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## **CHAPTER 152 – PLANNING AND DEVELOPMENT**

### **COMPREHENSIVE PLAN**

#### **§ 152.01 TITLE AND ADOPTION**

The **Comprehensive Plan** for the **City of Woodburn** shall be formally known as "The **Comprehensive Plan** for the **City of Woodburn** or the “**Comprehensive Plan**”. The **Comprehensive Plan**, containing goals, objectives, strategies, guiding principles, maps, figures, and charts for Community Facilities, Community Identity and Appearance, Economic Development, Environmental Stewardship, Housing and Neighborhoods, Land Use, Transportation, and Utilities, was adopted by the Woodburn City Council on May 7, 2007.

#### **§ 152.02 GUIDANCE AND CONSIDERATION**

The City Council of the **City of Woodburn** and each governmental entity within the **planning jurisdiction** of the **Plan Commission** shall be guided by and give consideration to the general policy and pattern of **development** set out in the **Comprehensive Plan** and to other land **use** policies adopted in this subchapter, including the:

- (A) Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities;
- (B) Authorization, construction, **development**, alteration, or abandonment of public ways, public places, public lands, public **buildings** and **structures**, or public utilities;
- (C) Objectives and policies for future land **use development**; and
- (D) Adoption, amendment, or repeal of zoning ordinances, (including zoning maps), **subdivision** control ordinances, historic preservation ordinances, and other land **use** ordinances.

#### **§ 152.03 AMENDMENTS**

Amendments to the **Comprehensive Plan** shall be prepared and approved according to the procedures set forth in IC 36-7-4-500 (the 500 series – **Comprehensive Plan**).

#### **§ 152.04 COPY ON FILE**

A copy of the approved **Comprehensive Plan**, including all maps and amendments, shall be placed and kept on file in the office of the Allen **County Recorder**. A copy of the approved Plan shall also be placed and kept on file in the office of the **Department of Planning Services** and in the office of the **City Clerk** and shall be available for public examination during the regular business hours of said offices.

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## TRANSPORTATION PLAN

### § 152.31 TITLE AND ADOPTION

A Transportation Plan, prepared by the Northeastern Indiana Regional Coordinating Council and adopted by the Woodburn City Council, shall be considered the Transportation Plan for the **City of Woodburn**. It may be cited and referred to as the “Transportation Plan”.

### § 152.32 GUIDANCE AND CONSIDERATION

The Woodburn City Council and other governmental entities within the jurisdiction of the **Plan Commission** shall pay reasonable regard to the general policies, objectives, and proposed highway, transit, and pedestrian/bicycle systems improvement projects set forth in the Transportation Plan as part of the review and approval of proposed projects; the authorization, construction, **development**, and improvement of **public streets** and roadways; the abandonment of public ways; and other matters relevant to the Transportation Plan.

### § 152.33 COPY ON FILE

A copy of the approved Transportation Plan shall be kept on file in the office of the **City Clerk**. A copy of the Transportation Plan shall also be placed and kept on file in the office of the **Department of Planning Services** and in the office of the Northeastern Indiana Regional Coordinating Council (NIRCC). The Transportation Plan shall be available for public examination during the regular business hours of said offices.

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# WOODBURN ZONING ORDINANCE

## CHAPTER 154 – ZONING ORDINANCE

### GENERAL PROVISIONS

#### § 154.101 TITLE

This ordinance shall be formally known as the “Woodburn Zoning Ordinance”; the Woodburn Zoning Ordinance may also be cited and referred to as the “Zoning Ordinance” or “ordinance”.

#### § 154.102 AUTHORITY

This ordinance is adopted by the **City of Woodburn** pursuant to its authority under the laws of the State of Indiana, including the 600 Series of Indiana Code (IC 36-7-4-600).

#### § 154.103 EFFECTIVE DATE

This ordinance and any subsequent amendments shall be in full force and effect as of March 3, 2018 noted in the ordinance adopted by the Woodburn City Council; if there is no designated effective date, the ordinance shall be in effect as of the date of the Council’s approval.

#### § 154.104 PURPOSE

The purpose of this ordinance is to promote carefully planned, orderly growth and **development** and the efficient **use** of land resources within the **City** and the **City’s planning jurisdiction**, and to carry out the land **use** objectives and strategies of the **Comprehensive Plan**, and in doing so to:

- (A) Carry out the purposes of IC 36-7-4-201(b) and the IC 36-7-4-600 Series, including, but not limited to the following:
- (1) Promote the health, safety, convenience, and welfare of the citizens of the community;
  - (2) Secure adequate light, air, and convenience of access;
  - (3) Provide safety from fire, **flood**, and other danger;
  - (4) Reduce or avoid congestion and provide for the safe and efficient movement of vehicles and pedestrians along public ways;
  - (5) Encourage that the growth of the community is commensurate with and promotive of the efficient and economical **use** of public funds;
  - (6) Set forth the **uses** permitted in the **City’s** residential, commercial, and industrial **districts**; and establish other permitted and prohibited land **uses**;
  - (7) Establish **uses** that the **Board of Zoning Appeals** may permit as **contingent uses** and **special uses**, along with the **zoning districts** where **special uses** will be allowed;
  - (8) Regulate both the **use** and the intensity of **use** of land for commercial, community, industrial, institutional, residential, and other purposes and activities;
  - (9) Establish minimum standards for **lot** areas and sizes, **yard** requirements, and **residential building** sizes;
  - (10) Establish maximum **building** and **structure** heights;
  - (11) Establish standards for accessory construction such as **fences, garages, sheds, swimming pools**, and similar **buildings, structures** and **uses**; and

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- (12) Provide consistent **subdivision** control provisions, standards, and policies;
- (B) Provide for the enforcement of this ordinance, including recourse for **violations** and other noncompliance with these provisions; and
- (C) Define terms used in this chapter.

## § 154.105 JURISDICTION

This ordinance shall apply to all land within the **planning jurisdiction** of the **City of Woodburn**. A map showing the boundaries of the **City's planning jurisdiction** shall be available for public inspection in the office of the **Department of Planning Services**. This ordinance does not revoke any previously-granted extra-territorial **planning jurisdiction**. Any requests for Woodburn to exercise jurisdiction over any part of the unincorporated area beyond the Woodburn corporate limits shall be prepared and considered as set forth in IC 36-7-4-205(e). DPS staff shall maintain a map showing all areas of extra-territorial jurisdiction.

## § 154.106 ANNEXATION

Upon annexation, the Allen **County zoning districts** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding Woodburn **zoning district** based on **district** conversions in § 154.201(E). **Uses** that were permitted in the Allen **County zoning district** at the time of annexation, but are not permitted in the new Woodburn zoning district upon the effective date of the annexation, shall be considered **nonconforming uses**.

### (A) Board of Zoning Appeals and Hearing Officer

#### (1) Previous Approvals

Any application previously approved by the County **Board of Zoning Appeals** prior to the effective date of annexation shall remain valid and in full force and effect so long as the approval is not changed, amended, revoked, terminated, or lapsed.

#### (2) Renewals or Status Reports

Any application previously approved by the County **Board of Zoning Appeals** prior to the effective date of the annexation that is subject to renewal or a status report may have the renewal or the status reviewed by action of the **Board of Zoning Appeals** after the effective date of annexation. The renewal or the status report shall be based on the criteria used for the original approval, so long as no changes or amendments are proposed for the previous approval.

#### (3) Proposed Changes or Amendments to Previous Approvals

Any application to change or amend a previous approval by the **Board of Zoning Appeals** shall be governed by the criteria in effect at the time of the original approval for a period of two (2) years following the effective date of annexation. If an approval is proposed to be changed or amended after two (2) years from the effective date of annexation, then the change or amendment shall be governed by the criteria in effect at the time the complete application for the change or amendment is filed.

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## (B) Plan Commission Approvals

### (1) Vested Development Plans and Vested Plats

- (a) For purposes of this Section 154.106(B), the term “vested development plan” shall mean a development plan where a **Certificate of Compliance** has been issued for construction that has been authorized by an **Improvement Location Permit** issued under the Allen County Plan Commission’s Development Plan approval prior to the effective date of annexation.
- (b) For purposes of this Section 154.106(B), the term “vested plat” shall mean a subdivision plat where at least one section of the approved primary plat also has an approved secondary plat that has been recorded with the Allen County Recorder’s Office prior to the effective date of annexation.

### (2) Sunset Provisions for Vested Development Plans

For vested development plans approved by the Allen County Plan Commission prior to the effective date of annexation, the applicant can elect to have the remainder of the construction within the development plan governed by the development plan’s conditions of approval and the provisions of the Allen County Zoning Ordinance for two (2) years following the effective date of annexation. After this 2-year period, the development plan approval shall expire, and all construction within the development plan shall comply with the provisions of the Woodburn Zoning Ordinance.

### (3) Sunset Provisions for Non-Vested Development Plans

For development plans approved by the Allen County Plan Commission that were not vested prior to the effective date of annexation, the applicant can elect to have the construction within the development plan governed by the development plan’s conditions of approval and the provisions of the Allen County Zoning Ordinance for one (1) year following the effective date of annexation. After this 1-year period, the development plan approval shall expire and all construction within the development plan shall comply with the provisions of the Woodburn Zoning Ordinance.

### (4) Sunset Provisions for Vested Plats

For vested plats approved by the Allen County Plan Commission prior to the effective date of annexation, the applicant can elect to have the remainder of the subdivision developed in accordance with the primary plat’s conditions of approval and the provisions of the Allen County Zoning Ordinance for two (2) years following the effective date of annexation. After this 2-year period, the primary plat approval for the remainder of the subdivision shall expire, and the applicant shall be required to apply for and receive primary and secondary plat approval for the remainder of the subdivision in accordance with the provisions of the Woodburn Zoning Ordinance.

### (5) Sunset Provisions for Non-Vested Plats

For plats approved by the Allen County Plan Commission that are not vested prior to the effective date of annexation, the applicant can elect to have the subdivision developed in accordance with the primary plat’s conditions of approval and the provisions of the Allen County Zoning Ordinance for one (1) year following the effective date of annexation. After this 1-year period, the primary plat approval for the remainder of the subdivision shall expire, and the applicant shall be required to apply for and receive primary and

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secondary plat approval for the remainder of the subdivision in accordance with the provisions of the Woodburn Zoning Ordinance.

(6) Changes or Amendments to County Development Plan or Plat Approvals

After the effective date of annexation, no **substantial changes** or amendments can be made to any development plan or primary plat previously approved by the Allen County Plan Commission. If an applicant wishes to change or modify the Allen County development plan or primary plat approval, the applicant shall apply for a new development plan or primary plat approval under the Woodburn Zoning Ordinance.

(7) No Extensions of County Development Plan or Plat Approvals

The Plan Commission shall not grant any extension of any approval for a development plan or primary plat previously approved by the Allen County Plan Commission.

(C) Improvement Location Permits

For **Improvement Location Permits** issued by **DPS** staff prior to the effective date of annexation, the construction authorized by the permit shall be governed by the provisions of the Allen County Zoning Ordinance for the time that the permit remains valid. After a permit is no longer valid, all subsequent construction shall require a new **Improvement Location Permit**, and shall comply with the provisions of the Woodburn Zoning Ordinance.

(D) Zoning Violations

Any **violation** of the Allen County Zoning Ordinance prior to the effective date of annexation shall not be a **nonconforming use** after the effective date of annexation if the use or structure also violates the provisions of the Woodburn Zoning Ordinance. The **violation** shall be subject to the penalties and enforcement pursuant to § 157.505 (Enforcement).

(E) Nonconforming Uses

Any **nonconforming use** or **structure** under the Allen County Zoning Ordinance shall be allowed to continue after the effective date of annexation, as long as the nonconformity that resulted in the nonconforming state under the Allen County Zoning Ordinance continues to exist after the effective date of annexation. If the nonconformity that existed under the Allen County Zoning Ordinance prior to annexation ceases to exist for a period of twelve (12) months, then the nonconforming status of the use or **structure** shall lapse and the use or **structure** must be brought into compliance with the Woodburn Zoning Ordinance.

(F) Commitments

All written **commitments** required as part of an approval by the Allen County Board of Zoning Appeals, Allen County Plan Commission or the Board of Commissioners of the County of Allen and recorded against the real estate prior to the effective date of annexation shall remain in full force and effect after the effective date of annexation, until those written **commitments** are either modified or terminated by either the Board of Zoning Appeals or the Plan Commission under the terms of the Woodburn Zoning Ordinance.

(G) Covenants

Covenants, easements, and affidavits required as part of an approval by the Allen County **Board of Zoning Appeals**, Allen County Plan Commission, or the Board of Commissioners of the County of Allen and recorded against the real estate prior to the effective date of annexation shall remain in full force and effect after the effective date of annexation, until those covenants or restrictions are either modified or terminated by the **Board of Zoning Appeals** or Plan Commission.

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## § 154.107 APPLICABILITY

Except as noted below, this ordinance shall be applicable to all **structures**, land, and **uses** on property located within the **planning jurisdiction** of the **City of Woodburn**, including private **primary uses** on otherwise-exempt property. Any applicant or property **owner** who feels that their property or proposed **building, structure** or **use** is expressly exempted from this ordinance (as in the case of express field implied pre-emption, or pre-emption under IC 36-7-4-1104 (b)) shall be required to furnish documentation supporting such an exemption. A project that may otherwise be deemed exempt may be voluntarily submitted for review. Projects or properties which are exempt within Woodburn's **planning jurisdiction** shall not automatically be exempt outside of Woodburn's **planning jurisdiction**.

However, this ordinance does not apply to, and does not regulate or restrict, the **City's** public **use** of any **lot** or **parcel** within the **Commission's planning jurisdiction** that is owned and occupied for **City** purposes by the City Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers established under I.C. 36-4-9. In the event the City Council, the **City Clerk**, or any **City** departments heads, **City** departments or **City** officers cease to own or occupy the **lot** or **parcel** for a **City** public **use**, then this ordinance shall apply, and shall regulate and restrict, any other **use** of the **lot** or **parcel**. Any prior **use** of a **lot** or **parcel** by the City Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers that was exempt from this ordinance shall not be deemed a **nonconforming use** when the City Council, the **City Clerk**, or any **City** department heads, **City** departments or **City** officers cease to own or occupy the **lot** or **parcel** for a **City** public **use**.

## § 154.108 COMPLIANCE

After March 3, 2018, no **building, structure** or land shall be used, and no **building** or **structure** shall be altered, converted, enlarged, erected, moved, reconstructed, or reused except in conformance with the provisions of this ordinance, including the issuance of any required permits. No **lot** or **parcel** shall hereafter be established or divided except in conformance with the provisions of this ordinance. Existing **buildings, structures** and **uses** that do not comply with the provisions of this ordinance shall be subject to the provisions of §154.504 (Nonconforming Situations).

## § 154.109 RESERVED

## § 154.110 GRAPHICS, HEADINGS, AND ILLUSTRATIONS

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.

## § 154.111 INTERPRETATION

In cases where the provisions of this ordinance require interpretation, the 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.

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## § 154.112 MINIMUM REQUIREMENTS

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 **City**, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment of the **City**.

## § 154.113 OVERLAY DISTRICTS

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 **district** shall include the **Floodplain** regulations.

## § 154.114 RELATION TO PLANS

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).

## § 154.115 RELATION TO OTHER LAWS AND REGULATIONS

- (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, **onsite 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.
- (B) This ordinance does not supersede more restrictive requirements which may be contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations. To the extent that the regulatory standards of this ordinance are more restrictive than the requirements contained in the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations and such regulatory standards are not otherwise specifically prohibited by the Indiana Code, the Indiana Administrative Code, the United States Code, or the Code of Federal Regulations, such regulatory standards shall be applicable and enforceable.

## § 154.116 SAVING PROVISION

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, **Subdivision** Control Ordinance, or related ordinance. This ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

## § 154.117 SEVERABILITY

If any provision of this ordinance as existing now or later amended, or its application to any **person** or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

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## § 154.118 SIMILAR USES PERMITTED

The **uses** specified herein shall be permitted in the noted **zoning districts**. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these provisions may be permitted with the approval of the **Zoning Administrator**; however, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein

## § 154.119 STATE STATUTE AMENDMENTS

If any of the provisions of Indiana Code cited in this ordinance are amended or superseded, this ordinance shall be deemed amended with regard to the reference(s) to the new or revised code, until such time that the ordinance is amended to conform to the new or revised code. If Indiana Code is amended to require a more restrictive standard than this ordinance, the more restrictive State standard shall be applicable and enforced.

## § 154.120 SUBDIVIDING LAND

Land may be subdivided within any **zoning district**.

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## § 154.121 TRANSITIONAL PROVISIONS AND VESTED RIGHTS

The intent of this section is to make this ordinance fully effective, but to allow for the continuation of all vested rights related to permits and approval issued prior to March 3, 2018. The **transitional** provisions shall apply to the following situations:

### (A) Applications Filed Prior to March 3, 2018

#### (1) Completed Applications

Any application for an **Improvement Location Permit**, **Certificate of Occupancy**, or **Certificate of Compliance**, or any application for a land use approval from the **Board of Zoning Appeals** or the **Plan Commission**, which has been filed with the required filing fee and which has been determined to be complete prior to March 3, 2018, shall be regulated by the terms and provisions of the zoning ordinance that were in effect as of the date the application was determined to be complete. Any re-application for an expired application or permit shall meet the provisions and **development** standards of the zoning ordinance in effect at the time of re-application. However, any such completed application filed before March 3, 2018, shall be subject to the administrative procedures, procedural rules, and hearing process in effect at the time the completed application is reviewed or heard at a public hearing.

#### (2) No Applications Submitted and Incomplete Applications

Projects for which no application has been submitted or which have been determined to be incomplete prior to March 3, 2018 shall be subject to all requirements and standards of this ordinance.

### (B) Approved Permits and Projects

#### (1) Permits

All permits (including **Improvement Location Permits**, Site Plan reviews, **Certificates of Occupancy**, and **Certificates of Compliance**) which have been issued prior to March 3, 2018, or which are issued after March 3, 2018 for a complete application filed under §154.121 (A)(1) shall remain valid and in effect until the applicable expiration date. Projects with valid permits may be carried out in accordance with the provisions and **development** standards of the zoning ordinance in effect at the time of the approval of the permit, or at the time of filing a completed application under §154.121 (A)(1), provided that the permit does not expire or lapse prior to March 3, 2018. If an application to substantially change a permit is filed after three (3) years from March 3, 2018, then the change to the permit shall be governed by all requirements and **standards** of this ordinance in effect at the time of applying for the change.

#### (2) **Plan Commission** Final Decisions

All **Plan Commission** final decisions (as defined in IC 36-7-4-1016(b), which includes Development Plans and **plats**) which have been approved prior to March 3, 2018, or which were approved after March 3, 2018 for a complete application filed under §154.121 (A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Plan Commission** may be carried out in accordance with the **Plan Commission's** **conditions** of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Plan Commission's** decision, or for a completed application under §154.121 (A)(1) above at the time the application is filed; unless the **Plan Commission's** decision is reversed, expired or lapsed prior to March 3, 2018. If an application to substantially change a **Plan Commission** final decision is filed after three (3) years from March 3, 2018, then the change to the final decision shall be

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governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

### (3) **Board of Zoning Appeals** Final Decisions

All **Board of Zoning Appeals** final decisions (as defined in IC 36-7-4-1016(a), which includes special exceptions, **special uses**, **contingent uses**, **use** variances, and variance from **development** standards) which have been approved prior to March 3, 2018, or which were approved after March 3, 2018 for a complete application filed under §154.121 (A)(1) above, shall remain valid and in effect until the applicable expiration date. A final decision of the **Board of Zoning Appeals** may be carried out in accordance with the **Board of Zoning Appeals'** conditions of approval and the provisions and **development** standards of the zoning ordinance in effect at the time of the **Board of Zoning Appeals'** decision, or for a completed application under §154.121(A)(1) at the time the application is filed; unless the **Board of Zoning Appeals'** decision expires, lapses, or is reversed prior to March 3, 2018. If an application to substantially change a **Board of Zoning Appeals** final decision is filed after three (3) years from March 3, 2018, then the change to the final decision shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

### (4) **Commitments**

Any **commitments** submitted as part of a rezoning, a **Plan Commission** final decision, or a **Board of Zoning Appeals'** final decision that is recorded prior to March 3, 2018, shall remain in full force and in effect. If an application to substantially change a **commitment** is filed after three (3) years from March 3, 2018, then the change to the **commitment** shall be governed by all requirements and standards of this ordinance in effect at the time of applying for the change.

### (5) **Changes**

No provision of this ordinance shall require any change in the plans, construction, or designated **use** of any **structure** for which an **Improvement Location Permit** has been issued prior to March 3, 2018, or for a permit that was issued under §154.121 (A)(1) above.

### (6) **Extensions**

The decision-making body that granted the original approval may renew or extend the time of a valid previous approval. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in §154.503 (Procedures).

### (7) **Re-application**

Any re-application for an expired permit or project approval shall meet the provisions and standards of the zoning ordinance in effect at the time of re-application.

### (C) **Violations** Continue

Any **violation** occurring under the previous Zoning Ordinance will continue to be a **violation** under this ordinance and be subject to penalties and enforcement pursuant to §154.505 (Enforcement), unless the **use**, **development**, construction, or other activity complies with the provisions of this updated ordinance.

## WOODBURN ZONING ORDINANCE

### (D) **Nonconforming Uses and Structures** Under Prior Ordinance

Any **nonconforming use** or **structure** that lawfully existed on March 3, 2018 will be allowed to continue, as long as the nonconformity that resulted in the nonconforming status under the previous ordinance continues to exist. If a nonconformity under the previous ordinance conforms to the provisions or **development** standards of this ordinance, then the **use** or **structure** shall no longer be deemed nonconforming, but shall be considered a permitted **use** or **structure** and subject to the provisions of this ordinance.

# WOODBURN ZONING ORDINANCE

## § 154.122 ZONING DISTRICT DESIGNATION CONVERSIONS

The existing **zoning district** designations shall be converted into updated **zoning district** designations as noted in the table below.

Existing and Updated Zoning Designations			
Existing Zoning Designation	Updated Zoning Designation	Existing Zoning Designation	Updated Zoning Designation
A-1/Agricultural	AR/Low Intensity Residential	C-2 Planned Shopping Center	NC/ <b>Neighborhood Center</b>
A-3/Estates	AR/Low Intensity Residential	C-3/General Commercial	C3/General Commercial
RS-1/Suburban Residential	R1/Single <b>Family</b> Residential	C-4/Roadside Commercial	C3/General Commercial
RS-2/Two <b>Family</b> Residential	R2/Two <b>Family</b> Residential	Planned Business District	Corresponding commercial <b>district</b>
RS-3/Multiple Family	R3/Multiple Family Residential	I-1/Light Industrial	I1/Limited Industrial
MH/Manufactured Housing (if platted)	MHS/ <b>Manufactured Home Subdivision</b>	I-2/General Industrial	I2/General Industrial
MH/Manufactured Housing (if unplatted/development plan)	MHP/ <b>Manufactured Home Park</b>	I-3/Heavy Industrial	I3/Intensive Industrial
C-1A/Professional and <b>Personal Services</b>	C1/ <b>Professional Office and Personal Services</b>	I-P (Planned Industrial)	Corresponding industrial <b>district</b>
C-1/(Limited Commercial	C2/Limited Commercial		

# WOODBURN ZONING ORDINANCE

## ZONING DISTRICTS

### § 154.201 GENERAL ZONING DISTRICT PROVISIONS

#### (A) Purpose

The purpose of this section is to establish designations, standards, and requirements for the following:

- (1) **Zoning district** boundaries;
- (2) **Zoning district** conversions;
- (3) **Zoning district** designations;
- (4) Zoning maps; and
- (5) **Zoning district** and map determinations and interpretations.

#### (B) Zoning Districts

All of the area within the **planning jurisdiction** of the **Plan Commission** is hereby divided and classified into the **zoning districts** designated in the following table.

DISTRICT DESIGNATIONS	
<b>AR</b>	Low Intensity Residential
<b>R1</b>	Single <b>Family</b> Residential
<b>R2</b>	Two <b>Family</b> Residential
<b>R3</b>	Multiple <b>Family</b> Residential
<b>MHS</b>	<b>Manufactured Home Subdivision</b>
<b>MHP</b>	<b>Manufactured Home Park</b>
<b>C1</b>	<b>Professional Office and Personal Services</b>
<b>C2</b>	Limited Commercial
<b>NC</b>	<b>Neighborhood Center</b>
<b>SC</b>	<b>Shopping Center</b>
<b>C3</b>	General Commercial
<b>C4</b>	Intensive Commercial
<b>BTI</b>	<b>Business, Technology, and Industrial Park</b>
<b>I1</b>	Limited Industrial
<b>I2</b>	General Industrial
<b>I3</b>	Intensive Industrial

#### (C) Zoning Maps

The **zoning districts** designated herein, and the boundaries of the respective **zoning districts**, shall be as shown on the Woodburn zoning maps on file in the office of the DPS staff. The zoning maps are hereby incorporated as part of this chapter.

#### (D) District Boundaries

**Zoning district** boundary lines shall be considered to be: **lot lines**; the centerline of any **alley**, **street**, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse unless the zoning maps indicate otherwise. However, for the purpose of

## WOODBURN ZONING ORDINANCE

establishing minimum distances from **residential zoning districts** as required in this chapter, the measurement shall always be taken from **lot line to lot line**, as opposed to being taken from the center line or other point within a **public street or alley right-of-way**.

(E) **District Conversions**

- (1) Any land which may be added to the **planning jurisdiction** of the **Plan Commission** shall automatically be converted from the existing Allen **County** zoning classification into the corresponding Woodburn **zoning district** as set forth in the following table.

CORRESPONDING ZONING DESIGNATIONS			
COUNTY DISTRICT		WOODBURN DISTRICT	
<b>A1</b>	Agricultural	<b>AR</b>	Low Intensity Residential
<b>A3</b>	Estates	<b>AR</b>	Low Intensity Residential
<b>R1</b>	Single <b>Family</b> Residential	<b>R1</b>	Single <b>Family</b> Residential
<b>R2</b>	Two <b>Family</b> Residential	<b>R2</b>	Two <b>Family</b> Residential
<b>R3</b>	Multiple <b>Family</b> Residential	<b>R3</b>	Multiple <b>Family</b> Residential
<b>MHS</b>	<b>Manufactured Home Subdivision</b>	<b>MHS</b>	<b>Manufactured Home Subdivision</b>
<b>MHP</b>	<b>Manufactured Home Park</b>	<b>MHP</b>	<b>Manufactured Home Park</b>
<b>C1</b>	<b>Professional Office and Personal Services</b>	<b>C1</b>	<b>Professional Office and Personal Services</b>
<b>C2</b>	Limited Commercial	<b>C2</b>	Limited Commercial
<b>NC</b>	<b>Neighborhood Center</b>	<b>NC</b>	<b>Neighborhood Center</b>
<b>SC</b>	<b>Shopping Center</b>	<b>SC</b>	<b>Shopping Center</b>
<b>C3</b>	General Commercial	<b>C3</b>	General Commercial
<b>C4</b>	Intensive Commercial	<b>C3</b>	General Commercial
<b>BTI</b>	Business, Technology and Industrial Park	<b>BTI</b>	Business, Technology and Industrial Park
<b>I1</b>	Limited Industrial	<b>I1</b>	Limited Industrial
<b>I2</b>	General Industrial	<b>I2</b>	General Industrial
<b>I3</b>	Intensive Industrial	<b>I3</b>	Intensive Industrial

- (2) If no specific zoning conversion is noted in this chapter, the **Zoning Administrator** shall determine the appropriate **zoning district** conversion based on the **Comprehensive Plan**, existing or proposed **development** in the area, and recommendation of the **Plan Commission**.

# WOODBURN ZONING ORDINANCE

## (F) Interpretation of Zoning Maps

If there is uncertainty or conflict with regard to the location of a **zoning district** boundary, the **Zoning Administrator** shall determine the correct boundary location, in accordance with the following:

- (1) It is intended that **zoning district** boundary lines follow the boundary survey perimeter **lot lines** or the legal description submitted as a part of an approved zoning map amendment;
- (2) If no survey or legal description exists then the **zoning district** boundary lines are intended to follow **lot lines**; the centerline of any **alley**, street, or road **right-of-way**; or the centerline of any ditch, drain, **river**, **stream**, or other watercourse;
- (3) If a **zoning district** boundary line divides a **lot**, the location of the boundary line shall be determined by measurement, based on the scale of the zoning map; and
- (4) The **Zoning Administrator** may also consider existing or previous land **use(s)** on a **lot** in making such a determination.

## § 154.202 PERMITTED USES

The following **uses** shall be permitted as set forth in the specified **zoning districts** in the following sections. Land **uses** similar to those listed as permitted in a **district**, but not specifically mentioned in these sections may be permitted with the approval of the **Zoning Administrator**, based in part of the purpose of the applicable **zoning district**. However, in the absence of a determination by the **Zoning Administrator** that a non-mentioned **use** is permitted, no land shall be used for any purpose other than a **use** specified herein. All **development** proposals shall be subject to the applicable review and approval procedures as set forth in §154.301 (Development Plans), §154.302 (Site Plan Review), and §154.503(B) (**Improvement Location Permit**).

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.203 AR LOW INTENSITY RESIDENTIAL

### (A) Purpose

The Low Intensity **Residential district** is intended to create areas for both low intensity residential and **agricultural uses**. The purpose of this **district** is to allow for the continuation of agricultural land **uses** while also allowing low intensity residential **development** and certain additional **uses** where adequate **infrastructure** is available.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an AR **district**:

- (1) **Accessory building, structure, or use** as set forth in § 154.203(D);
- (2) **Agricultural uses and buildings**, including:
  - (a) **agronomic crop production**, along with the operation of any machinery or vehicles necessary for the crop production; **apiculture**; floriculture; forestry and tree farming; horticulture; and viticulture; and
  - (b) **low intensity livestock operation**, on properties of two acres or more in size.
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly/**recreation facility or use**, in association with a **minor plat** or an existing single **family subdivision**;
- (4) **Group residential facility (small)**;
- (5) **Model home**, in association with a **minor plat** (permitted for up to two years);
- (6) **Riding stable, residential** (shall be located on a **lot** with a single **family** residence);
- (7) **Single family dwelling (detached)**;
- (8) **Universally permitted use**;
- (9) **Wind energy conversion system, micro** (on unplatted **parcels**); and
- (10) **Wind energy conversion system, standard** (on **parcels** of over five acres not **adjacent** to platted **lots** or **residential zoning districts**).

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Accessory building** conversion to a single **family** residence;
- (2) **Accessory building**, as a **primary building**, on a site of at least 5 acres;
- (3) **Airstrip/heliport** (private; for corporate or multiple **owner use**);
- (4) **Bed and breakfast**;
- (5) **Boarding house**;
- (6) **Class II child care home**;
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas, on non-contiguous properties;
- (11) **Funeral home**;
- (12) **Group residential facility (large)**;
- (13) **Home business** (see § 154.503(D)(3)(b) for additional standards);
- (14) **Reserved**
- (15) **Home workshop** (see § 154.503(D)(3)(d) for additional standards);
- (16) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (17) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards);
- (18) **Model home** (for an extension of time or expansion of scope);
- (19) **Nature preserve** that includes a **structure** or parking area;
- (20) **Neighborhood facility**;
- (21) **Nonconforming use** (expansion of existing legal **nonconforming use**, or allow conforming status to existing **use**)
- (22) Reception, meeting, or **recreation hall**; **clubhouse**;
- (23) **Recreation area**;
- (24) Recreation facility;
- (25) **Religious institution** or non-public **school** illuminated athletic field(s);
- (26) **Residential facility for a court-ordered re-entry program**;
- (27) **Residential facility for homeless individuals**, for up to eight (8) individuals;
- (28) **Riding stable, non-residential** (on a **lot** with no **residential building**; the stable shall be located on a **tract** of at least five acres);

## WOODBURN ZONING ORDINANCE

- (29) **Sign** (temporary **subdivision** direction);
- (30) **Solar panel (ground-mounted)**;
- (31) **Two family dwelling** (to allow conforming status for existing nonconforming **dwellings**);
- (32) **Utility facility, private** (not otherwise permitted or exempt);
- (33) **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
- (34) **Wind energy conversion system, standard** (to allow systems on a **parcel** of less than five acres, or **adjacent** to platted **lots** or **residential zoning districts**).

## WOODBURN ZONING ORDINANCE

### (D) 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 <sup>(1)</sup>	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	
Notes: (1) If integrated into an existing <b>single family detached</b> residence, and if there is no freestanding <b>accessory dwelling unit</b> on the property, the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

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

<b>AR LOW INTENSITY RESIDENTIAL DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single family residence	950 <sup>(1)</sup>
Accessory structures	On lots of less than two acres served by an <b>onsite sewage system</b> , new detached <b>accessory building</b> square footage shall be less than the square footage of the <b>primary building</b> ; plus: On lots of over five acres, an <b>accessory building</b> shall also be permitted, as the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
Two freestanding single family dwelling units are permitted: one primary single family detached <b>residential building</b> per lot, plus: One freestanding <b>accessory dwelling unit</b> , if there is no integrated <b>accessory dwelling unit</b> on the lot	
Multiple primary <b>non-residential buildings</b> are permitted per lot	
<b>Height (maximum) <sup>(2)</sup></b>	
Accessory building	25'
Primary building	40'
<b>Lot area (square feet)</b>	
Public sewer	12,000
<b>Lot width</b>	
Public sewer	75' at <b>front building line</b> ; 25' at front lot line
<b>Front yard</b>	
Platted lot	25' (or platted <b>front building line</b> , whichever is greater)
Unplatted lot if adjacent to: Arterial/collector street Local or private street PC-approved easement	115' from the centerline of the <b>street</b> 65' from the centerline of the <b>street</b> 30' from the <b>easement</b>
Through lot	As noted above, at each end of the <b>lot</b> , based on the <b>street</b> classification/type the <b>yard</b> is <b>adjacent</b> to, except that: <ul style="list-style-type: none"> <li>If no access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted as set forth below, and a <b>fence</b> shall be permitted with no <b>setback</b>; or</li> <li>If access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted with a 10' <b>setback</b> and a <b>fence</b> shall be permitted with a 5' <b>setback</b></li> </ul>
If there is an existing residence on an <b>adjacent parcel</b> on the same side of the <b>street</b> with a nonconforming front <b>setback</b> , and the existing residence is within 300 feet of the proposed residence	The minimum <b>front yard</b> shall be the smallest existing nonconforming <b>setback</b> on the <b>adjacent parcel(s)</b>

# WOODBURN ZONING ORDINANCE

Side yard <sup>(3)</sup>	
<b>Interior lot</b> Public sewer	15' if the <b>lot</b> is at or over 150' wide; 7' if the <b>lot</b> is less than 150' wide
<b>Corner lot</b>	<p>The <b>street side yard setback</b> shall be the same as the <b>front yard setback</b>, based on the <b>side lot line street</b> classification, except that:</p> <ul style="list-style-type: none"> <li>On <b>corner lots</b>, if there is a platted <b>street side yard building</b> line then an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet that platted <b>building</b> line.</li> <li>If there is no platted <b>building</b> line, on a <b>lot</b> of up to 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> (except for fences and walls) shall meet a 10 foot <b>side yard setback</b>; on a <b>lot</b> of over 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet a 25 foot <b>side yard setback</b>.</li> <li>For <b>fences</b>, and walls, if there is no platted <b>building</b> line, a <b>fence</b> (except for an <b>ornamental fence</b> or a retaining wall of up to 3' in height) shall meet a five foot <b>setback</b>; an <b>ornamental fence</b> or a retaining wall of up to 3' in height shall not have a <b>setback</b> requirement.</li> </ul>
Rear yard	
<b>Primary building</b>	25' <sup>(4)</sup> 50' (if <b>adjacent</b> to an <b>arterial</b> or <b>collector street</b> )
<b>Accessory structure</b> <sup>(5)</sup>	3' from a side or <b>rear lot line</b> <sup>(6)</sup>
<b>Swimming pool</b>	6' from a side or <b>rear lot line</b> <sup>(6)</sup>
Notes: (1) Excluding basement and attached <b>garage</b> area (2) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions (3) See <b>rear yard</b> information for <b>accessory structure</b> and <b>swimming pool side yard</b> standards (4) A single <b>story addition</b> to an existing <b>single family</b> detached residence may encroach up to 10 feet into the required <b>rear yard</b> , if the <b>addition</b> is 250 square feet or less (5) Excluding <b>swimming pools</b> (6) If located behind the <b>primary building</b>	

# WOODBURN ZONING ORDINANCE

## (2) Yard Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

<b>ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS<sup>(1)</sup></b>			
<b>Buildings/structures</b>	<b>Required Yard</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>Access ramp</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(3)</sup>	May project up to 2'
<b>Awning or canopy</b>	May project up to 4'	May project up to 4' <sup>(3)</sup>	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal)	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 10'
Dog/pet house, grill, fire pit, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental)</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 20'
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3 ' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Notes: (1) Except as noted below, <b>buildings</b> and <b>structures</b> shall not project into or be located in a required <b>yard</b> (2) May be located within required <b>yard</b> with no <b>setback</b> , except that non-ornamental <b>fences</b> and <b>walls</b> shall meet <b>corner lot setback</b> and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' <b>side yard</b> shall be maintained (4) Shall meet minimum <b>setback</b>			

## **WOODBURN ZONING ORDINANCE**

**§ 154.204      RESERVED**

**§ 154.205      RESERVED**



# WOODBURN ZONING ORDINANCE

## § 154.206 R1 SINGLE FAMILY RESIDENTIAL

### (A) Purpose

The Single **Family Residential district** is intended to create and maintain areas for single **family** residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** neighborhoods, along with certain additional **uses**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an R1 **district**:

- (1) **Accessory building, structure, or use** as set forth in § 154.206(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two years);
- (5) **Single family dwelling (detached)**; and
- (6) **Universally permitted use**.

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution-associated facilities, uses, and areas** on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Helipoint** (noncommercial/private individual or accessory to permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 154.503(D)(3)(b) for additional standards);

## WOODBURN ZONING ORDINANCE

- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/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; the facility shall be located a minimum of 3000 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;
- (33) **Sign** (temporary **subdivision** direction);
- (34) **Solar panel (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**); 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 acres).

## WOODBURN ZONING ORDINANCE

(D) 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 <sup>(1)</sup>	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels ( <b>building</b> 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	
Notes: (1) If integrated into an existing single <b>family</b> detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

(1) 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).

