (ground mounted)**;~~
 - ~~(20)~~(19) **Tattoo establishment**;
 - ~~(21)~~(20) **Utility facility, private** (not otherwise permitted or exempt);
 - ~~(22)~~(21) **Wind energy conversion system, standard** (or more than one (1) micro system); and
 - ~~(23)~~(22) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**).
- (b) Reserved

ALLEN COUNTY ZONING ORDINANCE

Same Revisions have also been made in C2, NC, SC, C3, C4, BTI, I1, I2, and I3 Zoning Districts

3-2-12-5

Development Standards

- (a) The standards in the following table shall apply in the C1 **district**; all standards are minimum standards unless otherwise noted (see also the permitted **yard** projections and additional location standards on the following page).

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES DEVELOPMENT STANDARDS			
Height (maximum) ⁽¹⁾			
Primary or accessory building or structure			75'
Front yard ^{(2) (3)}			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial building(s) with a lesser front setback adjacent to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming setback
Side yard (interior lot) ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot) ^{(2) (3)}			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard ^{(2) (3)}			
Primary building			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If adjacent to a residential district	If not adjacent to a residential district
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See A.C.C. 3-4-5-3 (Development Standards Waivers and Exceptions) for exceptions; A.C.C. 3-4-9 (Signs) for maximum sign heights ; and A.C.C. 3-4-4-15 (Residential Impact Mitigation) and A.C.C. 3-4-11 (Airport Overlay Districts) for additional restrictions			
(2) <u>Residential ground mounted solar panels shall meet primary building setbacks</u>			
(3) <u>Nonresidential ground mounted solar panels shall be located between the front façade of the building and the rear lot line, shall meet side and rear yard primary building setbacks, and shall be less than twenty five (25) feet in height</u>			

ALLEN COUNTY ZONING ORDINANCE

ARTICLE 3 – DEVELOPMENT PROCESSES AND STANDARDS

Chapter 1 Development Plans

3-3-1-1 Purpose

The Development Plan process is intended to:

- (a) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**; and
- (b) Allow for public, **Commission** and staff review of and input on the site layout, access and circulation, and **development** quality of certain **development** proposals, the potential impacts of those proposals on surrounding areas, and the ability of the **County** and other governmental or quasi-governmental entities to provide public services required by those **developments**.

3-3-1-2 When Required

- (a) A Development Plan application shall be submitted and approved when an applicant is proposing the types of **development** indicated in the following table. If a Secondary Development Plan is not required, an administrative Site Plan Review process will generally be required following the Primary Development Plan approval.

TYPE OF DEVELOPMENT	PRIMARY DEVELOPMENT PLAN REQUIRED	SECONDARY DEVELOPMENT PLAN REQUIRED
Rezoning (when accompanied by a specific development project proposal, for which the applicant is requesting Plan Commission approval)	✓	
Projects proposing more than one new primary building on a single lot or development site	✓	✓
Projects proposing the phased construction of infrastructure or streets	✓	✓
<u>Commercial Solar Energy System Overlay District</u>	<u>✓</u>	<u>✓</u>
<u>Projects proposing nonresidential large ground mounted solar panels, or projects requesting a waiver from one or more ordinance standards of nonresidential standard ground mounted solar panels</u>	<u>✓</u>	
Projects requesting a waiver from one or more ordinance standards	✓	

- (b) In addition to the provisions above, an applicant or **lot owner** may choose to voluntarily submit a project or **development** through the Development Plan process.

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- (4) The following landscape codes shall be applicable to the noted **building** types and other landscape situations:

LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS			
Building Type		Landscape Code, if Adjacent To:	
		Residential districts	Nonresidential districts
Office, Personal Service, or Other C1 Use Building		B-1	No requirement
Commercial, Retail, Industrial, <u>Nonresidential Solar Panel (ground mounted)</u> , or Universally Permitted Use Building		B-2	No requirement
Multiple Family Building/Complex, or Manufactured Home Park		B-3	B-4
Nonresidential Outdoor Activity Areas	Driveway	A-1	No requirement
	Drive-through	A-2	A-7
	Other activity area	A-3	A-8
	Storage area	A-4	No requirement
	Eating/drinking/smoking area	A-5	No requirement
	Home Industry Outdoor Storage Area	A-6	No requirement

- (5) The following landscape codes shall be applicable to the noted **parking area** situations:

LANDSCAPE CODES – PARKING AND OUTDOOR DISPLAY AREAS	
Site Situation	Landscape Code
Adjacent to public street or private access drive	P-1
Adjacent to residential district	P-2
Adjacent to commercial district	P-3
Parking areas more than 50 spaces (shall not apply to outdoor display areas)	P-4

- (6) The following landscape code shall be applicable to the Commercial Solar Energy System Overlay District:

<u>LANDSCAPE CODES – COMMERCIAL SOLAR ENERGY SYSTEM OVERLAY DISTRICT</u>	
<u>Site Situation</u>	<u>Landscape Code</u>
<u>Adjacent to public street, private access drive, or residential district</u>	<u>CSE-1</u>

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- (7) The following Code B-1 **buffer yard** standard shall apply if an office, **personal service**, or other C1 use building is adjacent to a residential district:

