

Draft Zoning Ordinance Amendments for Discussion

1. Establishing a Single-family Residential Use in the Agriculture (AG) District

The standards and review process for establishing single-family residences in the AG district work really well. The following language/amendments would still follow the current process, but would not require a special exception and public hearing before the BZA.

- Section III: Authorized Uses, Table 2: Authorized Uses. Under AG, change “dwelling – single family” to permitted by “P*.” The * will signify that the use is restricted and additional development standards apply.
- Section VI: Restricted Uses
 - Section H: Minor Subdivisions and Single-family Homes in the AG District. Edit this section to only address Minor Subdivisions in the AG District.
 - Create a new section:
- N. SINGLE-FAMILY HOMES IN THE AG DISTRICT. Single-Family Homes outside of a platted subdivision are considered a Restricted Use in the Agriculture (AG) District and require a thorough review on a site-by-site basis. A variance may be requested from the requirements of Table 3 and any other sections of this ordinance. The following restrictions and procedures shall be considered:
 - 1. DEVELOPMENT STANDARDS.
 - a. Driveways: When applicable, new driveways in the AG District shall be located along the property line to make it possible to share the driveway with an adjoining lot in the future. In addition, the commitment may be required that the owner share the driveway when necessary.
 - b. Buffering. In order to protect residential uses from agricultural activities and vice-versa, the perimeter of the lot for a single-family homes in the AG District shall have a forty (40) foot Bufferyard Ag.
 - c. Commitments. In order to protect residential uses from agricultural activities and vice-versa, commitments are required before a building permit will be issued in accordance with IC 36-7-4-921. The following commitments must be recorded with the Office of the Boone County Recorder:
 - 1. Right-to-Farm Law of Indiana. The Applicant acknowledges and/or agrees that agricultural uses are permitted in the surrounding area, no agricultural or agri-business operation in the area shall be or become a nuisance, and to not object to the continuation of any such agricultural or agri-business operation in the surrounding area as long as such operation does not constitute a nuisance.
 - 2. Future Residential Subdivision. Regardless of the history of the subject property, after the issuance of the building permit for the single-family dwelling on a lot greater than four (4) acres, the applicant is aware that further subdividing the property requires an application for a Special Exception for a Minor Residential Subdivision in order that the BZA and APC may review the request and ensure that such further subdivision is in accordance with this ordinance and meets the standards for approval.

2. PROCEDURES.

- a. Application Required. The applicant shall submit a complete application for a Single-family Dwelling in the AG District Building Permit on the approved application form.

These are the items that are already required for a building permit.

- Septic permit/sanitary sewer release and well/water service approval.
- Driveway permit.
- Drainage permit.
- Site plan. (A fully detailed plot plan prepared by a certified registered land surveyor)
- Building construction blueprints.
- Floodplain check.
- Affidavit acknowledging the commitments to be recorded.

- b. Internal Review.

1. The Administrator shall forward the plans to the Technical Advisory Committee (TAC) for technical review per the published application schedule. At the discretion of the Administrator, the TAC members can participate in-person, virtually (video conference), by phone, or by email.
2. The Administrator shall compile a written report for the applicant and the public file with comments from the TAC members.
3. After the internal review, the applicant shall make the necessary modifications to the application materials per the TAC comments and resubmit the plans for review. When all modifications are satisfied, the permit can be issued.

- c. Approval. If the revised application has adequately addressed the comments from the TAC, the Administrator shall approve the permit.

2. Accessory Dwelling Units

The current ordinance does not have any provisions or procedures for accessory dwelling units. The following language could allow them provided certain standards are met.

Permitted Districts: Accessory dwelling units are permitted by right in any district that allows single-family dwellings: AG, RE, R1, R2, R3, and R4

- a. Purpose. It is the purpose of this section to regulate an accessory residential structure on a parcel where a primary residential structure exists in order to provide housing options for family members, students, aging residents, in-home health care providers, the disabled, and others; promote a variety of housing opportunities in the community; and allow homeowners to benefit from added income and an increased sense of security.
- b. Applicability.
 - i. In order to ensure that structures abide by the standards of this section, the following situations shall be classified as an accessory dwelling unit unless a “Use Affidavit” stating the structure will not be used as an accessory dwelling is filed with the Administrator and recorded with the County Recorder:
 - 1. Any accessory structure that includes a bathroom, kitchen facilities, and/or living area; or
 - 2. A living area that is attached to the primary residential structure that has a separate means of ingress/egress for the purpose of accessing a bathroom, kitchen facilities, and/or sleeping quarters (such as living area above an attached garage with a separate entrance).

c. Development Standards.