<b>R1 SINGLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single <b>family</b> residence	950 <sup>(1)</sup>
<b>Accessory structures</b>	Total square footage shall be less than the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
One primary <b>residential building</b> per lot	
Multiple primary <b>non-residential buildings</b> are permitted per lot	
<b>Height (maximum) <sup>(2)</sup></b>	
<b>Accessory building</b>	25'
<b>Primary building</b>	40'
<b>Lot area (square feet)</b>	
Public sewer	6,000 ( <b>interior lot</b> ) 8,500 ( <b>corner lot</b> )
<b>Lot width</b>	
Public sewer	50' at <b>front building line</b> ; 25' at front lot line ( <b>interior lot</b> ) 70' at <b>front building line</b> ; 25' at front lot line ( <b>corner lot</b> )
<b>Front yard <sup>(3)</sup></b>	
<b>Platted lot</b>	25' (or platted building line setback, whichever is greater)
Unplatted lot if <b>adjacent to</b> : <b>Arterial/collector street</b> <b>Local or private street</b> <b>PC-approved easement</b>	115' from the centerline of the <b>street</b> 25' from the <b>street right-of-way</b> 30' from the <b>easement</b>
<b>Through lot</b>	At each end of the <b>lot</b> , based on the <b>street</b> classification/type the <b>yard</b> is <b>adjacent</b> to, except that: <ul style="list-style-type: none"> <li>If no access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted as set forth below, and a <b>fence</b> shall be permitted with no <b>setback</b>; or</li> <li>If access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted with a 10' <b>setback</b> and a <b>fence</b> shall be permitted with a 5' <b>setback</b></li> </ul>
If there is an existing residence on an <b>adjacent parcel</b> on the same side of the <b>street</b> with a nonconforming front <b>setback</b> , and the existing residence is within 300 feet of the proposed residence	The minimum <b>front yard</b> shall be the smallest existing nonconforming <b>setback</b> on the <b>adjacent parcel(s)</b>

# WOODBURN ZONING ORDINANCE

Side yard <sup>(3)</sup>	
Interior lot Public sewer	5'
Corner lot	<p>The <b>street side yard setback</b> shall be the same as the <b>front yard setback</b>, based on the <b>side lot line street</b> classification except that</p> <ul style="list-style-type: none"> <li>On <b>corner lots</b>, if there is a platted <b>street side yard building</b> line then an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet that platted <b>building</b> line.</li> <li>If there is no platted <b>building</b> line, on a <b>lot</b> of up to 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> (except for fences and walls) shall meet a 10 foot <b>side yard setback</b>; on a <b>lot</b> of over 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet a 25 foot <b>side yard setback</b>.</li> <li>For <b>fences</b>, and walls, if there is no platted <b>building</b> line, a <b>fence</b> (except for an <b>ornamental fence</b> or a retaining wall of up to 3' in height) shall meet a five foot <b>setback</b>; an <b>ornamental fence</b> or a retaining wall of up to 3' in height shall not have a <b>setback</b> requirement.</li> </ul>
Rear yard	
Primary building	25' <sup>(4)</sup> 50' (if <b>adjacent</b> to an <b>arterial or collector street</b> )
Accessory structure <sup>(5)</sup>	3' from a side <b>or rear lot line</b> <sup>(6)</sup>
Swimming pool	6' from a side <b>or rear lot line</b> <sup>(6)</sup>
<p>Notes:</p> <ul style="list-style-type: none"> <li>(1) Excluding basement and attached <b>garage</b> area</li> <li>(2) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b>; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions</li> <li>(3) See <b>rear yard</b> information for <b>accessory structure</b> and <b>swimming pool side yard</b> standards</li> <li>(4) A single <b>story addition</b> to an existing single <b>family</b> detached residence may encroach up to 10 feet into the required <b>rear yard</b>, if the <b>addition</b> is 250 square feet or less</li> <li>(5) Excluding <b>swimming pools</b></li> <li>(6) If located behind the <b>primary building</b></li> </ul>	

## WOODBURN ZONING ORDINANCE

### (2) **Yard** Projections and Additional Location Standards

Permitted **yard** projections and additional location standards shall be as set forth in the table below:

<b>ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS<sup>(1)</sup></b>			
<b>Buildings/structures</b>	<b>Required Yard</b>		
	<b>Front</b>	<b>Side</b>	<b>Rear</b>
<b>Access ramp</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(3)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b>	May project up to 4'	May project up to 4' <sup>(3)</sup>	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal)	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 20'
<b>Wall</b> (retaining, up to 3' in height)	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Notes: (1) Except as noted below, <b>buildings</b> and <b>structures</b> shall not project into or be located in a required <b>yard</b> (2) May be located within required <b>yard</b> with no <b>setback</b> , except that non-ornamental <b>fences</b> and <b>walls</b> shall meet <b>corner lot setback</b> and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' <b>side yard</b> shall be maintained (4) Shall meet minimum <b>setback</b>			

# WOODBURN ZONING ORDINANCE

## § 154.207 R2 TWO FAMILY RESIDENTIAL

### (A) Purpose

The Two **Family Residential district** is intended to create areas for medium density residential **uses** on individual **lots** or **tracts** and to provide for a variety of areas for single **family** and two **family** residential **development**, along with certain additional **uses**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an R2 **district**:

- (1) **Accessory building, structure, or use** as set forth in § 154.207(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Model home** (permitted for up to two years);
- (5) **Single family dwelling (attached)**; one **building** of up to two units);
- (6) **Single family dwelling (detached)**;
- (7) **Two family dwelling**; and
- (8) **Universally permitted use**.

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;

## WOODBURN ZONING ORDINANCE

- (15) **Heliport** (noncommercial/private individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 154.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/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 (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) **Utility facility, private** (not otherwise permitted or exempt);
- (38) **Wind energy conversion system, micro** (for single **family** detached **structures** on **unplatted land** only); and
- (39) **Wind energy conversion system, standard** (for fire/**police station**, **public park/recreation area**, **religious institution**, or **school uses**; or unplatted residential land over five acres).



## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	<b>Solar panels (building mounted)</b>
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Notes: (1) If integrated into an existing single <b>family</b> detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

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

<b>R2 TWO FAMILY RESIDENTIAL DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single <b>family</b> residence	950 <sup>(1)</sup>
<b>Accessory structures</b>	Total square footage shall be less than the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
One primary <b>residential building</b> per lot	
Multiple primary <b>non-residential buildings</b> are permitted per lot	
<b>Height (maximum) <sup>(2)</sup></b>	
<b>Accessory building</b>	25'
<b>Primary building</b>	40'
<b>Lot area (square feet)</b>	
Public sewer	6,000 ( <b>interior lot</b> ) 8,500 ( <b>corner lot</b> )
<b>Lot width</b>	
Public sewer	50' at <b>front building line</b> ; 25' at <b>front lot line (interior lot)</b> 70' at <b>front building line</b> ; 25' at <b>front lot line (corner lot)</b>
<b>Front yard <sup>(3)</sup></b>	
<b>Platted lot</b>	25' (or platted building line setback, whichever is greater)
Unplatted <b>lot</b> if <b>adjacent</b> to: <b>Arterial/collector street</b> <b>Local or private street</b> <b>PC-approved easement</b>	115' from the centerline of the <b>street</b> 25' from the <b>street right-of-way</b> 30' from the <b>easement</b>
<b>Through lot</b>	At each end of the <b>lot</b> , based on the <b>street</b> classification/type the <b>yard</b> is <b>adjacent</b> to, except that: <ul style="list-style-type: none"> <li>If no access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted as set forth below, and a <b>fence</b> shall be permitted with no <b>setback</b>; or</li> <li>If access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted with a 10' <b>setback</b> and a <b>fence</b> shall be permitted with a 5' <b>setback</b></li> </ul>
If there is an existing residence on an <b>adjacent parcel</b> on the same side of the <b>street</b> with a nonconforming front <b>setback</b> , and the existing residence is within 300 feet of the proposed residence	The minimum <b>front yard</b> shall be the smallest existing nonconforming <b>setback</b> on the <b>adjacent parcel(s)</b>

# WOODBURN ZONING ORDINANCE

Side yard <sup>(3)</sup>	
Interior lot Public sewer	5'
Corner lot	<p>The <b>street side yard setback</b> shall be the same as the <b>front yard setback</b>, based on the <b>side lot line street</b> classification, except that</p> <ul style="list-style-type: none"> <li>On <b>corner lots</b>, if there is a platted <b>street side yard building</b> line then an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet that platted <b>building</b> line.</li> <li>If there is no platted <b>building</b> line, on a <b>lot</b> of up to 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> (except for fences and walls) shall meet a 10 foot <b>side yard setback</b>; on a <b>lot</b> of over 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet a 25 foot <b>side yard setback</b>.</li> <li>For <b>fences</b>, and walls, if there is no platted <b>building</b> line, a <b>fence</b> (except for an <b>ornamental fence</b> or retaining wall of up to 3' in height) shall meet a five foot <b>setback</b>; an <b>ornamental fence</b> or retaining wall of up to 3' in height shall not have a <b>setback</b> requirement.</li> </ul>
Rear yard	
Primary building	25' <sup>(4)</sup> 50' (if <b>adjacent</b> to an <b>arterial or collector street</b> )
Accessory structure <sup>(5)</sup>	3' from a side or <b>rear lot line</b> <sup>(6)</sup>
Swimming pool	6' from a side or <b>rear lot line</b> <sup>(6)</sup>
<p>Notes:</p> <p>(1) Excluding basement and attached <b>garage</b> area</p> <p>(2) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 (<b>Signs</b>) for maximum <b>sign heights</b>; and §154.404(O) (Residential Impact <b>Mitigation</b>) for additional restrictions</p> <p>(3) See <b>rear yard</b> information for <b>accessory structure</b> and <b>swimming pool side yard</b> standards</p> <p>(4) A single <b>story addition</b> to an existing single <b>family</b> detached residence may encroach up to 10 feet into the required <b>rear yard</b>, if the <b>addition</b> in 250 square feet or less</p> <p>(5) Excluding <b>swimming pools</b></p> <p>(6) If located behind the <b>primary building</b></p>	

## WOODBURN ZONING ORDINANCE

- (2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS <sup>(1)</sup>			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(3)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b>	May project up to 4'	May project up to 4' <sup>(3)</sup>	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal)	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> (ornamental permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 20'
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Notes: (1) Except as noted below, <b>buildings</b> and <b>structures</b> shall not project into or be located in a required <b>yard</b> (2) May be located within required <b>yard</b> with no <b>setback</b> , except that non-ornamental <b>fences</b> and <b>walls</b> shall meet <b>corner lot setback</b> and clear visibility standards; see development standards table for <b>fence</b> corner lot setback standards (3) However, a 3' <b>side yard</b> shall be maintained (4) Shall meet minimum <b>setback</b>			

# WOODBURN ZONING ORDINANCE

## § 154.208 R3 MULTIPLE FAMILY RESIDENTIAL

### (A) Purpose

The Multiple **Family Residential district** is intended to create areas for high density multiple **family residential uses**, as well as single and two-**family dwelling** units and other compatible **nonresidential uses** where adequate public facilities are available. Certain additional **professional office** and commercial **uses** may also be permitted, if approved by the **Board of Zoning Appeals** (see §154.503(D)(1)). **Multiple family complexes** and projects with multiple **lots** or **development sites**, or multiple **primary buildings** on a single **development site** (including multiple **single family detached dwellings**) shall require the review and approval of a Development Plan (see §154.301).

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an R3 **district**:

- (1) **Accessory building, structure, or use** as set forth in §154.208(D) (including rental/management office in a **multiple family complex**);
- (2) **Assisted living facility**;
- (3) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (4) **Fraternity or sorority house**;
- (5) **Group residential facility (small)**;
- (6) **Model home** (permitted for up to two years);
- (7) **Multiple family complex**;
- (8) **Multiple family dwelling**;
- (9) **Off-site campus housing**;
- (10) **Retirement facility**;
- (11) **Single family dwelling (attached)**;
- (12) **Single family dwelling (detached**; including multiple **primary structures**);
- (13) **Two family dwelling**; and
- (14) **Universally permitted use**.

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

The following uses may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted);
- (10) **Educational institution**-associated facilities, **uses**, and areas on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;
- (15) **Heliport (private individual or accessory to permitted nonresidential use, excluding hospital uses)**;
- (16) **Home business** (see § 154.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards);
- (21) **Medical office (transitional use)**;
- (22) **Model home** (for extension of time/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)**;

## WOODBURN ZONING ORDINANCE

- (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 (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) **Utility facility, private** (not otherwise permitted or exempt);
- (38) **Wind energy conversion system, micro** (for single **family detached buildings** on **unplatted land** only); and
- (39) **Wind energy conversion system, standard** (for fire/**police station, public park/recreation area, religious institution, or school uses**; or unplatted residential land over five acres).

## WOODBURN ZONING ORDINANCE

### (D) 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 <sup>(1)</sup>	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	
Notes: (1) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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



# WOODBURN ZONING ORDINANCE

## (E) Development Standards

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

<b>R3 MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single <b>family</b> residence	950 <sup>(1)</sup>
<b>Accessory structures</b>	Total square footage shall be less than the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
One primary <b>residential building</b> per lot (multiple primary residential buildings shall be permitted if approved by the Plan Commission as part of a development plan)	
Multiple primary <b>non-residential buildings</b> are permitted per lot	
<b>Height (maximum) <sup>(2)</sup></b>	
<b>Accessory building</b>	25'
<b>Primary building</b>	40'
<b>Lot area (square feet)</b>	
Public sewer	6,000 ( <b>interior lot</b> ) 8,500 ( <b>corner lot</b> )
<b>Lot width</b>	
Public sewer	50' at <b>front building line</b> ; 25' at <b>front lot line (interior lot)</b> 70' at <b>front building line</b> ; 25' at <b>front lot line (corner lot)</b>
<b>Front yard <sup>(3)</sup></b>	
<b>Platted lot</b>	25' (or platted building line setback, whichever is greater)
Unplatted lot if <b>adjacent to</b> : <b>Arterial/collector street</b> <b>Local or private/interior private street</b> <b>PC-approved easement</b>	115' from the centerline of the <b>street</b> 25' from the <b>street right-of-way</b> or the <b>private street</b> roadway 30' from the <b>easement</b>
<b>Through lot</b>	At each end of the lot, based on the <b>street</b> classification/type the <b>yard</b> is <b>adjacent</b> to, except that: <ul style="list-style-type: none"> <li>If no access is permitted to the rear of the lot, then a detached <b>accessory structure</b> shall be permitted as set forth below, and a <b>fence</b> shall be permitted with no <b>setback</b>; or</li> <li>If access is permitted to the rear of the lot, then a detached <b>accessory structure</b> shall be permitted with a 10' <b>setback</b> and a <b>fence</b> shall be permitted with a 5' <b>setback</b></li> </ul>
If there is an existing residence on an <b>adjacent parcel</b> on the same side of the <b>street</b> with a nonconforming front <b>setback</b> , and the existing residence is within 300 feet of the proposed residence	The minimum <b>front yard</b> shall be the smallest existing nonconforming <b>setback</b> on the <b>adjacent parcel(s)</b>

# WOODBURN ZONING ORDINANCE

Side yard <sup>(3)</sup>	
Interior lot Public sewer	5'
Corner lot	<p>The <b>street side yard setback</b> shall be the same as the <b>front yard setback</b>, based on the <b>side lot line street</b> classification, except that</p> <ul style="list-style-type: none"> <li>On <b>corner lots</b>, if there is a platted <b>street side yard building</b> line then an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet that platted <b>building</b> line.</li> <li>If there is no platted <b>building</b> line, on a <b>lot</b> of up to 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> (except for fences and walls) shall meet a 10 foot <b>side yard setback</b>; on a <b>lot</b> of over 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet a 25 foot <b>side yard setback</b>.</li> <li>For <b>fences</b>, and walls, if there is no platted <b>building</b> line, a <b>fence</b> (except for an <b>ornamental fence</b> or a retaining wall of up to 3' in height) shall meet a five foot <b>setback</b>; an <b>ornamental fence</b> or a retaining wall of up to 3' in height shall not have a <b>setback</b> requirement.</li> </ul>
Rear yard	
Primary building	25' <sup>(4)</sup> 50' if <b>adjacent</b> to a collector or <b>arterial street</b>
Accessory structure <sup>(5)</sup>	3' from a <b>side or rear lot line</b> <sup>(6)</sup>
Swimming pool	6' from a <b>side or rear lot line</b> <sup>(6)</sup>
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 <b>building</b> ) 20' (separation from the front or rear of another primary townhouse <b>building</b> )
Multiple family complex building recreation space	
120 square feet of <b>developed recreation space</b> per <b>dwelling</b>	
<p>Notes:</p> <p>(1) Excluding basement and attached <b>garage</b> area</p> <p>(2) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b>; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions</p> <p>(3) See <b>rear yard</b> information for <b>accessory structure</b> and <b>swimming pool side yard</b> standards</p> <p>(4) A single <b>story addition</b> to an existing single family detached residence may encroach up to 10 feet into the required <b>rear yard</b>, if the <b>addition</b> is 250 square feet or less.</p> <p>(5) Excluding <b>swimming pools</b></p> <p>(6) If located behind the <b>primary building</b></p>	

## WOODBURN ZONING ORDINANCE

(2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS <sup>(1)</sup>			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(3)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b>	May project up to 4'	May project up to 4' <sup>(3)</sup>	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal)	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> ( <b>ornamental</b> permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 20'
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining; up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining; over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Notes: (1) Except as noted below, <b>buildings</b> and <b>structures</b> shall not project into or be located in a required <b>yard</b> (2) May be located within required <b>yard</b> with no <b>setback</b> , except that non-ornamental <b>fences</b> and <b>walls</b> shall meet <b>corner lot setback</b> and clear visibility standards; see development standards table for <b>fence</b> corner lot setback standards (3) However, a 3' <b>side yard</b> shall be maintained (4) Shall meet minimum <b>setback</b>			

# **WOODBURN ZONING ORDINANCE**

**§ 154.209      RESERVED**

# WOODBURN ZONING ORDINANCE

## § 154.210 MHS MANUFACTURED HOME SUBDIVISION

### (A) Purpose

The **Manufactured Home Subdivision district** is intended to create areas for the **development** of **Type II manufactured homes** on individual **lots** which will provide for an environment of predominantly single **family development** with certain additional **uses**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHS **district**:

- (1) **Accessory building, structure, or use** as set forth in §154.210(D);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, including **structures** and **uses** typically associated with a single **family subdivision**;
- (3) **Group residential facility (small)**;
- (4) **Manufactured home, Type II**;
- (5) **Model home** (permitted for up to two years);
- (6) **Single family dwelling (detached)**;
- (7) **Universally permitted use**.

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal keeping** (outdoor, small animal);
- (2) **Bed and breakfast**;
- (3) **Boarding house**;
- (4) **Class II child care home**;
- (5) **Club, private (transitional use)**;
- (6) **Community facility** not otherwise permitted (**transitional use**);
- (7) **Community garden** that includes a **structure**;
- (8) **Country club**;
- (9) **Educational institution** (not otherwise permitted - a post-secondary **educational institution** including a college, university, professional **school**, seminary, or vocational **school**);
- (10) **Educational institution-associated facilities, uses, and areas** on non-contiguous properties;
- (11) **Emergency response facility (transitional use)**;
- (12) **Funeral home**;
- (13) **Golf course**;
- (14) **Group residential facility (large)**;

## WOODBURN ZONING ORDINANCE

- (15) **Heliport** (**private** individual or accessory to a permitted **nonresidential use**, excluding **hospital uses**);
- (16) **Home business** (see § 154.503(D)(3)(b) for additional standards);
- (17) **Homeless/emergency shelter** (accessory to a **religious institution**), for up to eight (8) individuals;
- (18) **Instruction/training/education (transitional use)**;
- (19) **Live-work unit (transitional use)**;
- (20) Medical office (**transitional use**);
- (21) Manufactured Home Type III;
- (22) **Model home** (for extension of time/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 (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 buildings** 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 acres).

## WOODBURN ZONING ORDINANCE

(D) **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 <sup>(1)</sup>	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	
Notes: (1) If integrated into an existing single <b>family</b> detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

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

<b>MHS MANUFACTURED HOME SUBDIVISION DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single <b>family</b> residence	950 <sup>(1)</sup>
<b>Accessory structures</b>	Total square footage shall be less than the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
One primary <b>residential building</b> per lot	
Multiple primary <b>non-residential buildings</b> are permitted per lot	
<b>Height (maximum) <sup>(2)</sup></b>	
<b>Accessory building</b>	25'
<b>Primary building</b>	40'
<b>Lot area (square feet)</b>	
Public sewer	6,000 ( <b>interior lot</b> ) 8,500 ( <b>corner lot</b> )
<b>Lot width</b>	
Public sewer	50' at <b>front building line</b> ; 25' at <b>front lot line (interior lot)</b> 70' at <b>front building line</b> ; 25' at <b>front lot line (corner lot)</b>
<b>Front yard <sup>(3)</sup></b>	
<b>Platted lot</b>	25' (or platted building line setback, whichever is greater)
Unplatted <b>lot</b> if <b>adjacent</b> to: <b>Arterial/collector street</b> <b>Local or private street</b> <b>PC-approved easement</b>	115' from the centerline of the <b>street</b> 25' from the <b>street right-of-way</b> 30' from the <b>easement</b>
<b>Through lot</b>	At each end of the <b>lot</b> , based on the <b>street</b> classification/type the <b>yard</b> is <b>adjacent</b> to, except that: <ul style="list-style-type: none"> <li>If no access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted as set forth below, and a <b>fence</b> shall be permitted with no <b>setback</b>; or</li> <li>If access is permitted to the rear of the <b>lot</b>, then a detached <b>accessory structure</b> shall be permitted with a 10' <b>setback</b> and a <b>fence</b> shall be permitted with a 5' <b>setback</b></li> </ul>
If there is an existing residence on an <b>adjacent parcel</b> on the same side of the <b>street</b> with a nonconforming front <b>setback</b> , and the existing residence is within 300 feet of the proposed residence	The minimum <b>front yard</b> shall be the smallest existing nonconforming <b>setback</b> on the <b>adjacent parcel(s)</b>



# WOODBURN ZONING ORDINANCE

Side yard <sup>(3)</sup>	
Interior lot Public sewer	5'
Corner lot	<p>The <b>street side yard setback</b> shall be the same as the <b>front yard setback</b>, based on the <b>side lot line street</b> classification except that</p> <ul style="list-style-type: none"> <li>On <b>corner lots</b>, if there is a platted <b>street side yard building</b> line then an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet that platted <b>building</b> line.</li> <li>If there is no platted <b>building</b> line, on a <b>lot</b> of up to 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> (except for fences and walls) shall meet a 10 foot <b>side yard setback</b>; on a <b>lot</b> of over 50 feet an <b>addition</b> to a primary residential <b>structure</b> or an <b>accessory structure</b> shall meet a 25 foot <b>side yard setback</b>.</li> <li>For <b>fences</b> and walls, if there is no platted <b>building</b> line, a <b>fence</b> (except for an <b>ornamental fence</b> or a retaining wall of up to 3' in height) shall meet a five foot <b>setback</b>; an <b>ornamental fence</b> or a retaining wall of up to 3' in height shall not have a <b>setback</b> requirement.</li> </ul>
Rear yard	
Primary building	25' <sup>(4)</sup> 50' (if <b>adjacent</b> to an <b>arterial</b> or <b>collector street</b> )
Accessory structure <sup>(5)</sup>	3' from a <b>side or rear lot line</b> <sup>(6)</sup>
Swimming pool	6' from a <b>side or rear lot line</b> <sup>(6)</sup>
<p>Notes:</p> <p>(1) Excluding basement and attached <b>garage</b> area</p> <p>(2) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b>; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions</p> <p>(3) See <b>rear yard</b> information for <b>accessory structure</b> and <b>swimming pool side yard</b> standards</p> <p>(4) A single <b>story addition</b> to an existing single <b>family</b> detached residence may encroach up to 10 feet into the required <b>rear yard</b>, if the <b>addition</b> is 250 square feet or less</p> <p>(5) Excluding <b>swimming pools</b></p> <p>(6) If located behind the <b>primary building</b></p>	

## WOODBURN ZONING ORDINANCE

(2) Permitted **yard** projections and additional location standards shall be as set forth in the table below:

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS <sup>(1)</sup>			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(3)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b>	May project up to 4'	May project up to 4' <sup>(3)</sup>	May project up to 4'
Balcony, fire escape, or stairway, open	May project up to 4'	Shall not project	May project up to 4'
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal)	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor)	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 10'
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> ( <b>ornamental</b> permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 20'
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(2)</sup>	Permitted <sup>(2)</sup>
Notes: (1) Except as noted below, <b>buildings</b> and <b>structures</b> shall not project into or be located in a required <b>yard</b> (2) May be located within required <b>yard</b> with no <b>setback</b> , except that non-ornamental fences and walls shall meet corner lot setback and clear visibility standards; see development standards table for fence corner lot setback standards (3) However, a 3' <b>side yard</b> shall be maintained (4) Shall meet minimum <b>setback</b>			

# WOODBURN ZONING ORDINANCE

## § 154.211 MHP MANUFACTURED HOME PARK

### (A) Purpose

The **Manufactured Home Park district** is intended to create areas for the location of multiple **Type III manufactured homes** on leased or rented **lots**. **Manufactured home park developments** shall require the review and approval of a Development Plan (see §157.301).

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an MHP **district**:

- (1) **Accessory building, structure, or use** as set forth in §157.211(C);
- (2) **Common areas** used for a **clubhouse, neighborhood center, swimming pool, tennis court**, or other similar assembly or **recreation facility**, in association with an approved Development Plan;
- (3) **Manufactured home** project under single ownership (including **model home**, but excluding sales or service **lot**);
- (4) **Manufactured home, Type III**; and
- (5) **Universally permitted use**.

## WOODBURN ZONING ORDINANCE

(C) **Accessory Buildings, Structures, and Uses**

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

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

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

# WOODBURN ZONING ORDINANCE

## (D) Development Standards

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

<b>MHP MANUFACTURED HOME PARK DEVELOPMENT STANDARDS</b>	
<b>Building size (square feet)</b>	
Single <b>family</b> residence	950
<b>Accessory structures</b>	Total square footage shall be less than the <b>primary building</b>
<b>Number of buildings permitted on a lot</b>	
One primary <b>residential building</b> per lot	
<b>Height (maximum)<sup>(1)</sup></b>	
<b>Accessory building</b>	25'
<b>Primary building</b>	40'
<b>Front yard</b>	
Standard <b>lot</b>	5'
<b>Through lot</b>	5' (minimum <b>yard</b> at both ends of the <b>lot</b> )
<b>Side yard</b>	
Standard <b>lot</b>	5'
<b>Rear yard</b>	
Standard <b>lot</b>	5'
<b>Manufactured home park perimeter setback</b>	
50'	
<b>Manufactured home park building separation</b>	
5' (separation from any other <b>primary building</b> )	
<b>Manufactured home park recreation space</b>	
120 square feet of <b>developed recreation space</b> per <b>dwelling</b>	
Notes:	
(1) See §157.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §157.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §157.404(O) Residential Impact <b>Mitigation</b> and §157.411 <b>Airport Overlay Districts</b> for additional restrictions	

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.212 C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES

### (A) Purpose

The **Professional Office** and **Personal Services** district is intended to provide areas for **professional offices, personal services**, community, and similar low intensity **nonresidential uses**, along with certain residential facilities. This **district** can serve as a **buffer** between residential **uses/zoning districts** and higher intensity commercial **uses**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in a C1 **district**. In C1 **districts**, **outdoor display**, temporary outdoor sales, and **outdoor storage** shall not be permitted.

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES USE CATEGORIES		
Community facility	Professional office/business service	Universally permitted use
Instruction/training/education	Residential facility, general	Miscellaneous use
Medical facility or office	Residential facility, limited	
Personal service	Studio	

C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES		
Accessory building/structure/use	Campus housing	Driving instruction
Accountant	Child care center	Embroidery
Adoption service	Child care home (class I or II)	Educational institution
Adult care center	Chiropractor	Employment agency
Adult care home	Clinic	Engineer
Advertising	Collection agency	Finance agency
Answering service	Community center	Financial planning service
Appraiser	Community garden	Fire station
Architect	Computer training	Fitness center
Art instruction	Consulting service	Foundation office
Artist studio	Copy or duplicating service	Fraternity house
Assisted living facility	Correctional services facility	Funeral home
Attorney	Counseling service	Graphic design service
Auction service	Craft instruction	Group residential facility (large) <sup>(2)</sup>
Audiologist	Craft studio	Group residential facility (small)
Audio-visual studio	Credit service	Gymnastics instruction
Bank	Credit union	Health center
Bankruptcy service	Customer service facility	Health club
Barber shop	Dance instruction	Homeless/emergency shelter <sup>(2)</sup>
Barber/beauty school	Data processing facility	Hospice care center
Beauty shop	Data storage facility	Hospital
Bed and breakfast	Dating service	Insurance agency
Blood bank	Day care	Interior design service
Blood or plasma donor facility	Day spa	Internet/web site service
Boarding/lodging house	Dentist	Investment service
Bookkeeping service	Diagnostic center	Laboratory
Broadcast studio	Dialysis center	Land surveyor
Broker	Doctor	Legal service
Business training	Dormitory	Library

# WOODBURN ZONING ORDINANCE

<b>C1 PROFESSIONAL OFFICE AND PERSONAL SERVICES SPECIFIC PERMITTED USES</b>		
<b>Live-work unit</b>	<b>Park or recreation area</b>	Social service agency
<b>Loan office</b>	Parking area (off-site) <sup>(3)</sup>	<b>Sorority house</b>
Marketing agency	<b>Photography studio</b>	Stained glass <b>studio</b>
Martial arts <b>training</b>	Photography <b>training</b>	Stock and bond broker
Massage therapy	Physical therapy facility	Surgery center
Medical <b>training</b>	Planetarium	Tailor/alteration service
<b>Model unit</b>	Planner	Tanning salon
Mortgage service	Public transportation or similar public facility	Tax consulting
<b>Multiple family complex</b>	Podiatrist	<b>Television station</b>
<b>Multiple family dwelling</b>	<b>Police station</b>	Title company
<b>Museum</b>	<b>Radio station</b>	<b>Townhouse complex</b>
Music <b>instruction</b>	Realtor	<b>Travel agency</b>
Music/recording <b>studio</b>	Rehabilitation facility	<b>Treatment center</b>
Nail salon	<b>Religious institution/school</b> field	Tutoring service
<b>Nature preserve</b>	<b>Residential dwelling unit</b> <sup>(1)</sup>	<b>Veterinary clinic</b>
<b>Neighborhood facility</b>	<b>Residential facility for homeless individuals</b> <sup>(2)</sup>	<b>Wind energy conversion system (micro)</b> <sup>(2)</sup>
<b>Nursing home</b>	<b>Retirement facility</b>	Wedding consultant
Nutrition service	<b>Savings and loan</b>	Weight loss service
Ophthalmologist	<b>School</b>	Yoga/pilates <b>instruction</b>
Optician	Security service	<b>Zoo</b>
Optometrist	Sleep disorder facility	
Notes: (1) Above, to the rear of, or attached to a permitted <b>nonresidential use</b> (2) If not <b>adjacent</b> to a <b>residential district</b> (3) See <b>universally permitted use</b> definition for additional standards		



## WOODBURN ZONING ORDINANCE

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Animal service**, indoor (animal grooming, **animal hospital**, **animal kennel**, animal obedience school, **veterinary clinic**)
- (2) **Automatic teller machine** (ATM) (stand alone)
- (3) **Club**, private
- (4) **Commercial communication tower** (see § 154.503(D)(3)(a) 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 a **single family detached dwelling** only; (see § 154.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (12) **Parking area** (as the **primary use** of a **lot**); a special use shall not be required for a universally permitted off-site parking area
- (13) **Recreation facility or 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 court-ordered re-entry program**
- (16) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (17) Retail: **art gallery**, **bakery**, **coffee shop**, confectionary/candy/ice cream store, craft gallery, delicatessen, florist, jeweler, medical supply sales, musical instrument sales, sandwich **shop**, tea room (this special use shall only be permitted to allow for the conversion of an existing **building**; allowed up to 2500 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) Tattoo establishment
- (21) **Utility facility, private** (not otherwise permitted or exempt)
- (22) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)

## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single <b>family</b> detached residence, the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory <b>nonresidential building</b> or structure			40'
Primary or accessory <b>residential facility building</b> or structure			Up to two stories or 30' <sup>(2)</sup>
Front yard			
Non-through lot			25'
Through lot			25' at each end of the lot
If there is an existing primary commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>
Side yard (interior lot)			
Primary building			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning or canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# WOODBURN ZONING ORDINANCE

## § 154.213 C2 LIMITED COMMERCIAL

### (A) Purpose

The Limited Commercial **district** is intended to provide areas for moderate intensity business, community, office, **personal service**, and limited retail **uses**, along with certain residential facilities. Neighborhood-oriented **uses** are encouraged.

### (B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, a single **building** on a single **lot** shall be permitted, with a square footage of up to 25% coverage of the **net lot area**, to a maximum **building** size of 22,000 square feet.

### (C) Permitted **Uses**

The following **uses** are permitted as a matter of right in a C2 **district**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors. In C2 **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C2 LIMITED COMMERCIAL USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Architect	Bank
Accountant	Art gallery	Bankruptcy service
Adoption service	Art instruction	Bar or tavern
Adult care center	Artist material and supply store	Barber shop
Adult care home	Artist studio	Barber/beauty school
Advertising	Assisted living facility	Beauty shop
Air conditioning sales	Attorney	Bed and breakfast
Animal grooming	Auction service	Bicycle sales and repair shop
Animal hospital	Audiologist	Billiard or pool hall
Animal kennel	Audio-visual studio	Bingo establishment
Animal obedience school	Automobile accessory store	Blood bank
Answering service	Automobile rental (indoor)	Blood or plasma donor facility
Antique shop	Automobile sales (indoor)	Boarding/lodging house
Apparel and accessory store	Automatic teller machine	Book store
Appraiser	Bait sales	Bookkeeping service
Arcade	Bakery goods	Bowling alley

# WOODBURN ZONING ORDINANCE

<b>C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES</b>		
Broker	Diagnostic center	Interior decorating store
Business <b>training</b>	Dialysis center	Interior design service
<b>Campus housing</b>	Diaper service facility	Internet/web site service
Card and stationery store	Dinner <b>theater</b>	Investment service
Catalog showroom	Doctor	<b>Laboratory</b>
Caterer	<b>Dormitory</b>	<b>Land surveyor</b>
<b>Child care center</b>	Driving <b>instruction</b>	<b>Laundromat/coin operated laundry</b>
<b>Child care home (class I or II)</b>	Drug store	Leather goods or luggage store
Chiropractor	<b>Dry cleaning store</b>	Legal service
Cigarette/tobacco/cigar store	<b>Educational institution</b>	<b>Library</b>
<b>Clinic</b>	Embroidery	<b>Live-work unit</b>
Clock/watch/jewelry sales/repair	<b>Employment agency</b>	<b>Loan office</b>
Clothing store	<b>Engineer</b>	Marketing agency
<b>Club, private</b>	<b>Entertainment facility</b>	Martial arts <b>training</b>
<b>Coffee shop</b>	Fabric <b>shop</b>	<b>Massage therapy</b>
Coin <b>shop</b>	Farmer's market (incl. outdoor)	Meat or fish market
Collection agency	Finance agency	Medical <b>training</b>
Community center	<b>Financial planning service</b>	<b>Micro or mini-brewery/brewpub</b>
<b>Community garden (incl. outdoor)</b>	Fireworks sales	<b>Model unit</b>
Computer sales and service	Fitness center	Mortgage service
Computer software store	Flea market	<b>Motel</b>
Computer <b>training</b>	Floor covering store	Movie and game sales and rental
Confectionery/candy/ice cream store	Florist	<b>Multiple family complex</b>
Consignment <b>shop</b>	Foundation office	<b>Multiple family dwelling</b>
Consulting service	<b>Fraternity house</b>	<b>Museum</b>
Consumer electronics sales/service	Fruit and/or vegetable store	Music <b>instruction</b>
<b>Convenience store</b>	<b>Funeral home</b>	Music store
Copy or duplicating service	<b>Furniture store</b>	Music/recording <b>studio</b>
<b>Correctional services facility</b>	Furrier	Musical instrument store
Cosmetic store	<b>Gift shop</b>	Nail salon
Costume and clothing rental	Glass cutting/glazing <b>shop</b>	<b>Neighborhood facility</b>
Counseling service	Graphic design service	<b>Nursing home</b>
<b>Craft instruction</b>	<b>Grocery store or supermarket</b>	Nutrition service
<b>Craft studio</b>	<b>Group residential facility (large)<sup>(2)</sup></b>	Ophthalmologist
Craft supply store	<b>Group residential facility (small)</b>	Optician
Credit service	Gymnastics <b>instruction</b>	Optometrist
<b>Credit union</b>	Hardware store	Package liquor store
<b>Customer service facility</b>	Haunted house	Paint store
Dance <b>instruction</b>	Health center	<b>Park or recreation area</b>
Data processing facility	<b>Health club</b>	Parking area <sup>(2)</sup>
Data storage facility	Heating sales	Parking area (off-site) <sup>(3)</sup>
<b>Dating service</b>	Hobby <b>shop</b>	<b>Parking structure</b>
<b>Day care</b>	<b>Homeless/emergency shelter<sup>(2)</sup></b>	<b>Pet store</b>
Day spa	<b>Hospice care center</b>	Pharmacy
Delicatessen	<b>Hospital</b>	Photographic supply store
Dentist	<b>Hotel</b>	Photography <b>training</b>
<b>Department store</b>	Insurance agency	Physical therapy facility

## WOODBURN ZONING ORDINANCE

<b>C2 LIMITED COMMERCIAL SPECIFIC PERMITTED USES</b>		
Picture framing facility	<b>School</b>	Telephone sales and service
Planetarium	Security service	<b>Television station</b>
Planner	Shoe store/shoe repair <b>shop</b>	Tennis <b>club</b>
Podiatrist	<b>Sign sales store</b>	<b>Theater</b>
Pottery sales	Skating rink	<b>Tire sales</b>
Public transportation or similar public facility	Sleep disorder facility	Title company
<b>Radio station</b>	Social service agency	<b>Townhouse complex</b>
Real estate	<b>Sorority house</b>	Toy store
Reception/banquet hall	Sporting goods sales and rentals	<b>Travel agency</b>
<b>Recreation facility</b> <sup>(2)</sup>	Stained glass <b>studio</b>	<b>Treatment center</b>
Rehabilitation facility	Stock and bond broker	Tutoring service
<b>Religious institution/school field</b>	Surgery center	Variety store
<b>Rental and/or leasing store</b>	Swim <b>club</b>	<b>Veterinary clinic</b>
Rescue mission	<b>Swimming pool</b> /hot tub sales	Wedding consultant
<b>Residential dwelling unit</b> <sup>(1)</sup>	Tailor/alterations service	Weight loss service
<b>Residential facility for homeless individuals</b> <sup>(2)</sup>	Tanning salon	<b>Window sales</b>
<b>Restaurant</b> , including drive-through	Tattoo establishment	<b>Wind energy conversion system (micro)</b> <sup>(2)</sup>
<b>Retirement facility</b>	Tax consulting	Yoga/pilates <b>instruction</b>
<b>Savings and loan</b>	Taxi service	<b>Zoo</b>
Notes: (1) Above, to the rear of, or attached to a permitted <b>nonresidential use</b> (2) If not <b>adjacent</b> to a <b>residential district</b> (3) See universally permitted use definition for additional standards		

## WOODBURN ZONING ORDINANCE

### (D) Special Uses

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 § 154.503(D)(3)(a) for additional standards)
- (3) **Community garden** that includes a **structure**
- (4) **Educational institution-associated uses** (on non-contiguous properties)
- (5) **Gas station**
- (6) **Greenhouse**
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (8) **Home business** (in a **single family detached dwelling** only; see § 154.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (12) **Outdoor use** (in conjunction with a permitted **primary use**)
- (13) **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
- (14) **Plant nursery**
- (15) **Recreation area**, including accessory recreation areas
- (16) **Recreation facility** (if adjacent to a residential district)
- (17) **Religious institution** or non-public **school** illuminated athletic field(s)
- (18) **Residential facility for a court-ordered re-entry program**
- (19) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (20) **Shooting range** (indoor)
- (21) **Sign** (temporary **subdivision** direction)
- (22) **Solar panel (ground mounted)**
- (23) **Utility facility, private** (not otherwise permitted or exempt)
- (24) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (25) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

(E) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (F) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory <b>nonresidential building</b> or structure		40'	
Primary or accessory <b>residential facility building</b> or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>	
Side yard (interior lot)			
Primary building			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'	25'		10'
Over 30'	50'		25'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.214 NC NEIGHBORHOOD CENTER

### (A) Purpose

The **Neighborhood Center district** is intended to provide areas for the day-to-day shopping needs of the surrounding residential neighborhoods. Uses typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

### (B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**, to a maximum of 80,000 square feet; individual tenant spaces shall be limited to 40,000 square feet, except that **grocery store/supermarket uses** shall not have a tenant space limit; new commercial/retail **developments** with individual **buildings** between 22,000 and 40,000 square feet shall require an NC zoning classification.