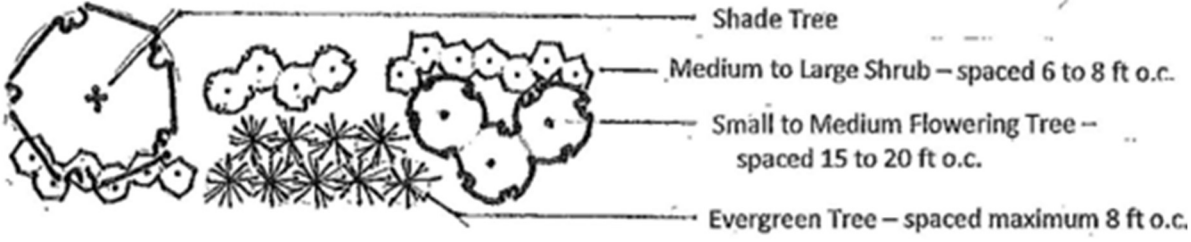
BUILDING BUFFER YARD STANDARDS		
CODE B-1		
Office, Personal Service, or Other C1 Use Building Adjacent to a Residential District		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25'; a minimum of 3 per façade up to 50% ornamental trees may be used	50% large shrub buffer in groups of at least five
PLAN ELEVATION		

- (8) The following Code B-2 **buffer yard** standard shall apply if a commercial, retail, industrial or **universally permitted use building** is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-2		
Commercial, Retail, Industrial <u>Nonresidential Solar Panel (ground mounted)</u> , or Universally Permitted Use Building Adjacent to a Residential District		
WIDTH	TREES (Per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20'; a minimum of 5 per façade	50% large shrub buffer in groups of at least five
PLAN ELEVATION		
<u>(1) Code B-2 shall always be required to screen Nonresidential Solar Panel (ground mounted).</u>		

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- (16) The following Code CSE-1 Commercial Solar Energy System Overlay District landscaping standard shall apply if the Commercial Solar Energy System is adjacent to a public street, private access drive, or a residential district:

<u>CSE SYSTEM OVERLAY DISTRICT BUFFER YARD STANDARDS</u>		
<u>CODE CSE-1</u>		
<u>CSE System Overlay District adjacent to public street, private access drive, or residential district</u>		
<u>WIDTH</u>	<u>TREES</u> <u>(per 100 linear feet of required buffer area)</u>	<u>SHRUBS</u> <u>(per 100 linear feet of required buffer area)</u>
<u>50'</u>	<u>1 shade tree (minimum 2" caliper installed)</u> <u>9 evergreen trees (minimum 4' height installed)</u> <u>3 ornamental trees (minimum 6' height installed)</u>	<u>17 medium to large shrubs</u> <u>(minimum 24"-36" height installed)</u>
		

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Chapter 14 Commercial Solar Energy System Overlay District

3-4-14-1 Purpose

The purpose and intent of the **Commercial Solar Energy (CSE) System District** is to:

- (a) Promote the public health, safety, convenience and general welfare of the residents of unincorporated Allen County;
- (b) Encourage the appropriate location of **CSE Systems**;
- (c) Impose land **use** controls, which shall be in addition to the existing underlying zoning classifications, to maintain a compatible relationship between the **CSE System** and the existing and future land **uses** surrounding the overlay district;
- (d) Regulate and restrict **building** sites, placement of **structures**, and land **uses** by separating conflicting land **uses** and prohibiting certain land **uses**;
- (e) Provide a uniform basis for the implementation and administration of regulations for **CSE Systems** in unincorporated Allen County by adopting the development standards set forth herein;
- (f) Establish development standards that supplement or supersede the underlying zoning district.

3-4-14-2 Jurisdiction

CSE Systems shall only be located in the **Commercial Solar Energy System Overlay District**. The jurisdiction of the **Commercial Solar Energy System Overlay District** shall extend over all land within the jurisdictional boundary set forth in the Zone Map Amendment ordinance adopted by the **Board of Commissioners**. The **Commercial Solar Energy System Overlay District** does not regulate or apply to small scale, private solar panels on residential or agricultural land and/or structures that are not sold commercially to a utility and is used for personal energy consumption.

3-4-14-3 Applicability

The **Commercial Solar Energy System Overlay District** regulations shall apply to all property located within the **CSE System** Zone Map Amendment ordinance adopted by the **Board of Commissioners**.

3-4-14-4 Rezoning

The **Commercial Solar Energy System Overlay District** is established by a Zone Map Amendment pursuant to A.C.C. 3-5-3-7. The rezoning application for the **Commercial Solar Energy System Overlay District** shall be submitted simultaneously with the **CSE System** application for Primary Development Plan required by A.C.C. 3-4-14-5. The rezoning application for the **Commercial Solar Energy System Overlay District** will not be scheduled for public hearing until **DPS** staff determines that the **CSE System** Primary Development Plan application is complete under A.C.C. 3-4-14-5. The public hearing for the **Commercial Solar Energy System Overlay District** will be held simultaneously with the public hearing on the Primary Development Plan for the **CSE System**.

3-4-14-5 Primary and Secondary Development Plan Required

- (a) A **CSE System** shall receive approval from the **Plan Commission** of a Primary Development Plan, pursuant to A.C.C. 3-3-1-3, and a Secondary Development Plan, pursuant to A.C.C. 3-3-1-4.