Accessory Dwelling Structure Standards	
Minimum Structure Area	<ul style="list-style-type: none"> • 400 sq ft of living area
Maximum Structure Area	Lesser of: <ul style="list-style-type: none"> • 1,500 sq ft of living area • 50% of the primary dwelling unit living area ground floor/footprint (excluding non-living areas such as garage)
Maximum Height	<ul style="list-style-type: none"> • As allowed by the zoning district but the structure containing the accessory dwelling cannot exceed the height of the primary dwelling
Architecture and Building Materials	<ul style="list-style-type: none"> • Architectural style, form, materials, and colors shall match or be compatible with the style and form of the primary dwelling
Quantity	<ul style="list-style-type: none"> • Maximum of 1 accessory dwelling unit per parcel
Structure Requirements	<ul style="list-style-type: none"> • Detached or attached to the primary dwelling unit • Lawfully built structure that meets applicable building code requirements, including all requirements for a single-family dwelling • A manufactured home when permanently installed, titled as real property, and meets HUD Code requirements. No additions or structural modifications are allowed.
Prohibited Structure Type	<ul style="list-style-type: none"> • A recreational vehicle, travel trailer, motor vehicle or similar structure • Any structure not intended for permanent human occupancy • Any structure that does not meet all building code requirements for a dwelling or does not meet the use standards for an accessory dwelling unit (including layout and components)

Accessory Dwelling Site Standards	
Minimum Lot Size	<ul style="list-style-type: none"> • The lot must meet the minimum lot area standards of the subject zoning district for a single-family residence • Maximum lot coverage standards of the subject zoning district still apply
Address	<ul style="list-style-type: none"> • Addresses for properties with an approved accessory dwelling unit shall be assigned and approved by the addressing entity
Access	<ul style="list-style-type: none"> • Accessory dwelling shall utilize the existing driveway that serves the primary residential dwelling • A separate driveway from any public right-of-way shall not be permitted
Location	<ul style="list-style-type: none"> • Only allowed on lots where an existing, lawfully constructed, primary single-family dwelling exists • Must be located behind the front façade of the primary dwelling • Must comply with all site development standards (including setbacks) of the subject zoning district
Layout and Components	<ul style="list-style-type: none"> • An independent and complete dwelling unit with all amenities needed for safe and habitable living, including permanent provisions for sleeping, eating, cooking, sanitation, and ingress/egress (self-sufficient) • Shall not contain more than 2 bedrooms • Shall not have accessory structures of their own
Ownership and Occupancy	<ul style="list-style-type: none"> • Accessory dwelling shall be under the same ownership as the primary dwelling • Accessory dwelling may not be parceled off separately from the primary dwelling • The primary dwelling or the accessory dwelling must be occupied by the owner of the parcel

Accessory Dwelling Utility Standards	
Water and Sewage Disposal	<ul style="list-style-type: none"> • Shall comply with requirements of the zoning district • Shall comply with the requirements of the utility provider and/or the Boone County Health Department

- d. Procedures. A building permit is required to establish an accessory dwelling unit.

3. Planned Unit Developments

The current PUD standards can be made clearer and more efficient by updating the definition and the procedures.

Planned Unit Development (PUD): A zoning district together with a regulating document that is established to allow the development of an area of land as a single master-planned area for specified uses that conform to an approved development plan.