### (C) Permitted Uses

In NC **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an NC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors.

NC NEIGHBORHOOD CENTER USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail, limited
Clothing	Personal service	Studio
Community facility	Professional office/business service	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use
Food and beverage service	Residential facility, general	

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Accessory building/structure/use	Architect	Bank
Accountant	Art gallery	Bankruptcy service
Adoption service	Art instruction	Bar or tavern
Adult care center	Artist material and supply store	Barber shop
Adult care home	Artist studio	Barber/beauty school
Advertising	Assisted living facility	Beauty shop
Air conditioning sales	Attorney	Bed and breakfast
Animal grooming	Auction service	Bicycle sales and repair shop
Animal hospital	Audiologist	Billiard or pool hall
Animal kennel	Audio-visual studio	Bingo establishment
Animal obedience school	Automobile accessory store	Blood bank
Answering service	Automobile rental (indoor)	Blood or plasma donor facility
Antique shop	Automobile sales (indoor)	Boarding/lodging house
Apparel and accessory store	Automatic teller machine	Book store
Appraiser	Bait sales	Bookkeeping service
Arcade	Bakery goods	Bowling alley

# WOODBURN ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Broker	Diagnostic center	Interior decorating store
Business <b>training</b>	Dialysis center	Interior design service
<b>Campus housing</b>	Diaper service facility	Internet/web site service
Card and stationery store	Dinner <b>theater</b>	Investment service
Catalog showroom	Doctor	<b>Laboratory</b>
Caterer	<b>Dormitory</b>	<b>Land surveyor</b>
<b>Child care center</b>	Driving <b>instruction</b>	<b>Laundromat/coin operated laundry</b>
<b>Child care home (class I or II)</b>	Drug store	Leather goods or luggage store
Chiropractor	<b>Dry cleaning store</b>	Legal service
Cigarette/tobacco/cigar store	<b>Educational institution</b>	<b>Library</b>
<b>Clinic</b>	Embroidery	<b>Live-work unit</b>
Clock/watch/ jewelry sales/ repair	<b>Employment agency</b>	<b>Loan office</b>
Clothing store	<b>Engineer</b>	Marketing agency
<b>Club, private</b>	<b>Entertainment facility</b>	Martial arts <b>training</b>
<b>Coffee shop</b>	Fabric <b>shop</b>	<b>Massage therapy</b>
Coin <b>shop</b>	Farmer's market (incl. outdoor)	Meat or fish market
Collection agency	Finance agency	Medical <b>training</b>
Community center	<b>Financial planning service</b>	<b>Micro</b> or mini-brewery/brewpub
<b>Community garden</b> (incl. outdoor)	Fireworks sales	<b>Model unit</b>
Computer sales and service	Fitness center	Mortgage service
Computer software store	Flea market	<b>Motel</b>
Computer <b>training</b>	Floor covering store	Movie and game sales and rental
Confectionery/candy/ice cream store	Florist	<b>Multiple family complex</b>
Consignment <b>shop</b>	Foundation office	<b>Multiple family dwelling</b>
Consulting service	<b>Fraternity house</b>	<b>Museum</b>
Consumer electronics sales/service	Fruit and/or vegetable store	Music <b>instruction</b>
<b>Convenience store</b>	<b>Funeral home</b>	Music store
Copy or duplicating service	<b>Furniture store</b>	Music/recording <b>studio</b>
<b>Correctional services facility</b>	Furrier	Musical instrument store
Cosmetic store	Gift <b>shop</b>	Nail salon
Costume and clothing rental	Glass cutting/glazing <b>shop</b>	<b>Neighborhood facility</b>
Counseling service	Graphic design service	<b>Nursing home</b>
Craft <b>instruction</b>	<b>Grocery store or supermarket</b>	Nutrition service
Craft <b>studio</b>	<b>Group residential facility (large)</b> <sup>(2)</sup>	Ophthalmologist
Craft supply store	<b>Group residential facility (small)</b>	Optician
Credit service	Gymnastics <b>instruction</b>	Optometrist
<b>Credit union</b>	Hardware store	Package liquor store
<b>Customer service facility</b>	Haunted house	Paint store
Dance <b>instruction</b>	Health center	<b>Park or recreation area</b>
Data processing facility	<b>Health club</b>	Parking area <sup>(2)</sup>
Data storage facility	Heating sales	Parking area (off-site) <sup>(3)</sup>
<b>Dating service</b>	Hobby <b>shop</b>	<b>Parking structure</b>
<b>Day care</b>	<b>Homeless/emergency shelter</b> <sup>(2)</sup>	<b>Pet store</b>
Day spa	<b>Hospice care center</b>	Pharmacy
Delicatessen	<b>Hospital</b>	Photographic supply store
Dentist	<b>Hotel</b>	Photography <b>training</b>
<b>Department store</b>	Insurance agency	Physical therapy facility

# WOODBURN ZONING ORDINANCE

NC NEIGHBORHOOD CENTER SPECIFIC PERMITTED USES		
Picture framing facility	<b>School</b>	Telephone sales and service
Planetarium	Security service	<b>Television station</b>
Planner	Shoe store/shoe repair <b>shop</b>	Tennis <b>club</b>
Podiatrist	<b>Sign sales store</b>	<b>Theater</b>
Pottery sales	Skating rink	<b>Tire sales</b>
Public transportation or similar public facility	Sleep disorder facility	Title company
<b>Radio station</b>	Social service agency	<b>Townhouse complex</b>
Real estate	<b>Sorority house</b>	Toy store
Reception/banquet hall	Sporting goods sales and rentals	<b>Travel agency</b>
Recreation facility <sup>(2)</sup>	Stained glass <b>studio</b>	<b>Treatment center</b>
Rehabilitation facility	Stock and bond broker	Tutoring service
<b>Religious institution/school field</b>	Surgery center	Variety store
<b>Rental and/or leasing store</b>	Swim <b>club</b>	<b>Veterinary clinic</b>
Rescue mission	<b>Swimming pool</b> /hot tub sales	Wedding consultant
<b>Residential dwelling unit</b> <sup>(1)</sup>	Tailor/alterations service	Weight loss service
<b>Residential facility for homeless individuals</b> <sup>(2)</sup>	Tanning salon	<b>Window sales</b>
<b>Restaurant</b> , including drive-through	Tattoo establishment	<b>Wind energy conversion system (micro)</b> <sup>(2)</sup>
<b>Retirement facility</b>	Tax consulting	Yoga/pilates <b>instruction</b>
<b>Savings and loan</b>	Taxi service	<b>Zoo</b>
Notes: (1) Above, to the rear of, or attached to a permitted <b>nonresidential use</b> (2) If not <b>adjacent</b> to a <b>residential district</b> (3) See <b>universally permitted use</b> definition for additional standards		

## WOODBURN ZONING ORDINANCE

### (D) Special Uses

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 § 154.503(D)(3)(a) for additional standards)
- (3) **Community garden** that includes a **structure**
- (4) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (5) **Gas station**
- (6) **Greenhouse**
- (7) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (8) **Home business** (for single **family detached buildings** only; see § 154.503(D)(3)(b) for additional standards)
- (9) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (10) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **use**)
- (12) **Outdoor use** (in conjunction with a permitted **primary use**)
- (13) **Parking area** (if **adjacent** to a **residential district**); a special use shall not be required for a universally permitted off-site parking area
- (14) **Plant nursery**
- (15) **Recreation area, including accessory recreation areas**
- (16) **Recreation facility** (if adjacent to a residential district)
- (17) **Religious institution** or non-public **school** illuminated athletic field(s)
- (18) **Residential facility for a court-ordered re-entry program**
- (19) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (20) **Sign** (temporary **subdivision** direction)
- (21) **Solar panel (ground mounted)**
- (22) **Utility facility, private** (not otherwise permitted or exempt)
- (23) **Wind energy conversion (WEC) system (standard, or more than 1 micro system)**
- (24) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

### (E) 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 <sup>(1)</sup>	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) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (F) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
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)			
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)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
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 §154.405(C) in Development Standards Waivers and Exceptions for exceptions; §154.409 Signs for maximum sign heights; and §154.404(O) Residential Impact Mitigation for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor storage			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.215 SC SHOPPING CENTER

### (A) Purpose

The **Shopping Center districts** are intended to create areas for the provision of adequate commercial facilities at suitable locations and of appropriate design, scale and intensity which will create a functional and compatible relationship with the immediate surroundings and community. It is intended that SC **districts** be composed of multiple, different **uses** that serve the retail needs of the community. **Uses** typically found within this type of center include moderate intensity business, community, office, **personal service**, and **limited retail uses**, along with certain residential facilities.

### (B) Limitations on **Building** Size and Number of **Buildings**

For new commercial **development**, single or multiple **buildings** shall be permitted, with a total square footage for all **buildings** of up to 25% coverage of the net **development site area**; new commercial/retail **developments** with total **building** square footage of over 80,000 square feet or with individual tenant spaces over 40,000 square feet shall require an SC zoning classification

### (C) Permitted Uses

In SC **districts**, **outdoor display** shall be permitted within 10 feet of the **primary structure** on the front or **street side(s)**; or beneath a **gas station canopy**. **Outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in an SC **district**; the permitted **uses** shall include, but not be limited to the following **uses**. Unless otherwise noted or defined, all **primary uses** shall be conducted indoors.

SC SHOPPING CENTER USE CATEGORIES		
Animal service, indoor	Instruction/training/education	Residential facility, limited
Automobile service, limited	Medical facility or office	Retail/service, general
Clothing	Personal service	Retail, limited
Community facility	Professional office/business service	Studio
Electronics	Recreation/tourism, limited	Universally permitted use
Food and beverage service	Residential facility, general	Miscellaneous use

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
Accessory building/structure/use	Apparel and accessory store	Automobile accessory store
Accountant	Appraiser	Automatic teller machine
Adoption service	Arcade	Automobile rental (indoor)
Adult care center	Architect	Automobile sales (indoor)
Adult care home	Art gallery	Bait sales
Advertising	Art instruction	Bakery goods
Air conditioning sales	Artist material and supply store	Bank
Animal grooming	Artist studio	Bankruptcy service
Animal hospital	Assisted living facility	Bar or tavern
Animal kennel	Attorney	Barber shop
Animal obedience school	Auction service	Barber/beauty school
Answering service	Audiologist	Beauty shop
Antique shop	Audio-visual studio	Bed and breakfast

# WOODBURN ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
Bicycle sales and repair <b>shop</b>	Data <b>storage</b> facility	Hobby <b>shop</b>
Billiard or pool hall	<b>Dating service</b>	<b>Homeless/emergency shelter</b> <sup>(2)</sup>
Bingo establishment	<b>Day care</b>	<b>Hospice care center</b>
Blood bank	Day spa	<b>Hospital</b>
Blood or plasma donor facility	Delicatessen	<b>Hotel</b>
Boarding/lodging house	Dentist	Insurance agency
Boat/watercraft sales	<b>Department store</b>	Interior decorating store
Book store	Diagnostic center	Interior design service
Bookkeeping service	Dialysis center	Internet/web site service
Bowling alley	Diaper service facility	Investment service
Broker	Dinner <b>theater</b>	<b>Laboratory</b>
Business <b>training</b>	Doctor	Landscape contracting service
Card and stationery store	<b>Dormitory</b>	<b>Land surveyor</b>
Catalog showroom	Driving <b>instruction</b>	<b>Laundromat/coin operated laundry</b>
Caterer	Drug store	Leather goods or luggage store
<b>Child care center</b>	<b>Dry cleaning store</b>	Legal service
<b>Child care home (class I or II)</b>	<b>Educational institution</b>	<b>Library</b>
Chiropractor	Embroidery	<b>Live-work unit</b>
Cigarette/tobacco/cigar store	<b>Employment agency</b>	<b>Loan office</b>
<b>Clinic</b>	<b>Engineer</b>	Marketing agency
Clock/watch/ jewelry sales/repair	<b>Entertainment facility</b>	Martial arts <b>training</b>
Clothing store	Fabric <b>shop</b>	<b>Massage therapy</b>
<b>Club, private</b>	Farmer's market (incl. outdoor)	Meat or fish market
<b>Coffee shop</b>	Finance agency	Medical <b>training</b>
<b>Coin shop</b>	<b>Financial planning service</b>	<b>Micro or mini-brewery</b>
Collection agency	Fireworks sales	<b>Model unit</b>
Community center	Fitness center	Mortgage service
<b>Community garden</b> (incl. outdoor)	Flea market	<b>Motel</b>
Computer sales and service	Floor covering store	Movie/game sales and rental
Computer software store	Florist	<b>Multiple family complex</b>
Computer <b>training</b>	Foundation office	<b>Multiple family dwelling</b>
Confectionery/ice cream/candy	<b>Fraternity house</b>	<b>Museum</b>
Consignment <b>shop</b>	Fruit/vegetable store	Music <b>instruction</b>
Consulting service	<b>Funeral home</b>	Music store
Consumer electronics sales/service	<b>Furniture store</b>	Music/recording <b>studio</b>
<b>Convenience store</b>	Furrier	Musical instrument store
Copy or duplicating service	Gas station	Nail salon
<b>Correctional services facility</b>	Gift <b>shop</b>	<b>Neighborhood facility</b>
Cosmetic store	Glass cutting/glazing <b>shop</b>	<b>Nursing home</b>
Costume and clothing rental	Graphic design service	Nutrition service
Counseling service	<b>Grocery store or supermarket</b>	Ophthalmologist
Craft <b>instruction</b>	<b>Group residential facility (large)</b> <sup>(2)</sup>	Optician
Craft <b>studio</b>	<b>Group residential facility (small)</b>	Optometrist
Craft supply store	Gymnastics <b>instruction</b>	Package liquor store
Credit service	Hardware store	Paint store
<b>Credit union</b>	Haunted house	<b>Park or recreation area</b>
<b>Customer service facility</b>	Health center	Parking area <sup>(2)</sup>
Dance <b>instruction</b>	<b>Health club</b>	Parking area (off-site) <sup>(3)</sup>
Data processing facility	Heating sales	<b>Parking structure</b>

# WOODBURN ZONING ORDINANCE

SC SHOPPING CENTER SPECIFIC PERMITTED USES		
<b>Pet store</b>	<b>Restaurant</b> , including drive-through	Taxi service
Photographic supply store	<b>Retirement facility</b>	Telephone sales and service
Photography <b>training</b>	<b>Savings and loan</b>	<b>Television station</b>
Physical therapy facility	<b>School</b>	Tennis <b>club</b>
Picture framing facility	Security service	<b>Theater</b>
Planetarium	Shoe store/shoe repair <b>shop</b>	<b>Tire sales</b>
Planner	<b>Sign sales store</b>	Title company
Podiatrist	Skating rink	<b>Townhouse complex</b>
Pottery sales	Sleep disorder facility	Toy store
Public transportation or similar public facility	Social service agency	<b>Travel agency</b>
Propane/bottled gas sales	<b>Sorority house</b>	<b>Treatment center</b>
<b>Radio station</b>	Sporting goods sales and rentals	Tutoring service
Real estate	Stained glass <b>studio</b>	Variety store
<b>Reception</b> /banquet hall	Stock and bond broker	<b>Veterinary clinic</b>
Recreation facility <sup>(2)</sup>	Surgery center	<b>Warehouse/storage facility</b>
<b>Rehabilitation</b> facility	Swim <b>club</b>	Wedding consultant
<b>Religious institution/school</b> field	<b>Swimming pool</b> /hot tub sales	Weight loss service
Rental and/or leasing store	Tailor/alterations service	<b>Wind energy conversion (micro)</b> <sup>(2)</sup>
Rescue mission	Tanning salon	<b>Window sales</b>
<b>Residential dwelling unit</b> <sup>(1)</sup>	Tattoo establishment	Yoga/pilates <b>instruction</b>
<b>Residential facility for homeless individuals</b> <sup>(2)</sup>	Tax consulting	<b>Zoo</b>
Notes: (1) Above, to the rear of, or attached to a permitted <b>nonresidential use</b> (2) If not <b>adjacent</b> to a <b>residential district</b> (3) See universally permitted use definition for additional standards		

## WOODBURN ZONING ORDINANCE

### (D) Special Uses

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 § 154.503(D)(3)(a) for additional standards)
- (3) **Educational institution-associated uses** (on non-contiguous properties, not otherwise permitted)
- (4) **Gas station** (including **convenience store**)
- (5) **Greenhouse**
- (6) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (7) **Home business** (for single **family detached buildings** only; see § 154.503(D)(3)(b) for additional standards)
- (8) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (9) **Manufactured home, Type II** (see § 154.503(D)(3)(e) for additional standards)
- (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) **Plant nursery** (retail)
- (13) **Recreation area**, including accessory recreation areas
- (14) **Recreation facility** (if adjacent to a residential district)
- (15) **Religious institution** or non-public **school** illuminated athletic field(s)
- (16) **Residential facility for a court-ordered re-entry program**
- (17) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (18) **Shooting range** (indoor)
- (19) **Sign** (temporary **subdivision** direction)
- (20) **Solar panel** (ground mounted)
- (21) **Utility facility, private** (not otherwise permitted or exempt)
- (22) **Wind energy conversion (WEC) system** (standard, or more than 1 micro system)
- (23) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

### (E) 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 <sup>(1)</sup>	Hedge	Satellite dish
Access ramp	Holiday decorations	Sign
Address marker	Landscape elements	Solar panels ( <b>building</b> 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) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (F) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
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)			
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)			
Primary building – corner lot street side yard		25'	
Accessory building – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	40'		10'
Over 30'	50'		40'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
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 §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor storage			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental)</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.216 C3 GENERAL COMMERCIAL

### (A) Purpose

The General Commercial **district** is intended to provide areas for a variety of commercial **uses** including certain high intensity **uses** not permitted in C1 and C2 **districts**. **Uses** typically found within this **district** include moderate intensity general business, community, office, **personal service**, and retail **uses**, along with certain residential facilities. Commercial **uses** in this **district** often serve the general public and therefore are usually located along **arterial** or collector roadways.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in a C3 **district**; unless otherwise noted, **primary uses** shall be permitted to have outdoor components. In C3 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface.

C3 GENERAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Arcade	Automobile rental
Accountant	Architect	Automobile repair
Adoption service	Arena	Automobile restoration
Adult care center	Art gallery	Automobile rustproofing
Adult care home	Art instruction	Automobile sales
Advertising	Artist material and supply store	Automobile washing facility
Agricultural equipment sales	Artist studio	Bait sales
Agricultural equipment service	Assisted living facility	Bakery goods
Agricultural supply sales	Athletic field	Bank
Air conditioning sales	Attorney	Bankruptcy service
Air conditioning service	Auction hall	Bar or tavern
Amusement park <sup>(2)</sup>	Auction service	Barber shop
Animal grooming	Audiologist	Barber/beauty school
Animal hospital	Audio-visual studio	Batting cages
Animal kennel	Automatic teller machine	Beauty shop
Animal obedience school	Automobile accessory store	Bed and breakfast
Answering service	Automobile auction	Betting or other gambling facility
Antique shop	Automobile body shop	Bicycle sales and repair shop
Apparel and accessory store	Automobile detailing or trim shop	Billiard or pool hall
Appraiser	Automobile maintenance	Bingo establishment

## WOODBURN ZONING ORDINANCE

<b>C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES</b>		
Blood bank	Data processing facility	<b>Golf course, miniature</b>
Blood or plasma donor facility	Data <b>storage</b> facility	<b>Golf driving range</b>
Boarding/lodging house	<b>Dating service</b>	Graphic design service
Boat/watercraft sales	<b>Day care</b>	<b>Greenhouse</b>
Book store	Day spa	<b>Grocery store or supermarket</b>
Bookkeeping service	Delicatessen	<b>Group residential facility (large)</b> <sup>(2)</sup>
Bowling alley	Dentist	<b>Group residential facility (small)</b>
Broker	<b>Department store</b>	Gun sales
Business <b>training</b>	Diagnostic center	<b>Gymnastics instruction</b>
<b>Campus housing</b>	Dialysis center	Hardware store
Card and stationery store	Diaper service facility	Haunted house
Catalog showroom	Dinner <b>theater</b>	Health center
Caterer	Doctor	<b>Health club</b>
<b>Check cashing</b>	<b>Dormitory</b>	Heating sales
<b>Child care center</b>	Driving <b>instruction</b>	Heating service
<b>Child care home (class I or II)</b>	Drug store	<b>Hobby shop</b>
Chiropractor	<b>Dry cleaning store</b>	<b>Home improvement store</b>
Cigarette/tobacco/cigar store	<b>Educational institution</b>	<b>Homeless/emergency shelter</b> <sup>(2)</sup>
<b>Clinic</b>	Embroidery	<b>Hospice care center</b>
Clock/watch/ jewelry sales/repair	<b>Employment agency</b>	<b>Hospital</b>
Clothing store	<b>Engine repair</b>	<b>Hotel</b>
<b>Club, private</b>	<b>Engineer</b>	Insurance agency
<b>Coffee shop</b>	<b>Entertainment facility</b>	Interior decorating store
<b>Coin shop</b>	<b>Equipment rental (limited)</b>	Interior design service
Collection agency	Equipment service	Internet/web site service
Community center	<b>Exhibit hall</b>	Investment service
<b>Community garden</b>	<b>Exterminator</b>	<b>Laboratory</b>
Computer sales and service	Fabric <b>shop</b>	Landscape contracting service
Computer software store	<b>Feed store</b>	<b>Land surveyor</b>
Computer <b>training</b>	Finance agency	<b>Laundromat/coin operated laundry</b>
Confectionery/ice cream/candy store	<b>Financial planning service</b>	Leather goods or luggage store
Consignment <b>shop</b>	Fireworks sales	Legal service
Consulting service	Fitness center	<b>Library</b>
Consumer electronics sales/service	Flea market	<b>Live-work unit</b>
<b>Convenience store</b>	Floor covering store	<b>Loan office</b>
Copy or duplicating service	Florist	<b>Manufactured home sales</b>
<b>Correctional services facility</b>	Foundation office	Marketing agency
Cosmetic store	<b>Fraternity house</b>	Martial arts <b>training</b>
Costume and clothing rental	Fruit/vegetable store	<b>Massage therapy</b>
Counseling service	<b>Funeral home</b>	Meat or fish market
<b>Country club</b>	Furniture refinishing/repair	Medical <b>training</b>
<b>Craft instruction</b>	<b>Furniture store</b>	Micro or mini-brewery or brewpub
<b>Craft studio</b>	Furrier	<b>Model unit</b>
Craft supply store	<b>Garage sales</b>	Mortgage service
Credit service	<b>Gas station</b>	<b>Motel</b>
<b>Credit union</b>	Gift <b>shop</b>	<b>Motor vehicle rental</b>
<b>Customer service facility</b>	Glass cutting/glazing <b>shop</b>	<b>Motor vehicle sales</b>
Dance <b>instruction</b>	Go-kart facility <sup>(2)</sup>	Movie and game sales and rental

# WOODBURN ZONING ORDINANCE

<b>C3 GENERAL COMMERCIAL SPECIFIC PERMITTED USES</b>		
<b>Multiple family complex</b>	Public transportation or similar public facility	Tanning salon
<b>Multiple family dwelling</b>	Propane/bottled gas sales and service	Tattoo establishment
<b>Museum</b>	<b>Radio station</b>	Tax consulting
<b>Music instruction</b>	Real estate	Taxi service
Music store	<b>Reception/banquet hall</b>	Taxidermist
Music/recording <b>studio</b>	<b>Recreation area</b> <sup>(2)</sup>	Telephone sales and service
Musical instrument store	<b>Recreation facility</b>	<b>Television station</b>
Nail salon	<b>Rehabilitation facility</b>	Tennis <b>club</b>
<b>Neighborhood facility</b>	<b>Religious institution/school field</b>	<b>Theater</b>
<b>Nursing home</b>	Rental and/or leasing store	<b>Tire sales</b>
Nutrition service	<b>Residential dwelling unit</b> <sup>(1)</sup>	Title company
Ophthalmologist	<b>Residential facility for homeless individuals</b> <sup>(2)</sup>	Towing service (with no <b>storage yard</b> )
Optician	<b>Restaurant</b> , including drive-through	<b>Townhouse complex</b>
Optometrist	<b>Retirement facility</b>	Toy store
Package liquor store	<b>Riding stable</b>	Trade show facility
Paint store	<b>Savings and loan</b>	<b>Travel agency</b>
<b>Park or recreation area</b>	<b>School</b>	<b>Treatment center</b>
Parking area <sup>(2)</sup>	Seasonal sales	Truck fueling station
Parking area (off-site) <sup>(3)</sup>	Security service	Truck stop
<b>Parking structure</b>	Shoe store/shoe repair <b>shop</b>	Tutoring service
<b>Pawn shop</b>	<b>Shooting range</b> (indoor)	Variety store
Pest control	<b>Sign sales store</b>	<b>Veterinary clinic</b>
<b>Pet store</b>	Skating rink	Warehouse/ <b>storage</b> facility
Photographic supply store	Sleep disorder facility	Water park <sup>(2)</sup>
Photography <b>training</b>	Social service agency	<b>Wind energy conversion system (micro)</b> <sup>(2)</sup>
Physical therapy facility	<b>Sorority house</b>	Wedding consultant
Picture framing facility	Sporting goods sales and rentals	Weight loss service
Planetarium	<b>Stadium/racetrack</b> <sup>(2)</sup>	<b>Wholesale facility</b>
Planner	Stained glass <b>studio</b>	<b>Window repair</b>
<b>Plant nursery</b>	Stock and bond broker	<b>Window sales</b>
Plumbing sales	<b>Storage shed</b> sales	Yoga/pilates <b>instruction</b>
Plumbing service	Surgery center	Zipline
Podiatrist	Swim <b>club</b>	<b>Zoo</b>
Pottery sales	Tailor/alterations service	
Notes: (1) Above, to the rear of, or attached to a permitted <b>nonresidential use</b> (2) If not <b>adjacent</b> to a <b>residential district</b> (3) See universally permitted use definition for additional standards		

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

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 § 154.503(D)(3)(a) 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** (for single **family detached buildings** only; see § 154.503(D)(3)(b) for additional standards)
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (6) **Manufactured home, Type II** (see § 154.503(D)(3)(e) 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**)
- (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** (if **adjacent** to a **residential district**)
- (12) **Sign** (temporary **subdivision** direction)
- (13) **Solar panel (ground mounted)**
- (14) Tree service
- (15) **Utility facility, private** (not otherwise permitted or exempt)
- (16) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (17) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure			40'
Primary or accessory residential facility building or structure			Up to two stories or 30' <sup>(2)</sup>
Front yard			
Non-through lot			35'
Through lot			35' at each end of the lot
If there is an existing primary commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the <b>lot</b>			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>
Side yard (interior lot)			
Primary building			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'	40'		25'
Over 30'	50'		40'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building – corner lot street side yard			25'
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'	40'		10'
Over 30'	50'		40'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> ( <b>ornamental</b> permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(3)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.217 C4 INTENSIVE COMMERCIAL

### (A) Purpose

The Intensive Commercial **district** is intended to provide areas for general commercial **uses**, along with higher intensity **uses** not permitted in the C1, C2 or C3 **districts**. Commercial **uses** in this **district** often serve the general public and therefore are usually located along major arterial and/or collector roadways. It is intended that new C4 **zoning districts** not be created **adjacent** to existing **residential zoning districts**.

### (B) Permitted Uses

In C4 **districts**, except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall: be located behind the **primary structure**, or on the **internal side** of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface. The following **uses** are permitted as a matter of right in a C4 **district**; all **uses** shall be permitted to have outdoor components.

C4 INTENSIVE COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Residential facility, general
Animal service, outdoor	Instruction/training/education	Residential facility, limited
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics	Recreation/tourism, limited	Miscellaneous use

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Accessory building/structure/use	Arena	Automobile sales
Accountant	Art gallery	Automobile washing facility
Adoption service	Art instruction	Bait sales
Adult care center	Artist material and supply store	Bakery goods
Adult care home	Artist studio	Bank
Advertising	Assisted living facility	Bankruptcy service
Agricultural equipment sales	Athletic field	Bar or tavern
Agricultural equipment service	Attorney	Barber shop
Agricultural supply sales	Auction hall	Barber/beauty school
Air conditioning sales	Auction service	Batting cages
Air conditioning service	Audiologist	Beauty shop
Amusement park <sup>(2)</sup>	Audio-visual studio	Bed and breakfast
Animal grooming	Automatic teller machine	Betting or other gambling facility
Animal hospital	Automobile accessory store	Bicycle sales and repair shop
Animal kennel	Automobile auction	Billiard or pool hall
Animal obedience school	Automobile body shop	Bingo establishment
Answering service	Automobile detailing or trim shop	Blood bank
Antique shop	Automobile maintenance	Blood or plasma donor facility
Apparel and accessory store	Automobile rental	Boarding/lodging house
Appraiser	Automobile repair	Boat/watercraft sales
Arcade	Automobile restoration	Book store
Architect	Automobile rustproofing	Bookkeeping service

# WOODBURN ZONING ORDINANCE

<b>C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES</b>		
Bowling alley	Dentist	<b>Group residential facility (large)</b> <sup>(2)</sup>
Broker	<b>Department store</b>	<b>Group residential facility (small)</b>
Business <b>training</b>	Diagnostic center	Gun sales
Card and stationery store	Dialysis center	Gymnastics <b>instruction</b>
Catalog showroom	Diaper service facility	Hardware store
Caterer	Dinner <b>theater</b>	Haunted house
<b>Check cashing</b>	Doctor	Health center
<b>Child care center</b>	<b>Dormitory</b>	<b>Health club</b>
<b>Child care home (class I or II)</b>	Driving <b>instruction</b>	Heating sales
Chiropractor	Drug store	Heating service
Cigarette/tobacco/cigar store	<b>Dry cleaning store</b>	Hobby <b>shop</b>
<b>Clinic</b>	<b>Educational institution</b>	<b>Homeless/emergency shelter</b> <sup>(2)</sup>
Clock/watch/ jewelry sales/repair	Embroidery	<b>Hospice care center</b>
Clothing store	<b>Employment agency</b>	<b>Hospital</b>
<b>Club, private</b>	<b>Engine repair</b>	<b>Hotel</b>
<b>Coffee shop</b>	<b>Engineer</b>	Insurance agency
<b>Coin shop</b>	<b>Entertainment facility</b>	Interior decorating store
Collection agency	<b>Equipment rental (limited)</b>	Interior design service
Community center	Equipment service	Internet/web site service
<b>Community garden</b>	<b>Exhibit hall</b>	Investment service
Computer sales and service	<b>Exterminator</b>	<b>Laboratory</b>
Computer software store	Fabric <b>shop</b>	Landscape contracting service
Computer <b>training</b>	<b>Feed store</b>	<b>Land surveyor</b>
Confectionery/ice cream/candy	Finance agency	<b>Laundromat/coin operated laundry</b>
Consignment <b>shop</b>	<b>Financial planning service</b>	Leather goods or luggage store
Consulting service	Fireworks sales	Legal service
Consumer electronics sales/service	Fitness center	<b>Library</b>
<b>Convenience store</b>	Flea market	<b>Live-work unit</b>
Copy or duplicating service	Floor covering store	<b>Loan office</b>
<b>Correctional services facility</b>	Florist	Marketing agency
Cosmetic store	Foundation office	Martial arts <b>training</b>
Costume and clothing rental	<b>Fraternity house</b>	<b>Massage therapy</b>
Counseling service	Fruit/vegetable store	Meat or fish market
<b>Country club</b>	<b>Funeral home</b>	Medical <b>training</b>
Craft <b>instruction</b>	Furniture refinishing/repair	Micro/mini- <b>brewery</b> , brewpub
Craft <b>studio</b>	<b>Furniture store</b>	Mortgage service
Craft supply store	Furrier	<b>Motel</b>
Credit service	<b>Garage sales</b>	<b>Motor vehicle rental</b>
<b>Credit union</b>	<b>Gas station</b>	<b>Motor vehicle sales</b>
<b>Customer service facility</b>	Gift <b>shop</b>	Movie and game sales and rental
Dance <b>instruction</b>	Glass cutting/glazing <b>shop</b>	<b>Multiple family complex</b>
Data processing facility	Go-kart facility <sup>(2)</sup>	<b>Multiple family dwelling</b>
Data <b>storage</b> facility	<b>Golf course, miniature</b>	<b>Museum</b>
<b>Dating service</b>	<b>Golf driving range</b>	Music <b>instruction</b>
<b>Day care</b>	Graphic design service	Music store
Day spa	<b>Greenhouse</b>	Music/recording <b>studio</b>
Delicatessen	<b>Grocery store or supermarket</b>	Musical instrument store

## WOODBURN ZONING ORDINANCE

C4 INTENSIVE COMMERCIAL SPECIFIC PERMITTED USES		
Nail salon	Recreation area <sup>(2)</sup>	Tax consulting
Neighborhood facility	Recreation facility	Taxi service
Nursing home	Rehabilitation facility	Taxidermist
Nutrition service	Religious institution/school field	Telephone sales and service
Ophthalmologist	Rental and/or leasing store	Television station
Optician	Residential dwelling unit <sup>(1)</sup>	Tennis club
Optometrist	Residential facility for homeless individuals <sup>(2)</sup>	Theater
Package liquor store	Restaurant, including drive-through	Tire sales
Paint store	Retirement facility	Title company
Park or recreation area	Riding stable	Towing service (with no storage yard)
Parking area <sup>(2)</sup>	Savings and loan	Townhouse complex
Parking area (off-site) <sup>(3)</sup>	School	Toy store
Parking structure	Seasonal sales	Trade show facility
Pawn shop	Security service	Travel agency
Pest control	Shoe store/shoe repair shop	Treatment center
Pet store	Shooting range (indoor)	Truck fueling station
Photographic supply store	Sign sales store	Truck stop
Photography training	Skating rink	Tutoring service
Physical therapy facility	Sleep disorder facility	Variety store
Picture framing facility	Social service agency	Veterinary clinic
Planetarium	Sorority house	Warehouse/storage facility
Planner	Sporting goods sales and rentals	Water park <sup>(2)</sup>
Plant nursery	Stadium/racetrack <sup>(2)</sup>	Wind energy conversion system (micro) <sup>(2)</sup>
Plumbing service	Stained glass studio	Wedding consultant
Podiatrist	Stock and bond broker	Weight loss service
Pottery sales	Storage shed sales	Wholesale facility
Public transportation or similar public facility	Surgery center	Window repair
Propane/bottled gas sales and service	Swim club	Window sales
Radio station	Tailor/alteration service	Yoga/pilates instruction
Real estate	Tanning salon	Zipline
Reception/banquet hall	Tattoo establishment	Zoo
Notes: (1) Above, to the rear of, or attached to a permitted nonresidential use (2) If not adjacent to a residential district (3) See universally permitted use definition for additional standards		

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

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 § 154.503(D)(3)(a) 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** (for single **family** detached **dwellings** only; see § 154.503(D)(3)(b) for additional standards)
- (5) **Homeless/emergency shelter** (if **adjacent** to a **residential district**, or accessory to a **religious institution**)
- (6) **Manufactured home, Type II** (see § 154.503(D)(3)(e) 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**)
- (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** (if **adjacent** to a **residential district**)
- (12) **Sexually oriented business**, provided that the following conditions are met:
  - (a) The use is no closer than one-thousand (1000) feet to a residential district, or to a religious institution or school. The distance between the use and a residential district, or a religious institution or school, shall be measured in a straight line without regard to intervening structures or objects, from the nearest portion of the building or structure used to house the use to the nearest lot or boundary line of the residential district, or religious institution/school lot.
  - (b) Signage shall be limited to a single wall sign only. The Board may establish the size of the wall sign, but it shall be no larger than the maximum size for a wall sign for other uses in the C4 district.
  - (c) The use shall comply with hours of operation established by the Board, which shall not extend earlier beyond the hours of 10:00 am to 12:00 midnight.
  - (d) With the exception of lighting for the wall sign, exterior lighting shall only be installed for security and traffic safety purposes.
- (13) **Shooting range** (outdoor)
- (14) **Sign** (temporary **subdivision** direction)
- (15) **Solar panel (ground mounted)**
- (16) **Tree service**
- (17) **Utility facility, private** (not otherwise permitted or exempt)
- (18) **Wind energy conversion (WEC) system (standard**, or more than 1 micro system)
- (19) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing <b>single family detached</b> residence, the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
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)			
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)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building <sup>(3)</sup>			
Height		If adjacent to a residential district	If not adjacent to a residential district
Up to 30'		40'	10'
Over 30'		50'	40'
Primary building – outdoor activity behind the building <sup>(3)</sup>			
50'			
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 §154.405(C) in Development Standards Waivers and Exceptions for exceptions; §154.409 Signs for maximum sign heights; and §154.404(O) Residential Impact Mitigation for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor storage			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> (ornamental, permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3 ' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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## **WOODBURN ZONING ORDINANCE**

**§ 154.218      RESERVED**

**§ 154.219      RESERVED**

**§ 154.220      RESERVED**

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.221 BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK

### (A) Purpose

The **Business, Technology, and Industrial Park districts** are intended to create areas for the **development** of limited intensity assembly, fabrication, office, medical, technology, and research facilities, including **corporate campus** and similar **development**, with quality, integrated architectural and site design which is compatible with **adjacent development** and creates minimal impacts outside of the **buildings**.

### (B) Permitted Uses

The following **uses** shall be permitted as a matter of right in a BTI district. **Outdoor display or storage** shall not be permitted.

BTI BUSINESS, TECHNOLOGY AND INDUSTRIAL PARK SPECIFIC PERMITTED USES	
<b>Accessory building/structure/use</b>	<b>Limited assembly and fabrication of:</b> (continued)
<b>Apparel fabrication and processing</b>	Optical instruments
<b>Assembly of finished products</b>	Scientific and precision instruments
Bioscience <b>development/research</b> testing	Service industry machines
Business incubation office or <b>laboratory</b>	Specialty equipment
Computer/other software	Machine design facility
<b>Corporate campus</b>	<b>Machine tool shop</b>
Cosmetic product compounding	Medical device technology
Information technology	Pharmaceutical product compounding
Internet applications or products	Product research and development
<b>Laboratory</b> (testing)	Professional office and research facility
<b>Limited assembly and fabrication of:</b>	Technology use or service
Bio-medical/orthopedic products	<b>Universally permitted use</b>
Communication and computation equipment	Vehicle technology (advanced)
Computers and electronics	<b>Warehouse/storage facility</b>
Computer hardware products	<b>Wholesale facility</b>
Industrial controls	<b>Wind energy conversion system (micro)</b> <sup>(1)</sup>
Medical devices	<b>Wind energy conversion system (standard)</b> <sup>(2)</sup>
Orthopedic devices	Woodworking/carpentry
Notes:	
(1) If not <b>adjacent</b> to a <b>residential district</b>	
(2) If on land of over two acres not <b>adjacent</b> to a <b>residential district</b>	

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

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 § 154.503(D)(3)(a) for additional standards)
- (2) Illuminated **recreation field** (if **adjacent** to **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) **Wind energy conversion (WEC) system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (7) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)



## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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).

BTI BUSINESS, TECHNOLOGY, AND INDUSTRIAL PARK DEVELOPMENT STANDARDS			
Height (maximum) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure		40'	
Primary or accessory residential facility building or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
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)			
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)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If adjacent to a residential district		If not adjacent to a residential district
Up to 30'	25'		10'
Over 30'	50'		25'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
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'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, and mechanical equipment			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental)</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> (freestanding; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.222 I1 LIMITED INDUSTRIAL

### (A) Purpose

The Limited Industrial **district** is intended to provide areas in which goods are produced for direct consumption by consumers. Limited industrial **uses** typically involve final assembly of goods produced from prepared materials, finished products or parts; distribution of finished goods; low intensity industrial or **manufacturing** operations; or wholesale and/or **storage** activities. The I1 **district** may serve as a **buffer** between heavier industrial **districts** and business or **residential districts**.