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(b) After receipt of the **CSE System** application, **DPS** staff shall review the **CSE System** application and shall have sixty (60) days to review the **CSE System** application to determine whether the **CSE System** application is complete. If the **CSE System** application is complete, **DPS** staff shall schedule the **CSE System** Primary Development Plan and **Commercial Solar Energy System Overlay District** Rezoning for a public hearing. If the **CSE System** application is determined by the **DPS** staff to be incomplete, **DPS** staff shall notify the applicant of the incomplete items within the 60-day review period. The applicant shall have thirty (30) days to correct the noted items to make the **CSE System** application complete. After the applicant submits its revisions to the **CSE System** application, **DPS** staff shall review the **CSE System** application and shall make a determination if the **CSE System** is complete within sixty (60) days of the submission of the **CSE System** application revisions. If the application is again deemed to be incomplete by **DPS** Staff, then the Executive Director shall make a formal, written zoning determination concerning the completeness of the **CSE System** application and shall notify the applicant of the zoning determination. A **CSE System** application shall not be scheduled for a public hearing until the **CSE System** application is determined to be complete.

3-4-14-6 Written Commitments

Written Commitments for **Commercial Solar Energy System** Development Plans shall be governed by A.C.C. 3-3-1-6.

3-4-14-7 Amendments to **CSE System** Development Plans

Amendments to an approved primary or secondary development plan for a **CSE System** shall be governed by A.C.C. 3-3-1-7.

3-4-14-8 Waivers

The **Plan Commission** may waive the development standards for a **CSE System** as part of its approval of a Development Plan, pursuant to A.C.C. 3-4-5-2(c).

3-4-14-9 Development Standards for **Commercial Solar Energy Systems**

(a) Definitions

The following definitions apply for the **Commercial Energy System Overlay District**:

(1) “**Dwelling**” shall have the same meaning as A.C.C. 6-3-5-6-2.

(2) “**Nonparticipating property**” shall mean **lot** or **parcel** of real property:

(A) That is not owned by a **project owner**; and

(B) With respect to which:

(i) The **project owner** does not seek:

[a] To install or locate one (1) or more **CSE Systems** or other facilities related to a **CSE System** project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or

[b] To otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a **CSE System** project; or

(ii) The owner of the property does not consent:

ALLEN COUNTY ZONING ORDINANCE

[a] To having one (1) or more **CSE Systems** or other facilities related to a **CSE System** project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or

[b] To otherwise enter into a lease or any other agreement with the **project owner** for use of all or part of the property in connection with a **CSE System** project;

This term does not include a **lot** or **parcel** of real property if the owner of the **lot** or **parcel** consents to participate in a **CSE System** project through a neighbor agreement, a participation agreement, or another similar arrangement or agreement with a **project owner**.

(3) “**Permit Authority**” shall mean the **Board of Commissioners** for all rezoning decisions and the **Plan Commission** for all development plan decisions

(4) “**Project owner**” shall mean a person that:

(A) Will own one (1) or more **CSE Systems** proposed to be located in unincorporated Allen County; or

(B) Owns one (1) or more **Commercial Solar Energy Systems** located in unincorporated Allen County;

This term includes an agent, representative, successors and assignees of a person described in the above definition. This term does not include an electricity supplier as defined in I.C. § 8-1- 2.3-2.

(b) Setbacks and Height of **CSE Systems**

(1) A **project owner** may not install or locate a **CSE System** on property in unincorporated Allen County unless the distance, measured as a straight line, from the nearest outer edge of the **CSE System’s** fencing to:

(A) The centerline of the **street** or right-of-way is at least one thousand (1,000) feet; or

(B) The property line of any **nonparticipating property** is at least one thousand (1,000) feet.

(2) A **project owner** may not install or locate a **CSE System** on property in unincorporated Allen County unless the height of the **CSE System** solar panels are not more than fifteen (15) feet above ground level when the **CSE System’s** arrays are at full tilt.

(c) **CSE System** Landscaping Standards

(1) Removal of top soil is prohibited, unless approved to the satisfaction of Allen County Surveyor’s Office.

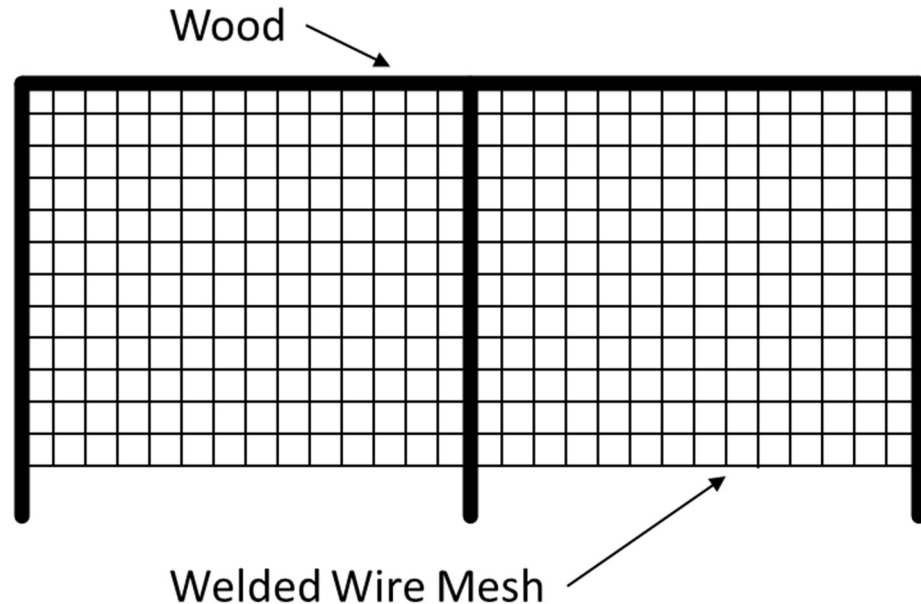
(2) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall plant, establish, and maintain for the life of the **CSE System** perennial vegetated ground cover under and around the solar arrays meeting the following requirements:

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- (A) Shall meet the “provides exceptional habitat - 125 point” requirements of the 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard developed by Purdue University; and
 - (B) Shall plant a diverse seed mix of native species consistent with guidance specific to the local area provided by the Indiana Soil and Water Conservation District or the Indiana Native Plant Society under and around the solar arrays.
 - (3) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall plant, establish, and maintain for the life of the **CSE System** the applicable Landscape Code in A.C.C. 3-4-8-4(b)(4) in project site buffer areas and meet the following requirements:
 - (A) The nearest edge of the landscape buffer must be at least sixty (60) feet from centerline of the **street** or **right-of-way**. Otherwise the buffer area can be located anywhere within the required setback;
 - (B) Evergreens, trees and shrubs installed in project buffer areas shall be native, as identified by the Indiana Native Plant Society;
 - (C) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The **project owner** shall be responsible for the continued property maintenance of all landscaping materials and shall be kept in a proper, neat, and orderly appearance free from refuse and debris at all times;
 - (D) Unhealthy and dead plants shall be replaced within six (6) months of being provided written notice from the **Plan Commission** of the violation;
 - (E) The effectiveness of screening shall be maintained as the plant materials mature;
 - (F) Grass or ground cover shall be planted on all portions of the required buffer areas not occupied by other landscaped material. Only non-invasive species as listed by the Indiana Invasive Species Council shall be used; and
 - (G) Property within the setback but outside the buffer area may comply with the provisions and **uses** of the underlying zoning district.
 - (4) Landscaping must be located between the property line of any **nonparticipating property** or **street/right-of-way** and **CSE System** parking areas, staging areas, outdoor storage areas, maintenance areas, accessory equipment or structures, and any similar areas.
 - (5) The **CSE System** site shall be maintained to be free of invasive or noxious species, as listed by the Indiana Invasive Species Council. Maintenance shall include eradication of all noxious weeds and plants prior to the weeds’ seeding and spreading.
- (d) **Fencing**
 - (1) If a **project owner** installs a **CSE System** in unincorporated Allen County, the **project owner** shall completely enclose the **CSE System** with **fencing** that is at least eight (8) feet high.

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- (2) **Fencing** shall be set back one thousand (1,000) feet from the property line of any **nonparticipating property** and the centerline of the **street or right-of-way**.
- (3) **Fencing** shall be constructed of black vinyl coated welded wire mesh and wood.



- (4) **Fencing** shall include six (6) inch clearance at bottom for wildlife passage.
- (5) The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **Commercial Energy System Overlay Districts** abutting a residential district, a fence or wall may not be designed to cause pain or injury to humans or animals. This includes the use of barbed wire, broken glass, nails, razor wire, spikes, electric charge or similar materials. For the purposes of this provision, “abutting” shall include any area separated from a residential district by an alley right-of-way.
- (6) **Plan Commission** may require solid fencing if the **CSE System** is **adjacent** to a **nonparticipating property**. If so, **solid fencing** shall be constructed of polyvinylchloride (PVC), or similar **fencing** material.
- (e) **Infrastructure**
- If a **project owner** installs a **CSE System** in unincorporated Allen County, all cables of up to thirty-four and one-half (34.5) kilovolts that are located between inverter locations and project substations shall be located and maintained underground. Other solar infrastructure, such as module-to-module collection cables, transmission lines, substations, junction boxes, and other typical above ground infrastructure may be located and maintained above ground. Buried cables shall be at a depth of at least thirty-six (36) inches below grade or, if necessitated by onsite conditions, at a greater depth. Any damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of the aforementioned cables, transmission lines, substations, junction boxes, and other

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infrastructure must be completely repaired by the **project owner** or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. The installation of these elements must also adhere to any additional requirements provided in A.C.C. 3-4-14-9(j). **Project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(f) Glare and Traffic Disruption

A **CSE System** installed by a **project owner** in unincorporated Allen County must be designed and constructed to minimize:

- (1) Glare on adjacent properties: **project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section;
- (2) Glare on roadways and not interfere with vehicular traffic: **project owner** must submit with a Primary Development Plan application a letter of approval from the applicable agency or agencies that the **CSE System** meets the requirements of this section; and
- (3) Glare affecting air traffic: **project owner** must submit with a Primary Development Plan application a letter of approval from the **Airport Authority** that the **CSE System** meets the requirements of this section.