- a. Purpose: Areas zoned PUD provide for flexibility in the development of land when consistent with the Comprehensive Plan. This classification should be encouraged when the proposed development promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities and is compatible with the surrounding areas to foster the creation of an attractive, healthful, efficient, and stable environment for living, shopping, and working. Projects that utilize the PUD process are encouraged to plan for density and standards above and beyond what is traditionally permitted under comparable county zoning districts to improve the efficient use of land and environment.
- b. Applicability:
 - i. In accordance with IC 36-7-4-600 series for zone map changes, IC 36-7-4-1500 series for PUD Districts, and the APC Rules and Procedures, the APC shall hear and make recommendations regarding zone map changes to a PUD District.
 - ii. Zone map changes to a PUD District may be initiated by the APC, the County Commissioners, or by owners of fifty percent (50%) or more of the area involved in the petition.
- c. General Standards: If the general standards cannot be met, a Variance from the BZA shall be granted before making application for PUD.
 - i. Area. The minimum area required for an application for a PUD shall be one hundred (100) acres in order to ensure that there is adequate property involved to facilitate a master-planned development that aligns with the intent of the PUD process.
 - ii. Subdivisions. All subdivisions within a PUD require subdivision approval. All subdivision standards and procedures within the Boone

County Subdivision Control Ordinance shall apply to the PUD unless a waiver is approved by the APC.

- iii. Development Plans. All new primary structures within a PUD require administrative Development Plan approval except single-family and two-family residential dwellings.
- iv. Standards and Procedures Not Covered: The PUD District Ordinance should be written to be an all-inclusive document that serves as an independent zoning ordinance for the subject property. However, in the event that a procedure or regulation is inadvertently absent from the PUD District Ordinance, the Administrator, at their discretion, shall default interpretation to the procedures and regulations contained in the Boone County Zoning Ordinance as amended.
- v. Other Standards.
 - 1. All development within a PUD shall be subject to the requirements of the Boone County Drainage Ordinance.
 - 2. All new utility facilities are required to be underground.
- d. Land Uses: All uses are subject to the discretion and approval of the APC and the Boone County Commissioners as part of the PUD adoption process. All land uses proposed in a PUD must be in conformance with the vision of the Comprehensive Plan.
- e. Components: An application for a PUD shall include both a PUD District Map and a PUD District Ordinance.
 - i. PUD District Map. A PUD District Map shall define the overall area that is governed by the PUD District Ordinance. This map may also identify the location of “districts” that allow specific land uses that are described in the PUD District Ordinance.
 - ii. PUD District Ordinance. The PUD District Ordinance shall be an all-inclusive and fully independent regulating document from the Boone County Zoning Ordinance. The PUD District Ordinance shall be submitted with the “detailed terms” for development in accordance with IC 36-7-4-1509(a)(2). For the purpose of administration and continuity, the proposed PUD District Ordinance must follow a uniform format and contain the following sections outlined below:
 - 1. PUD Introductory Provisions and Administration. The enabling language for the PUD District Ordinance as well as purpose, intent, jurisdiction, administration, and effective date.

2. PUD Districts. A list of each land use district within the PUD (if there is more than one) and its purpose as well as a list of permitted land uses, special exception land uses, and development standards for each district.
3. PUD Site Development Standards. A list of the site standards that apply to development, such as accessory structures, architectural features, landscaping, lighting, parking, setbacks, signs, etc.
4. PUD Use Development Standards. A list of any specific uses that have additional standards above and beyond the minimums listed in #2 and #3 above.
5. PUD Procedures. The procedures for administration and interpretation of the PUD. This also includes the procedures for seeking relief from the standards of the PUD and any administrative modifications that may be allowed.
6. PUD Definitions. Any terms that are specific to the PUD that are not included in and/or vary from the Definitions chapter of the Boone County Zoning Ordinance, as amended, shall be listed to aid in the interpretation of the ordinance.

f. Procedures.

- i. Application. The applicant shall submit a complete application for a zone map change to a PUD District in accordance with the application requirements and prepared in accordance with the requirements of this ordinance.
- ii. Public File. Once the Administrator determines that an application is complete and in proper form, they shall assign a file number and create a public file. The Administrator shall announce the tentative date for public hearing before the APC.
- iii. Internal Review.
 1. The Administrator shall forward the application to the Technical Advisory Committee (TAC) and assign a deadline for receiving internal review comments from the review committee(s). At the discretion of the Administrator, the TAC review can be held in-person, virtually (video conference), by phone, or by email.
 2. After the internal review, the applicant shall make the necessary modifications to the application materials by the

application schedule deadline to satisfy the Administrator and resubmit the plans for review. The petition will not be placed on the APC agenda until all modifications have been received and reviewed for accuracy.

iv. APC Public Hearing.