### (B) Permitted Uses

A limited industrial **use** creates minimal impacts outside of the **buildings** and includes limited **outdoor storage**. The following **uses** are permitted as a matter of right in an I1 **district**. **Outdoor storage** shall only be permitted between the rear of the **building** and the **rear lot line**, up to the square footage of the **primary structure**, and shall be screened from **adjacent** residential zoning and **public street** rights of way.

I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building, structure, or use	Distribution facility for (continued):
Air freight service	Soft drinks
Apparel fabrication and processing	Steel
Aquaculture	Tires (new)
Aquaponics	Truck bodies
Bakery	Vending machines
Bioscience development, research, or testing	Windows
Boat dry dock facility	Dry cleaning/laundry facility (central)
Brewery (micro)	Equipment rental (limited and general)
Business incubation office or laboratory	Equipment supply facility for:
Computer/other software	Air purification
Contractor (construction, excavation, landscape)	Electrical
Correctional services facility	Electric wire and cable
Cosmetic product compounding	Fire protection
Crematory	Food service
Dairy/creamery	Heating, ventilation, or air conditioning
Distillery (micro)	Industrial
Distribution facility for:	Maintenance
Batteries	Mechanical
Beer	Medical
Building materials	Power transmission
Electrical parts	Radio/communication
Food	Restaurant
Janitorial supplies	Telecommunication
Lubrication	Trade show/exhibit
Machines	Truck
Medical supplies	Water softening/purification
Oil	Welding
Paint	Freight service
Petroleum products	Furniture production
Pipe	Group residential facility (large) <sup>(1)</sup>
Plumbing fixtures	Group residential facility (small)

## WOODBURN ZONING ORDINANCE

<b>I1 LIMITED INDUSTRIAL SPECIFIC PERMITTED USES</b>	
<b>Homeless/emergency shelter</b>	Parking area <sup>(1)</sup>
<b>Hydroponics</b>	Pharmaceutical product compounding
Information technology	Printing facility
Internet applications/products	Printing press
<b>Laboratory</b> (testing)	Product research and development
Lathe/screw machine products	Recreation area
<b>Limited assembly and fabrication of:</b>	Recreation facility
Bio-medical/orthopedic products	Refurbishing facility (household items)
Communication and computation equipment	<b>Research and development facility</b>
Computers and electronics	<b>Residential facility for homeless individuals</b> <sup>(1)</sup>
Computer hardware products	Technology use or service
Industrial controls	Tool and die facility
Medical devices	<b>Utility facility (private)</b>
Orthopedic devices	Vehicle technology (advanced)
Optical instruments	Welding service
Scientific and precision instruments	<b>Warehouse/storage facility</b>
Service industry machines	<b>Wholesale facility</b>
Specialty equipment	<b>Wind energy conversion system (micro)</b> <sup>(1)</sup>
Machine design facility	<b>Wind energy conversion system (standard)</b> <sup>(2)</sup>
<b>Machine tool shop</b>	Winery (micro)
Maintenance/repair facility (not otherwise permitted)	Woodworking/carpentry
Medical device technology	
Notes:	
(1) If not <b>adjacent</b> to a <b>residential district</b>	
(2) If on land of over two acres not <b>adjacent</b> to a <b>residential district</b>	

<b>I1 LIMITED INDUSTRIAL COMMERCIAL USE CATEGORIES</b>		
<b>Animal service, indoor</b>	<b>Food and beverage service</b>	<b>Recreation/Tourism, limited</b>
<b>Automobile service, limited</b>	<b>Instruction/training/education</b>	<b>Residential facility, general</b>
<b>Clothing</b>	<b>Medical facility or office</b>	<b>Retail, limited</b>
<b>Community facility</b>	<b>Personal service</b>	<b>Studio</b>
<b>Electronics</b>	<b>Professional office/business service</b>	<b>Universally permitted use</b>

## WOODBURN ZONING ORDINANCE

### (C) Special Uses

The following **uses** may be approved by the **Board of Zoning Appeals** after the filing of a **Special Use** petition:

- (1) **Automobile service, general**
- (2) **Commercial communication tower** (see § 154.503(D)(3)(a) for additional standards)
- (3) **Gas station**
- (4) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (5) Growing/processing/raising of natural products
- (6) Illuminated **recreation field** (if **adjacent** to **residential district**)
- (7) Metal and plastic extrusion and molding facility
- (8) Metal cutting facility
- (9) Metal fabricating facility
- (10) Metal processing facility (anodizing, buffing, galvanizing, plating, and polishing)
- (11) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing **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) Processing facility (small scale)
- (14) **Residential facility for a court-ordered re-entry program**
- (15) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (16) Sheet metal fabrication and/or processing
- (17) **Sign** (temporary **subdivision** direction)
- (18) **Solar panel (ground-mounted)**
- (19) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (20) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single <b>family</b> detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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



# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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).

I1 LIMITED INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) <sup>(1)</sup>			
Primary or accessory <b>nonresidential building</b> or structure		50'	
Primary or accessory <b>residential facility building</b> or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing primary commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>	
Side yard (interior lot)			
Primary building			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		25'	10'
Over 30'		50'	25'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		25'	10'
Over 30'		50'	25'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outside activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning</b> or <b>canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence</b> ( <b>ornamental</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall</b> ( <b>freestanding</b> ; permitted up to 8' in height )	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# WOODBURN ZONING ORDINANCE

## § 154.223 I2 GENERAL INDUSTRIAL

### (A) Purpose

The General Industrial **district** is intended to provide areas for assembly, distribution, fabricating, **manufacturing**, and processing industries where the operation is enclosed within a **building** and conducted in such a manner that no adverse impacts are created or emitted outside of the **building(s)**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an I2 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the front façade of the **building** and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way.

I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES	
Accessory building, structure, or use	Bio-medical/orthopedic equipment
Air freight service	Bioscience development/research testing
Apparel fabrication and processing	Boat dry dock facility
Assembly of finished products	Bottling facility
Assembly facility for/manufacturing of:	Brewery
Adhesive/glue	Business incubation office or laboratory
Agricultural implements	Canvas product fabrication
Aircraft	Ceramic product fabrication
Animal feed	Compounding of:
Appliances	Chemicals
Automobiles	Cleaning supplies
Bicycles	Cosmetics
Boats	Pharmaceuticals
Carbon steel pipe and tubing	Computer/other software
Computers	Contractor (construction, excavation, landscape)
Concrete and concrete products	Correctional services facility
Electronics	Crematory
Insulation	Dairy/creamery
Manufactured homes	Distillery
Modular buildings	Distribution facility for:
Motorcycles	Batteries
Motors	Beer
Paper/paper products	Building materials
Recreational vehicles	Electrical parts
Spas	Food
Stainless steel	Janitorial supplies
Steel	Lubrication
Tile	Machines
Tires	Medical supplies
Valves	Oil
Aquaculture	Paint
Aquaponics	Petroleum products
Bakery	Pipe

# WOODBURN ZONING ORDINANCE

<b>I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES</b>	
<b>Distribution facility for (continued):</b>	<b>Limited assembly and fabrication of (continued):</b>
Plumbing fixtures	Orthopedic devices
Soft drinks	Scientific and precision instruments
Steel	Service industry machines
Tires (new)	Specialty equipment
Truck bodies	Machine design facility
Vending machines	<b>Machine tool shop</b>
<b>Windows</b>	Magnet wire facility
Dry cleaning/laundry facility (central)	Maintenance/repair facility
Equipment rental (limited and general)	Medical device technology
<b>Equipment supply facility for:</b>	Metal and plastic extrusion and molding facility
Air purification	Metal cutting
Electrical	Metal fabricating
Electric wire and cable	Packaging facility
Fire protection	Parking area <sup>(1)</sup>
Food service	Printing facility
Heating, ventilation, or air conditioning	Printing press
Industrial	Processing facility for:
Maintenance	Animals
Mechanical	Animal products
Medical	Lumber
Power transmission	Metal (anodizing, buffing, galvanizing, <b>plating</b> , polishing)
Radio/communication	Raw Materials
<b>Restaurant</b>	Timber
Telecommunication	Propane/bottled gas facility
Trade show/exhibit	Product <b>research and development</b>
Truck	Railroad spur
Water softening/purification	<b>Recycling processing facility</b>
Welding	Refractory
Foundry	Refurbishing facility
<b>Freight service</b>	<b>Research and development facility</b>
<b>Furniture production</b>	<b>Residential facility for homeless individuals <sup>(1)</sup></b>
<b>Group residential facility (small)</b>	<b>Sales yard for:</b>
<b>Group residential facility (large) <sup>(1)</sup></b>	<b>Building materials</b>
Growing/processing/raising of natural products	Lumber
Homeless/emergency shelter	Sand, gravel, stone
Hydroponics	<b>Salvage yard (indoor)</b>
Information technology	Sheet metal fabrication
Internet applications/products	Sheet metal processing
<b>Junk yard (indoor)</b>	<b>Sign fabricating</b>
<b>Laboratory (testing)</b>	Technology <b>use</b> or service
Lathe/screw machine products	Tool and die facility
<b>Limited assembly and fabrication of:</b>	Tree service
Bio-medical/orthopedic products	<b>Truck depot/terminal</b>
Communication and computation equipment	<b>Truck stop</b>
Computers and electronics	<b>Utility facility (private)</b>
Computer hardware products	Vehicle technology (advanced)
Industrial controls	Welding service
Medical devices	Warehouse/ <b>storage</b> facility
Optical instruments	<b>Wholesale facility</b>

# WOODBURN ZONING ORDINANCE

## I2 GENERAL INDUSTRIAL SPECIFIC PERMITTED USES

Wind energy conversion system (micro) <sup>(1)</sup>	Winery
Wind energy conversion system (standard) <sup>(2)</sup>	Woodworking/carpentry
Notes: (1) If not <b>adjacent</b> to a <b>residential district</b>	
(2) If on land of over two acres not <b>adjacent</b> to a <b>residential district</b>	

## I2 GENERAL INDUSTRIAL COMMERCIAL USE CATEGORIES

Animal service (indoor)	Food and beverage service	Residential facility, general
Animal service (outdoor)	Instruction/training/education	Retail, limited
Automobile service, general <sup>(1)</sup>	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Studio
Clothing	Professional office/business service	Universally permitted use
Community facility	Recreation, general	
Electronics	Recreation/tourism, limited	
(1) Excluding gas stations		

### (C) Special Uses

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 § 154.503(D)(3)(a) for additional standards)
- (2) **Fuel storage** facility
- (3) **Gas station**
- (4) **Group residential facility (large)** (if **adjacent** to a **residential district**)
- (5) **Illuminated recreation field** (if **adjacent** to residential zoning)
- (6) **Junk yard** (outdoor)
- (7) **Motor vehicle storage yard**
- (8) **Nonconforming use** (expansion of existing **nonconforming use**, or allow conforming status to existing use)
- (9) **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
- (10) **Parking or outdoor display area**, gravel (not otherwise permitted)
- (11) **Residential facility for a court-ordered re-entry program**
- (12) **Residential facility for homeless individuals** (if **adjacent** to a **residential district**)
- (13) **Salvage yard** (outdoor)
- (14) **Sawmill**
- (15) **Sign** (temporary **subdivision** direction)
- (16) **Solar panel (ground-mounted)**
- (17) **Solid waste transfer station**
- (18) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (19) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing single <b>family</b> detached residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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).

I2 GENERAL INDUSTRIAL DEVELOPMENT STANDARDS			
Height (maximum) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure		50'	
Primary or accessory residential facility building or structure		Up to two stories or 30' <sup>(2)</sup>	
Front yard			
Non-through lot		25'	
Through lot		25' at each end of the lot	
If there is an existing commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the lot		A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>	
Side yard (interior lot)			
Primary building			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a residential <b>district</b>
Up to 30'	25'		10'
Over 30'	50'		25'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a residential <b>district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard		25'	
Accessory building or structure – corner lot street side yard		25'	
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height	If <b>adjacent</b> to a <b>residential district</b>		If not <b>adjacent</b> to a residential <b>district</b>
Up to 30'	25'		10'
Over 30'	50'		25'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a residential <b>district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning or canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental)</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
<b>Fence</b> (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall (freestanding; permitted up to 8' in height )</b>	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			



# WOODBURN ZONING ORDINANCE

## § 154.224 I3 INTENSIVE INDUSTRIAL

### (A) Purpose

The Intensive Industrial **district** is intended to provide areas for intense industrial **uses** such as fabricating, **manufacturing**, processing, extraction, heavy repair and dismantling industries where outside operations and **storage** areas may be required. Due to the nature of these industries, **districts** are typically located away from residential areas and **districts**. I3 **districts** should be **buffered** by less intensive industrial or commercial **districts** to minimize adverse impacts on surrounding land **uses**.

### (B) Permitted Uses

The following **uses** are permitted as a matter of right in an I3 **district**. Except for **automobile**, boat, and similar vehicle sales **uses**, **outdoor display** shall meet the **building setback** standards; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space; **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line** and shall be screened from **adjacent residential zoning districts** and **public street** rights of way.

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Air freight service	Bakery
Apparel fabrication and processing	Bio-medical/orthopedic equipment
Asphalt plant	Bioscience development/research testing
Assembly of finished products	Boat dry dock facility
Assembly facility for/manufacturing of:	Bottling facility
Adhesive/glue	Brewery
Agricultural implements	Business incubation office or laboratory
Aircraft	Canvas product fabrication
Animal feed	Ceramic product fabrication
Appliances	Compounding of:
Automobiles	Chemicals
Bicycles	Cleaning supplies
Boats	Cosmetics
Carbon steel pipe and tubing	Pharmaceuticals
Computers	Computer/other software
Concrete and concrete products	Concrete plant
Electronics	Contractor (construction, excavation, landscape)
Insulation	Correctional services facility
Manufactured homes	Crematory
Modular buildings	Dairy/creamery
Motorcycles	Distillery
Motors	Distribution facility for:
Paper/paper products	Batteries
Recreational vehicles	Beer
Spas	Building materials
Stainless steel	Electrical parts
Steel	Food
Tile	Janitorial supplies
Tires	Lubrication
Valves	Machines
Aquaculture	Medical supplies
Aquaponics	Oil

# WOODBURN ZONING ORDINANCE

<b>13 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES</b>	
<b>Distribution facility for (continued):</b>	<b>Limited assembly and fabrication of (continued):</b>
Paint	Communication and computation equipment
Petroleum products	Computers and electronics
Pipe	Computer hardware products
Plumbing fixtures	Industrial controls
Soft drinks	Medical devices
Steel	Optical instruments
Tires (new)	Orthopedic devices
Truck bodies	Scientific and precision instruments
Vending machines	Service industry machines
<b>Windows</b>	Specialty equipment
Dry cleaning/laundry facility (central)	Machine design facility
<b>Equipment rental (limited and general)</b>	<b>Machine tool shop</b>
<b>Equipment supply facility for:</b>	Magnet wire facility
Air purification	Maintenance/repair facility
Electrical	Medical device technology
Electric wire and cable	Metal and plastic extrusion and molding facility
Fire protection	Metal cutting
Food service	Metal fabricating
Heating, ventilation, or air conditioning	<b>Motor vehicle storage yard</b>
Industrial	Packaging facility
Maintenance	Parking area
Mechanical	Printing facility
Medical	Printing press
Power transmission	Processing facility for:
Radio/communication	Animals
<b>Restaurant</b>	Animal products
Telecommunication	Lumber
Trade show/exhibit	Metal (anodizing, buffing, galvanizing, <b>plating</b> , polishing)
Truck	Raw materials
Water softening/purification	Timber
Welding	Propane/bottled gas facility
Foundry	Product research and development
<b>Freight service</b>	Railroad spur
Fuel <b>storage</b> facility	<b>Recycling processing facility</b>
<b>Furniture production</b>	Refractory
<b>Gas station</b>	Refurbishing facility
<b>Group residential facility (large)<sup>(1)</sup></b>	<b>Research and development facility</b>
<b>Group residential facility (small)</b>	<b>Residential facility for homeless individuals<sup>(1)</sup></b>
Growing/processing/raising of natural products	<b>Sales yard for:</b>
Homeless/emergency shelter	<b>Building</b> materials
Hydroponics	Lumber
Information technology	Sand, gravel, stone
Internet applications/products	<b>Salvage yard</b>
<b>Junk yard</b>	Sheet metal fabrication
<b>Laboratory (testing)</b>	Sheet metal processing
Lathe/screw machine products	<b>Sign</b> fabricating
<b>Limited assembly and fabrication of:</b>	<b>Solid waste transfer station</b>
Bio-medical/orthopedic products	Technology use or service

## WOODBURN ZONING ORDINANCE

I3 INTENSIVE INDUSTRIAL SPECIFIC PERMITTED USES	
Tool and die facility	Warehouse/storage facility
Tree service	Wholesale facility
<b>Truck depot/terminal</b>	Wind energy conversion system (micro) <sup>(1)</sup>
<b>Truck stop</b>	Wind energy conversion system (standard) <sup>(2)</sup>
<b>Utility facility (private)</b>	Winery
Vehicle technology (advanced)	Woodworking/carpentry
Welding service	
Notes: (1) If not <b>adjacent</b> to a <b>residential district</b>	
(2) If on land of over two acres not <b>adjacent</b> to a <b>residential district</b>	

I3 INTENSIVE INDUSTRIAL COMMERCIAL USE CATEGORIES		
Animal service, indoor	Food and beverage service	Recreation/tourism, limited
Animal service, outdoor	Instruction/training/education	Residential facility, general
Automobile service, general	Medical facility or office	Retail/service, general
Automobile service, limited	Personal service	Retail, limited
Clothing	Professional office/business service	Studio
Community facility	Recreation, general	Universally permitted use
Electronics		

### (C) Special Uses

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 § 154.503(D)(3)(a) 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** (if **adjacent** to a **residential district**)
- (9) **Sawmill**
- (10) **Sign** (temporary **subdivision** direction)
- (11) **Solar panel (ground-mounted)**
- (12) **Wind energy conversion system, micro** (on land **adjacent** to a **residential district**, or to erect an additional micro system or systems)
- (13) **Wind energy conversion (WEC) system, standard** (on land of under two acres, or on land **adjacent** to a **residential district**)

## WOODBURN ZONING ORDINANCE

(D) **Accessory Buildings, Structures and Uses**

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

<b>UNIVERSALLY PERMITTED ACCESSORY BUILDINGS, STRUCTURES, AND USES</b>		
<b>Accessory dwelling unit</b> <sup>(1)</sup>	<b>Hedge</b>	<b>Satellite dish</b>
<b>Access ramp</b>	<b>Holiday decorations</b>	<b>Sign</b>
Address marker	<b>Landscape elements</b>	Solar panels ( <b>building</b> mounted)
<b>Arbor</b> or pergola	Mailbox	<b>Swimming pool</b>
Bird bath/house	<b>Name plate</b>	Swing set
<b>Carport</b>	Newspaper delivery box	Television aerial
<b>Deck</b>	<b>Patio</b>	<b>Trellis</b>
<b>Driveway</b>	<b>Play equipment</b>	<b>Utility fixture</b>
<b>Fence</b>	Pond	Walk
Flagpole	Property boundary marker	<b>Wall</b>
<b>Garage</b>	Radio antenna (amateur)	<b>Yard light</b>
<b>Gazebo</b>	Rain barrel	
Geothermal system	Rain garden	
Note: (1) If integrated into an existing <b>single family detached</b> residence; the integrated accessory dwelling unit shall be at least 300 square feet		

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

# WOODBURN ZONING ORDINANCE

## (E) Development Standards

- (1) 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) <sup>(1)</sup>			
Primary or accessory nonresidential building or structure			75'
Primary or accessory residential facility building or structure			Up to two stories or 30' <sup>(2)</sup>
Front yard			
Non-through lot			50'
Through lot			50' at each end of the lot
If there is an existing primary commercial or industrial <b>building(s)</b> with a lesser front <b>setback adjacent</b> to the lot			A new primary building or an addition to an existing primary building may meet the smallest existing nonconforming <b>setback</b>
Side yard (interior lot)			
Primary building			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		40'	25'
Over 30'		50'	40'
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	25'	25'
Side yard (corner lot)			
Primary building – corner lot street side yard			25'
Accessory building or structure – corner lot street side yard			25'
Rear yard			
Primary building – no outdoor activity behind the building) <sup>(3)</sup>			
Height		If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 30'		40'	10'
Over 30'		50'	40'
Primary building – outdoor activity behind the building) <sup>(3)</sup>			
50'			
Accessory building or structure			
Height	Size	If <b>adjacent</b> to a <b>residential district</b>	If not <b>adjacent</b> to a <b>residential district</b>
Up to 25' and	Up to 200 sq. ft.	25'	5'
Over 25' or	Over 200 sq. ft.	40'	25'
Notes:			
(1) See §154.405(C) in <b>Development Standards Waivers</b> and Exceptions for exceptions; §154.409 <b>Signs</b> for maximum <b>sign heights</b> ; and §154.404(O) Residential Impact <b>Mitigation</b> for additional restrictions			
(2) Whichever is less			
(3) Outdoor activity shall include delivery/loading areas, drives, dumpsters, mechanical equipment, and outdoor <b>storage</b>			

## WOODBURN ZONING ORDINANCE

- (2) Except as noted in the table below, **buildings** and **structures** shall not project into or be located in a required **yard**.

ADDITIONAL YARD LOCATION AND YARD PROJECTION STANDARDS			
Buildings/structures	Required Yard		
	Front	Side	Rear
<b>Access ramp</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
<b>Arbor</b> , basketball goal, bird bath/house/feeder, <b>driveway</b> , flagpole, garden (private), <b>landscape elements</b> , mail/newspaper delivery box, property boundary marker, <b>small satellite dish</b> , <b>trellis</b> , <b>yard light</b>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>	Permitted <sup>(1)</sup>
Architectural feature (belt course, chimney, cornice, eave, fireplace, overhang, sill, bay/bow <b>window</b> , or similar feature)	May project up to 2'	May project up to 2' <sup>(2)</sup>	May project up to 2'
<b>Awning or canopy</b> <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Balcony or open stairway <sup>(3)</sup>	May project up to 4'	May project up to 4' <sup>(2)</sup>	May project up to 4' <sup>(2)</sup>
Bath house/cabana, <b>carport</b> , <b>garage</b> , <b>gazebo</b> , <b>greenhouse</b> , pergola, <b>shed</b> , smoke house (personal), <b>swimming pool</b>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>	Not permitted <sup>(4)</sup>
<b>Deck</b> , landing, <b>porch</b> , or stoop, open (shall not extend above the height of the first floor) <sup>(3)</sup>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
Dog/pet house, fire pit, grill, hot tub, oven (outdoor), <b>play equipment</b> , radio antenna (amateur), <b>large satellite dish</b> , tree house	Not permitted <sup>(4)</sup>	Permitted	Permitted
<b>Fence (ornamental)</b> , permitted up to 3' in height)	Permitted	Permitted	Permitted
Fence (non-ornamental, permitted up to 8' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Fire escape	May project up to 4'	May project up to 4'	May project up to 4'
Slab on grade <b>patio</b>	May project up to 8'	May project up to 4' <sup>(2)</sup>	May project up to 8' <sup>(2)</sup>
<b>Wall (freestanding; permitted up to 8' in height )</b>	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
<b>Wall</b> (retaining, up to 3' in height)	Permitted	Permitted	Permitted
<b>Wall</b> (retaining, over 3' in height)	Not permitted <sup>(4)</sup>	Permitted <sup>(5)</sup>	Permitted <sup>(5)</sup>
Notes: (1) May be located within required <b>yard</b> with no <b>setback</b> (2) However, a 5' side or <b>rear yard</b> shall be maintained (3) If not <b>adjacent</b> to a <b>residential district</b> ; shall not project if <b>adjacent</b> to a <b>residential district</b> (4) Shall meet minimum <b>primary structure setback</b> (5) However, <b>fences</b> and <b>walls</b> shall meet <b>corner lot primary structure setback</b> standard (6) Up to 3 feet in height			

# WOODBURN ZONING ORDINANCE

## DEVELOPMENT PROCESSES AND STANDARDS

### § 154.301 DEVELOPMENT PLANS

#### (A) Purpose

The Development Plan process is intended to:

- (1) Promote and encourage quality **development** that has a positive impact on surrounding **structures** and land **uses**;
- (2) 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 Woodburn and other governmental or quasi-governmental entities to provide public services required by those **developments**.
- (3) Reserved

#### (B) When Required

- (1) 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 <b>development</b> project proposal, for which the applicant is requesting <b>Plan Commission</b> approval)	✓	
Projects involving multiple <b>buildings</b> on a single lot or development site	✓	✓
Projects involving the phased construction of <b>infrastructure</b> or <b>streets</b>	✓	✓
Projects requesting a <b>waiver</b> from one or more ordinance standards	✓	

- (2) In addition to the provisions above, an applicant or property **owner** may choose to voluntarily submit a project or **development** through the Development Plan process.
- (3) As part of its consideration and approval of a request for a **contingent use**, **special use**, or **use** variance, the **Board of Zoning Appeals** may require the submission and approval of a Development Plan.

## WOODBURN ZONING ORDINANCE

### (C) Primary Development Plans

#### (1) Pre-Application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a Primary Development Plan. The purpose of this pre-application meeting is to:

- (a) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards, or requirements;
- (b) Review the Development Plan procedures and submittal requirements;
- (c) Acquaint the applicant with inherent limiting characteristics of the specific site or surrounding areas; and
- (d) Reduce the time period between initial application and **Commission** approval.

#### (2) Submittal Requirements

The applicant for a Primary Development Plan approval shall submit an application and **fee**, a Primary Development Plan Site Plan, and supporting information as established by the **Commission's** rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission's** agenda for the next available public hearing. A determination made by DPS staff with regard to the completeness of a Primary Development Plan application may be appealed to the **Commission** pursuant to the **Commission's** rules.

#### (3) Review

- (a) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, and as established by the **Commission's** rules.
- (c) DPS staff shall review the application and shall make a recommendation on the application.
- (d) The **Commission** shall hold a public hearing on the application for approval of the proposed Primary Development Plan, in accordance with the **Commission's** rules.

#### (4) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a Primary Development Plan.

##### (a) Decision

After the public hearing on the Primary Development Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Primary Development Plan if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the plan subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

##### (b) Deferral

The **Commission** may also defer action on the proposed Primary Development Plan if it needs more information or time to determine if the Development Plan is eligible for approval. In deferring action on a Primary Development Plan, the **Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the



## WOODBURN ZONING ORDINANCE

**Commission.** If the reason for the deferral is a **Commission** determination that the application cannot be approved until specific changes are made or additional information is submitted by the applicant, the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral). If the corrected materials or additional information is not submitted within the **Commission**'s established period of time, the **Commission** may deny the application.

(c) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application to approve a Primary Development Plan. If primary approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(d) Notice of Decision

Notice of the **Commission**'s decision on a Primary Development Plan shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(e) Appeal of Decision

Any action by the **Commission** on a Primary Development Plan application shall be a final decision and may be reviewed as provided in IC 36-7-4-1016.

(f) Period of Valid Approval

- (i) Approval of the Primary Development Plan by the **Commission** is valid for twenty-four (24) months from the date of approval. If approval of a Secondary Development Plan or Site Plan for some portion of the land covered by the Primary Development Plan approval is not obtained within that twenty-four (24) month period, the Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of a Secondary Development Plan or a Site Plan for the proposed **development**, as applicable. The request shall be made prior to the expiration of the twenty-four (24) month approval period.
- (iii) If a Secondary Development Plan is required pursuant to §154.301(D) and the applicant obtains approval of a Secondary Development Plan but then fails to obtain an **Improvement Location Permit** for at least part of the **development site** included in that Secondary Development Plan within the time required by §154.301(D)(3)(f), both the Secondary Development Plan and the Primary Development Plan related to that **development site** shall lapse and be null and void.
- (iv) If a **Certificate of Compliance** has been obtained for at least a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan or Site Plan approval of the remainder of the Primary Development Plan area.

(D) Secondary Development Plans

If a Secondary Development Plan is required pursuant to §154.301(B), the approval of a Secondary Development Plan shall be governed by the provisions of this 154.301(D). In cases where a Primary Development plan has been previously approved for the same **development site**, a Secondary

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Development Plan may be submitted simultaneously with a revised Primary Development Plan. A Secondary Development Plan may only be submitted simultaneously with a revised Primary Development Plan if the applicant provides all required application materials in the level of detail required to constitute a complete application for both if they were submitted sequentially. The **Commission** may make a decision on both a revised Primary Development Plan and a Secondary Development Plan as part of a single review process, provided that all submittal requirements and all approval criteria for both a Primary and Secondary Development Plan have been met.

### (1) Submittal Requirements

The applicant for a Secondary Development Plan approval shall submit an application and **fee**, the required number of Secondary Development Plan Site Plans, and supporting information as established by the **Commission**'s rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission**'s agenda for the next available meeting. A determination made by DPS staff with regard to the completeness of a Secondary Development Plan application may be appealed to the **Commission**.

### (2) Review

- (a) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission** by rule.
- (b) DPS staff shall review the application and shall make a recommendation on the application.
- (c) The **Commission** shall review the application for approval of the proposed Secondary Development Plan at a meeting of the **Commission**, in accordance with the **Commission**'s rules.

### (3) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission**'s actions on a Secondary Development Plan.

#### (a) Decision

After review of the Development Plan, the **Commission** shall approve or deny the application. The **Commission** shall approve the Secondary Development Plan if it determines that the application meets the following criteria, and may approve the plan subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:

- (i) The application is consistent with the approved Primary Development Plan for the **development site**, including any **conditions** attached to the Primary Development Plan approval;
- (ii) The application meets those design and **development** standards for Development Plans in 154.301(E);
- (iii) If the application involves multiple **buildings** on a single **parcel**, or on several contiguous **parcels**, where each **building** is not located on a separate **parcel**, then the location and layout of those **buildings** and their orientation to each other will not create adverse impacts on the occupants or **users** of the **development site** or on the surrounding area.
- (iv) If the application involves the phased construction of **infrastructure** or **streets**, the order of phased **development** will not create adverse impacts on the occupants or users of the **development site** or on the surrounding area, and are within the City of Woodburn or applicable service provider to service and maintain.

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(b) Deferral

The provisions of §154.301(C)(4)(b) apply.

(c) Findings

The provisions of §154.301(C)(4)(c) apply.

(d) Notice of Decision

The provisions of §154.301(C)(4)(d) apply.

(e) Appeal of Decision

The provisions of §154.301(C)(4)(e) apply.

(f) Period of Valid Approval

(i) Approval of the Secondary Development Plan by the **Commission** is valid for thirty-six (36) months from the date of approval. If approval of an **Improvement Location Permit** for some portion of the land covered by the Secondary Development Plan approval is not obtained within that thirty-six (36) month period, both the Secondary Development Plan approval and the related Primary Development Plan approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

(ii) The applicant may request approval from the **Commission** for an extension of time to obtain approval of an **Improvement Location Permit**, for all or part of the proposed **development**. The request shall be made prior to the expiration of the thirty-six (36) month approval period.

(iii) If a **Certificate of Compliance** has been obtained for a portion of the Primary Development Plan area, the applicant thereafter will not be obligated to adhere to any time limitations for requesting Secondary Development Plan approval of the remainder of the Primary Development Plan area.

(4) Issuance of Permit

Prior to the issuance of an **Improvement Location Permit** for any **use, building, or structure** in a project where a Primary or Secondary Development Plan is required, all of the following requirements shall be satisfied.

- (a) If the **use, building, or structure** is part of a **development** for which only a Primary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and DPS staff shall have approved a Site Plan Review pursuant to §154.302 (Site Plan Review).
- (b) If the **use, building, or structure** is part of a **development** for which a Secondary Development Plan is required, the **Commission** shall have approved a Primary Development Plan and a Secondary Development Plan.
- (c) The applicant shall have met or adequately committed to meet all of the **conditions** of approval placed on each approved Development Plan.
- (d) The applicant shall have installed or adequately committed to have installed all of the public improvements and **infrastructure** required to serve the **development**. If the applicant has delivered assurances to Woodburn pursuant to §154.503(A)(5)(**Commitments**) that it will provide to the **Commission** approvals of required improvements, and the applicant does not then deliver those approvals in a timely fashion, the **Commission** is hereby empowered to **refuse** to issue either **Improvement Location Permits** or **Certificate of Compliance Permits**.

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for **development site** within that Primary or Secondary Development Plan until the required approvals are received by the **Commission**.

- (e) The applicant shall have recorded in the Allen **County Recorder**'s Office all of the required documents, rights-of-way, utility **easements**, plans, deed restrictions, restrictive covenants, **commitments**, and any other instruments required by the **Commission** or staff, in a form approved by the **Commission**.

### (E) **Development and Design Standards**

**Development** and **design standards** applicable to Development Plans are listed in §154.404. Some **waivers** of and adjustments to **development** and **design standards** for Development Plans are permitted pursuant to §154.405(B), (C), and (D).

### (F) **Commitments**

As part of its approval of a Primary or Secondary Development Plan, the **Commission** may permit or require the **owner** of the property included in the request to make a **commitment** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-613, §154.503(A)(5), and the **Commission's** rules.

### (G) **Amendments to Approved Development Plans**

After the **Commission** has granted approval of a Primary or Secondary Development Plan, any amendments to the Development Plan shall be submitted by the applicant to the Executive Director by way of an amended application for the type of approval sought. The application shall also be accompanied by the pertinent submissions required by Woodburn for the proposed amendments involved, as determined by the Executive Director. For purposes of all amendments to approved Development Plans, the **Zoning Administrator** shall determine whether a change is substantial by considering the scope of the overall project, the possible impact of amended land **uses** or site activities, **structure** locations, sizes, or heights, or transportation access, systems, or volumes upon the community and land **uses**, both existing and planned, which surround the Development Plan area and areas within the Development Plan that have already been developed.

#### (1) **Purpose**

The purpose of this section is to describe how an approved Primary or Secondary Development Plan may be amended, and to clarify the difference between minor amendments that may be approved by DPS staff and amendments that are determined to be a **substantial change** that requires approval by the **Commission**.

#### (2) **Amendment after Approval of a Primary Development Plan**

Proposed amendments to an approved Primary Development Plan shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, and the proposed **development** requires the approval of a Secondary Development Plan, the revised plan may be submitted as an application for a Secondary Development Plan.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, or the proposed **development** does not require approval of a Secondary Development Plan, the submission of a new Primary Development Plan shall be required. The previous Primary Development Plan shall be void once the new

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Primary Development Plan is approved. The new Primary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

(3) Amendments after Approval of a Secondary Development Plan Prior to ILP Issuance

Proposed amendments to an approved Secondary Development Plan prior to approval of an **Improvement Location Permit** shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with the application for a new **Improvement Location Permit**, and shall be considered by DPS staff at the same time as the **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved plan, the submission of a new Secondary Development Plan shall be required. The previous Secondary Development Plan shall be void once the new Secondary Development Plan is approved. The new Secondary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this ordinance.

(4) Amendments after Issuance of the ILP

A proposed amendment or addition to an approved Secondary Development Plan where **Improvement Location Permits** have been issued, but where no construction on any **structures** has taken place, shall be reviewed in accordance with the following:

- (a) If the **Zoning Administrator** determines that the amendment does not constitute a **substantial change** to the previously approved plan, the revised Secondary Development Plan may be submitted with an application for a new **Improvement Location Permit**.
- (b) If the **Zoning Administrator** determines that the amendment constitutes a **substantial change** to the previously approved Secondary Development Plan the submission of a new Secondary Development Plan shall be required. The previously approved Secondary Development Plan and previously issued **Improvement Location Permit** shall be revoked and declared void once the new Secondary Development Plan is approved. The amended secondary Development Plan shall require a new application and filing **fee**, and shall be reviewed under the provisions of this subchapter.
- (c) If the **Zoning Administrator** determines that the amendment is substantial enough that another public hearing should be required, the applicant shall resubmit the revised plan as a new Primary Development Plan, and the previously issued **Improvement Location Permit** shall be voided. The new Primary Development Plan shall require a new application and filing **fee** and shall be reviewed under the provisions of this ordinance.

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# WOODBURN ZONING ORDINANCE

## § 154.302 SITE PLAN REVIEW

### (A) Purpose

The purpose of this section is to:

- (1) Provide a process that allows for administrative review of certain projects for compliance with the provisions of this ordinance.
- (2) Allow reviewing staff to provide input on proposed projects

### (B) When Required

Except as excluded in §154.302(C), any proposal for a new **building** or **structure** or **addition** to an existing **building** in the following categories that does not require the submission of a Development Plan under the provisions of §154.301, requires submittal, review and approval through the Site Plan Review process:

- (1) New individual **multiple family buildings** of over two (2) units;
- (2) A nonresidential **structure** or **building** (including a single **building** on an individual **lot** or **development site**, an **accessory structure** or **building**, **additions** to an existing **building**, a **gas station canopy** or pumps, and an **outdoor activity area**);
- (3) If the **Commission, Board**, or Hearing Officer determines in the course of application review that the proposal is large, complex, or raises potential unanticipated **development** impacts, the **Commission, Board**, or Hearing Officer may require that the proposed project complete the Site Plan review process.

### (C) Exclusion

Projects of less than 1,000 square feet that do not have sanitary sewer or water facilities and fire sprinkler systems (including mobile classrooms but excluding **gas station** canopies or outdoor eating/drinking areas), shall be exempt from the Site Plan review process. Temporary construction or temporary sales/leasing facilities that do not have water and sanitary sewer connections shall also be exempt from the Site Plan review process.

### (D) Pre-Application Meetings

- (1) Prior to the submission of an application for approval of a Site Plan, a pre-application meeting between DPS staff and the applicant is recommended. The purpose of the pre-application meeting is to:
  - (a) Acquaint the applicant with the standards, procedures, and requirements of this ordinance and any other applicable standards or requirements;
  - (b) Review the Site Plan Review process procedures and submittal requirements;
  - (c) Acquaint the applicant with any potential issues or problems regarding the specific site or surrounding area, including **significant** cost or permit delay issues; and
  - (d) Provide the applicant with a list of application submittal requirements based on the nature and size of the proposed **development**.

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### (E) Submittal Requirements

The applicant for Site Plan Review shall submit an application form and supporting information as established by the **Commission**. DPS staff shall only distribute applications for review that have been determined by DPS staff to be complete. A determination made by DPS staff with regard to the completeness of a Site Plan Review application may be appealed to the **Commission** in accordance with the **Commission**'s rules.

### (F) **Development** and Design Standards

**Development** and design standards applicable to Site Plan Review are listed in §154.404. No **waivers** of or exceptions to those standards are permitted through Site Plan Review.

### (G) Approval

#### (1) Filing Deadline

Application submission deadlines shall be according to the schedule and times established by the DPS staff.

#### (2) Distribution and Review Schedule

Proposals submitted prior to the application deadline and determined to be complete submittals by DPS staff shall be distributed to the applicable review agency staff. The proposals shall be reviewed and comments submitted by the established review deadline. If no response is received from a review agency within ten (10) business days after transmittal of Site Plan Review materials, DPS staff may consider that the review agency has no objection to approval of the application as submitted.

#### (3) Action

Following review of a submitted Site Plan Review application, the review staff may take the following actions:

- (a) The application may be approved, with or without **conditions**; review staff may place a hold on the **Certificate of Compliance** as part of the approval, to allow for: inspections of project improvements; issuance of project-related permits from other reviewing agencies; confirmation that previous **commitments** have been met or adequately committed to be met; or to obtain other information as necessary to confirm compliance with standards or requirements.
- (b) Changes to the application may be required if necessary to bring the application into compliance with the applicable standards and requirements; or
- (c) Additional information may be required if necessary to determine whether the application complies with the applicable standards and requirements; or
- (d) The application may be denied if it does not comply with the applicable standards and requirements and cannot be made to comply through the imposition of **conditions**.