(g) Mitigation of Impacts

A **CSE System** installed by a **project owner** in unincorporated Allen County must be installed in a manner so as to minimize and mitigate impacts to agricultural global positioning systems, weather and doppler radar, television and microwave signals, and radio reception. A **CSE System** installed by a **project owner** in unincorporated Allen County must be installed in a manner so as to eliminate impacts to military defense radar. **Project owner** must submit with a Primary Development Plan application written approval from the local military representative confirming no impacts will occur to local military defense radar as a result of the proposed **CSE System**. **Project owner** must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(h) Road Use and Maintenance Agreement

A **CSE System** installed by a **project owner** in unincorporated Allen County must have a Road Use and Maintenance Agreement so as to minimize and mitigate impacts to local roadways. All repairs must be completed within a reasonable period of time to the satisfaction of the Allen County Highway Department. **Project owner** must submit with a Primary Development Plan application a Road Use and Maintenance Agreement. This agreement shall be approved by the Allen County Highway Department prior to Primary Development approval.

(i) Sounds Limits

A **project owner** may not install or locate a **CSE System** in unincorporated Allen County unless the **project owner** demonstrates to the **Plan Commission** that the **CSE System** will operate in a manner such that the sound attributable to the **CSE System** will not exceed an hourly average sound level of fifty (50) A-weighted decibels, as modeled at the outer wall of a **dwelling** located on an **adjacent nonparticipating property**.

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Project owner must submit with a Primary Development Plan application a certification from a licensed engineer that the **CSE System** meets the requirements of this section.

(j) **Drainage Requirements**

A **CSE System** shall be designed and constructed to adequately allow the flow of stormwater through the site in compliance with the Allen County Stormwater Technical Standards. For projects that will disturb one (1) acre or more of total land area, a stormwater pollution prevention plan submittal must be provided to the Allen County Surveyor's Office and a permit obtained before any land disturbing activities may commence. All damages to waterways, drainage ditches, field tiles, or other drainage related infrastructure caused by the construction, installation, or maintenance of a **CSE System** must be completely repaired by the **project owner** or remedied with the installation of new drainage infrastructure so as to not impede the natural flow of water. All repairs must be completed within a reasonable period of time and must be repaired and remedied to maintain drainage to the satisfaction of Allen County Surveyor's Office, Allen County Drainage Board, Allen County Highway Department, and other applicable reviewing agency or agencies, subject to applicable federal, state, and local drainage laws and regulations.

(k) **Decommissioning Plan and Site Restoration Plan**

(1) A **project owner** may not install or locate a **CSE System** in unincorporated Allen County unless the **project owner** submits to the **Plan Commission** and the **Commissioners** a satisfactory decommissioning and site restoration plan, and posts a surety bond, or an equivalent means of security acceptable to the **Plan Commission** and the **Commissioners**, including a parent company guarantee or an irrevocable letter of credit, but excluding cash, in an amount equal to 150% of the estimated cost of decommissioning the **CSE System**, as calculated by a third party licensed or registered engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners**. The decommissioning and site restoration plan must be approved to the satisfaction of Allen County Surveyor's Office, Allen County Highway Department, Allen County Department of Environmental Management, and other applicable reviewing agency or agencies, subject to applicable federal, state, and local laws and regulations. The required bond or other security shall be posted at the time of the **Plan Commission** submittal.

(A) For purposes of this section, the total estimated decommissioning costs shall be reevaluated by a third party licensed or registered engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners** at least once every succeeding three (3) year period.

(B) The total amount of the bond or security posted under this section shall be adjusted as necessary after each reevaluation.

(2) For purposes of this section, the estimated cost of decommissioning a **CSE System**, as calculated by a licensed or registered professional engineer with experience in the decommissioning of **CSE Systems**, as agreed upon by the **project owner**, the **Plan Commission**, and the **Commissioners**, shall be net of any estimated salvage value attributable to the **CSE System** at the time of

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decommissioning, unless **Plan Commission**, the **Commissioners**, and the project owner agree to include any such value in the estimated cost.

- (3) A **project owner** shall provide to the **Plan Commission** and the **Commissioners** written notice of the **project owner's** intent to decommission a **CSE System** not later than sixty (60) days before the discontinuation of commercial operation by the **CSE System**. After the discontinuation of commercial operation by the **CSE System**, and as part of the decommissioning process:
- (A) All **structures**, foundations, roads, gravel areas, and cables associated with the project shall be removed within one (1) year of intent to decommission written notice; and
 - (B) The ground shall be restored to a condition reasonably similar to its condition before the start of construction activities in connection with the **CSE System** project within one (1) year of intent to decommission written notice.
- (4) If the **project owner** fails to remove all **CSE System** project assets not later than one (1) year after the proposed date of final decommissioning, as set forth in the notice to the **Plan Commission** and the **Commissioners** under the above section, the **Plan Commission** and the **Commissioners** may engage qualified contractors to enter the project site, remove the **CSE System** project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.
- (5) Project assets may remain in place after decommissioning is complete if the location and condition of the assets conform with local regulations at the time of decommissioning and the written consent of the landowner is obtained.
- (6) Both the **Plan Commission** and the **Commissioners** shall be joint obligees and beneficiaries under the bond or other security required by the **Plan Commission** and the **Commissioners**.

(1) Abandonment

- (1) If a **CSE System** installed in unincorporated Allen County does not generate electricity for six (6) consecutive months:
- (A) The **CSE System** is considered abandoned as of the date that is one hundred eighty (180) days after the date on which the **CSE System** last generated electricity: and
 - (B) All **CSE System** project assets shall be removed in accordance within this chapter not later than one (1) year after the date of abandonment specified in this section.
- (2) In the case of abandonment, as described in this section above, if the **project owner** fails to remove the **CSE System** project assets not later than one (1) year after the date of abandonment, as required by this section, the **Plan Commission** and the **Commissioners** may engage qualified contractors to enter the project site, remove the **CSE System** project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.