1. Public Notice. Notice of public hearing shall be in accordance with the APC Rules and Procedures. In the event the hearing has been properly noticed, but the plans or application materials are not completed per Subsection iii: Internal Review above, then the Administrator may have the PC automatically continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the petitioner.
2. APC Public Hearing. The APC shall consider the zone map change and PUD District Ordinance at a public hearing. The applicant or their representative shall be in attendance to present the application and address any questions or concerns of the APC.
3. Recommendation by APC.
 - a. Consideration. In accordance with IC 36-4-603, when considering a zone map change to a PUD District, the APC shall pay reasonable regard to:
 - i. The Comprehensive Plan;
 - ii. Current conditions and the character of current structures and uses in each district;
 - iii. The most desirable use for which the land in each district is adapted;
 - iv. The conservation of property values throughout the jurisdiction; and
 - v. Responsible development and growth.
 - b. Recommendation. After consideration, the APC shall make a favorable, unfavorable, or no recommendation to the appropriate legislative body. Any recommendation may include conditions and/or written commitments in accordance with IC 36-7-4-1015.
 - c. Certification of Recommendation. Within ten (10) business days after the APC recommendation, the

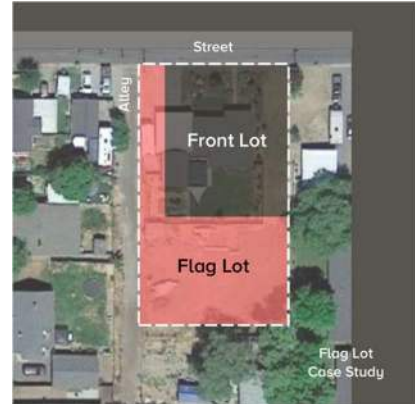
Administrator shall certify the recommendation to the appropriate legislative body.

v. Final Action by the Legislative Body.

1. Decision. Upon receipt of said certification, the legislative body shall vote on the proposed zone map change to a PUD District within ninety (90) calendar days. Final action by the legislative body shall be in accordance with IC 36-7-4-600 series.
 - a. If the proposal is adopted by the legislative body, the APC shall update the official zoning map accordingly and the PUD District Ordinance shall be recorded.
 - b. If the proposal is denied by the legislative body, the proposal cannot be resubmitted for one (1) year unless the Administrator determines there is substantial change to the application.
2. Expiration. Approval of a zone map change to PUD shall run with the land unless a condition specifies otherwise.
3. Amendment. Amendment of a zone map change shall be made in accordance with the IC 36-7-1500 series for zone map changes to a PUD District. An amendment of an applicable condition or commitment shall be made in accordance with IC 36-7-4- 1015.

4. Flag Lots

The BZA has asked for requirements that would prohibit the creation/development of flag lots because of concerns about access, emergency services, and overall character of residential development in the rural areas of the county.



Flag Lot: *A type of property characterized by its unique shape, resembling a flag on a pole. It features a narrow strip of land (the "pole") that extends from a public road, connecting to a wider area of land (the "flag") where the main buildable envelope is located partially or entirely behind the main buildable envelope of the lot in front of it.*

Buildable Envelope: *A series of horizontal and vertical planes at the building setback lines which, when applied in three-dimensions, sets the boundaries of the space the permitted primary and accessory buildings may occupy.*

Table 3, Residential Uses and Requirements – Single Family

Road Frontage: All residential lots utilizing a private access driveway for access shall have frontage on a public road. The minimum width of that frontage is 100' of continuous width which extends the depth of the lot: (in major subdivisions, up to 20% of the total subdivisions may reduce road frontage by up to 20%). **Flag lots are prohibited in all districts.**

5. ADVANCE Tiny Homes

The Town of Advance would like to allow tiny homes by right in the residential districts.

***Tiny Home:** A compact dwelling unit designed to maximize space efficiency and minimize environmental impact.*

Table 3, ADVANCE Residential Uses and Requirements – Single Family

R2, R3, R4, and UB: Minimum ~~Ground Floor~~Living Area:

- ~~One-story: 1,200 sqft~~
- ~~Multi-story: 900 sqft~~
- 400 to <800 square feet with a maximum of 1 bedroom and no more than 2 occupants
- 800 to <900 square feet with a maximum of 2 bedrooms and no more than 4 occupants