#### (4) Reserved

#### (5) Time Frame for Valid Application or Approval

The following time frames shall apply to the validity of Site Plan review applications and approvals

- (a) Validity of Application



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A Site Plan Review application shall remain valid for twelve (12) months from the application date, except that the applicant can request an extension from DPS staff prior to the expiration of the application. Extensions may be approved if DPS staff determines that the need for the extension arises due to unforeseen circumstances relative to the project.

(b) Validity of Approval

A Site Plan review approval shall remain valid for six (6) months from the approval date, except that the applicant can request an extension from DPS staff prior to the expiration of the approval. Extensions may be approved if DPS staff determines that the need for the extension arises due to unforeseen circumstances relative to the project.

(6) Improvement Location Permit

(a) Revised Plans or Documents

After the review agency comments are received by DPS staff, it is the responsibility of the designated project representative to provide the DPS or reviewing staff with any requested information or revised plans or documents.

(b) Issuance of Permit

After all of the reviewing agencies have sent approvals for the proposal to DPS staff (or failed to respond for 10 business days following the transmittal of application materials), and any revised plans or documents have been approved by reviewing staff, an **Improvement Location Permit** shall be issued for the project.

(7) Certificate of Compliance

After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**.

(a) Certificate of Compliance Release

It is the designated project representative's responsibility to contact the reviewers and provide any requested information or schedule any required inspections required by the reviewing agencies for their release of the **Certificate of Compliance**. When all of the reviewing agencies have approved the release of the **Certificate of Compliance**, indicating compliance with all applicable standards and requirements or that the applicant has adequately committed to meet the applicable **conditions** of approval, the DPS staff will issue the Certificate to the **Allen County Building Department**. DPS staff may require the issuance of multiple Certificates of Compliance for ILPs for projects with phased occupancy.

(b) Survey

For new **structures** the applicant may be required to submit a certified survey to document that the **structure(s)** meet **setback** requirements, in addition to satisfying any other **conditions** of approval established by the DPS staff.

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# WOODBURN ZONING ORDINANCE

## § 154.303 SUBDIVISION CONTROL

### (A) Title

This section shall be known and cited as the **City of Woodburn Subdivision Control Regulations**. The provisions in this section are an updated replacement of the previous Woodburn **Subdivision Control Ordinance** (**City Code Chapter 153**).

### (B) Purpose

#### (1) Major Subdivisions

The purpose of the **Major Subdivision** regulations in section is to provide standards and procedures to regulate all divisions of land that do not qualify as **Minor Subdivisions** or exempt divisions of land, to ensure that **Major Subdivisions** are consistent with the **Comprehensive Plan**, and to provide minimum rules, regulations, and standards in order to achieve orderly **development** in the **City** through land **subdivision**; to provide for the proper arrangement of **streets** in relation to other existing or proposed **streets**; to promote the **use** of land to assure the best possible environment; to reduce the unplanned **development** and the public service and enforcement costs associated with that **development**; to promote the health, safety, and general welfare of the public, and the provision of sufficient capital improvements to maintain community standards while meeting the standards and specifications of the **City**.

#### (2) Minor Subdivisions

The purpose of the **Minor Subdivision** regulations in this section is to establish an expedited procedure to review the **platting** of residential **developments** containing no more than six (6) **lots** for single **family** and **two family dwellings**. An administrative review and **platting** process is hereby established to provide assurance that a **Minor Subdivision** meets certain minimum requirements and design standards.

### (C) When Required

#### (1) Jurisdiction

Each division of land within the **planning jurisdiction** of the **City** is required to obtain approval of either **Minor Subdivision** pursuant to §154.303(E) or a **Major Subdivision** pursuant to §154.303(F) as applicable, unless it qualifies as an **exempt division of land** pursuant to §154.303(C)(2).

- (a) No **subdivision** of land, as defined in this ordinance, may occur until such time as all the provisions of this section are complied with, the **Woodburn City Plan Commission** has acknowledged its approval by affixing its signatures and seal, and the sealed **plat** has been recorded in the Office of the Allen **County Recorder**.
- (b) No **lot** in a **subdivision** may be sold, and no permit to erect, alter, or repair any **building** upon land in a **subdivision** be issued, unless and until a Major or **Minor Subdivision** has received final approval and been recorded, and until the improvements required in connection with the **subdivision** have either been constructed or guaranteed as provided in this section.

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### (2) Exempt Divisions of Land

#### (a) Exempt Divisions

The following divisions of land do not have to obtain approval of a **Minor Subdivision plat** pursuant to 154.303(C)(3) or a **Major Subdivision plat** pursuant to §154.303(C)(4).

- (i) All **lots** in a recorded **subdivision** at the time of adoption of this ordinance shall not be required to meet the regulations of this section;
- (ii) The **conveyance** of land located within a Development Plan that has been approved by the **Commission**;
- (iii) A division of a **parcel** of land for the transfer of a **parcel** of land to correct errors in an existing legal description, provided that no additional **building** sites are created;
- (iv) A **conveyance** of a **parcel** of land pursuant to a distribution of land to a devisee, legatee or other heir pursuant to a last will and testament or intestate proceeding;
- (v) The **conveyance** of **parcel(s)** of land to one or both parties in a divorce proceeding pursuant to a court order regarding disposition of marital assets;
- (vi) A division of a **parcel** of land for federal, state, or local government to acquire for public purposes;
- (vii) A division of land resulting in the transfer or sale of land between contiguous **parcels** of land, provided that no additional **building** sites are created by the **subdivision**; and
- (viii) A division of a **parcel** of land into **cemetery** plots.

#### (b) Administrative Approval Required

- (i) A division of land that does not constitute a **subdivision** as defined in this ordinance must be submitted for administrative approval. Only one administrative approval shall be permitted off of an existing **parcel** in a 12 month period; requests to create additional **lots** or **parcels** shall require Development Plan approval.
- (ii) The application shall be reviewed for compliance with the requirements of the ordinance and to confirm that each affected **lot** is served by public water and public sewer and must have immediate access to an improved public **right-of-way**. Immediate access shall be **frontage** on an improved **right of way**, an alternative access approved by the Woodburn Traffic Engineering Department, or an alternative access as approved by the **Plan Commission** as part of a Development Plan approval.
- (iii) Applications shall be approved providing that all affected **parcels** meet or exceed these minimum standards.
- (iv) The approved application will be returned to the applicant and must be recorded by the applicant within one year of approval or the approval will be null and void.

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### (3) **Minor Subdivisions**

**Minor Subdivisions** are those that contain no more than six **lots** (including the root **parcel** or original **tract**), in which all **lots** are created for single **family** or **two family dwellings**, and in which each **lot** has **frontage** on an existing improved non **arterial street**, and no **lot** requires the creation or extension of any water or sewer facility. Land included in an approved **Minor Subdivision** may not later be divided into more **lots** through the exempt land division process pursuant to §154.303(C)(2). **Minor Subdivisions** shall be reviewed and approved as described in §154.303(E).

### (4) **Major Subdivisions**

**Major Subdivisions** are those that are not exempt divisions of land as described in §154.303(C)(2) and do not qualify as **Minor Subdivisions** as described in §154.303(C)(3). **Major subdivisions** shall be reviewed and approved as described in §154.303(F).

### (D) Pre-application Meeting

DPS staff shall hold a pre-application meeting at least five (5) business days prior to the filing deadline for an application for approval of a **Minor** or **Major Subdivision**. The purpose of this pre-application meeting is to:

- (1) Acquaint the applicant with the standards, procedures and requirements of this ordinance, the **Comprehensive Plan**, and any other applicable standards or requirements;
- (2) Review the **subdivision** procedures and submittal requirements;
- (3) Acquaint the applicant with any inherent limiting characteristics of the specific site or surrounding areas; and
- (4) Reduce the time period between initial application and approval.

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## (E) Minor Subdivision

### (1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Minor Subdivision** to a Committee of the **Commission** by rule, and may delegate authority to grant **secondary approval** of a **Minor Subdivision** to the DPS staff, by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Minor Subdivision**, as applicable.

### (2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Minor Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission**'s rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission**'s agenda for the next available public meeting. A determination made by the DPS staff with regard to the completeness of a **Minor Subdivision** application may be appealed to the **Commission** pursuant to the **Commission**'s rules.

### (3) Primary Review

- (a) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (b) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (c) DPS staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the DPS staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (d) The Committee of the **Commission** shall hold a public hearing on the application for primary approval of the proposed **Minor Subdivision** in accordance with the **Commission**'s rules.

### (4) Action and Additional Provisions

#### (a) Decision

After the public hearing on the primary approval of a **Minor Subdivision**, the Committee shall approve or deny the application. The Committee shall grant primary approval to the **Minor Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **Subdivision** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

#### (b) Deferral

The Committee may also defer action on primary approval of the proposed **Minor Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for approval. In deferring action on a Primary **Minor Subdivision**, the Committee shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a Committee determination that the application cannot be granted primary approval

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until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral)... If the corrected materials or additional information is not submitted within the **Commission's** established period of time, the Committee may deny the application.

(c) Findings

The Committee shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Minor Subdivision**. If the **Subdivision** is denied, the written findings entered by the Committee shall set forth the reasons for such denial.

(d) Notice of Decision

Notice of the Committee's decision on an application for primary approval of a **Minor Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by **Commission** rule.

(e) Period of Valid Approval

- (i) Any primary approval of a **Minor Subdivision** by a Committee of the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If the **Minor Subdivision** has not received **secondary approval** within that twenty-four (24) month period, the preliminary approval of the **Minor Subdivision** shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.
- (ii) The applicant may request approval from the Committee of the **Commission** for an extension of time to obtain **secondary approval** of a **Minor Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(5) **Secondary Approval**

(a) Review

- (i) Following primary approval of a **Minor Subdivision**, the applicant shall file an application for **secondary approval** of the **Minor Subdivision**.
- (ii) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified by the **Commission's** rules.
- (iii) The DPS staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
- (iv) The **Commission** shall consider reviewing the application at its next available business meeting.
- (v) No notice or public hearing is required for approval of a Secondary **Minor Subdivision**.

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- (vi) If an appeal of the Committee of the **Commission**'s primary approval of a **Minor Subdivision** was filed, the DPS staff shall take no further action until the **Commission** has made a decision on the appeal, and any action on the application for **secondary approval** of a **Minor Subdivision** shall be consistent with the **Commission**'s decision on the appeal.

(b) Decision

- (i) After review of an application for **secondary approval** of a **Minor Subdivision**, the DPS staff shall approve or deny the application. The DPS staff shall grant **secondary approval** of the **Minor Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
  - [A] The application is consistent with the primary approval of the **Minor Subdivision** for the **development site**, including any **conditions** attached to the **Minor Subdivision** primary approval;
  - [B] The application meets those design and **development** standards for **Minor subdivisions** in §154.303(E)(5); and
  - [C] All required improvements and **infrastructure** for the **Minor Subdivision** have been completed and have been approved by the **Board of Works**.
- (ii) If **secondary approval** is denied, DPS Staff shall within three (3) business days after that denial furnish the applicant with a written list of the reasons for such denial.
- (iii) If **secondary approval** is granted by DPS Staff, all certifications required by the **Commission**'s rules shall be obtained by the applicant prior to recording.
- (iv) The DPS Staff may grant **secondary approval** of the **Minor Subdivision plat** subject to the expiration of the time provided for appeal under IC 36-7-4-708 of the primary approval of the **Minor Subdivision**; provided however, that the **plat** for which **secondary approval** has been granted shall not be signed or certified on behalf of the **Commission**, prior to the expiration of such appeal period.

(c) Recording and Period of Validity

The provisions of §154.303(F)(4)(d) shall apply.

(6) **Development** and Design Standards

**Development** and design standards applicable to **Minor Subdivisions** are listed in §154.404. No **waivers** of or exceptions to those standards are permitted for **Minor Subdivisions**.



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## (F) Major Subdivision

### (1) Delegation of Authority

The **Commission** may delegate authority to grant primary approval of a **Major Subdivision** to a Committee of the **Commission** by rule. If the **Commission** has not delegated such authority, the **Commission** shall review applications for primary and/or **secondary approval** of **Major Subdivision**, as applicable.

### (2) Submittal Requirements

The applicant for a primary or **secondary approval** of a **Major Subdivision** shall submit an application form and **fee**, a **subdivision plat**, and supporting information as established by the **Commission's** rules. Only applications that have been determined by DPS staff to be complete shall be placed on the **Plan Commission's** agenda for the next available meeting. A determination made by the DPS staff with regard to the completeness of a **Major Subdivision** application may be appealed to the **Commission** in accordance with the **Commission's** rules.

### (3) Primary Approval

#### (a) Review

- (i) The **Commission** shall adopt filing **fees**, filing deadlines, meeting dates, and a hearing procedure for this process by rule.
- (ii) After receipt of a complete application, the DPS staff shall provide notice of the public hearing by publication in accordance with IC 5-3-1, this ordinance, and as established by the **Commission** by rule.
- (iii) DPS staff shall review the application and shall make a recommendation on the application. If the applicant has submitted an incomplete application, the DPS staff shall notify the applicant of the missing information and provide the applicant with thirty (30) business days to submit the missing information.
- (iv) The **Commission** shall hold a public hearing on the application for primary approval of the proposed **Major Subdivision** in accordance with the **Commission's** rules.

#### (b) Action and Additional Provisions

The following standards and requirements shall apply to the **Commission's** actions on a **Major Subdivision**.

##### (i) Decision

After public hearing the proposed **Major Subdivision**, the **Commission** shall grant primary approval to the **Major Subdivision** if it determines that the application meets the **development** requirements of the applicable **zoning district**. The **Plan Commission** may approve the **plat** subject to **conditions** if the **conditions** are reasonably necessary to satisfy those **development** requirements.

##### (ii) Deferral

The **Commission** may also defer action on the proposed **Major Subdivision** if it needs more information or time to determine if the **subdivision** is eligible for primary approval. In deferring action on a **Major Subdivision**, the

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**Commission** shall notify the applicant in writing of the reasons for the deferral, in accordance with the rules of the **Commission**. If the reason for the deferral is a **Commission** determination that the application cannot be granted primary approval until specific changes are made or additional information is submitted by the applicant, the applicant shall be notified of that fact and the applicant shall have twenty one (21) days to submit corrected materials or additional information (or other specific period of time, up to sixty (60) days, as established by the **Commission** at the time of deferral).. If the corrected materials or additional information is not submitted within the **Commission**'s established period of time, the **Commission** may deny the application.

(iii) Findings

The **Commission** shall enter written findings, setting forth the reasons for its action on an application for primary approval of a **Major Subdivision**. If approval is denied, the written findings entered by the **Commission** shall set forth the reasons for such denial.

(iv) Notice of Decision

Notice of the **Commission**'s decision on an application for primary approval of a **Major Subdivision** shall be provided by furnishing a copy of its decision and findings to the applicant and any interested party as established by rule.

(v) Period of Valid Approval

[A] Any primary approval of a **Major Subdivision** by the **Commission** shall be valid for a period of twenty-four (24) months from the date of that approval. If **secondary approval** of the **Major Subdivision** is not obtained within that twenty-four (24) month period, the primary approval of the **Major Subdivision** approval shall be null and void, unless an extension is obtained pursuant to subsection (ii) below.

[B] The applicant may request approval from the **Commission** for an extension of time to obtain **secondary approval** of a **Major Subdivision**. The request shall be made prior to the expiration of the twenty-four (24) month approval period.

(4) **Secondary Approval**

(a) Delegation of Authority

The **Commission** may delegate authority to grant **secondary approval** of a **Major Subdivision** to a Committee of the **Commission**. If such authority has been delegated, each reference to the **Commission** below shall apply to the Committee granted such authority. If the **Commission** has not delegated authority to grant approval of a Secondary **Major Subdivision**, the **Commission** shall review applications for Secondary **Major Subdivisions**.

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### (b) Review

- (i) Following primary approval of a **Major Subdivision**, the applicant shall file an application for **secondary approval** of all or a specifically described portion of the **Major Subdivision**.
- (ii) The DPS staff shall distribute the application materials to those public and quasi-public agencies identified in the **Commission's** rules.
- (iii) The DPS staff shall review the application materials to insure the requirements for **secondary approval** stated in this ordinance have been satisfied, shall coordinate the comments and requirements of the reviewing agencies, and shall make a recommendation to the **Commission** for the granting or denial of **secondary approval** of the **plat**.
- (iv) The **Commission** shall consider reviewing the application at its next available business meeting.
- (v) No notice or public hearing is required for a **secondary approval** of a **Major Subdivision**.

### (c) Decision

- (i) After review of an application for **secondary approval** of a **Major Subdivision**, the **Commission** shall grant **secondary approval** of the **Major Subdivision** if it determines that the application meets the following criteria, and may approve subject to **conditions** if it determines that those **conditions** will enable it to make a determination that:
  - [A] The application is consistent with the primary approval of the **Major Subdivision** for the **development site**, including any **conditions** attached to the **Major Subdivision** primary approval;
  - [B] The application meets those design and **development** standards for **Major Subdivisions** in §154.303(F)(5);
  - [C] The applicant has paid in full to the **Commission** all costs incurred for the furnishing of notice related to the primary approval of the **Major Subdivision** required under this ordinance or by the **Commission's** rules;
  - [D] The applicant has installed all of the improvements required by this ordinance in accordance with the approved plans and specifications on file, and delivered to the **Commission** all necessary approvals and acceptances from all applicable agencies and authorities; or in the event all of the required improvements required have not been installed, the applicant has filed with the **Commission**, for any improvements already installed all necessary approvals and acceptances from all applicable agencies and authorities, and provided performance guarantees pursuant to §154.303(F)(6) for any required improvements not installed, or installed but for which all necessary approvals and acceptances from all applicable agencies and authorities have not been obtained.
- (ii) If **secondary approval** is denied, the **Commission** shall within five (5) business days after that denial furnish the applicant with a written list of the reasons for such denial.

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- (iii) If **secondary approval** is granted by a Committee of the **Commission**, all certifications required under by the **Commission's** rules shall be obtained by the applicant prior to recording.
  - (iv) **Secondary approval** may only be granted after the expiration of the time provided for an appeal of the Primary approval under 36-7-4-708.
  - (v) After **secondary approval** has been granted, the **plat** shall be certified and then released for recordation as established in the **Commission's** rules.
- (d) Recording and Period of Validity
  - (i) It shall be the responsibility of the applicant to obtain all **Major Subdivision plat** certifications and signatures required by the **Commission's** rules, and to record the **Major Subdivision plat** with **secondary approval** and any associated covenants, **easements** or similar documents.
  - (ii) Within one (1) year of the granting of **secondary approval** of the **Major Subdivision**, the applicant shall furnish to the Executive Director the original of the **subdivision plat** in its final form and with all required contents and restrictive covenants, as approved by or on behalf of the **Commission**.
  - (iii) Upon receipt of the **plat**, the Executive Director shall determine whether the **plat** submitted for recording complies strictly in its form and contents with the **secondary approval** granted by or on behalf of the **Commission**.
  - (iv) If the Executive Director determines that the submitted **plat** strictly complies with the **secondary approval**, the Executive Director shall have the **plat** signed and certified as established by rule and shall release the **plat** to be recorded.
  - (v) If the Executive Director determines that the **plat** submitted for recording does not strictly comply with the **secondary approval**, the Executive Director shall forthwith notify the applicant of any required changes to bring the **plat** into compliance with the **secondary approval** and shall allow the applicant an additional thirty (30) days to make those changes and to submit a corrected **plat** to the Executive Director for recording. If the applicant makes the required changes and submits a corrected **plat** and required recording **fees** within that thirty (30) day period, the Executive Director shall proceed to record the **plat** as described in subsection (D) above. If the applicant does not submit a corrected **plat** with the thirty (30) day period, or the **plat** submitted by the applicant during that period does not include the changes requested by the Executive Director, the primary and **secondary approvals** of the **subdivision** shall lapse and be void, and the DPS staff shall notify the **City** that the **plat** has been voided.
- (5) **Development and Design Standards**

**Development** and design standards applicable to **Major Subdivisions** are listed in §154.404. Some **waivers** of and adjustments to **development** and design standards for **Major Subdivisions** are permitted pursuant to §154.405(B), (C), and (D).
- (6) **Performance Guarantees**

If an applicant applies for **secondary approval** of a **Major Subdivision** and has not installed all of the improvements required by this ordinance and the **subdivision**

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approvals, the **Commission** or its designee may only consider the application if the applicant has executed with the **Commission** an **infrastructure** completion agreement as set forth below:

(a) **Infrastructure** Completion Agreement

The applicant has executed an agreement acceptable to the **Commission** confirming that:

- (i) The applicant will install all required **infrastructure** to serve each **lot** in the **Major Subdivision** before applying for an **Improvement Location Permit** for that **lot**, and
- (ii) After **Improvement Location Permits** have been approved for fifty (50) percent of the **lots** in that phase of the **Major Subdivision**, no additional **Improvement Location Permits** for any **lot** in that phase of the **Major Subdivision** shall be issued until all required improvements have been installed, inspected, and approved by Woodburn or the applicable governmental or quasi-governmental entity or a **subdivision** improvement **bond** is posted by the applicant, as described in subsection (ii) below.
- (iii) For purposes of this standard, each phase of a **Major Subdivision** shall be considered separately.

(b) **Subdivision** Improvement **Bond**

- (i) If the DPS is holding **Improvement Location Permits** under the terms of an **Infrastructure** Completion Agreement and required improvements in the **Major Subdivision** have not been completed, inspected, and approved as required by that agreement, then, as an alternative to completing those improvements, the applicant may execute and post with the **Commission** a **subdivision** improvement **bond**, in accordance with the **Commission's** rules, to insure installation, acceptance and approval of the remaining improvements as shown on the approved plans and specifications for the **Major Subdivision**.
- (ii) The **subdivision** improvement **bond** shall:
  - [A] Be in an amount determined by the **Commission** to be sufficient to complete the improvements and installation in accordance with this ordinance based on an estimate provided by the **developer** and determined to be adequate by the applicable reviewing entity;
  - [B] Provide surety satisfactory to the **Commission**;
  - [C] Run to the **Commission**; and
  - [D] Specify the time for completion of the improvements and installations.
- (iii) If an applicant posts a **subdivision** improvement **bond** as required by subsection (a)(ii) above and the required improvements are not installed within the time stated in the performance **bond**, the **Commission** is authorized to **use** funds from the **bond** to cause the improvements covered by the **bond** to be installed as shown in the approved plans and specifications for the **Major Subdivision**. Upon submission by the application of the document required under the regulations adopted by the **Commission**, demonstrating

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that all improvements have been installed in accordance with this ordinance, the **Commission**, or its duly authorized representative, shall release such performance **bond** and discharge the **developer** and surety, if any, from further liability or responsibility under the **bond**.

### (G) Secondary **Plat** Amendments and Adjustments

#### (1) General Amendments

After a **secondary approval** of a **Minor** or **Major Subdivision**, the **Commission** or its designee is authorized to approve amendments to the **subdivision plat** if:

- (a) A request for amendment is filed, accompanied by the signatures of all **owners** of **development site** in the **plat**, and a survey if the **Commission** or its designee determines that a survey is necessary to accurately evaluate the impacts of the proposed amendment;
- (b) There is no increase in the number of **lots**;
- (c) No public land will be accepted as a result of the amendment, except as may be incidental to the adjustment of **lot lines** and/or **right-of-way** lines; and
- (d) The amendment is consistent with the purposes and requirements of this ordinance.

#### (2) Errors or Omissions

If an error or omission is found at any time after the recording of a **Minor** or **Major Subdivision plat**, the Executive Director shall be notified of the error or omission in writing, and the property **owner** or his or her successor shall cause the error or omission to be corrected. The Executive Director shall determine how the correction of the error or omission shall be made. The Executive Director may withhold **Improvement Location Permits** for any **lot** within the **subdivision** until the error or omission is corrected.

### (H) Appeals

#### (1) Appeals of Decisions of a Committee of the **Commission**

- (a) A decision of a Committee of the **Commission** may be appealed to the **Plan Commission** by the applicant.
- (b) The applicant may appeal the Committee's action on a **Minor** or **Major Subdivision** within five (5) business days after notice of the disposition has been mailed. If an appeal is filed, it shall be placed on the next available scheduled public hearing of the **Commission** that will allow for notice to interested parties.
- (c) The **Commission** may approve, disapprove, or conditionally approve the **Minor** or **Major Subdivision plat** based on a determination of whether the Committee's decision complied with the requirements of this ordinance.
- (d) The approval or disapproval of the appeal is a final decision of the **Commission** that may be reviewed as provided in IC 36-7-4-1016.

#### (2) Appeals of Decision of the **Plan Commission**

Every final decision of the **Commission** or its designee as set forth in I.C. 36-7-4-715 shall be subject to review as provided in IC 36-7-4-1016.

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### (I) **Subdivision Plat** Vacation

The **Commission** may approve, approve with **conditions**, or deny a decision to vacate a **Minor** or **Major Subdivision plat**, pursuant to I.C. 36-7-4-711.

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## **ADDITIONAL GENERAL STANDARDS**

### **§ 154.401 PURPOSE**

The purpose of this chapter is to provide updated and aligned additional standards, requirements, and provisions for **accessory structures and uses, temporary structures and uses, development design** standards, **development** standards **waivers** and exceptions, **home occupations**, parking, landscape standards, **signs**, and **floodplain** management.

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## § 154.402 ACCESSORY STRUCTURES AND USES

### (A) Residential Accessory Structures and Uses

#### (1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

#### (2) Accessory Structures

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**.

#### (3) Fence and Wall Standards

##### (a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

##### (b) Permitted Materials

All **fences** shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material.

##### (c) Prohibited Materials

The use of materials such as corrugated or sheet metal, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **residential districts**, a **fence** or **wall** may not be designed to cause pain or injury to humans or animals. This includes the use of spikes, broken glass, barbed wire, razor wire, nails, electric charge or similar materials.

##### (d) Swimming Pool Fencing

Any pool which meets the definition set forth in §154.506 of this ordinance shall comply with the residential **swimming pool** safety feature requirements set forth in 675 IAC 14-4.3-296(3). In accordance with and to supplement this section access to a pool shall be restricted by one of the following:

- (i) A **wall** or **fence** not less than four (4) feet in height which completely surrounds the pool and **deck** area with the exception of self-closing and latching gates and doors both capable of being locked; or
- (ii) A rigid power safety pool cover which meets the requirements set forth in 675 IAC 14-4.3-296(3) and which provides a continuous connection between the cover and the **deck**, so as to prohibit access to the pool when the cover is completely drawn over the pool; and shall be mechanically operated such that the cover cannot be drawn open or retracted without the use of a key, or a key and switch, or a touch pad with a personal

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access code. All automatic pool covers shall be kept operable and in good working order; such pool covers shall not be operated in ways that create safety or access hazards, such as being permitted to be left open for extended periods of time, or to accumulate large amounts of water on top of the cover; or

- (iii) For above ground **swimming pools**, other means not less than four (4) feet high completely surrounding the pool and **deck** area when the pool is not in use that is deemed impenetrable by DPS staff at the time of construction.

- (e) Exceptions to Standards

- (i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

- (ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

- (4) **Accessory Uses**

See the individual **residential zoning district** sections for the **accessory uses** permitted in that **zoning district**. Staff may also determine that additional **accessory uses** may be permitted.

- (a) **Outdoor Display**

**Outdoor display** as defined herein shall be prohibited except for **yard** and **garage sales**. **Yard, garage**, and similar sales on residential properties may be held up to three (3) times in a calendar year, for up to three (3) days per sale.

- (b) **Outdoor Storage**

In any **residential district**, the **outdoor storage** of junk, **trash**, and debris as defined herein shall be prohibited. In addition, the **outdoor storage** of the following shall be prohibited:

- (i) Wrecked or dismantled **automobiles**;
    - (ii) Home appliances and fixtures such refrigerators, stoves, and sinks; and
    - (iii) Indoor furniture.

- (c) **Parking and Vehicle Storage**

- (i) Permitted Automobiles and Motor Vehicles

[A] In any residential district, licensed and operable automobiles, vans, motorcycles, recreational vehicles, campers, boats, small (one-ton, panel or pickup) trucks, and pull trailers up to 100 square feet in size shall only be permitted to be parked in a driveway or on an improved surface directly connected to a driveway.

[B] Tractors or similar motor vehicles used in conjunction with a permitted agricultural use

[C] In an A1 district, on parcels that are over 5 acres, two of the following motor vehicles may be parked outside:

[1] School, religious institution, or similar buses;

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- [2] Semi-trailers;
- [3] Semi-trucks;
- [4] Large pick up or panel trucks (over one ton); and
- [5] Pull-behind trailers over 100 square feet in size.

(ii) Prohibited Automobiles and Motor Vehicles

The vehicles noted below shall be prohibited to be parked or otherwise stored outside of a public right-of-way in residential districts unless permitted in (A)(4)(c)(i) above:

- [A] Inoperable or unlicensed automobiles, motorcycles, vans, recreational vehicles, campers, boats, small (one-ton, panel or pickup) trucks or other similar vehicles;
- [B] School, religious institution, or similar buses;
- [C] Semi-trailers;
- [D] Semi-trucks;
- [E] Large pick up or panel trucks (over one ton);
- [F] Pull-behind trailers over 100 square feet in size;
- [G] Tractors or similar motor vehicles used in conjunction with a permitted agricultural use; and
- [H] Other large commercial vehicles not otherwise listed.

(B) **Nonresidential Accessory Structures and Uses**

(1) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(2) **Accessory Structures**

See the individual **residential zoning district** sections for the **accessory structures** permitted in that **zoning district**

(3) **Fence and Wall Standards**

(a) Purpose

The purpose of this section is to provide standards for the placement and erection of **fences, walls, hedges** and similar construction or elements for the conservation and protection of property; the assurance of safety, security, and privacy; and the improvement of the visual environment, including the provision of an orderly appearance in keeping with neighborhood character.

(b) Permitted Materials

All **fences** shall be constructed of customarily used materials such as chain link, split rail, split rail with welded wire mesh, masonry, wrought iron, wood, polyvinylchloride (PVC), or similar fencing material.

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(c) **Prohibited Materials**

The use of materials such as corrugated or sheet metal, chicken wire, woven wire, welded wire mesh as a primary material, temporary construction fencing, snow fencing or other similar materials shall not be permitted for permanent fencing. In **nonresidential 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**.

(d) **Swimming Pool Fencing**

Commercial, industrial, and other nonresidential **swimming pools** shall be completely surrounded by a **fence, wall, building**, or other enclosure determined acceptable by the **Zoning Administrator**, of not less than 6 feet in height.

(e) **Exceptions to Standards**

(i) **Hedge or Retaining Wall**

A **hedge** or **retaining wall** not exceeding three (3) feet in height above the grade of the adjoining sidewalk or ground, may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(ii) **Ornamental Fence**

An **ornamental fence**, as defined herein, not exceeding three (3) feet in height may be located in the required **front yard** with no minimum **setback**, subject to the **corner visibility** provisions in this ordinance.

(4) **Accessory Uses**

(a) **Outdoor Display and Temporary Outdoor Sales**

Nonresidential **outdoor display** and temporary outdoor sales shall only be permitted as follows:

- (i) In C1 and BTI **districts**, **outdoor display** and temporary outdoor sales shall not be permitted;
- (ii) In C2 and NC **districts**, **outdoor display** and temporary outdoor sales shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;
- (iii) In SC, C3, C4, I1, I2, and I3 **districts**, except for **automobile**, boat, and similar motor vehicle sales **uses**, **outdoor display** and temporary outdoor sales shall meet the **building setback** standards, or as otherwise approved by the **Plan Commission**; display area shall be limited to a maximum of 10% of the **primary structure** or tenant space;
- (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces); and
- (v) Reserved

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(b) Permanent Outdoor Sales

Permanent outdoor sales shall only be permitted as follows:

- (i) In C1 and BTI **districts**, permanent outdoor sales shall not be permitted;
- (ii) In C2 and NC **districts**, permanent outdoor sales shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**;
- (iii) In SC, C3, C4, I1, I2, and I3 **districts**, permanent outdoor sales shall be permitted within 10 feet of the **primary structure** on the front or **street** side(s); or beneath a **gas station canopy**; and
- (iv) Items offered for sale shall be displayed on a paved or similar improved surface (excluding gravel surfaces).

(c) **Outdoor Storage**

Nonresidential **outdoor storage** shall only be permitted as follows (see §154.408. Landscape Standards, for specific **outdoor storage** landscape provisions):

- (i) In C1 and BTI **districts**, **outdoor storage** shall not be permitted;
- (ii) In C2, NC, SC, C3, and C4 **districts**, **outdoor storage** shall: be located behind the **primary structure**, or on the internal side of a **corner lot**; meet **primary building setback** standards; and be located on a paved or permitted gravel surface;
- (iii) In any commercial or industrial **district**, if over five (5) vehicles are stored outdoor the vehicle **storage** area shall be screened from **adjacent residential zoning districts** and **public street** rights of way; the **outdoor storage** of dismantled vehicles shall be prohibited;
- (iv) In I1 **districts**, **outdoor storage** shall be allowed between the rear of the **building** and the **rear lot line**; the area of the **storage** may be up to the square footage of the **primary structure**;;
- (v) In I2 **districts**, **outdoor storage** shall be allowed between the front façade of the **building** and the **rear lot line**; and
- (vi) In I3 **districts**, **outdoor storage** shall be allowed between the required front **setback** line and the **rear lot line**.
- (vii) Portable storage containers used for accessory outdoor storage, if used for over 120 days, shall only be permitted in the C3, C4, I1, I2, and I3 districts, and shall meet the applicable provisions for outdoor storage in this chapter.
- (viii) A paved outdoor storage area shall have a minimum 5' setback from any lot line, and a gravel outdoor storage area shall have a minimum 10' setback from any lot line.

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## § 154.403 TEMPORARY BUILDINGS, STRUCTURES AND USES

### (A) Temporary Accessory Structures

- (1) A temporary **accessory structure** shall be permitted for any universally permitted use, or in a **nonresidential** district, subject to the following standards and requirements:
  - (a) A temporary mobile classroom **structure** shall be permitted up to two years;
  - (b) A temporary **storage** or similar **temporary structure**, including a portable storage container, shall be permitted up to 90 days without a **certificate of use**; if the applicant obtains a **certificate of use** then the **structures** may be permitted up to 120 days;
  - (c) If the proposed **structure** requires review under §154.302 (Site Plan Review), the applicant shall obtain approval of the proposal through that process, prior to the issuance of an **Improvement Location Permit**; and
  - (d) This subsection shall not apply to temporary construction or sales **structures**, **mobile food service units**, or tents.
- (2) A temporary storage or similar structure, including a portable storage container, shall be permitted in a residential district for up to 90 days without a certificate of use; if the applicant obtains a certificate of use then the structure may be permitted up to 120 days.

### (B) Temporary Special Events

Temporary **special events** shall be permitted as an **accessory use** to any **universally permitted use**. Temporary **special events** shall be permitted up to three (3) times per year, for a period not to exceed fourteen (14) days per event. Tents, or other similar **structures** or facilities, shall be permitted in conjunction with the **special event**. An **Improvement Location Permit** shall not be required for a tent or similar **structure** used in connection with a permitted temporary **special event**. Festivals or similar events held in **public parks** shall not be considered temporary **special events**.

### (C) Temporary Construction/Sales Structures

- (1) Construction trailers shall be permitted, provided the project is proceeding with due diligence, until the project is complete. Trailers shall be located in conformance with the **corner visibility** standards set forth in this ordinance.
- (2) A temporary sales/leasing trailer shall be permitted, provided the project is proceeding with due diligence, until the project is complete. If the trailer contains water and/or sewer, it shall be required to be reviewed and approved through the Site Plan review process.
- (3) No permit shall be required for an on-site trailer if no water and sewer connections are requested; if the trailer is to be placed off-site, or if water and sanitary sewer connections are requested, then the **structure** shall be reviewed through the Site Plan review process.

### (D) Mobile Food Service Units

- (1) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, I1, I2, or I3 **district**, and a permitted **accessory use** to an institutional **building** in any **zoning district**. The unit shall be allowed on a site up to five (5) times in a twelve (12) month period, for up to five (5) days per event. If the unit is located in a **public park** as part of a festival or similar event or is located within a public **right-of-way**, there shall be no limit on the

## WOODBURN ZONING ORDINANCE

number of times the unit shall be allowed. Any unit located outside of a public **right-of-way** shall meet the **primary building setbacks**. No **Improvement Location Permit** or **Certificate of Compliance** shall be required.

- (2) A **mobile food service unit** shall be a permitted **use** in a C2, NC, SC, C3, C4, I1, I2, or I3 **district**, beyond the limits listed in §154.403(D)(1) above, for up to four (4) months in a twelve (12) month period; however, an **Improvement Location Permit** or Site Plan Review, as applicable to the specific request, shall be required for the **use**.

### (E) Temporary Tents

The following standards shall apply to the placement of temporary tents; a temporary tent shall only be permitted on a lot with an existing primary building, and shall only be permitted for a use that is permitted in the district where the tent is to be located.

- (1) In **residential districts** a tent of up to 200 square feet may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to fourteen (14) days per event;
- (2) In **residential districts** a tent of over 200 square feet may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to fourteen (14) days per event; the applicant shall obtain a **certificate of use**;
- (3) In **nonresidential districts**, a tent may be placed on a **lot** up to three (3) times in a twelve (12) month period, for up to fourteen (14) days per event or one time for up to four (4) months in a twelve month period; the applicant shall obtain a **certificate of use** for each placement.

# WOODBURN ZONING ORDINANCE

## § 154.404 DEVELOPMENT DESIGN STANDARDS

### (A) Purpose

The purpose of this section is to:

- (1) Mitigate potential adverse impacts of proposed **development** on surrounding areas, and particularly residential neighborhoods;
- (2) Accommodate required **infrastructure** and public services,
- (3) Promote the efficient provision of public services;
- (4) Promote efficient transportation and circulation networks,;
- (5) Reserved

### (B) Applicability

- (1) All Development Plans, Site Plan Reviews, and **Subdivisions** shall comply with each of the standards shown in the table below.

DEVELOPMENT DESIGN STANDARD APPLICABILITY					
Standard	Section	DP	SP	MJS	MNS
Access	§ 154.404(D)	✓	✓	✓	✓
<b>Block</b> layout	§ 154.404(F)			✓	✓
<b>Easements</b>	§ 154.404(G)	✓	✓	✓	✓
<b>Floodplain</b>	§ 154.404(H)	✓	✓	✓	✓
Landscape standards	§ 154.404(I)	✓	✓		
<b>Lot</b> standards	§ 154.404(J)			✓	✓
Natural site features	§ 154.404(K)	✓		✓	✓
Open space and <b>recreation</b> amenities	§ 154.404(L)			✓	
Parking	§ 154.404(M)	✓	✓		
Pedestrian circulation	§ 154.404(N)	✓	✓	✓	
Residential impact <b>mitigation</b>	§ 154.404(O)	✓	✓		
Sanitary sewer	§ 154.404(P)	✓	✓	✓	✓
<b>Signs</b>	§ 154.404(Q)	✓	✓	✓	✓
Site lighting	§ 154.404(R)	✓	✓		
Storm drainage	§ 154.404(S)	✓	✓	✓	✓
<b>Street</b> lighting	§ 154.404(T)	✓	✓	✓	
Vehicle circulation and <b>streets</b>	§ 154.404(U)	✓	✓	✓	✓
Water	§ 154.404(V)	✓	✓	✓	✓
<b>Zoning district standards</b>	§ 154.404(W)	✓	✓	✓	✓
<ul style="list-style-type: none"> <li>• <b>Building</b> Separation</li> <li>• <b>Building</b> Size</li> <li>• Number of <b>Buildings</b> on a <b>Lot</b></li> <li>• Height</li> <li>• <b>Lot</b> Area and Width</li> <li>• <b>Yard</b> Requirements</li> <li>• Zoning Overlay <b>Districts</b></li> </ul>					
<b>KEY</b> DP= <b>Development</b> Plan   SP=Site Plan   MJS= <b>Major Subdivision</b> MNS = <b>Minor Subdivision</b> ✓=Standard is applicable					

# WOODBURN ZONING ORDINANCE

## (C) Compliance

All proposed **development** shall be in conformance with the applicable **development** design standards. Compliance shall be determined by the DPS staff in the case of zoning ordinance standards, and by the applicable reviewing agency staff in the case of non-zoning ordinance standards, including Woodburn Utility Ordinance(s). Copies of required application materials, applicable **fees**, and non-zoning ordinance standards are available from DPS staff.