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(m) Force Majeure Event

- (1) As used in this section, “force majeure event” includes the following:
 - (A) Fire, flood, tornado, or other natural disasters or acts of God;
 - (B) War, civil strife, a terrorist attack, or other similar acts of violence; or
 - (C) Other unforeseen events or events over which a project owner has no control.
- (2) In the case of a “force majeure event” causing damage to the CSE System that results in immediate danger or a threat to life safety, the project owner shall immediately rectify the situation to prevent continued danger or threat to life safety. If the project owner fails to address the danger or a threat to life safety immediately, the Plan Commission and the Commissioners may engage qualified contractors to enter the project site, address the immediate danger or a threat to life safety, and initiate proceedings to recover any costs incurred.
- (3) If a force majeure event results in a CSE System not generating electricity, the project owner shall:
 - (A) As soon as practicable after the occurrence of the force majeure event, provide notice to the Plan Commission and the Commissioners of the event and of the resulting cessation of generating operations; and
 - (B) Demonstrate to the Plan Commission and the Commissioners that the CSE System will be substantially operational and generating electricity not later than twelve (12) months after the occurrence of the force majeure event.
- (4) If the CSE System does not become substantially operational and resume generating electricity within the time set forth in section above:
 - (A) The CSE System is considered abandoned as of the date that is one hundred eighty (180) days after the date on which the CSE System last generated electricity, unless the project owner demonstrates to the Plan Commission and the Commissioners that the project owner is using all commercially reasonable efforts to resume generation; and
 - (B) All CSE System project assets shall be removed in accordance with this chapter not later than one (1) year after the date of abandonment specified in this section.
- (4)(5) In the case of presumed abandonment, as described in this section, if the project owner fails to remove the CSE System project assets not later than one (1) year after the date of abandonment, as required by this section, the Plan Commission and the Commissioners may engage qualified contractors to enter the project site, remove the CSE System project assets, sell any assets removed, remediate the site, and initiate proceedings to recover any costs incurred.

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SPECIAL USES	
Special Use	District(s) Where Allowed
Parking area (as a primary use)	C1
Parking area (if adjacent to a residential district)	C2, NC, SC, C3, C4, I1 and I2
Parking or outdoor display area, gravel (not otherwise permitted)	I2 and I3
Personal service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Plant nursery	C2, NC and SC
Plant nursery (retail)	A1
Processing facility (small scale)	I1
Processing facility for: animals (outdoor: includes skins, hides, or reduction of animal matter) or animal products (outdoor)	I2
Professional office/business service (transitional use) ⁽¹⁾	R1, R2, R3 and MHS
Quarry or mine	A1 and A3
Reception , meeting, or recreation hall; clubhouse	A1 and A3
Recreation area	A1 and A3
Recreation area (including accessory recreation areas)	C2, NC and SC
Recreation facility	A1 and A3
Recreation facility (if adjacent to a residential district)	C2, NC and SC
Recreation use, outdoor (amusement park, go-cart facility, stadium/race track, and water park, only; if adjacent to a residential district)	C3 and C4
Recreation use, outdoor (athletic field, riding stable, swim club, tennis club) ⁽¹⁾	R1, R2, R3, MHS, C1
Religious institution or non-public school illuminated athletic field(s)	A1, A3, R1, R2, R3, MHS, C1, C2, NC and SC
Residential facility for a court-ordered re-entry program	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2 and I3
Residential facility for homeless individuals (for up to eight (8) individuals)	A1, A3, R1 ⁽¹⁾ , R2, R3 and MHS
Residential facility for homeless individuals (for up to eight (8) individuals, if adjacent to a residential district)	C1, C2, NC, SC, C3, C4, I1, I2 and I3
Retail (art gallery, bakery goods, coffee shop, candy store, delicatessen, florist, ice cream store, jewelry sales, medical supply sales, musical instrument store, sandwich shop, tea room) ⁽¹⁾	C1
Riding stable, nonresidential ⁽¹⁾	A1 and A3
Salvage yard (outdoor)	I2
Sanitary landfill ⁽²⁾	A1
Sawmill ⁽²⁾	A1 ⁽¹⁾ and I2
Sheet metal fabrication and/or processing	I1
Shooting range (indoor or outdoor archery, firearm, skeet, trap, or similar)	A1
Shooting range (indoor)	C2 and SC
Shooting range (outdoor)	C4
Sign (temporary subdivision direction)	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI , I1, I2 and I3
Solar panel, residential large (ground mounted)	A1, A3, R1, R2, R3, <u>and</u> MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2 and I3
Solid waste transfer station ⁽²⁾	A1 and I2

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Base Flood (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Base Flood Elevation (BFE) (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Basement (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Beauty Shop

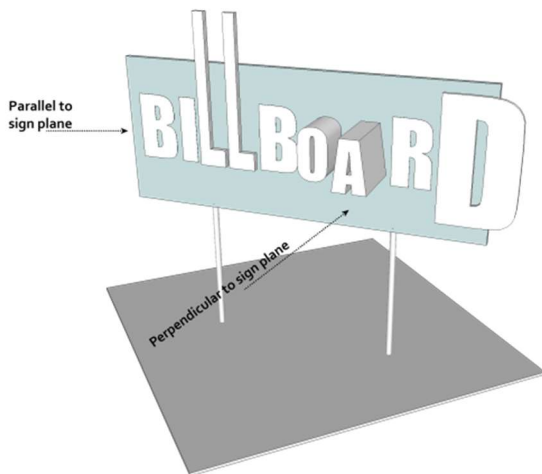
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

Bed And Breakfast

A house or portion of a house where short-term (up to 10 days) lodging rooms with or without meals are provided for compensation. The operator(s) shall live on the **lot**.