## (D) Access

### (1) General Standards

Complete access and traffic management facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

### (2) Additional Standards for **Major Subdivisions**

- (a) Each residential **lot** in the **Major Subdivision** shall have direct access to an existing, publicly maintained **street** by way of a platted **public or private street**, but no residential **lot** may directly access an **arterial street**.
- (b) Each residential **lot** in the **Major Subdivision** shall front upon and have at least the minimum required **frontage** on a dedicated **public street** of sufficient width and improvement to meet the applicable agency standards and specifications.
- (c) Each **Major Subdivision** shall have at least one point of connection between its internal **street** system and an adjoining **arterial, collector, or local street** for every one hundred fifty (150) residential **lots**, or part thereof, located in the **Major Subdivision**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** shall be considered together.

### (3) Additional Standards for **Minor Subdivisions**

Each **Minor Subdivision lot** shall have **frontage** on an existing improved non-**arterial street**.

## (E) **Reserved**

## (F) **Block Layout**

In **Major Subdivisions**, **blocks** shall be of sufficient dimension to allow two (2) tiers of **lots** of at least the minimum depth required by the **zoning district** in which the **lots** are located.

## (G) **Easements**

**Easements** shall be provided as required by the applicable reviewing agency for utility lines, storm water drainage facilities, and pedestrian access. **Easements** shall be designed and laid out so that adequate utility service and storm drainage can be provided, and proper continuity exists between areas, **uses**, **structures**, **parcels**, and **developments**. **Easement** widths and locations shall be shown.

## (H) **Floodplain**

All proposed **buildings**, **structures**, and site **development** located within a **Special Flood Hazard Area** shall also comply with the **Floodplain** regulations as set forth in §154.412.

## WOODBURN ZONING ORDINANCE

### (I) Landscape Standards

All **development** shall comply with the landscaping, screening, and buffering standards applicable to that **development** as set forth in §154.408. When **development** other than a single **family** or **two family dwelling** occurs on a **lot adjacent** to a **residential zoning district**, the additional landscaping, screening, and **buffering** requirements in §154.404(O) shall apply.

### (J) Lot Standards

#### (1) Minor and **Major Subdivision** Standards

##### (a) **Corner Lots**

If Minor or **Major subdivision lots** are created that front on more than one intersecting **street** (**corner lots**) and one or more of those **streets** is an **arterial street, collector street** or limited access highway as shown in the latest adopted **County** transportation or **street** plan, access to each **corner lot** shall only be permitted from a local or interior **street**, unless otherwise approved by the **Plan Commission**. The **Commission** shall not approve a request for alternative access unless it shall make findings of fact based upon the evidence presented to it in each specific case that:

- (i) Granting approval will not be detrimental to the public health, safety, or welfare, or injurious to other properties.
- (ii) The **conditions** upon which the request is based are unique to the property for which the request is sought, and are not applicable generally to other properties.
- (iii) Because of the particular physical surroundings, shape, or topographical **conditions** of the specific property involved, a particular hardship to the **owner** would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

##### (b) **Double Frontage Lots**

**Major Subdivision lots** shall not be created with two opposite **lots** lines both facing a **public street** (**double frontage lots**) unless:

- (i) The depth of each **double frontage lot** is at least 150 feet; it is intended that a **double frontage lot** be deeper than the **lots** directly across the interior **street** from the **double frontage lot**. Alternatively, the **lots** may be separated from the exterior higher volume **street** by a **common area** of not less than 15 feet; and
- (ii) Access to each **double frontage lot** is only permitted from the interior, **local street**.

##### (c) **Side Lot Lines**

**Side lot lines** generally shall be at right angles to straight **street right-of-way** lines and radial to curved **street right-of-way** lines.

### (K) Natural Site Features

#### (1) General Standards

The location and nature of existing **significant** natural site features should be considered by the applicant in the planning and design of site **development** and should be avoided or preserved where possible..

## WOODBURN ZONING ORDINANCE

### (2) Additional Standards for **Major Subdivisions**

- (a) All **Major Subdivisions** should be located and designed to avoid the inclusion of **significant natural features** in individual **building lots** and to incorporate those features into common open spaces for the benefit of **subdivision** residents where possible.
- (b) The **Commission** shall have the authority to approve **Major Subdivision lots** with up to ten (10) percent less **lot** area than the minimum required for the **zoning district** where the property is located if **significant natural features** are preserved, to allow for the **platting** of the same number of **lots** permitted by the minimum **lot** area required for that **zoning district** provided that title to the land containing those features is transferred to a homeowners' association or other entity responsible for their management under terms that will not allow the future **development** of the land on which the natural features are located.

### (L) Open Space and **Recreation** Amenities

There shall be no open/**recreation space standards** for single **family** residential **subdivisions**.

### (M) Parking

All **development** shall comply with the parking standards applicable to that **development** as set forth in §154.407.

### (N) Pedestrian Circulation

#### (1) General Standards

- (a) Internal pedestrian walkways shall be constructed to provide connections to existing adjoining sidewalks and trails, and from **primary building** entrances to required and existing sidewalks and trails.
- (b) Construction of all required sidewalks shall occur prior to issuance of a **Certificate of Compliance** for any **primary building**.
- (c) Where a plan showing specific trail locations has been adopted as an amendment to the **Comprehensive Plan** and the plan shows a **multi-use trail** in a location where a sidewalk would otherwise be required, if engineering plans have been approved for the trail, a **multi-use trail** shall be constructed instead.
- (d) If the proposed roadway is to be dedicated to Woodburn, the design shall comply with the requirements of the Americans with Disabilities Act, including but not limited to the Public **Right-of-Way** Accessibility Guidelines.

#### (2) Additional Standards Applicable to Development Plans and Site Plans

- (a) Unless determined by the Allen County Highway Department to be an unnecessary hardship due to engineering constraints, sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the Development Plan or Site Plan **development site** if:
  - (i) The **development site** (including all development proposed as part of a primary development plan since March 3, 2018) contains twenty-five (25) **dwelling** units or more, or contains 5,000 square feet of nonresidential **gross floor area** or more, or both; or
  - (ii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **development site** with **frontage** on that adjoining **street**.

## WOODBURN ZONING ORDINANCE

- (b) Where the Development Plan or Site Plan **development site** includes multiple **buildings** on a single **lot** or on adjoining **lots**, internal pedestrian walkways shall be provided to provide connections between the **primary building** entrances of all **primary buildings**.

### (3) Additional Standards Applicable to **Major Subdivisions**

- (a) Sidewalks a minimum of five (5) feet in width shall be constructed to **City standards** and specifications on each side of all internal **streets** within a **Major Subdivision**, except as provided in subsection (4) below.
- (b) Sidewalks a minimum of five (5) feet in width shall be constructed to the standards of the applicable reviewing agency along the full property **frontage** of any **street** adjoining the **Major Subdivision** if:
  - (i) The **Major Subdivision** (including previous or proposed later phases of the proposed **development**) contains twenty-five (25) residential **lots** or more; or
  - (ii) Sidewalks have previously been constructed within the **street right-of-way** on the same side of that adjoining **street** on at least one of the **parcels adjacent** to the proposed **subdivision** with **frontage** on that adjoining **street**.

### (4) Exceptions

Sidewalks shall not be required in the BTI (Business, Technology, Industrial Park), I1 (Limited Industrial), I2 (General Industrial), or I3 (Intensive Industrial) **zoning districts**, unless the property is included on a plan showing specific trail locations that has been adopted as an amendment to the **Comprehensive Plan**; in those cases, a **multi-use trail** shall be provided in the location shown on the plan.

### (O) Residential Impact **Mitigation**

All **development** must comply with the landscaping, screening, and **buffering** requirements in §154.408. To provide additional **buffering** and **mitigation** for residential **uses**, if proposed **development** on a **lot** or **parcel adjacent** to an AR, R1, R2, R3, RP, MHS, or MHP **zoning district** includes **development** other than a single **family** or **two family dwelling**, the plan shall comply with the following additional standards.

#### (1) Additional Height Standards

No primary or **accessory buildings or structures** exceeding 30 feet in height shall be located within 50 feet of the A, R, or MH **district**.

#### (2) Landscaping, Screening and **Buffering**

- (a) **Outdoor display** or **storage** areas, including vehicle **storage** areas and drive through lanes shall meet the minimum **primary building setback**.
- (b) No **gas station** or **convenience store canopy** shall be located between the **primary structure** and any **lot line** with a protected **district**.
- (c) If the **mitigation** requirements of this §154.404(O) conflict with the screening and **buffering** requirements of §154.408, the standard requiring more screening and **buffering** shall apply.

### (P) Sanitary Sewer

Public sanitary sewer facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**; for primary **plats** and Development Plans, evidence that public sanitary sewer is available and has adequate capacity to serve the **development** shall be provided..

## WOODBURN ZONING ORDINANCE

### (Q) Signs

All **development** shall comply with the **sign** regulations applicable to that **zoning district** and type of **development** as set forth in §154.409.

### (R) Site Lighting

Exterior lighting for all **development** other than single **family** and **two family dwellings** shall comply with the standards in subsection (2) below unless exempted pursuant to subsection (1) below.

#### (1) Exceptions

The following types of lighting are not subject to the requirements of this §154.407(R):

- (a) **Public street** and **right-of-way** lighting;
- (b) Lighting required and regulated by the **Federal Aviation Administration**;
- (c) Lighting for a special area, **district**, **street** or **building** that, according to an adopted **City** ordinance, requires special lighting aesthetics as part of its physical character;
- (d) Lighting for outdoor recreational **uses** such as ball diamonds, playing fields, **tennis courts** and similar **uses**, provided that light poles are not more than 40 ft. tall, and the maximum illumination at the property line is not brighter than zero foot-candles.
- (e) Temporary decorative seasonal lighting;
- (f) Temporary lighting for emergency or nighttime work and construction; and
- (g) Temporary lighting for theatrical, television and performance areas, or for special public events.

#### (2) Standards

All exterior lighting shall meet the following **design standards**:

- (a) Any freestanding or **wall** pack light source or lamp shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture to minimize the potential for **glare** and unnecessary diffusion on **adjacent** property.
- (b) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot-candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (c) The maximum height of any lighting pole serving a residential **use** is 25 feet. The maximum height serving any other type of **use** is 35 feet, except that the maximum height of any pole located within 50 feet of an A, R, or MH **district** shall be 25 feet.
- (d) Lighting on **gas stations**, **convenience store** and other outdoor canopies shall be fully recessed into the **canopy** and shall not protrude downward beyond the ceiling of the **canopy**.

### (S) Storm Drainage

Storm drainage facilities in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.

### (T) Street Lighting

Except in **Minor Subdivisions**, **public street** lighting in compliance with the standards and specifications of the applicable reviewing agency shall be provided to serve the proposed **development**.



## WOODBURN ZONING ORDINANCE

### (U) Vehicle Circulation and **Streets**

#### (1) Consistency with Transportation Plan

The design and layout of the **street** system shall be consistent with the latest City Council adopted Transportation Plan.

#### (2) Construction **Standards**

The construction of **streets** shall comply with all applicable **City street** construction **standards**, including but not limited to **City standards** for minimum **street** widths, intersection and/or roundabout design, **street** alignments, curve radii and tangents, **street** grades and grading, types and qualities of construction materials.

#### (3) **Alleys**

**Alleys** are permitted in all **districts**.

#### (4) Continuation of **Streets**, **Alleys** and **Easements**

Wherever a dedicated or platted portion of a **street** or **alley** or **easement** exists adjoining to the proposed **Subdivision** or Development Plan, the continuation of the **street**, **alley**, or **easement right-of-way** at the same width shall be shown on the proposed **Subdivision plat** or Development Plan.

#### (5) **Cul-de-sac Streets**

(a) No **cul-de-sac street** shall be permitted where it would be in conflict with the latest City Council adopted Transportation Plan.

(b) **Cul-de-sacs** shall not exceed eight hundred (800) feet in length, except that the **Commission** may allow a length of up to 1,320 feet if the presence of natural site features (creeks, drains, **floodplain**, **rivers**, **wetlands**, or **significant** grade changes) makes it impractical to provide additional or alternate access.

(c) A **cul-de-sac street** shall terminate in a circular **right-of-way (cul-de-sac)** meeting the **City's** design and construction **standards**.

(d) Unless determined to be unnecessary by the **Commission**, a temporary dead-end **street** shall be required where a **Major Subdivision** or Development Plan shows that the **street** should be extended to conform to the provisions of this ordinance. A circular **right-of-way** in excess of the required **street right-of-way** at the termination of such temporary dead-end **street** may be required by the **Commission**.

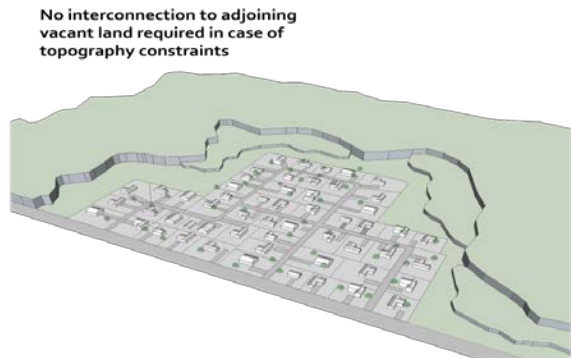
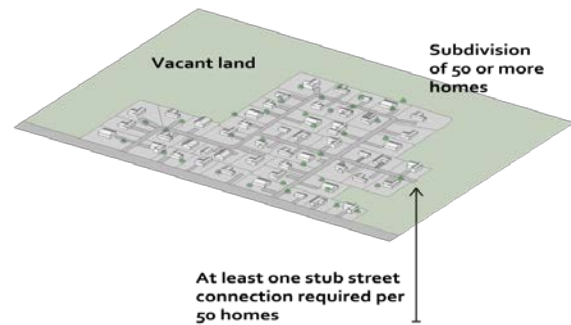
## WOODBURN ZONING ORDINANCE

### (6) Interconnection

#### (a) Development Plans

All public and private streets in Development Plans shall:

- (i) Be aligned to join with planned or existing public and private **streets** (including stub **streets**) on adjoining **parcels**, and
- (ii) Provide future access to and from the proposed development within the Primary Development Plan to any adjoining vacant parcels of land, unless the Plan Commission determines at the time of the Primary Development Plan approval that the interconnection is impracticable due to site or topography constraints. All access streets shall be paved to the property line at the time of development.



#### (b) Major Subdivisions

All streets in Major Subdivisions shall:

- (i) Be aligned to join with planned or existing streets (including stub streets) on adjoining parcels, and
- (ii) Provide stub **streets** to allow at least one future access to adjoining vacant **parcels** of land per 50 lots (or part thereof) in the proposed **Major Subdivision**, unless the **Plan Commission** determines at the time of Primary **Subdivision** approval that the interconnection is impracticable due to site or topography constraints. All stub or other access streets shall be paved to the property line at the time of development.

#### (c) Minor Subdivisions

No **Minor Subdivision** may provide an interconnection to more than one other **Minor Subdivision**, and no more than two (2) **Minor Subdivisions** may share a single point of access to a **public street**.

### (7) School Bus Access

Each **Major Subdivision** or Development Plan containing over sixty (60) **lots** shall include an internal loop **street** system allowing **school** busses to access the **subdivision**, circulate, and return to an access point to a local, collector, or **arterial street** adjoining the **Major Subdivision** or Development Plan **development site** without turning around or backing up. The **Plan Commission** may permit alternative **street** system provisions allowing for internal bus access if those provisions have been approved by the applicable **school district**. For purposes of this standard, the number of homes in all adjoining phases of a **Major Subdivision** or Development Plan shall be considered together.

## WOODBURN ZONING ORDINANCE

### (8) **Street Names**

- (a) The name of any **street**, road, drive, or avenue already in **use** or established by **plat** anywhere in Allen **County** shall not be used in any new **development** except in the case of a direct extension of the existing **street**, road, drive, or avenue of the same name.
- (b) No name of a **street**, road, drive, or avenue shall include the word north, south, east or west, unless it denotes a geographic location.

### (V) **Water**

Public water facilities shall be provided to serve the proposed **development**.

### (W) **Zoning District Standards**

#### (1) **Building Separation**

All **buildings** and **structures** shall comply with the applicable **building** separation standards for the **zoning district** in which they are located, as set forth in §154.208-209.

#### (2) **Building Size**

All **residential buildings** shall comply with the applicable **building** size standards for the **zoning district** in which they are located, as set forth in §154.206-211.

#### (3) **Number of Buildings on a Lot**

All residential **developments** shall comply with the applicable **building** number limitations for the **zoning district** in which they are located, as set forth in §154.206-211.

#### (4) **Height**

- (a) All **buildings** and **structures** shall comply with the height standards for the **zoning district** in which they are located, as set forth in §154.206-224.
- (b) In addition, when **development** other than a single **family** or **two family dwelling** occurs on a **lot** adjoining an AR, R1, R2, R3, RP, MHP, or MHS **zoning district**, the height standards in §154.404(O) shall apply.

#### (5) **Lot Area and Width**

All **developments** shall comply with the applicable **lot** area and **lot width** standards for the **zoning district** in which they are located, as set forth in §154.206-211.

#### (6) **Yard Requirements**

All **development** shall comply with the applicable **yard** requirements for the **zoning district** in which they are located, as set forth in §154.206-224.

#### (7) **Zoning Overlay Districts**

All **development** proposals shall also be subject to all applicable provisions of Zoning Overlay **districts** including but not limited to the provisions of §154.412 (**Floodplain**).

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# WOODBURN ZONING ORDINANCE

## § 154.405 DEVELOPMENT STANDARDS WAIVERS AND EXCEPTIONS

### (A) Minor and **Major Subdivisions**

No **waiver** of design and **development** standards is permitted on an application for **Minor Subdivision** or **Major Subdivision** approval, unless the design and **development** standards are modified by a variance of **development** standards approved by the **Board of Zoning Appeals** pursuant to §154.503(E).

### (B) Development Plans

The following shall apply to **waivers** to design and **development** standards on Development Plans.

#### (1) Authority

Pursuant to I.C. 36-7-1402(b)(4), the **Plan Commission** may waive a design or **development** standard listed in §154.404(C) through (W) as set forth below, except as set forth in subsection (2) below, based on the criteria in subsection (3) below:

#### (2) Exceptions

The following standards may only be varied by the **Board of Zoning Appeals** through the Variance process described in §154.503(E).

- (a) Pedestrian circulation standards in §154.404(N); and
- (b) Residential impact **mitigation** standards in §154.404(O).

#### (3) Criteria

Except for the standards listed in § 154.405(B)(2) above, the **Commission** may waive or adjust those design and **development** standards as part of its approval of a Primary or Secondary Development Plan if it determines in writing that:

- (a) The **waiver** or modification is in conformance with the purposes and intent of this ordinance along with the objectives and policies of the **Comprehensive Plan**;
- (b) The applicant has submitted adequate evidence to demonstrate that the requested **waiver** or modification will not have a **significant** impact on contiguous residential properties; and
- (c) The failure to grant the requested **waiver** would result in practical difficulties in the **use** of the property for the proposed **development**.

### (C) Height Standards Exceptions

The following **buildings** or **structures** shall be exempt from the height limitations herein (however, no **building** or **structure** shall provide additional inhabitable floor space above the height limit):

- (1) **Amateur radio towers**/antennae (freestanding or building mounted)
- (2) Chimneys
- (3) Fire or parapet **walls**
- (4) Flagpoles
- (5) Grain elevators
- (6) Industrial installation requiring a vertical production procedure such as a steel mill
- (7) Silos;
- (8) Skylights

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- (9) Smokestacks
- (10) Stairways
- (11) Steeples
- (12) Television aerials (residential), including radio antennae (freestanding or building mounted)
- (13) Uninhabited **structures** for the housing of elevators or mechanical equipment;
- (14) Water tanks (**building** mounted) or
- (15) Water towers

# WOODBURN ZONING ORDINANCE

## § 154.406 HOME OCCUPATIONS

### (A) Home Occupation Standards

To be considered a **home occupation**, a proposed **use** shall comply with all of the following:

- (1) The **home occupation** shall be operated only by residents of the **dwelling**; no outside employees shall be permitted;
- (2) The **home occupation** shall be conducted entirely within the **dwelling unit**. No **home occupation** shall be operated from a detached **accessory structure** or **garage**;
- (3) The **home occupation** shall not display or create any external evidence of the operation of the occupation except that a single vehicle, used in conjunction with the occupation, may be parked outside and may display advertising or a logo. In addition, **signage** shall be permitted as set forth in §154.409;
- (4) A **home occupation** shall be permitted in a single **family**, two **family**, or **multiple family dwelling** unit; and
- (5) Clients or customers are not permitted to come to the home, and retail sales shall not be permitted to take place on the property.

### (B) Permitted Home Occupations

Permitted **home occupations** shall include but not be limited to the following (provided that no clients or customers come to the **dwelling** unit):

- (1) **Personal service uses**;
- (2) **Professional office/business service uses**;
- (3) Limited assembly of products or components of products; and
- (4) Limited production of products or components of products.

### (C) Prohibited Home Occupations

Prohibited **home occupations** shall include but not be limited to **automobile** mechanical or body repair (other than routine maintenance and minor repair of personal **motor vehicles** titled to the occupants of the property), or **automobile detailing**.

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.407 PARKING

### (A) Purpose

The purpose of this section is to establish standards for the provision of adequate off-**street** parking facilities, including standards for bicycle facilities and **parking structures**, for permitted or approved residential, commercial, mixed **use**, industrial and other **nonresidential uses**.

### (B) Applicability

The minimum off-**street** parking requirements of this section shall apply to:

- (1) Any new freestanding **building** or **use**, except for the excluded **uses** in §154.407 (D)(1)(d). In cases where a **building addition** of over 50% of the **gross floor area** of an existing **primary building** or displaces existing **parking spaces**, the current parking provisions shall also be reviewed by DPS staff to see if additional parking should be provided. This review shall consider the existing number of **parking spaces** provided, the ability to provide additional on-site parking, and the availability of additional parking in the immediate area..

- (2) Reserved

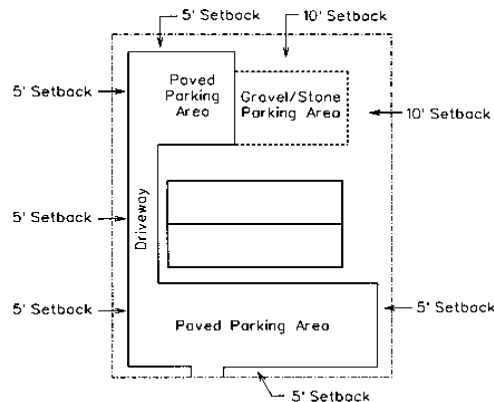
### (C) General Parking Standards

#### (1) Location on Site Required

All **parking spaces** required by this section shall be provided on the same **lot, tract** or **development site** as the **building, structure, or use** for which the spaces are required, except in the case of off-site parking areas for **religious institutions** or **school uses**, where the **lot** is either under the same ownership or operates under an executed agreement allowing for its **use** and is directly across an **alley right-of-way** from the **primary use**.

#### (2) Parking Area Location Standards

- (a) Any paved area used for off-**street** public or employee parking, including internal **driveways** and driving lanes, shall meet the following standards, except for:
  - (i) **Driveways** or driving lanes that provide direct access between the parking area and a **public or private street**; and
  - (ii) Any single or two **family residential driveway** or parking area that does not meet the definition of “public parking area”.



Parking Area Location Standards

## WOODBURN ZONING ORDINANCE

- (b) Paved areas shall be located a minimum of five (5) feet from any **lot line**.
- (c) Gravel areas shall be located a minimum of ten (10) feet from any **lot line**.

(3) Compliance with the Americans with Disabilities Act

The design and construction of all new off-**street** parking areas shall comply with the applicable requirements of the Americans with Disabilities Act (ADA).

(4) Maintenance

Off-**street parking spaces** and any required landscaping shall be provided and maintained by the property **owner** or other occupant of the property.

(D) Minimum Off-**Street** Parking Requirements

(1) General Requirement

- (a) Where applicable and required, off-**street parking spaces** shall be provided in at least the amounts set forth in the following table, as adjusted by any applicable credits pursuant to §154.407(D)(2).
- (b) For **uses** that require off-**street** stacking spaces, additional stacking space may be required as part of the approval of a Development Plan, if the **Plan Commission** determines that they are necessary for traffic safety purposes.
- (c) **Parking spaces** located within a **garage** on a **lot** containing a single **family** or **two family dwelling**, and **parking spaces** located within a **garage** on a **lot** containing a multiple **family dwelling** and designated for **use** by that **dwelling** unit shall count towards required off-**street** parking requirements.
- (d) The following **uses** shall not have a minimum off-**street** parking requirement:
  - (i) Airport;
  - (ii) **Community garden**;
  - (iii) **Fairground**;
  - (iv) **Hospital**;
  - (v) **Nature preserve**;
  - (vi) **Religious institution**;
  - (vii) **School**; and
  - (viii) **Reserved**

<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b> (see the table below for specific <b>use</b> additional stacking space <b>standards</b> )	
<b>Use</b>	<b>Parking Standard <sup>(2)</sup></b> <b>(spaces per measurement type)</b>
<b>Animal service</b>	1 per 400 square feet
<b>Assisted living facility</b>	1 per 3 sleeping rooms
Athletic field (indoor)	1 per 6 seats
Athletic field (outdoor)	30 per field
Auditorium	1 per 400 square feet
<b>Automobile service</b>	1 per 400 square feet

## WOODBURN ZONING ORDINANCE

<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b> (see the table below for specific <b>use</b> additional stacking space <b>standards</b> )	
<b>Use</b>	<b>Parking Standard <sup>(2)</sup></b> <b>(spaces per measurement type)</b>
<b>Bed and breakfast</b>	1 per sleeping room
Business service	1 per 400 square feet
<b>Campus housing</b> (off-site)	1 per 3 sleeping rooms
<b>Educational institution</b> ( <b>business school</b> , college, medical <b>training</b> , university, or similar post-secondary <b>use</b> )	1 per 400 square feet
<b>Golf course</b>	4 per golf hole
<b>Group residential facility</b>	1 per 3 sleeping rooms
<b>Hotel</b>	1 per sleeping room
Industrial	1 per 1,000 square feet, or 1 per employee at largest shift (whichever is less; however, a minimum of 3 spaces shall be provided)
<b>Instruction/training</b>	1 per 400 square feet
<b>Library</b>	1 per 400 square feet
Live-work unit	1 per 400 square feet
<b>Medical facility or office</b>	1 per 400 square feet
Mixed <b>use</b> project ( <b>uses</b> with different parking requirements)	The greatest number of spaces required by any individual <b>use</b>
<b>Motel</b>	1 per sleeping room
Multiple <b>family</b>	1 per 1-2 bedroom <b>dwelling</b> unit 2 per 3+ bedroom <b>dwelling</b> unit 1 per <b>dwelling</b> unit (UC <b>district</b> only)
<b>Multiple tenant nonresidential building</b>	1 per 400 square feet (regardless of individual <b>uses</b> )
<b>Museum</b>	1 per 400 square feet
<b>Nursing home</b>	1 per 3 sleeping rooms
<b>Personal service</b>	1 per 400 square feet
<b>Professional office</b>	1 per 400 square feet
<b>Recreation/tourism, limited</b>	1 per 400 square feet
<b>Recreation, general</b>	1 per 400 square feet, plus 1 per 400 square feet of developed outdoor facilities
<b>Restaurant</b>	1 per 400 square feet
Retail	1 per 400 square feet
<b>Retirement facility</b>	1 per <b>dwelling</b> unit
<b>Self-storage</b>	1 per 400 square feet of office
Single <b>family</b>	1 per <b>dwelling</b> unit
<b>Stadium/racetrack</b>	1 per 6 seats
<b>Studio</b>	1 per 400 square feet
<b>Theater</b> (indoor)	1 per 6 seats
Two <b>family</b>	1 per <b>dwelling</b> unit

## WOODBURN ZONING ORDINANCE

STACKING SPACE PROVISIONS	
Proposed Use	Stacking Standard (spaces per measurement type)
Automatic teller machine	2 per drive through lane
Bank	2 per drive through lane
Car wash	6 per automatic washing bay 1 per manual washing bay
Drug store/pharmacy	2 per point of sale (payment) <b>window</b>
Restaurant	4 per point of sale (payment) <b>window</b>
Other retail use w/accessory drive through facility	2 per point of sale (payment) <b>window</b>

### (2) Credits

To allow for flexibility in the **City's** nonresidential **zoning districts** (C1 through C4, SC, NC, BTI, and I1 through I3) and in order to accomplish the **Comprehensive Plan's** objectives of urban revitalization, enhancing the pedestrian environment, and encouraging the **use** of transit, **parking space** credits shall be allowed for **nonresidential uses** in these **districts** as set forth below:

- (a) **On-street parking spaces** directly in front of and to the side of the **lot, tract, or development site** where the proposed or existing **use** is located may be counted towards satisfying the minimum off-**street** parking requirements.
- (b) One (1) required off-**street parking space** for each on-site bicycle rack (a rack must store a minimum of four (4) bicycles), up to two (2) % of the total parking requirement.
- (c) If access to public transit is located within 400 feet of the **lot, tract, or development site** where the proposed or existing **use** is located, this may serve in lieu of one (1) required off-**street parking space**.
- (d) If construction techniques such as pervious pavement, block and concrete modular pavers, and grid pavers are used for off-**street** parking surfaces, each space provided as a result may serve in lieu of two (2) required off-**street parking spaces**, up to a maximum of ten (10) % of the number of required spaces.

### (E) Parking Lot Improvement Standards

#### (1) Highway Department Standards

All land used for off-**street** parking and all **driveways** serving parking areas, whether required by this ordinance or provided voluntarily, shall comply with those minimum standards and specifications for paving, surfacing, and drainage established by the **City**. In the event of any inconsistency between those standards and specifications and the requirements of this ordinance, the **City's standards** and specifications shall apply.

#### (2) Paving and Drainage

- (a) All land used for off-**street** parking and all **driveways** serving parking, delivery, and loading areas, shall be paved with asphalt, concrete, pervious pavement (which may include block, concrete, similar modular pavers, and grid pavers); or other approved all-weather hard surfaces, and shall be drained with materials and in a manner that meets the current minimum **standards** and specifications for parking areas adopted by the **City**, except as provided in §154.407(E)(2)(b) below.

## WOODBURN ZONING ORDINANCE

- (b) In industrial **zoning districts**, parking areas that are provided in addition to the minimum number of spaces required as set forth in §154.407(D)(1) shall not be required to be paved, but may have a gravel surface that meets the current minimum **standards** and specifications for parking areas adopted by the **City**.

- (3) **Curbing**

All off-**street** parking areas shall have curbing or other acceptable elements around the perimeter of the parking area at a sufficient location to keep vehicles from overhanging or encroaching upon abutting properties, **streets**, **alleys** or sidewalks or landscape areas.

- (4) **Single and Two Family Dwellings**

The **standards** in §154.407(E)(2)(a) and (b) above shall not apply to single and **two family dwellings**. However, the parking, **storage**, or display of **motor vehicles** on grass or other similar areas that do not have a paved or gravel surface shall not be permitted on any property.

- (5) **Parking Lot Landscaping, Screening, and Buffering**

Landscaping, screening, and **buffering** of off-**street** parking areas shall be provided to meet the requirements of §154.408.

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.408 LANDSCAPE STANDARDS

### (A) Purpose

The purpose of this section is to establish standards to provide adequate landscaping and screening and buffering between **buildings**, **structures**, parking areas, **driveways**, and activity areas and **adjacent uses**, **structures**, and **streets**. The objectives of these standards are to promote compatibility between different land **uses**; conserve energy and moderate the effects of sun and wind; decrease storm water run-off and erosion; conserve or enhance property values; and improve the appearance of individual **developments**.

### (B) Applicability

The requirements in this §154.408 shall apply to all requests for approval of a Primary or Secondary Development Plan, Site Plan Review, and certain **Improvement Location Permits** (including permits for new outdoor activity areas). These standards shall also apply to the creation of a nonresidential outlot from an existing parking area. The **Board of Zoning Appeals** and Hearing Officer may also consider and **use** these standards as **conditions** for the approval of applications. If this §154.408 requires screening and buffering between two **adjacent** properties, and an existing property already contains screening and buffering that satisfies the applicable screening and buffering standards, a new **development** or **use** on the **adjacent parcel** is not required to install additional landscaping or screening. If there are multiple screening or buffering standards in the same area (for example, both a **building** and a parking area, or a **building** and an **outdoor activity area** are **adjacent** to a **residential district**), the standard for the item that is closest to the **adjacent** property shall apply.

### (C) Landscape Plan

A landscape plan shall be submitted to show conformance with this §154.408. The plan shall be prepared by an individual knowledgeable of plant materials, landscape and site design, construction processes, and growing conditions in this region (USDA Zone 5) and shall be in a format and with supporting information as established by the **Plan Commission**.

### (D) Standards and Requirements

#### (1) General Standards and Requirements

##### (a) Preservation of Existing Trees

The location of existing significant individual trees and tree masses should be considered by the applicant in the planning and design of site **development**, and locations should be avoided and trees preserved where possible. Existing trees and other existing vegetation may be used to meet the requirements of this §154.408. Existing trees intended to be preserved in order to meet the requirements of this section shall be protected during the construction of the project through the erection of a **fence** around the drip line of the tree.

##### (b) Location of Screening and Buffering Materials

Screening and buffering materials may be located either on the **lot line**, adjoining or within a parking area, or adjoining a **building**; however, screening and buffering plants and fencing may be located within a utility **easement** only if there is no conflict created with either existing or proposed utility facilities.

## WOODBURN ZONING ORDINANCE

(c) Parking Area Landscape Standards Applicability

The edge buffering requirements §154.408(D)(2) and the interior parking **lot** landscaping requirements in §154.408(E) shall be applicable to the following:

(i) All new primary or accessory parking areas except that:

[A] The standards shall not apply to any pervious paver parking areas provided in addition to required parking; and

[B] Reserved

(ii) Any **addition** to an existing **lot** that increases the number of spaces by more than 25 or the parking area by more than 8,000 square feet, but increases the overall area of the **lot** by less than 50%, shall have the landscape standards applied to the additional **lot** areas only (an **addition** of less than 25 spaces and less than 8,000 square feet shall not have any applicable landscape standards).

(iii) Any **addition** to an existing **lot** that increases the overall **lot** area by over 50% shall have the perimeter parking area landscape standards (Code 13, 14, 15, or 17 as applicable) applied to the entire **lot** perimeter.

(d) Conflicts with Existing Utility **Easements** and Facilities

If this ordinance requires the placement of landscape materials within a platted or otherwise dedicated utility **easement**, and the policies or specifications of the utility providers using that **easement** prohibit that type of landscaping within the **easement**, an alternative location may be proposed by the applicant and approved by DPS to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(e) Conflicts with **Driveways** and Site Features

If this ordinance requires the placement of landscape materials within a location designated for a **driveway** or in a location where it would interfere with pedestrian access or with visibility of an existing permitted **sign** on the property an alternative location may be proposed by the applicant and approved by DPS to avoid such a conflict, provided that there is no reduction in the total quantity of the landscape materials, the number of trees required along **public street frontages** is not reduced by more than one tree per **street frontage**, and the relocated plants continue to meet the intent of the standards in this ordinance to the extent practicable.

(f) Corner Visibility

All required screening and buffering shall be subject to the standards set forth in this ordinance.

(g) Plant Requirements

All trees and shrubs used for landscaping purposes shall be selected from the **Plan Commission's** adopted plant species list unless an alternative species is approved by DPS staff as part of a Development Plan or Site Plan review.



## WOODBURN ZONING ORDINANCE

(h) Mounding Standards

All mounding installed to meet the provisions of this section shall be covered with grass or other acceptable ground cover, shall be designed and installed to ensure that it does not create ponding or other storm drainage problems on adjoining properties, and shall not include side slopes exceeding 34%. If mounding of at least three (3) feet in height is provided, then any required shrub screening **standard** shall be reduced to 50%.

(i) Fencing Used for Screening

Where this section requires landscaping for the purpose of screening a **building** or activity area, a **fence** may be used to meet the screening requirement. Fencing used for screening purposes may be located in a required **yard**, subject to the **corner visibility** provisions set forth in this ordinance.

(j) Maintenance

(i) All plant material required by the provisions of this section shall be properly maintained in accordance with standard horticultural practices for a period of three (3) years from the date of the issuance of the **Certificate of Compliance** for the project. Any required plant or other screening material that dies or is otherwise removed during that time shall be replaced with equivalent plant or screening material by the **developer** or subsequent **owner**. If necessary, the **Planning staff** shall determine what new plant or other screening material shall be adequate to replace the dead, removed, or destroyed plant or other screening material.

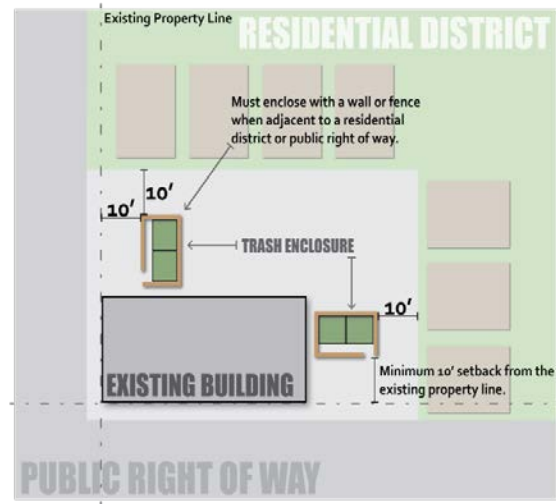
(ii) Any required plant material that dies or is otherwise removed after the three (3) year period may also be required to be replaced if staff is notified of the removal within one year of removal.

(2) Specific Standards and Requirements

(a) Each application subject to this section that falls under the **building** type shown in the tables titled “Landscape Codes – **Buildings** and Outdoor Activity Areas” or “Landscape Codes – Parking Areas” below shall include a buffer **yard** of that type, as shown the applicable “Buffer Yard Standards” table, along the edge(s) of the applicant’s property where the adjacency occurs. For example, an application with an adjacency situation identified in the Landscape Codes table as requiring a Code B-2 buffer **yard** shall include a Code B-2 buffer **yard** as defined in the Buffer Yard Standard tables. There may be more than one code required along a given property edge. In any case where a screening or buffering standard is required, an applicant may choose to provide a higher level of landscaping.

## WOODBURN ZONING ORDINANCE

- (b) DPS staff may allow flexibility in the location of required plant materials to allow for landscaping that is equivalent to these standards in cases where the submitted landscape plan has been prepared by a licensed landscape architect.
- (c) All **refuse** dumpsters shall be located a minimum of ten (10) feet from any **lot line**, and shall be screened from any **adjacent residential district** and/or public **right-of-way** by a solid **wall** or **fence**.



## WOODBURN ZONING ORDINANCE

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

<b>LANDSCAPE CODES – BUILDINGS AND OUTDOOR ACTIVITY AREAS</b>			
<b>Building Type</b>	<b>Building Height or Other Site Situation</b>	<b>Landscape Code, if Adjacent To:</b>	
		<b>Residential districts</b>	<b>Nonresidential districts</b>
<b>Office/Personal Service/ Other C1 Use Building</b>	Up to 30 feet high	B-1	No requirement
	Over 30 feet high	B-2	No requirement
<b>Commercial/Retail/ Industrial/ Universally Permitted Use Building</b>	Up to 30 feet high	B-3	No requirement
	Over 30 feet high	B-4	No requirement
<b>Multiple Family Complex/ Manufactured Home Park</b>	Up to two stories high	B-5	B-7
	Over two stories high	B-6	B-7
<b>Nonresidential Outdoor Activity Areas</b>	<b>Driveway</b>	A-1	No requirement
	<b>Drive-through</b>	A-2	A-4
	<b>Outdoor storage area</b>	A-3.1	No requirement
	<b>Other activity area</b>	A-3	A-5

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

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

# WOODBURN ZONING ORDINANCE

- (f) The following Code B-1 and B-2 buffer **yard** standards 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/Other C1 Use Building Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% small trees may be used	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-2		
Office/Personal Service/Other C1 Use Building Adjacent to a Residential (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 tree every 25 feet; a minimum of 3 per façade up to 50% small trees may be used	75% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

# WOODBURN ZONING ORDINANCE

- (g) The following Code B-3 and Code B-4 buffer yard standards shall apply if a commercial, retail, or industrial building is adjacent to a residential district:

BUILDING BUFFER YARD STANDARDS		
CODE B-3		
Commercial, Retail, or Industrial Structure Adjacent to a Residential District (up to 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
20'	1 evergreen tree every 20 feet; a minimum of 5 per façade	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

CODE B-4		
Commercial, Retail, or Industrial Structure Adjacent to a Residential District (over 30 feet high)		
WIDTH	TREES (per foot of façade which does not face a public street)	SHRUBS (% of façade linear feet)
30'	1 evergreen tree every 20 feet; a minimum of 5 per façade	75% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

# WOODBURN ZONING ORDINANCE

- (h) The following Code B-5 and Code B-6 buffer yard standards shall apply if a **manufactured home park or multiple family building** is **adjacent** to a **residential district**:

BUILDING BUFFER YARD STANDARDS		
CODE B-5		
Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (One or Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
25'	1 tree every 30 feet (up to 50% small trees may be used)	Continuous 6' high solid wood fence

**PLAN**

**ELEVATION**

CODE B-6		
Manufactured Home Park or Multiple Family Building/Complex Adjacent to a Residential District (Over Two Stories in Height)		
WIDTH	TREES (per linear foot of parcel boundary)	ADDITIONAL SCREENING
30'	1 tree every 15 feet (up to 50% small trees may be used)	Continuous 6' high solid wood fence

**PLAN**

**ELEVATION**

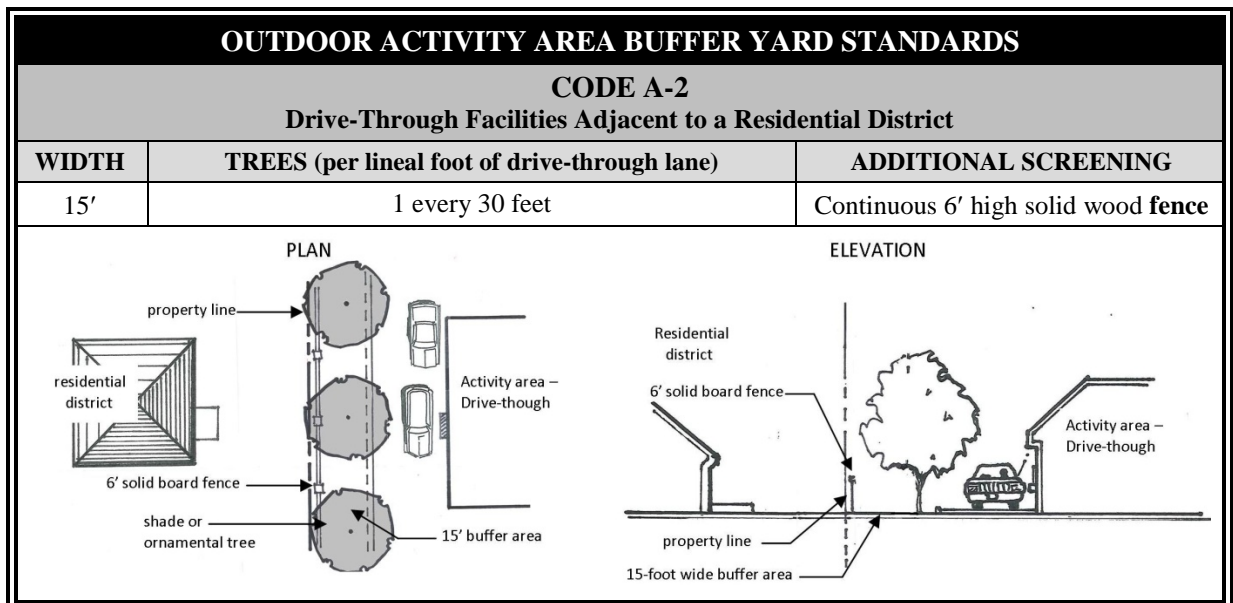
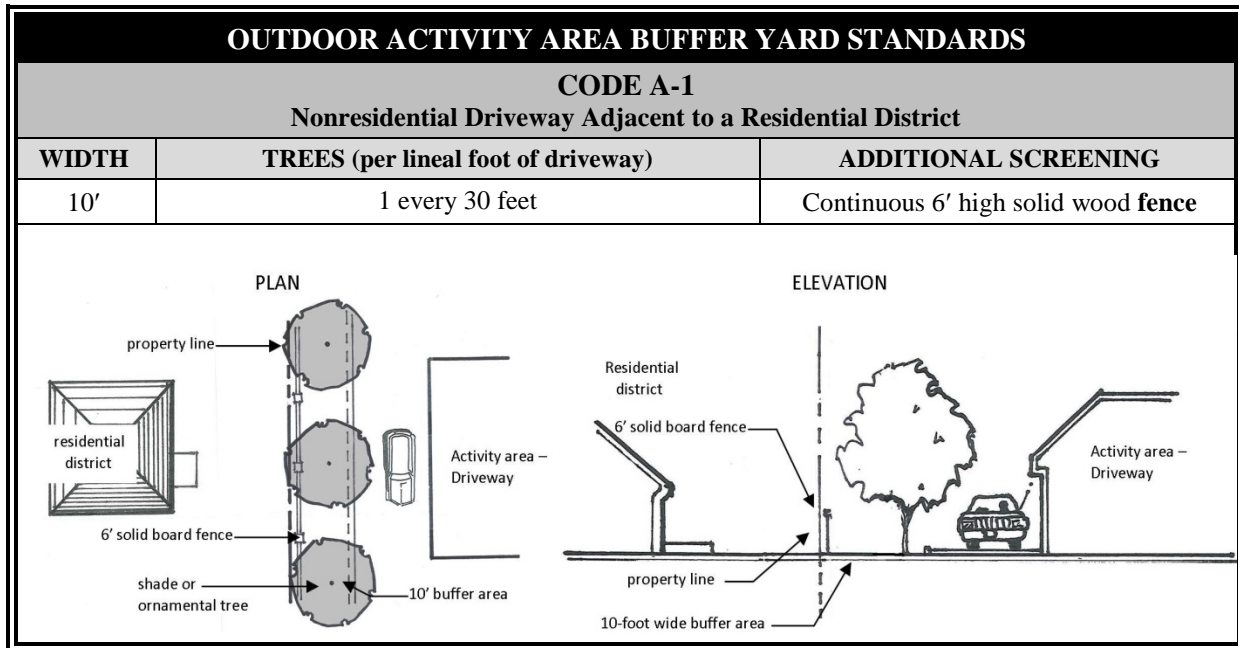
# WOODBURN ZONING ORDINANCE

- (i) The following Code B-7 buffer **yard** standards shall apply if a **manufactured home park** or **multiple family building** is not **adjacent** to a **residential district**:

BUILDING BUFFER YARD STANDARDS		
CODE B-7		
Manufactured Home Park or Multiple Family Building/Complex Not Adjacent to a Residential District		
WIDTH	TREES (per linear foot of parcel boundary)	SHRUBS (% of façade linear feet)
25'	1 tree every 30 feet (up to 50% small trees may be used)	50% large shrub buffer in groups of at least five
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> <p>Multi-family or manufactured home complex</p> <p>25' buffer area</p> <p>Shade tree</p> <p>property line</p> <p>Non-residential district</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> <p>Shade tree</p> <p>Multi-family or manufactured home complex</p> <p>25-foot wide buffer area</p> <p>property line</p> <p>Non-residential district</p> </div> </div>		

# WOODBURN ZONING ORDINANCE

- (j) The following Code A-1, A-2, A-3, and A-3.1 buffer **yard** standards shall apply if a nonresidential outdoor area is **adjacent** to a **residential district**:





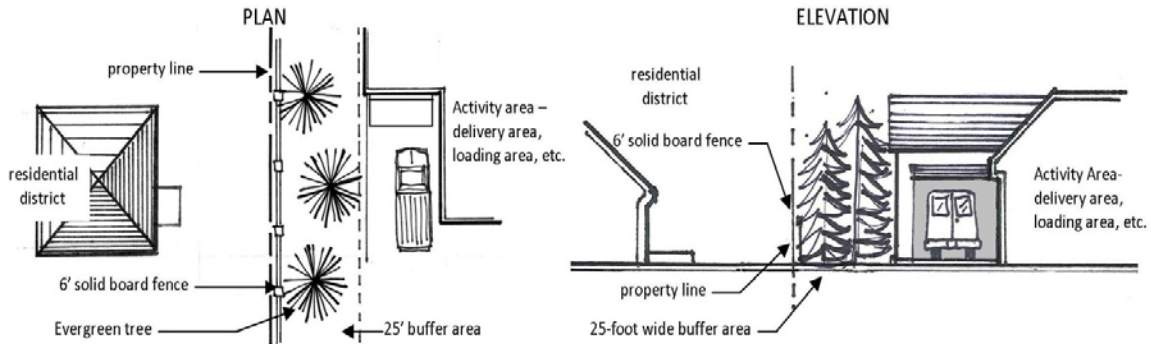
# WOODBURN ZONING ORDINANCE

## OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS

### Code A-3

#### Certain Nonresidential Outdoor Activity Areas Adjacent to a Residential District (excluding outdoor storage areas)

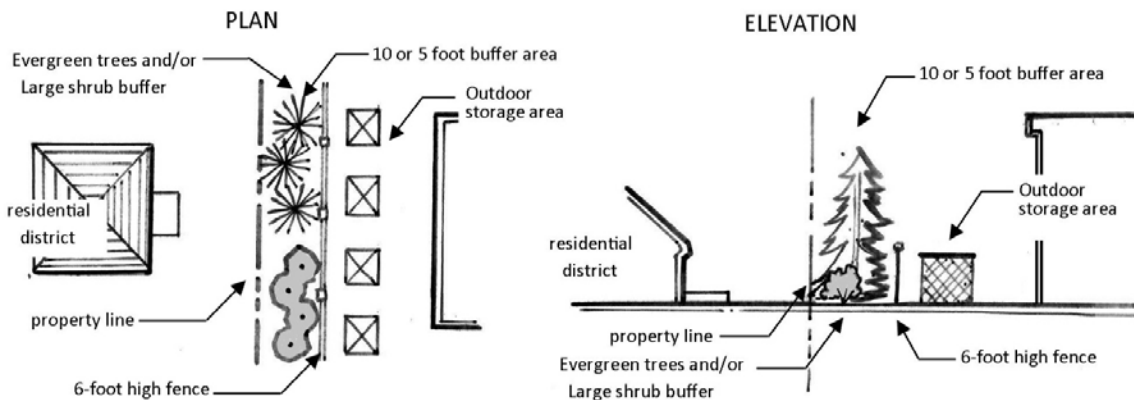
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING
25'	1 evergreen tree every 20 feet	Continuous 6' high solid wood <b>fence</b> , either on the property line or immediately around the activity area



### Code A-3.1

#### Outdoor Storage Areas Adjacent to a Residential District or a Street

WIDTH	SCREENING	ADDITIONAL BUFFERING (% of storage area lineal feet)
10' (5' if a <b>solid fence</b> is provided)	Continuous 6' high solid wood <b>fence</b> , either on the property line or immediately around the activity area; <b>or</b> a continuous non-solid <b>fence</b> , with additional evergreen tree and/or large shrub buffering	75 % evergreen tree or large shrub buffer



# WOODBURN ZONING ORDINANCE

- (k) The following Code A-4 and Code A-5 buffer **yard** standards shall apply if a nonresidential outdoor activity area is adjacent to a **nonresidential district**:

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-4		
Drive Through Areas Not Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of drive-through lane)	ADDITIONAL SCREENING
5'	1 tree every 30 feet	None required
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

OUTDOOR ACTIVITY AREA BUFFER YARD STANDARDS		
CODE A-5		
Other Nonresidential Activity Areas Not Adjacent to a Residential District		
WIDTH	TREES (per lineal foot of activity area)	ADDITIONAL SCREENING (around activity area)
5'	1 every 30 feet	Continuous large shrub screen
<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>PLAN</p> </div> <div style="text-align: center;"> <p>ELEVATION</p> </div> </div>		

# WOODBURN ZONING ORDINANCE

- (1) The following Code P-1 and Code P-2 buffer **yard** standards shall apply if a parking area is **adjacent** to a **public street**, private access drive, or **residential district** except that only the tree standard in Code P-1 shall apply if the parking area is located over 300 feet from the **street right of way**:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-1		
Parking Area Adjacent to Public Street or Private Access Drive		
WIDTH	TREES (per linear foot of parking area)	SHRUBS
5'	1 every 60 feet	75% small shrub buffer; up to 30% medium shrubs may be used

CODE P-2		
Parking Area Adjacent to Residential District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
10'	1 every 40 feet	75% large shrub buffer

# WOODBURN ZONING ORDINANCE

- (m) The following Code P-3 buffer **yard** standards shall apply if a parking area is **adjacent to a nonresidential district**:

CODE P-3 Parking Area Adjacent to a Commercial Zoning District		
WIDTH	TREES (per linear foot of parking area)	SHRUBS (% of linear feet to be planted)
5'	1 every 60 feet	50% small shrub buffer (in groups of at least 3)

The diagram illustrates the required buffer standards for a parking area adjacent to a nonresidential district. It shows a cross-section of the property with a parking area containing several cars. A dashed line represents the property line. To the left of the property line is a 'NON-RESIDENTIAL DISTRICT'. A 'shade tree' is shown on the left side of the property. A '60'' dimension line indicates the spacing between trees. A 'shrub planting, 50 % buffer' is shown as a series of small shrubs along the property line. A '5-foot wide planting bed' is indicated for the shrub planting. The diagram also shows a 'property line' and a 'shade tree'.

# WOODBURN ZONING ORDINANCE

- (n) The following Code P-4 interior landscaping standards shall apply to a parking area of over 50 spaces:

PARKING AREA BUFFER YARD STANDARDS		
CODE P-4		
Parking Area Over 50 Spaces Interior Landscaping		
PLANTING AREA PER TREE (square feet)	PLANTING ISLANDS REQUIRED (At each end of parking bays)	ADDITIONAL PLANTING ISLANDS (Per each parking bay with more than 20 spaces)
300	One island of at least 300 square feet per parking bay	One island of at least 300 square feet per parking bay

# WOODBURN ZONING ORDINANCE

## (E) Additional Parking Area Landscape Standards

### (1) Screening and Buffering

Screening and buffering of off-**street** parking areas shall be provided to meet the requirements of §154.408(D)(2).

### (2) Planting Areas

The following **landscape planting area** requirements shall be calculated based on the gross square footage of the parking areas (not including **driveways** that are not **adjacent** to any **parking space**).

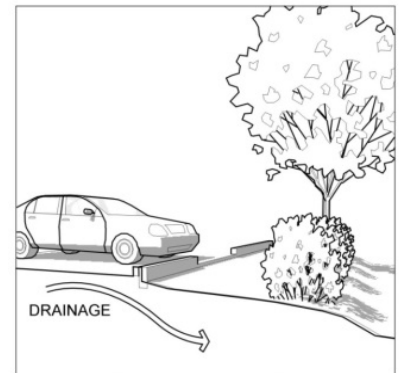
- (a) Except as set forth in §154.408(E)(2)(b) and (c) below, a minimum of 10% of the interior surface parking lot area shall be landscaped (in addition to any perimeter screening or buffering required per §154.408(D)(2)).



- (b) In surface parking lots over 100,000 square feet in size, a minimum of 15% of the interior parking area shall be landscaped (in addition to any perimeter screening or buffering required per §154.408(D)(2)).

- (c) A minimum of 300 square feet of planting area shall be provided per tree.

- (d) Required perimeter and interior landscaped areas shall maximize effective stormwater management by installing required interior planting areas at a lower grade than the parking lot pavement, with curbing that includes openings allowing drainage from the pavement to enter and percolate through the interior landscape areas. If approved by DPS staff, other planting areas may be designed and planted to be used for stormwater conveyance.



- (e) If approved by DPS staff, the internal planting areas may be designed and planted to be used for stormwater conveyance.

- (f) Each parking lot that serves a multi-**family** residential, commercial, public, institutional, civic, or mixed **use** and contains any **parking spaces** located more than 300 feet from the closest pedestrian entrance to the **primary building** shall contain at least one pedestrian walkway (which may be a site perimeter sidewalk) allowing pedestrians to pass from the furthest row of parking to the **primary building** entrance without crossing additional driving spaces or aisles. The required walkway must be at least five (5) feet wide, shall not be located within a driving aisle, and shall be located in a landscaped island running perpendicular to the **primary building** façade if possible. If located in a landscaped island, the minimum width of the island shall be increased by five (5) feet to accommodate the walkway without reducing the amount of landscaped area.

## WOODBURN ZONING ORDINANCE

### (F) Alternative Landscaping/Buffering Compliance

#### (1) Purpose

In lieu of compliance with the specific landscaping, screening, and buffering requirements of this §154.408(A) through (E), the applicant may propose alternative compliance pursuant to this §154.408(F) as part of the submittal of a Primary **Development Plan**.

#### (2) Procedure

An application for alternative landscaping/buffering compliance shall be processed as an application for approval of a Primary Development Plan pursuant to §154.301(C).

#### (3) Criteria for Approval of Alternative Landscaping/Buffering

An application for alternative landscaping/buffering shall be approved if the **Plan Commission** determines that:

- (a) The proposed alternative promotes the purpose of §154.408(A);
- (b) The proposed alternative will equal or exceed the amount of trees, shrubs, and planting area required by §154.408(A) through (E) above; and
- (c) The proposed alternative will screen or buffer **adjacent** properties from visual, lighting, and noise impacts from the same **buildings**, areas, or site features addressed by §154.408(A) through (E) as well as or better than compliance with the standards in those Sections.

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.409 SIGNS

### (A) Purpose

The purpose of this section shall be to:

- (1) Regulate the time, place, and manner of the display of **signage** and non-**sign** visual displays;
- (2) Coordinate the type, placement, and dimensions of **signs** within the different **zoning districts**;
- (3) Recognize the commercial communication requirements of all sectors of the business community;
- (4) Establish updated language and standards for the various types of **signs** and land **use** situations;
- (5) Encourage the innovative **use** of design;
- (6) Promote both **sign renovation** and proper **sign** maintenance;
- (7) Provide for the treatment of nonconforming **signs**;
- (8) Encourage equal treatment through accurate record keeping and consistent enforcement;
- (9) Avoid content-based regulation prohibited by the federal or state constitution, statutes, or court decisions.

### (B) Applicability

- (1) The provisions of this section apply to all **structures**, displays, and surface treatments that meet the definition of a **sign** in §154.506 and shall apply throughout the **planning jurisdiction** of Woodburn.
- (2) An **Improvement Location Permit** shall be required before the construction, display, enlargement, erection, reconstruction, placing or locating of all **signs** regulated by this section, except as exempted in §154.409(C) below.
- (3) It shall be a **violation** of this ordinance for any **sign** to be constructed, displayed, enlarged, erected, reconstructed, or otherwise altered except as provided in this section. Any **person**, agent, contractor, lessee, **owner**, **sign** company, or tenant violating the provisions of this section or failing to comply with any order or determination made under this ordinance shall be subject to the enforcement provisions of this ordinance
- (4) **Signs** regulated by this section may also be subject to the regulations of the Indiana Department of Transportation (INDOT); where such regulations are more restrictive than this chapter, the INDOT regulations shall govern.
- (5) For purposes of determining **street** classifications for **signage** purposes in this §154.409, refer to the Northeast Indiana Regional Coordinating Council (NIRCC) 2008 Functional Classification System for Allen **County** Indiana, as may be amended.

# WOODBURN ZONING ORDINANCE

## (C) **Improvement Location Permit** Not Required

The on-site **signs** listed in subsection (1) below, and the **temporary signs** listed in subsection (2) below, may be erected or placed, in addition to other permitted **signs**, without obtaining an **Improvement Location Permit**. However, a **violation** of any standard or condition for such **sign** shall be considered a **violation** of this ordinance.

### (1) **Permanent On-Site Signs**

- (a) Agriculturally-related **signs**, such as seed dealer and test plot **signs**,
- (b) Flags of federal, state, or local governments;
- (c) Historical or commemorative plaques or tablets;
- (d) Historically **significant signs** that have been reviewed and approved by the Historic Preservation Review **Commission** in conformance with any historic preservation ordinance in effect at the time of review;
- (e) For information **signs** that direct traffic within a premises or that identify key locations on the premises, no **sign** shall exceed six (6) square feet in area or three (3) feet in height.
- (f) Memorial plaques, tablets, or **building** cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the **building** or **structure** it identifies.
- (g) **Noncommercial opinion signs** subject to the following standards and limitations:
  - (i) In the AR, R1, R2, R3, RP, MHP, or MHS **zoning districts**, up to two (2) **wall** or **freestanding signs** shall be permitted per **lot** or **development site**. No **sign** shall exceed twelve (12) square feet in area and no **freestanding sign** shall exceed four (4) feet in height. The **sign(s)** may be located in a required **yard**.
  - (ii) In any other **zoning district**, one **wall** or **freestanding sign** shall be permitted per **lot** or **development site**. No **sign** shall exceed thirty-two (32) square feet in area, and no **freestanding sign** shall exceed six (6) feet in height. The **sign** may be located in a required **yard**.
- (h) **Signs** authorized by a governmental entity, including traffic and warning **signs**, public notices, and proclamations erected or displayed in discharge of a government function, or where required by ordinance.
- (i) Reflectors and other safety **signs** or devices used to mark **driveways**, towers, **airport** approaches, underground public utilities, and other potentially dangerous **structures** or situations.
- (j) **Signs** painted, printed or mounted on licensed and operable vehicles that are incidentally visible on any vehicle in connection with the **use** of such vehicle for transportation purposes, but excluding vehicles (including trailers) specifically constructed for **use** as **signs** rather than for transportation of other goods.
- (k) **Signs**, warning the public against hunting, fishing, trespassing, dangerous animals, swimming or other risks to public health or safety.
- (l) Off-site **wall signs** not exceeding six (6) square feet providing directions to nearby properties.

# WOODBURN ZONING ORDINANCE

## (2) Temporary Signs

The **temporary signs** listed in the following table are permitted subject to the **conditions** for that type of **sign**. Unless otherwise noted, only one type of **temporary sign** may be present on a **development site** at the same time (this limitation shall not apply to **noncommercial opinion signs**). No **temporary sign** may be mounted on a **fence**. Holiday lighting is not considered **signage**, and is not subject to the provisions of this section.

TEMPORARY SIGN STANDARDS			
Sign Type	Zoning Districts	A/ R/MH Districts	All Other Districts
<b>Auction</b>			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
<b>Construction</b>			
Signs per development site (wall or freestanding)		1	1/multiple
Maximum size (square feet)		12	32 per sign or 100 if only one sign
Maximum height (feet)		4	6 per sign or 10 if only one sign
Setback from lot line (feet)		5	5
Removal (# of days after C of O issuance)		30	30
<b>Special Event</b>			
Signs per development site (wall or freestanding)		1	1
Maximum size (square feet)		32	32
Maximum freestanding sign height (feet)		6	6
Setback from lot line (feet)		5	5
Placement limitation (number of days prior to event)		30	30
Removal requirement (number of days after event)		7	7
<b>Mobile</b>			
Signs per development site (freestanding only)		0	1
Maximum size (square feet)		N/A	32
Maximum freestanding sign height (feet)		N/A	6
Setback from lot line (feet)		N/A	5
Placement limitation (number of times per year)		N/A	2
Time limitation (number of days per placement)		N/A	30

## WOODBURN ZONING ORDINANCE

<b>Noncommercial Opinion</b>		
<b>Signs per development site (wall or freestanding)</b>	No limit	No limit
Maximum size (square feet)	12	32
Maximum <b>freestanding sign height</b> (feet)	4	6
<b>Setback</b> from <b>lot line</b> (feet)	5	5
Placement limitation (January 1 of election year)	Yes	Yes
Removal requirement (# of days after election)	30	30
<b>Real Estate</b>		
<b>Signs per street frontage (wall or freestanding)</b>	1	1
Maximum size (square feet)	12	32
Maximum <b>freestanding sign height</b> (feet)	4	6
<b>Setback</b> from <b>lot line</b> (feet)	None	None
Removal requirement (number of days after sale, rental, or lease)	7	7

# WOODBURN ZONING ORDINANCE

## (D) General Sign Standards

All **signs** shall meet the standards in the following tables for the **zoning district** in which the **sign** is located, as well as the standards in §154.409(D)(2) (Standards Applicable in All **Zoning districts**) and §154.409(F) (General Provisions and Standards).

### (1) Standards Applicable in Specific **Zoning Districts**

#### (a) General Standards

<b>AR, MH, AND RESIDENTIAL DISTRICT PERMANENT SIGN STANDARDS</b>							
<b>Land Use</b>	<b>Zoning District</b>	<b>AR</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RP</b>	<b>MH</b>
<b>Single and Two Family Dwellings, other permitted residential uses, and BZA-approved uses where the owner is required to live on the property</b>							
Signs per dwelling (wall or freestanding, non-illuminated)		1	1	1	1	1	1
Maximum size (square feet)		3	3	3	3	3	3
Maximum freestanding sign height (feet)		4	4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5	5
<b>Universally Permitted Uses</b>							
Signs per development site (freestanding)		1	1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50	50
Maximum changeable copy area (square feet)		40	40	40	40	40	40
Maximum freestanding sign height		8	8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80	80
<b>BZA-approved uses where the owner is not required to live on the property</b>							
Signs per development site (freestanding)		1	1	1	1	1	1
Maximum size, freestanding (square feet)		50	50	50	50	50	50
Maximum freestanding sign height		8	8	8	8	8	8
Setback from front lot line (feet)		5	5	5	5	5	5
Setback from side or rear lot line (feet)		50	50	50	50	50	50
Maximum wall sign coverage (per wall)		10%	10%	10%	10%	10%	10%
Maximum size, wall sign (square feet)		80	80	80	80	80	80
<b>Subdivisions (primary signage)</b>							
Signs per manufactured home community, multiple family housing project, or subdivision plat/neighborhood entrance		2	2	2	2	2	2
Maximum size (square feet)		50	50	50	50	50	50
Maximum height (feet)		8	8	8	8	8	8
Setback from lot line (feet)		5	5	5	5	5	5
<b>Subdivisions (auxiliary signage)</b>							
Signs per subdivision section		1	1	1	1	1	1
Maximum size (square feet)		24	24	24	24	24	24
Maximum height (feet)		4	4	4	4	4	4
Setback from lot line (feet)		5	5	5	5	5	5

# WOODBURN ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
<b>Freestanding</b>							
<b>Up to 300 ft. of frontage on an arterial street, or on a collector/other public or private street (excluding Interstates)</b>							
Number of <b>signs</b> per street frontage (up to a total of two signs per lot)		1	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum <b>changeable copy</b> area		40	40	40	40	40	40
Maximum height (feet)		8	8	8	8	8	8
<b>Setback</b> from lot line (feet)		5	5	5	5	5	5
<b>Setback</b> from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district, whichever is less)		50	50	50	50	50	50
<b>More than 300 ft. of frontage on an arterial St.</b>							
Number of <b>signs</b> per lot (per street frontage)		1	1	1	1	1	1
Maximum size (square feet)		80	100	100	300	300	300
Maximum <b>changeable copy</b> area (square ft.)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
<b>Setback</b> from lot line (feet)		5	5	5	5	5	5
<b>Setback</b> from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district, whichever is less)		50	100	100	150	150	150
<b>Additional sign for properties with over 500 feet of frontage on an interstate highway (US 24)</b>							
Number of <b>signs</b> per lot		N/A	N/A	N/A	1	1	1
Maximum size (square feet)		N/A	N/A	N/A	100	100	100
Maximum <b>changeable copy</b> area (square ft.); digital <b>signs</b> not permitted		N/A	N/A	N/A	40	40	40
Maximum height (feet)		N/A	N/A	N/A	30	30	30
<b>Setback</b> from lot line (feet)		N/A	N/A	N/A	5	5	5
Maximum <b>sign</b> base <b>setback</b> from interstate ROW (feet)		N/A	N/A	N/A	50	50	50
<b>Setback</b> from residential zoning district (feet) (distance indicated or 5 ft. from side lot line opposite residential district, whichever is less)		N/A	N/A	N/A	50	50	50

# WOODBURN ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
<b>Entrance signage for projects with multiple lots/parcels or multiple buildings on a single parcel (permitted for new development proposals with over 500 feet of frontage on a public street)</b>							
Number of signs per development site (per street frontage; sign shall be located on the public street frontage where the entrance is located)		2	1	1	1	1	1
Maximum size (square feet)		80	150	150	300	300	300
Maximum <b>changeable copy</b> area (square ft.)		40	40	40	40	40	40
Maximum height (feet)		8	15	15	30	30	30
<b>Setback</b> from lot line (feet)		5	5	5	5	5	5
<b>Setback</b> from residential zoning district (feet)		50	50	50	50	100	100
<b>Wall</b>							
Maximum coverage (per facade)		30%	30%	30%	30%	30%	30%
Maximum <b>changeable copy</b> area (square feet)		40	40	40	40	40	40
<b>Awning</b>							
Maximum coverage (of outer awning surface)		50%	50%	50%	50%	50%	50%
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
<b>Blade</b> For lot frontages located on principal arterial streets; multiple signs are permitted; total square footage shall not exceed 80 square feet							
Maximum size (square feet)		80	80	80	80	80	80
Distance sign can extend from building (feet)		4	4	4	4	4	4
<b>Blade</b> For property frontages not located on arterial streets; multiple signs are permitted; total square footage shall not exceed 30 square feet							
Maximum size (square feet)		30	30	30	30	30	30
Distance sign can extend from building (feet)		4	4	4	4	4	4
<b>Canopy</b>							
Maximum coverage (of front and side canopy faces)		50%	50%	50%	50%	50%	50%
Distance sign can extend above canopy (feet)		1	1	1	1	1	1
Backlighting permitted		No	Yes	Yes	Yes	Yes	Yes
<b>Building Directory</b> Additional sign for a building with multiple internal tenants							
Number of signs permitted (per building)		1	1	1	1	1	1
Maximum size (square feet)		50	50	50	50	50	50
Maximum height of sign (feet)		6	6	6	6	6	6
<b>Setback</b> from lot line (feet)		5	5	5	5	5	5

# WOODBURN ZONING ORDINANCE

COMMERCIAL AND SHOPPING CENTER DISTRICT PERMANENT SIGN STANDARDS							
Sign Type	Zoning District	C1	C2	NC	SC	C3	C4
<b>Drive Through</b> For a <b>primary building</b> with an accessory drive through facility							
Number of <b>signs</b> permitted (per <b>lot</b> )		1	2	2	2	2	2
Maximum size (square feet)		20	50	50	50	50	50
Maximum height (feet)		6	10	10	10	10	10
<b>Setback</b> from <b>lot line</b> (feet) May not be located in required front or <b>side yard</b>		5	5	5	5	5	5
<b>Gas Station</b>							
<b>Gas pump embellishment</b> maximum size (square feet)		2	2	2	2	2	2
<b>Projecting</b> Multiple signs are permitted; total square footage shall not exceed 12 square feet							
Maximum size (square feet)		12	12	12	12	12	12
Distance <b>sign</b> can extend from <b>building</b> (feet)		4	4	4	4	4	4
<b>Subdivision Plat</b>							
Number of <b>signs</b> per entrance		2	1	1	1	1	1
Maximum size (square feet)		80	80	80	80	80	80
Maximum height		8	8	8	8	8	8



# WOODBURN ZONING ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
<b>Freestanding (all on-site only)</b>					
<b>Up to 300 ft. of frontage on an arterial street, or on a collector or other street</b>					
Number of <b>signs</b> per <b>street frontage</b>		1	1	1	1
Maximum size (square feet)		80	80	80	80
Maximum <b>changeable copy</b> area (square feet)		40	40	40	40
Maximum height (feet)		8	8	8	8
<b>Setback</b> from <b>lot line</b> (feet)		5	5	5	5
<b>Setback</b> from residential <b>zoning district</b> (distance indicated or 5 ft. from <b>side lot line</b> opposite <b>residential district</b> , whichever is less)		50	50	50	50
<b>Over 300 ft. of frontage on an arterial street, or on a collector or other street</b>					
Number of <b>signs</b> per <b>street</b> entrance if <b>lot</b> or <b>parcel</b> contains one <b>primary building</b>		1	1	1	1
Number of <b>signs</b> per <b>street</b> entrance if <b>lot</b> or <b>parcel</b> contains more than one <b>primary building</b>		2	2	2	2
Maximum size (square feet)		80	100	100	300
Maximum <b>changeable copy</b> area (square feet)		40	40	40	40
Maximum height (feet)		8	15	15	30
<b>Setback</b> from <b>lot line</b> (feet)		5	5	5	5
<b>Setback</b> from residential <b>zoning district</b> (distance indicated or 5 ft. from <b>side lot line</b> opposite <b>residential district</b> , whichever is less)		50	100	100	150
<b>Additional signage if lot has over 500 ft. of frontage on an interstate highway (US 24)</b>					
Number of <b>signs</b> per <b>lot</b>		N/A	1	1	1
Maximum size (square feet)		N/A	100	100	100
Maximum <b>changeable copy</b> area (square ft.); digital <b>signs</b> not permitted		N/A	40	40	40
Maximum height (feet)		N/A	30	30	30
<b>Setback</b> from <b>lot line</b> (feet)		N/A	5	5	5
Maximum <b>sign</b> base <b>setback</b> from interstate ROW (feet)		N/A	50	50	50
<b>Setback</b> from residential <b>zoning district</b> (feet) (distance indicated or 5 ft. from <b>side lot line</b> opposite <b>residential district</b> , whichever is less)		N/A	50	50	50
<b>Wall</b>					
Maximum coverage (per <b>facade</b> )		30%	30%	30%	30%
Maximum <b>changeable copy</b> area (square feet)		40	40	40	40
<b>Awning</b>					
Maximum coverage (of outer <b>awning</b> surface)		50%	50%	50%	50%
Backlighting permitted		Yes	Yes	Yes	Yes

# WOODBURN ZONING ORDINANCE

INDUSTRIAL DISTRICT PERMANENT SIGN STANDARDS					
Sign Type	Zoning District	BTI	I1	I2	I3
<b>Canopy</b>					
Maximum coverage (of front and side <b>canopy</b> faces)		50%	50%	50%	50%
Distance <b>sign</b> can extend above <b>canopy</b> (feet)		1	1	1	1
Backlighting permitted		Yes	Yes	Yes	Yes
<b>Building Directory</b>					
Additional <b>sign</b> for a <b>building</b> with multiple internal tenants					
Maximum size (square feet)		50	50	50	50
Maximum height of <b>sign</b> (feet)		6	6	6	6
<b>Setback</b> from <b>lot line</b> (feet)		5	5	5	5
<b>Drive Through</b>					
For a <b>primary building</b> with an accessory drive through facility;					
Number of <b>signs</b> permitted (per <b>lot</b> )		1	2	2	2
Maximum size (square feet)		20	50	50	50
Maximum height (feet)		6	10	10	10
<b>Setback</b> from <b>lot line</b> (feet); Shall not be located in required front or <b>side yard</b>		5	5	5	5
<b>Gas Station</b>					
<b>Gas pump embellishment</b> maximum size (square feet)		2	2	2	2
<b>Subdivision or Multiple Lot Development Plan</b>					
Number of <b>signs</b> per <b>development</b> entrance		2	2	2	2
Maximum size (square feet)		150	150	150	150
Maximum height (feet)		10	10	10	10

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## (2) Standards Applicable in All **Zoning Districts**

### (a) **Awning Signs**

- (i) **Awning signs** shall be affixed flat to, or painted upon, the surface of the **awning**.
- (ii) **Awning signs** shall not extend vertically or horizontally beyond the limits of the **awning** to which they are attached.
- (iii) **Awning signs** shall not be internally illuminated.
- (iv) **Awnings** shall be permitted to extend up to four (4) feet into a required **front yard** or into a **right-of-way**, if the **awning** is at least eight (8) feet above grade.

### (b) **Changeable Copy Area and Digital Signs**

- (i) Unless specifically prohibited, **changeable copy** area and digital **signs** shall be permitted to be up to 40 square feet of the area of a permitted freestanding or **wall sign**.
- (ii) Digital **signs** may not be operated to allow an image or component to change, rotate, move, flash, or blink at a rate exceeding one image per six (6) seconds. The change time between images shall be no more than 0.25 second. This includes the **use** of lighting to depict action or animation or to create a special effect or scene through any of the following: blink, flash, flicker, scintillate, scroll, or variations in intensity or brightness that depict or give the appearance of action, motion, movement, or rotation. Only static text and graphics shall be permitted. The digital display shall contain a default mechanism that will freeze the **sign** in one position if a malfunction occurs.
- (iii) Digital **signs** that scroll or **travel** may not be in motion longer than ten (10) seconds with a minimum of 3 seconds delay until **transition** to another message.
- (iv) Digital **sign** illumination shall not exceed 4,500 **nits** from 30 minutes after sunrise to 30 minutes before sunset and 500 **nits** during other hours.
- (v) Each digital **sign** shall have an automatic dimmer control, to produce a distinct illumination change from a higher illumination level to a lower illumination level in order to comply with the daytime and nighttime illumination levels in subsection (iv) above, and to adjust **sign brightness** based on ambient lighting levels. The dimmer control shall be activated at all times that the **sign** is in operation.
- (vi) Each digital **sign** shall have an automatic cutoff device that results in a blank **sign** in the event of a mechanical or electrical malfunction in the **sign**.

### (c) **Marquee Signs**

- (i) All portions of the marquee and attached **signs** shall have a minimum clearance of eight feet above the walk or grade below.
- (ii) Each face of a marquee shall be allowed to have a **sign**.
- (iii) Each **sign** may extend the entire length of the marquee face on which it is located
- (iv) Each **sign** may project up to six (6) feet above the roof of the marquee face on which it is located, but not above the cornice **wall** or roof of the **building**.

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(d) **Drive Through Signs**

Drive through **signs** are only permitted in conjunction with a **primary building** with an accessory **drive-through facility**.

(e) **Projecting Signs**

All portions of the **projecting sign** shall have a minimum clearance of eight feet above the walk or grade below.

(f) **Roof Signs**

**Roof signs** are prohibited

(g) **Wall Signs**

(i) When located on a **building wall**, **wall signs** shall be mounted substantially parallel to that **wall** and shall project no more than twelve (12) inches from the **wall**

(ii) When mounted on a mansard roof, **wall signs** shall be mounted so that the lower edge of the **sign** is no more than twelve (12) inches from the mansard roof surface and the top edge is no further from the mansard roof surface than necessary to allow the **sign** to be mounted vertically.