Billboard Embellishment

A portion of a **billboard** that extends vertically or horizontally from the surface area of the **billboard sign** face (generally a rectangle) when viewed perpendicular to the sign plane, or that extends outward from the surface of the sign when viewed parallel to the sign plane, to accommodate extensions of words or images on the primary **sign area**.



Block

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

Board

The Allen County **Board of Zoning Appeals**. This term shall not include the **Board of Commissioners** or the Fort Wayne **Board of Public Works**. For purposes of granting a **special use**, use variance, or variance of **development** standards for a wireless service provider, the **Board** shall be the “permit authority” under I.C. 8-1-32.3, et seq.

Board of Commissioners (see “Commissioners”)

~~The Board of Commissioners of the County of Allen.~~

ALLEN COUNTY ZONING ORDINANCE

Clinic

A facility organized and operated for the primary purpose of providing health services for out-patient treatment and special study of human sick or injured by licensed physicians and their professional associates practicing medicine together and including laboratories and other related service facilities operated in connection with the **clinic**. A use that meets the definition of “**Treatment Center**” shall not be considered to be a **Clinic**.

Club, Private

An association, whether incorporated or unincorporated, organized for a common purpose to pursue common goals, interests or activities, not including associations organized for a commercial or business purpose; a **private club** is characterized by certain membership qualifications, payment of **fees** and dues, regular meetings, and a constitution and bylaws. Any use that meets the definition of “**sexually oriented business**” as defined in Allen County Code Section 8-30-1-2 shall not be considered a **Private Club**.

Clubhouse

A **building** that provides a meeting place for a **club** as a **primary use**.

Coffee Shop

Any room, place, or **building** where the serving of coffee is the **primary use** and where tables and chairs are provided for the use of patrons.

Collector Street (see “Street, Collector”)

Commercial Communication Tower

A **structure** on which one or more antenna will be located that is intended for transmitting and/or receiving radio, television, telephone, wireless or microwave communications for an FCC licensed carrier, excluding those used exclusively for private radio and television reception and private citizen’s bands, amateur radio and other similar private/residential communications.

Commercial Solar Energy (CSE) System

A **Commercial Solar Energy System (CSE System)** that captures and converts solar energy into electricity for the purpose of selling the electricity at wholesale and for use in locations other than where it is generated. This term includes solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, solar monitoring stations, parking areas, staging areas, outdoor storage areas, maintenance areas, accessory equipment or structures, and **utility scale battery energy storage systems (BESS)**.

Commission

The Allen County **Plan Commission**. For purposes of Development Plan Decisions in the Commercial Solar Energy System Overlay District, the Commission shall be the “permit authority” under I.C. 8-1-42, et seq.

ALLEN COUNTY ZONING ORDINANCE

Commissioners

The Board of Commissioners of the County of Allen. For purposes of Rezoning Decisions in the Commercial Solar Energy System Overlay District for a Zone Map Amendment, the Commissioners shall be the “permit authority” under I.C. 8-1-42, et seq.

Commitment

A written instrument, prepared, adopted, and recorded in conformance with I.C. 36-7-4-1015 and the provisions of this ordinance.

Common Area

Real property and/or improvements on property, including, but not limited to, private storm drains, **streets**, sidewalks, utilities, parks, lakes and/or screening **walls**; open space; trails and/or floodplain management areas. **Common area** is typically shown on the face of a **subdivision plat** and is owned in fee by an **Owner's** Association for the common **use**, enjoyment, and benefit of the members of the Association.

Community (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Community Facility

Buildings, structures, or facilities owned, operated, or occupied by a non-profit entity to provide a service to the public, including broadcast **studio**, **museum**, planetarium, public transportation or similar public facility, **radio station**, **television station**, or **zoo**.

Community Garden

A common property for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one **person** or **family**. If permitted in the **zoning district** in which it is located, a **community garden** may include **accessory structures**, along with water and other facilities.

Comprehensive Plan

A plan for the physical **development** of the community, prepared and adopted by the **Board of Commissioners** and the Fort Wayne Common Council, pursuant to the 500 Series of State law, including any part of that plan separately adopted, any amendments to the plan separately adopted, and any other documents incorporated by reference.

Concrete Plant

A facility that specializes in the mixing or other **manufacturing** related activities required for the production of concrete.

Conditions

Any terms of approval placed upon an application by the decision-making body. For **conditions** imposed by the **Board**, a condition includes any greater additional **development** standard, regulation, safeguard or restriction that the **Board** finds reasonably necessary to meet the intent of this ordinance or the public health, safety, or general welfare. Whenever the **Board** imposes an additional **development** standard, regulation, safeguard or restriction on any approval that is greater than the minimum regulations of this ordinance, the greater or more restrictive condition safeguard or restriction shall govern.

Condominium

Real estate defined as a "**condominium**" under IC 32-25 (**Condominiums**).

ALLEN COUNTY ZONING ORDINANCE

Sign Separation from Districts, Uses, or Features

Where **signs** are required to be separated from specified **zoning districts**, land **uses**, or other features, the distance shall be measured radially starting from the center of the **sign** base at grade, and shall extend outward in a circular manner for the distance specified.

Sign Separation from other Signs

Minimum required distances between **off-premises signs** and **billboards** shall be measured (a) horizontally along the side of the **street** where the **sign** is located and (b) along the opposite side of the **street** where the **sign** is located, beginning from a point directly opposite the **off-premises sign** or **billboard**, as measured from an imaginary line perpendicular to the centerline of the **street** at that point.

Significant Natural Features

Noteworthy elements of the natural environment including rock outcroppings, ravines, **streams**, irrigation ditches, stands of more than 100 mature trees, and identified historical or archeological sites.

Single Family Dwelling (Detached) (see “Dwelling, Single Family, Detached”)

Site Area, Gross

The entire land area within the boundaries of a site, including all existing and proposed public and private **rights-of-way**.

Site Area, Net

The entire land area within the boundaries of a site, excluding all the area of any existing and proposed public and private **rights-of-way**.

Slaughter House

A facility for the slaughtering and processing of **domestic farm animals** or deer, and the refining of their byproducts.

Small Satellite Dish (see “Satellite Dish, Small”)

Solar Panel (building-mounted)

A building-mounted solar panel or a combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels shall be associated with and accessory to a permitted primary building. Shall also include solar panels that float on water.

Solar Panel, Nonresidential Large (ground-mounted)

A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building, exceed a ground coverage of 100,000 square feet, and be compatible with surrounding areas.

Solar Panel, Nonresidential Standard (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity.

ALLEN COUNTY ZONING ORDINANCE

Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building and be equal to or less than a ground coverage of 100,000 square feet.

Solar Panel, Residential Large (ground-mounted)

A combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels shall be associated with and accessory to a permitted primary building and exceed a ground coverage of 6,000 square feet.

Solar Panel, Residential Standard (ground-mounted)

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for purposes such as heating or cooling of a **structure**, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices. Solar panels ~~or a combination of panels~~ shall be associated with and accessory to a permitted primary building, ~~shall not exceed a total of 500 panels per parcel,~~ and ~~be equal to or less than shall not exceed~~ a ground coverage of ~~620~~,000 square feet.

Solid Waste

Any **garbage, refuse**, sludge from a wastewater treatment plant, sludge from a water supply treatment plant, sludge from an air pollution control facility, or other discarded material as described in 329 IAC 10-2-174(A)(6). However, the term “**solid waste**” does not include the following:

- (1) Solid or dissolved material in domestic sewage, solid or dissolved materials in irrigation return flows, or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act Amendments (33 U.S.C. 1342 as may be amended) and under chapter 51 of the City Code;
- (2) Source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2014 et seq.);
- (3) Manures or crop residues returned to the soil at the point of generation as fertilizers or soil conditioners as part of a total farm operation; or
- (4) Vegetative matter at composting facilities registered under IC 13-7-35 (as may be amended).

Solid Waste Transfer Station

A facility at which **solid waste**, as defined in 329 IAC 10-2, is transferred from a vehicle or container to another vehicle or container for transportation from one mode of transportation to another including the transfer of a trailer, container or waste from rail to road transportation. The following may also be located at a transfer station as **accessory uses**: **solid waste** baler, **solid waste** shredder, composting facility or **garbage** grinding facility. The **storage** or transfer of **hazardous waste** as regulated under 329 IAC 3.1(as may be amended) shall not be permitted at the facility. This term does not include the following:

- (1) Collection containers for **solid waste**;

ALLEN COUNTY ZONING ORDINANCE

Utility Scale Battery Energy Storage System (BESS)

An energy storage system (as defined in NFPA 855) that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage.

Variance (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Veterinary Clinic (see “Animal Hospital”)

Violation

The failure of a **structure** or other **development** to be fully compliant with this ordinance.

Violation (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Waiver

An adjustment to an ordinance standard or a complete removal of an ordinance requirement.

Wall

The vertical exterior surface of a **building** or **structure**.

Walled and Roofed (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Wall, Freestanding (see “Fence”)

Warehouse/Storage Facility

A facility for the **storage** of products, supplies, and equipment, including a self-service **storage** (mini-warehouse) facility.

Waste Management and Remediation Facility

A facility used for the temporary **storage** (not to exceed ten (10) days) and/or treatment of certain hazardous and non-hazardous waste.

Watercourse (see Floodplain Regulations – A.C.C. 3-4-12-2, Definitions)

Waters of the State

A lake, marsh, reservoir, waterway, or other water under public ownership, jurisdiction, or lease.

Wetlands

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. “**Wetlands**” generally include swamps, marshes, bogs and similar areas and may be determined from the following sources: National **Wetlands** Inventory maps published by the U.S. Department of the Interior, Fish and Wildlife Service; areas designated as “marsh” in the Hydrologic Investigations Atlas published by the U.S. Department of the Interior, Geologic Survey; as “poorly drained” and “very poorly drained” and verified by the Soil Conservation Service.

Wholesale Facility

An establishment primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Examples include,