(iii) No portion of the **wall sign** shall project above the cornice **wall** or roof of the **building** to which they are attached.

(h) **Window Signs**

**Window signs** shall be permitted in accordance with the applicable **wall sign** provisions.

(3) **Board of Zoning Appeals Approved Uses Signs**

**Sign** regulations for **uses** permitted by the **Board of Zoning Appeals** shall be as specified in any written decision approved by the **Board** in connection with that **use**. If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

(4) **Plan Commission Approved Uses Signs**

**Sign** regulations permitted by the **Plan Commission** pursuant to §154.301 (Development Plans) shall be as specified in any written decision approved by the **Plan Commission** in connection with that **use**. As part of its approval, the **Plan Commission** may waive or modify certain **sign design standards** as part of its approval of a **Development Plan** as provided in 154.405(B). If the written decision does not address permitted **signs** or does not address some aspects of permitted **signs**, then the regulations for the **zoning district** in which the property is located shall apply.

(5) **Master Sign Plan**

(a) **Authority**

An applicant for a **development** containing multiple **buildings** on a single **parcel** or multiple **buildings** on separate contiguous **parcels** may file an application for a **Master Sign Plan** to reallocate certain aspects of the on-site **sign area**, to increase the number or size of individual **signs**, available in the **zoning district** where the applicant's property is located pursuant to §154.409.(D)(1). A **Master Sign Plan** is not available for a single

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**lot** or **parcel** containing a single principal **building**. The **Plan Commission** shall not be permitted to approve **signage** that exceeds the maximum height standards

(b) **Review by Plan Commission**

The **Master Sign Plan** application shall be treated as a Primary **Development** Plan for review by the **Plan Commission**, but the criteria in subsection (c) below shall apply instead of the criteria in §154.301.

(c) **Criteria for Review and Approval**

The **Plan Commission** shall approve the application for a **Master Sign Plan** if it finds that:

- (i) The application reflects an overall **sign** program of a consistent architectural design.
- (ii) The requested **signage** will not create an adverse impact on **adjacent County** or Woodburn residential or office **zoning districts**.
- (iii) The application does not request a **sign** with a maximum height taller than that otherwise permitted for that **sign** pursuant to §154.409(D)(1).

(d) **Board of Zoning Appeals**

A request to permit **signs** not permitted by this §154.409 that does not meet the criteria for approval in subsection (c) above may be submitted to the **Board of Zoning Appeals** for review and decision under §154.503(E) (Variances of **Development** Standards).

(6) **Nonconforming Use Signs**

A **nonconforming use** may continue to **use** that **sign(s)** in **use** at the time the **use** became nonconforming (or if that date is unknown, then the date on which the **nonconforming use** was first documented), and may repair the **sign** and change the message or **sign** face as permitted for an on-site **signs**. The size, height, or illumination (if any) of the **sign** may not be increased, and the **sign** may not be converted from a static to a digital **sign**.

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## (E) **Billboard Sign** Provisions

### (1) Locations Permitted

**Billboard signs** are not permitted in the **City**.

## (F) General Provisions and Standards

### (1) **Corner Visibility Areas**

No **temporary sign** and no permanent on-site or off-site **sign**, other than a governmental traffic control or directional **sign**, shall be located within the "**corner visibility** areas" as defined in this ordinance.

### (2) **Expired Signs**

No on-site **sign** shall be displayed longer than 30 calendar days after becoming an **expired sign**. The **Zoning Administrator** may require the covering of any **expired sign**, **sign** face, or **sign** copy area. If covering is required, the covering material shall be durable, and shall be replaced by the **sign owner** upon notice from the **Zoning Administrator** that it has become worn or damaged. If the **primary building** is removed, then the **sign** may be determined by the **Zoning Administrator** to be an illegal **sign**, subject to removal by the property **owner** at the direction of the **Zoning Administrator**. However, if at any time a freestanding **expired sign** is determined by the **Zoning Administrator** to create a safety or health issue, the **Zoning Administrator** may pursue the removal of the **sign** in conjunction with the **Allen County Building Department**.

### (3) Illumination

- (a) No **sign** shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this §154.409.
- (b) External light sources shall be concealed from view at ground level at and beyond **lot lines**.
- (c) Except for the portion of the property adjoining a **street right-of-way**, where nonresidential **development** is proposed **adjacent** to **residential districts**, zero foot candles of light may be emitted by the nonresidential **development** along the property line with the **residential district**.
- (d) External light sources on **signs** larger than 100 square feet shall be mounted above the **sign** so as to shine downward.
- (e) Any external **sign** light source or lamp that emits more than 900 **lumens** (13 watt compact fluorescent or 60 watt incandescent) shall be concealed or shielded with an Illuminations Engineering Society of North America (IESNA) full cut-off style fixture to minimize the potential for **glare** on **adjacent** property.
- (f) Digital **signs** shall comply with illumination standards in §154.409(D)(2)(b).

### (4) Maintenance and Removal

- (a) No **sign** or part thereof shall be erected or maintained except in conformance with the provisions of this §154.409.
- (b) All **signs** shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of the **sign**.

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(5) Message Substitution

A non-commercial message may be substituted for a commercial message on any **sign** permitted by this §154.409.

(6) Prohibited **Signs**

The following are prohibited for all on-site and off-site, unless they qualify as permitted **temporary signs**:

- (a) Strings of exposed light bulbs, pennants or streamers;
- (b) **Signs** painted on or attached to rocks, trees, or any other natural **object**, except those **signs** created or erected with the approval of the **City** or an authorized quasi-governmental entity to commemorate a historic event or place;
- (c) **Signs** that revolve or flash;
- (d) **Signs** similar in appearance, color, lighting, shape, or size to emergency, railroad, or traffic **signs** or signals;
- (e) Vehicle **signs**; and
- (f) **Signs** mounted on **fences**.

(7) **Projecting Sign** Minimum Clearance

- (a) No **sign** shall be erected upon, maintained in, encroach upon or overhang any public **right-of-way** without the approval of the **City**, except as expressly provided in this §154.409, or by state and federal law.
- (b) Each **sign** permitted to project over a sidewalk or public **right-of-way** by this §154.409 shall have a minimum clearance of eight (8) feet above grade.

(8) **Sign** Measurement

- (a) Radial measurements shall start from the center of the **sign** base at grade, and extend outward in a circular manner for the distance specified.
- (b) Lineal or linear measurements shall start from the center of the **sign** base at grade as projected at a right angle to the nearest **right-of-way** line, and then extend as stated in the applicable **sign** standard.
- (c) **Sign height** shall be determined by measuring the distance between the lowest grade level within two feet of either side of the base of the **sign**, and the highest part of the **sign** or its supporting structure.
- (d) **Sign area** measurements shall include the **sign** face and any portion of the **sign structure** with words, logos, pictures, or symbols intended to be read by the public, but shall not include portions of the **sign structure** that do not include such words, logos, pictures or symbols.
- (e) **Sign area** measurements for **changeable copy** shall not include a border up to 4 inches in width designed to enclose the **changeable copy** provided that **changeable copy** does not appear on the border area.
- (f) The area of a V-type **sign** not exceeding an angle of 60 degrees shall be calculated on one face of the **sign** only.

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- (g) **Sign** illumination is measured in **candelas** per square meter, also known as “**nits**”, as measured at the **sign** face.
- (9) **Pre-existing Signs**
- Any on-site or off-site **sign**:
- (a) That was legally erected in compliance with a former **sign** regulation ordinance in effect prior to March 3, 2018; and
  - (b) That is not the subject of a notice of **violation** issued by the **City** prior to March 3, 2018; and
  - (c) Which is not in compliance with the standards in this ordinance shall be deemed to be a conforming sign and shall not be subject to enforcement or penalties under §157.505 for any aspect of the sign that met the sign regulations applicable at the time the sign was erected but that does not meet the sign standards in this ordinance.
- (10) **Nonconforming Signs**
- (a) Any **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, but that no longer complies with the provisions of this ordinance, is a nonconforming **sign** subject to the provisions of this §154.409(F)(8).
  - (b) A digital **sign** that was erected in compliance with the **sign** regulation ordinance that was in effect at the time the **sign** was erected, and that continues to comply with the standards of this ordinance regarding the physical **structure** and location of the **sign**, but that is found to be in **violation** of this ordinance regarding the digital display, shall only be a nonconforming **sign** if the digital display cannot be reprogrammed to bring the digital display into compliance with this ordinance.
  - (c) Reasonable repairs, alterations and conversions may be made to nonconforming non-billboard **signs** as long as the location of the **sign** is not changed and the height or area of the **sign** is not increased. In addition:
    - (i) If the **sign** is covered, it can be re-used; or
    - (ii) If the cabinet is removed, a new cabinet can be placed on the existing pole, provided the cabinet complies with the current **zoning district** square footage limitation; or
    - (iii) If the pole is removed then the entire **sign** has to be brought into compliance
  - (d) If any nonconforming **sign** is damaged by any means, including an act of God, and the damage exceeds 50% of the replacement value of the **sign**, as documented in writing by an established **sign** repair firm, the **sign** may be restored, reconstructed, altered or repaired only in conformance with the provisions of this §154.409.
  - (e) If the **primary structure** on a **lot** or **parcel** is demolished any non-conforming **sign** on the **lot** or **parcel** shall be removed, repaired, or reconstructed so as to comply with the **sign** regulations for new **signs** in the **district** where the property is located.
  - (f) Reasonable repairs may be made to nonconforming billboard **signs** as long as the location of the **sign** is not changed, the height or area of the **sign** is not increased, or the sign is not changed, altered or converted digitally.



## **WOODBURN ZONING ORDINANCE**

**§ 154.410      RESERVED**

**§ 154.411      RESERVED**

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.412 FLOODPLAIN

### (A) Statutory Authorization, Findings of Fact, Purpose, and Objectives

#### (1) Statutory Authorization

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the City of Woodburn does hereby adopt the following floodplain management regulations.

#### (2) Findings of Fact

- (a) The flood hazard areas of The City of Woodburn are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (b) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

#### (3) Statement of Purpose

It is the purpose of this section to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
- (d) Control filling, grading, dredging, and other development which may increase erosion or flood damage.
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (f) Make federal flood insurance available for structures and their contents in the City by fulfilling the requirements of the National Flood Insurance Program.

#### (4) Objectives

The objectives of this section are:

- (a) To protect human life and health.
- (b) To minimize expenditure of public money for costly flood control projects.
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

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- (d) To minimize prolonged business interruptions.
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

### (B) Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions listed below shall only apply to this section.

#### **A Zone**

Portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

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## **Accessory Structure (Appurtenant Structure)**

A structure with a floor area 400 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, storage sheds, pole barns, and hay sheds.

## **Addition (to an existing Structure)**

Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

## **Appeal**

A request for a review of the floodplain administrator's interpretation of any provision of this section.

## **Area of shallow flooding**

A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

## **Base Flood**

The flood having a one percent chance of being equaled or exceeded in any given year.

## **Base Flood Elevation (BFE)**

The elevation of the one-percent annual chance flood.

## **Basement**

That portion of a structure having its floor sub-grade (below ground level) on all sides.

## **Boundary River**

The part of the Ohio River that forms the boundary between Kentucky and Indiana.

## **Boundary River Floodway**

The floodway of a boundary river.

## **Building - see "Structure"**

## **Community**

A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

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## **Community Rating System (CRS)**

A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

## **Critical Facility**

A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

## **Development**

Any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of bridges or culverts;
- (7) storage of materials; or
- (8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

## **Elevated Structure**

A non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

## **Elevation Certificate**

A certified statement that verifies a structure's elevation information.

## **Emergency Program**

The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

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## **Existing Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 28, 1990.

## **Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

## **FEMA**

The Federal Emergency Management Agency.

## **Flood**

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

## **Flood Boundary and Floodway Map (FBFM)**

An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

## **Flood Insurance Rate Map (FIRM)**

An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

## **Flood Insurance Study (FIS)**

The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

## **Flood Prone Area**

Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

## **Flood Protection Grade (FPG)**

The elevation of the regulatory flood plus two feet at any given location in the SFHA (see "Freeboard").

## **Floodplain**

The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

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## **Floodplain Management**

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

## **Floodplain Management Regulations**

This section and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

## **Floodproofing (Dry Floodproofing)**

Is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

## **Floodproofing Certificate**

A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

## **Floodway**

The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

## **Freeboard**

A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

## **Fringe**

Those portions of the floodplain lying outside the floodway.

## **Hardship (as Related to Variances of This Section)**

The exceptional hardship that would result from a failure to grant the requested variance. The City of Woodburn Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build



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elsewhere or put the parcel to a different use than originally intended.

### **Highest Adjacent Grade**

The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

### **Historic Structure**

Any structure that is:

- (1) Listed individually on the National Register of Historic Places (a listing maintained by the Department of the Interior) or determined by the United States Secretary of the Interior as eligible for individual listing on the National Register; or
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district; or
- (3) Listed on or determined eligible for the National Register of Historic Places as contributing to the significance of a historic district; or
- (4) Individually listed on the Indiana Register of Historic Sites and Structures; or
- (5) Individually listed on or designated as a contributing resource in a historic district listed in the Woodburn Cultural Resources Survey.

### **Letter of Final Determination (LFD)**

A letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

### **Letter of Map Change (LOMC)**

A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

#### **Letter of Map Amendment (LOMA)**

An amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.

#### **Letter of Map Revision (LOMR)**

An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

#### **Letter of Map Revision Based on Fill (LOMR-F)**

An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

# WOODBURN ZONING ORDINANCE

## **Lowest Adjacent Grade**

The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

## **Lowest Floor**

The lowest elevation described among the following:

- (1) The top of the lowest level of the structure.
- (2) The top of the basement floor.
- (3) The top of the garage floor, if the garage is the lowest level of the structure.
- (4) The top of the first floor of a structure elevated on pilings or pillars.
- (5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - (a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
  - (b) the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
  - (c) such enclosed space shall be usable solely for the parking of vehicles and building access.

## **Manufactured Home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

## **Manufactured Home Park or Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

## **Market Value**

The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

## **Mitigation**

Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

# **WOODBURN ZONING ORDINANCE**

## **National Flood Insurance Program (NFIP)**

The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

## **National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929**

A vertical control used as a reference for establishing varying elevations within the floodplain.

## **New Construction**

Start of construction commencing on or after the effective date of a floodplain management regulation adopted by a community and including any subsequent improvements to the structures.

## **New Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 28 1990.

## **Non-boundary river floodway**

The floodway of any river or stream other than a boundary river.

## **North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993**

A vertical control datum used as a reference for establishing varying elevations within the floodplain.

## **Obstruction**

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

## **One-Percent Annual Chance Flood**

A flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood (see "Regulatory Flood").

## **Physical Map Revision (PMR)**

An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

# **WOODBURN ZONING ORDINANCE**

## **Public Safety and Nuisance**

Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

## **Recreational Vehicle**

Means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

## **Regular Program**

The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

## **Regulatory Flood**

A flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in this section (§154.412). The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

## **Repetitive loss**

Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

## **Section 1316**

That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

## **Special Flood Hazard Area (SFHA)**

Those lands within the jurisdiction of the City subject to inundation by the regulatory flood. The SFHAs of The City of Woodburn are generally identified as such on the Flood Insurance Rate Map of Allen County, Indiana dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

## **Start of Construction**

Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent

## **WOODBURN ZONING ORDINANCE**

construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

### **Structure**

A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

### **Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

### **Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

### **Suspension**

The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

### **Variance**

A grant of relief from the requirements of this section, which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

### **Violation**

The failure of a structure or other development to be fully compliant with this section. A structure or other development without the elevation, other certification, or other evidence of compliance required in this section is presumed to be in violation until such time as that documentation is provided.

# WOODBURN ZONING ORDINANCE

## **Watercourse**

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

## **X Zone**

The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

## **Zone**

A geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

## **Zone A (see “A Zone”)**

## **Zone B, C, and X**

Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

## **(C) General Provisions**

### **(1) Lands to Which This Section Applies**

This section shall apply to all SFHAs and known flood prone areas within the jurisdiction of The City of Woodburn.

### **(2) Basis for Establishing Regulatory Flood Data**

This section's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

- (a) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of The City of Woodburn shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Allen County, Indiana and Incorporated Areas dated August 3, 2009 and the corresponding Flood Insurance Rate Map dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
- (b) The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs, or studied SFHAs without a published floodway, within the jurisdiction of The City of Woodburn, delineated as an "A Zone" or an "AE Zone" on the Allen County, Indiana and Incorporated Areas Flood Insurance Rate Map dated August 3, 2009 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the

## WOODBURN ZONING ORDINANCE

subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved

- (c) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
  - (d) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.
- (3) Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this section prior to the commencement of any development activities in areas of special flood hazard.
- (4) Compliance

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this section and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.
- (5) Abrogation and Greater Restrictions

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- (6) Discrepancy between Mapped Floodplain and Actual Ground Elevations
  - (a) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
  - (b) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
  - (c) If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.
- (7) Interpretation

In the interpretation and application of this section all provisions shall be:

  - (a) Considered as minimum requirements.
  - (b) Liberally construed in favor of the governing body.

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(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(8) Warning and Disclaimer of Liability.

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this section does not create any liability on the part of The City of Woodburn, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this section or any administrative decision made lawfully thereunder.

(9) Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this section. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for The City of Woodburn. All violations shall be punishable by a fine not exceeding \$ 2,500.00.

- (a) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (b) The City of Woodburn Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (c) Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(D) Administration

(1) Designation of Administrator

The Woodburn Plan Commission of The City of Woodburn hereby appoints the Woodburn Zoning Administrator to administer and implement the provisions of this section and is herein referred to as the Floodplain Administrator.

(2) Permit Procedures

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (a) Application Stage
  - (i) A description of the proposed development.
  - (ii) Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
  - (iii) A legal description of the property site.



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- (iv) A site development plan showing existing and proposed development locations and existing and proposed land grades.
- (v) Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
- (vi) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.
- (vii) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See §154.412(D)(3)(f)).

(b) Construction Stage

Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

(c) Finished Construction

Upon completion of construction, an elevation certification (FEMA Elevation Certificate Form 81-31 or any future updates) which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification (FEMA Floodproofing Certificate Form 81-65 or any future updates) is required to be submitted by the applicant to the Floodplain Administrator.

(3) Duties and Responsibilities of the Floodplain Administrator

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this section. The administrator is further authorized to render interpretations of this section, which are consistent with its spirit and purpose. Duties and responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (a) Review all floodplain development permits to assure that the permit requirements of this section have been satisfied.
- (b) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
- (c) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to §154.412(E)(5) and (7)(a) of this section, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).

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- (d) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
- (e) Maintain and track permit records involving additions and improvements to residences located in the floodway.
- (f) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
- (g) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this section.
- (h) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (i) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (j) Review certified plans and specifications for compliance.
- (k) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with §154.412(D)(2).
- (l) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with §154.412(D)(2).
- (m) Stop Work Orders
  - (i) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this section shall immediately cease.
  - (ii) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (n) Revocation of Permits
  - (i) The floodplain administrator may revoke a permit or approval, issued under the provisions of the section, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - (ii) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this section.

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### (E) Provisions for Flood Hazard Reduction

#### (1) General Standards

In all SFHAs and known flood prone areas the following provisions are required:

- (a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
- (d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (h) On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (i) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this section shall meet the requirements of “new construction” as contained in this section.
- (j) Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
  - (i) The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
  - (ii) Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
  - (iii) The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.

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- (iv) The fill or structure shall not obstruct a drainage way leading to the floodplain.
  - (v) The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
  - (vi) The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
  - (vii) Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.
- (k) Exceptions to compensation requirements
- (i) For primary buildings of up to 400 square feet, or accessory buildings or structures of up to 400 square feet, no compensatory storage shall be required;
  - (ii) As of the effective date of this section, the following amounts of fill shall be permitted on a lot: on lots of over one acre, up to 40 cubic yards shall be permitted; on lots between  $\frac{3}{4}$  and one acre, up to 30 cubic yards shall be permitted; on lots between  $\frac{1}{2}$  and  $\frac{3}{4}$  acre, up to 20 cubic yards shall be permitted; on lots between  $\frac{1}{4}$  and  $\frac{1}{2}$  acre, up to 10 cubic yards shall be permitted, and on lots of up to  $\frac{1}{4}$  acre, up to 5 cubic yards shall be permitted, provided that:
    - [A] No fill shall be placed within 10 feet of a side lot line;
    - [B] No fill shall be placed within 15 feet of a front or rear lot line;
    - [C] No fill shall be placed within 50 feet outside a floodway boundary as shown on the FIRM map; and
    - [D] No fill shall be placed in such a way so as to obstruct flood water or divert it onto an adjacent property (as in the construction of a levee or dike).
  - (iii) Fill placed for any purpose other than for: public flood control improvement projects (including a dike or levee); public transportation facilities; or utility collection or transmission lines as permitted in § 154.412(E)(1) above; compensatory storage as permitted in § 154.412(E)(1)(j); or for approved structures as permitted above. A request for a non-public flood control improvement project, including a dike or levee, or a private request to place over 40 cubic yards of non-compensatory storage fill in the floodway fringe, shall require approval of a Special Use by the Board of Zoning Appeals, subject to the applicant verifying that the fill as placed can withstand a regulatory flood flooding event.

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### (2) Specific Standards

In all SFHAs, the following provisions are required:

- (a) In addition to the requirements of §154.412(E)(1), all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - (i) Construction or placement of any structure having a floor area greater than 400 square feet.
  - (ii) Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
  - (iii) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
  - (iv) Installing a travel trailer or recreational vehicle on a site for more than 180 days.
  - (v) Installing a manufactured home on a new site or a new manufactured home on an existing site. This section does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
  - (vi) Reconstruction or repairs made to a repetitive loss structure.

#### (b) Residential Structures

New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §154.412(E)(2)(d).

#### (c) Non-Residential Structures

New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of §154.412(E)(2)(d). Structures located in all “A Zones” may be floodproofed in lieu of being elevated if done in accordance with the following:

- (i) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the floodplain administrator as set forth in

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§154.412(D)(3)( 1).

- (ii) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(d) Elevated Structures

New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

- (i) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
- (ii) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (iv) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (v) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (vi) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
- (vii) Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- (viii) Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Allen County Recorder.

(e) Structures Constructed on Fill

A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

- (i) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.

## WOODBURN ZONING ORDINANCE

- (ii) The fill shall extend five (5) feet beyond the foundation of the structure before sloping below the BFE.
- (iii) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
- (iv) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (v) The top of the lowest floor including basements shall be at or above the FPG.
- (f) Standards for Manufactured Homes and Recreational Vehicles

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

  - (i) These requirements apply to all manufactured homes to be placed on a site outside a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as a result of a flood:
    - [A] The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    - [B] Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §154.412(E)(2)(d).
  - (ii) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
  - (iii) These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
    - [A] The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    - [B] Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §154.412(E)(2)(d).

## WOODBURN ZONING ORDINANCE

(iv) Recreational vehicles placed on a site shall either:

- [A] be on site for less than 180 days;
- [B] be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
- [C] meet the requirements for “manufactured homes” as stated earlier in this section.

(g) Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:

- (i) Shall not be used for human habitation.
- (ii) Shall be constructed of flood resistant materials.
- (iii) Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
- (iv) Shall be firmly anchored to prevent flotation.
- (v) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
- (vi) Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in §154.412(E)(2)(d).

(h) Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement.

(3) Standards for Subdivision Proposals

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
- (e) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (f) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).



## WOODBURN ZONING ORDINANCE

### (4) Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

### (5) Standards for Identified Floodways

- (a) Located within SFHAs, established in §154.412(C)(2), are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)
- (b) No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in §154.412(E) of this section have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.
- (c) No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

## WOODBURN ZONING ORDINANCE

- (d) For all projects involving channel modifications or fill (including levees) the City shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.
- (6) Standards for Identified Fringe

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in §154.412(E) of this section have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.
- (7) Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes
  - (a) Drainage area upstream of the site is greater than one square mile:
    - (i) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
    - (ii) No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
    - (iii) Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in §154.412(E) of this section have been met.
  - (b) Drainage area upstream of the site is less than one square mile:
    - (i) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.
    - (ii) Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in §154.412(E) of this section have been met.
  - (c) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

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### (8) Standards for Flood Prone Areas

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per §154.412(E).

### (F) Nonconforming Buildings and Structures

- (1) Any building or structure existing as of March 30, 1985 that does not conform to this section shall be considered a nonconforming building or structure.
- (2) Any nonconforming building or structure which is not in the floodway may be enlarged or improved at the existing grade and floor elevations, provided the addition or improvement does not constitute substantial improvement. Completion of the addition or improvement must be completed within 24 months from the date of the permit.
- (3) Any nonconforming building or structure in the floodway may be enlarged or improved at the existing grade and floor elevations, provided the addition or improvement does not constitute substantial improvement and shall meet the construction in the floodway requirement in §154.412(E)(5). Only one permit for an addition or improvement per building or structure is authorized by this section. Completion of the addition or improvement must be completed within 24 months from the date of the permit.
- (4) Any nonconforming building or structure may be repaired after a damage event, provided the repair does not constitute substantial improvement. For any proposed repair which constitutes substantial improvement, the addition or improvement shall conform to the applicable building protection standards in §154.412(E).

### (G) Variance Procedures

#### (1) Designation of Variance and Appeals Board

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this section.

#### (2) Duties of Variance and Appeals Board

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this section. Any person aggrieved by the decision of the board may appeal such decision to the Allen County Circuit or Superior Court.

#### (3) Variance Procedures

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this section, and;

- (a) The danger of life and property due to flooding or erosion damage.
- (b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (c) The importance of the services provided by the proposed facility to the community.
- (d) The necessity of the facility to a waterfront location, where applicable.
- (e) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
- (f) The compatibility of the proposed use with existing and anticipated development,

## WOODBURN ZONING ORDINANCE

- (g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
  - (h) The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - (i) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
  - (j) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) Conditions for Variances
- (a) Variances shall only be issued when there is:
    - (i) A showing of good and sufficient cause.
    - (ii) A determination that failure to grant the variance would result in exceptional hardship.
    - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
  - (b) No variance for a residential use within a floodway subject to §154.412(E)(5) or (7)(a) of this section may be granted.
  - (c) Any variance granted in a floodway subject to §154.412(E)(5) or (7)(a) of this section will require a permit from the Indiana Department of Natural Resources.
  - (d) Variances to the Provisions for Flood Hazard Reduction of §154.412(E)(2), may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
  - (e) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (f) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.
  - (g) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (see §154.412(G)(5)).
  - (h) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (see §154.412(G)(5)).
- (5) Variance Notification
- (a) Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice

## WOODBURN ZONING ORDINANCE

over the signature of a community official that:

- (i) The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
  - (ii) Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
- (b) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.

(6) Historic Structure

Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an “historic structure” and the variance is the minimum to preserve the historic character and design of the structure.

(7) Special Conditions

Upon the consideration of the factors listed in §154.412(G), and the purposes of this section, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this section.

(H) Severability

If any section, clause, sentence, or phrase of this section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this section.

## **WOODBURN ZONING ORDINANCE**

**§ 154.413      RESERVED**

# WOODBURN ZONING ORDINANCE

## ADMINISTRATION

### § 154.501 PURPOSE

The purpose of this section is to:

- (A) Provide for the administration and enforcement of the provisions of this ordinance;
- (B) Set forth general standards, procedures, and requirements for the review, consideration, and issuance of **Improvement Location Permits** and **Certificates of Compliance**; and
- (C) Establish standards, procedures, and requirements for **violations** and penalties.

### § 154.502 PLANNING AND ZONING BODIES

#### (A) Zoning Administrator

##### (1) Authorization

The City Council has authorized the creation of a **Zoning Administrator** for the administration and enforcement of this ordinance. All references in this ordinance to the **Zoning Administrator** shall include any DPS or zoning enforcement officers designated by the **Zoning Administrator**.

##### (2) Powers and Duties

The **Zoning Administrator** shall be responsible for:

- (a) Making all determinations, interpretations, and decisions necessary to carry out the provisions and requirements of this ordinance, or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
- (b) Determining if a **violation** of this ordinance exists, and how the provisions and requirements of this ordinance shall be applied and enforced (in conjunction with the Department of Neighborhood Code Enforcement); and
- (c) Issuing or causing to be issued all Site Plan Review decisions, **Improvement Location Permits**, **Certificates of Compliance**, and **Certificates of Use** required under this ordinance.

##### (3) Exceptions

The following exceptions shall apply in the situations noted below.

- (a) In cases where this ordinance requires a public hearing to be held on a **Plan Commission** Development Plan application, the **Plan Commission** hereby establishes that the project may be reviewed and acted on by a committee of the **Commission** without a public hearing if the **Zoning Administrator** determines that the proposed project does not warrant a public hearing due to: substantial conformance with a previously approved primary Development Plan, or lack of impact on **adjacent** properties.
- (b) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive said review process upon a determination that the scope or impact of the project does not warrant a technical review by external review entities.

## WOODBURN ZONING ORDINANCE

- (c) In cases where this ordinance requires a project to be reviewed under the Site Plan review process, the **Zoning Administrator** may waive a required submittal, including but not limited to the required **building** plans or boundary/topographic/utility surveys, upon a finding that the proposed submittal is not applicable to or necessary for the proposed project.
- (4) Appeals

All determinations, interpretations, and decisions of the **Zoning Administrator** may be appealed to the **Board of Zoning Appeals**, in accordance with the **Board's** rules.
- (B) Executive Director
  - (1) Authorization

The Governing **Board** has authorized the creation of an Executive Director of the **Department of Planning Services** for the administration of that department.
  - (2) Powers and Duties

The Executive Director shall have the following powers and duties:

    - (a) To direct the activities of the **Department of Planning Services**;
    - (b) To be authorized and empowered to do and perform those acts required for the administration of this ordinance or as directed by the **Board of Zoning Appeals** or **Plan Commission**;
    - (c) To perform those acts authorized by adopted inter-local agreement.
- (C) Hearing Officer
  - (1) Authorization

This ordinance hereby authorizes the creation of a Hearing Officer for the type of cases and in accordance with the procedures outlined in IC 36-7-4-923 and IC 36-7-4-924, and as set forth in the **Commission's** rules.
  - (2) Appointment

The Hearing Officer shall be appointed at the first annual meeting of the **Commission** and shall serve in that capacity for the succeeding year. The **Commission** may also appoint one or more alternates to serve in that capacity in the event the Hearing Officer is unavailable or unable to so act. The Hearing Officer and alternates so appointed shall serve at the pleasure of the **Commission** and may be removed or replaced by the **Commission** at any time.
  - (3) Powers and Duties

The Hearing Officer shall have the same powers and duties as the **Board of Zoning Appeals** to approve or deny applications through the alternate procedure allowed under IC 36-7-4-923, except as may be limited by the **Commission's** rules.
  - (4) Procedure

The **Commission** shall:

    - (a) Establish the circumstances in which it would be appropriate for the Hearing Officer to transfer proceedings to the **Board**; and



## WOODBURN ZONING ORDINANCE

- (b) Designate requirements for the conduct of proceedings before the Hearing Officer filed under the alternate procedure including, but not limited to, the creation and filing of minutes and records, regulation of conflicts of interest and communication with the Hearing Officer and appeals to the **Board** of decisions by the Hearing Officer.

### (D) **Board of Zoning Appeals**

#### (1) Authorization

The Woodburn **Board of Zoning Appeals** has been established pursuant to IC 36-7-4-901(a), and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 900 series (**Board of Zoning Appeals**). Any appeal filed under this section shall also be subject to all applicable procedures and limitations the **Board** may establish by rule.

#### (2) Powers and Duties

The **Board** shall approve or deny all of the following types of applications:

- (a) **Contingent uses**, pursuant to IC 36-7-4-918.2 and §154.503(C).
- (b) **Special uses**, pursuant to IC 36-7-4-918.2 and §154.503(D).
- (c) Variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5 and §154.503(E).
- (d) **Use** variances pursuant to IC 36-7-4-918.4 and §154.503(F).
- (e) Appeals of:
  - (i) Any, decision, interpretation, or determination made by a Hearing Officer, **Zoning Administrator**, or DPS staff member under this ordinance; and
  - (ii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, in relation to the enforcement of this ordinance; and
  - (iii) Any order, requirement, decision, interpretation, or determination made by an administrative **board** or other body, except the **Commission**, relative to the enforcement of **Improvement Location Permits** or Certificates of Compliance.
- (f) Other requests related to this ordinance as provided for in the **Board's** rules.
- (g) Conditions

The development standards under this ordinance are minimum regulations and, to promote the public health, safety, or general welfare, the Board has the discretion to impose conditions on any approval that are greater or more restrictive than the ordinance's minimum development standards or regulations. The Board may also impose whatever additional safeguards and restrictions that the Board reasonably finds necessary to meet the intent and purpose of this ordinance. Whenever, as part of its approval, the Board imposes a condition, safeguard or restriction that is greater or more restrictive than the minimum regulations of this ordinance, the greater or more restrictive condition safeguard or restriction shall govern.

# WOODBURN ZONING ORDINANCE

## (E) Plan Commission

### (1) Authorization

The **Plan Commission** has been established pursuant to IC 36-7-4-202, and shall operate subject to and in accordance with the Advisory Planning law as set forth in the 200 series (**Plan Commission**) and in IC 36-7-4. In addition, the **Plan Commission** is established by Indiana Code as the administrative authority for the **subdivision** of land within the **planning jurisdiction** of the **City**. Under the authority granted by state law, the **Commission** may establish an Executive Committee empowered to act on its behalf on such matters as may be assigned to it by the **Commission**. The **Commission** may establish a **Plat Committee** to approve **plats** on its behalf.

### (2) Purpose

The **Plan Commission** has been established to carry out the purposes set forth for advisory **Plan Commissions** in IC 36-7-4-201.

### (3) Membership

The membership of the **Commission** and qualifications for citizens to be appointed to the **commission** are described in IC 36-7-4-207(a) and IC 36-7-4-216, and the adopted rules of the **Commission**.

### (4) Powers and Duties

The **Commission** shall have the powers and duties as set forth in the 200 series (**Plan Commission**), the 300 series (Organization of **Commission**), and the 400 Series (**Commission Duties and Powers**), including but not limited to:

- (a) Make recommendations to the Woodburn City Council on amendments to this ordinance and the **Comprehensive Plan**;
- (b) Take action on all applications for approval of Primary or Secondary Development Plans or **Subdivisions** that are required to be submitted under this ordinance, provided, that in the event an application requires approval of a primary Development Plan or Primary **Major Subdivision**, and also approval of a **special use, contingent use, use** variance, or variance of dimensional standard, the **Commission** may authorize a combined hearing procedure pursuant to IC 36-7-4-403.5;
- (c) Take action on all applications for primary and **secondary approval** of **Minor** and **Major Subdivisions**, pursuant to the 700 series (**Subdivision Control**), and §154.303;
- (d) Be authorized and empowered to adopt any rules or regulations allowed or required under IC 36-7-4 or such other rules or regulations as the **Commission** may deem necessary or advisable for the effective administration of its duties under state law or this ordinance;
- (e) The **Commission** may adopt written policies and/or rules:
  - (i) For the **development** of public ways, public places, public **structures**, and public and private utilities;
  - (ii) As necessary to carry out the intent of this ordinance.
- (f) The **Commission** has adopted an **Administrative Manual** and shall update it as needed to implement this Chapter.

# WOODBURN ZONING ORDINANCE

## § 154.503 PROCEDURES

### (A) General

#### (1) Board of Zoning Appeals

The procedures of the **Board** shall be governed by provisions of the IC 36-7-4 -900 Series (**Board of Zoning Appeals**), the provisions of this §154.503(1), and the **Board's** rules. The **Board** shall adopt rules concerning the filing of appeals, the giving of notice, and the conduct of its hearings and operations as necessary to carry out its duties. Any application or appeal filed to go before the **Board** shall be subject to all applicable **Board** procedures and limitations. Certain **Board** procedures may apply to the Hearing Officer as well.

##### (a) Pre-Application Discussion

Prior to the submission of an application for a **contingent use, special use, use** variance, or variance of **development** standards, a pre-application discussion between the DPS staff and the applicant is recommended. The purpose of the pre-application discussion is to:

- (i) Acquaint the applicant with the standards, procedures, and requirements of this ordinance, the **comprehensive plan**, and any other applicable requirements;
- (ii) Review the **Board's** procedures, application, and submittal requirements; and
- (iii) Make the applicant familiar with potential issues or concerns regarding the proposed application.

##### (b) Submission Requirements

The applicant for an application or appeal to the **Board** shall submit an application form and supporting information as established by the **Board's** rules. DPS staff shall only place an application on the **Board's** next available public hearing agenda after all submittal requirements have been received. A determination made by the DPS staff with regard to the completeness of information required for an application or appeal may be appealed to the **Board** in accordance with the **Board's** rules.

##### (c) Public Hearing

The **Board** shall hold a public hearing on any appeal or application, in accordance with the **Board's** established public hearing calendar and rules. Any application or appeal filed under this section shall be subject to all applicable procedures and limitations the **Board** may establish by rule.

##### (d) Appeals

The **Board** may reverse, affirm, or modify the appealed decision, interpretation, or determination. For this purpose, the **Board** has all the powers of the official, officer, board or body from which the appeal is taken. The **Board** may also defer action on the appeal if it needs more information or time to make a decision.

## WOODBURN ZONING ORDINANCE

### (e) Decision and Additional Provisions

#### (i) Decision

Following the public hearing on an application, the **Board** shall approve or deny the application. The **Board** shall make a decision on any matter that it is required to hear either at the meeting at which the matter is first presented, or at the conclusion of the hearing on the matter, if it is continued. See IC 36-7-4-919(e). The following standards and requirements shall also apply to the **Board's** decision on an appeal or application.

#### (ii) Conditions

The **Board** may impose reasonable **conditions** as a part of its action on an application or appeal. The **Board** may also permit or require a **commitment** as set forth in IC 36-7-4-1015 and §154.503(A)(5).

#### (iii) Findings

The **Board** shall enter written findings, setting forth the reasons for its action on an application or appeal.

#### (iv) Notice

Notice of the **Board's** decision on an application or appeal shall be provided as established by the **Board's** rules.

#### (v) Appeal

A decision of the **Board** may be reviewed as allowed by the Advisory Planning law in Indiana Code.

#### (vi) Reconsideration

In the event the **Board** or Hearing Officer denies a requested application or appeal, the **Board** shall not rehear and reconsider a repeated application for a period of one (1) year following the date of the **Board's** denial. Any **person** submitting a repeated application requesting reconsideration or rehearing of a previous denial after one (1) year shall also submit documentation indicating how the repeated application is substantially changed from the previous application that was denied. The repeated application shall be reviewed by the **Zoning Administrator**, who shall determine whether the request is a **substantial change** that can be placed on the **Board's** agenda for review. The **zoning administrator's** decision that the repeated application is not a **substantial change** may be appealed to the **Board** in accordance with the **Board's** rules.

#### (vii) Revocation

The **Board** may revoke a **contingent use, special use, use** variance or variance from **development** standards if the applicant, landowner and/or occupant violates a condition of approval or **commitment** imposed as part of the **Board's** approval. Prior to revocation, the **Board** shall notify the applicant, landowner and/or occupant of the real estate of the **violation** in writing and shall give the applicant, landowner and/or occupant an opportunity to be heard on the **violation**. At the **Board's** hearing, the **zoning administrator** shall present information to the **Board** regarding the alleged

# WOODBURN ZONING ORDINANCE

**violation.** Public notice and the public hearing on the revocation shall be in accordance with the **Board's** rules. Any application which is revoked by the **Board** shall be declared void.

## (2) **Plan Commission**

The procedures of the **Commission** shall be governed by IC 36-7-4, the provisions of this §154.503(A)(2), and the **Commission's** rules. The **Commission** shall be empowered to act in accordance with IC 36-7-4, including but not limited to the following:

### (a) Adoption and Amendment of **Comprehensive Plan**

The **Commission** shall review take action on proposed a replacement of or amendments to the **Comprehensive Plan**.

### (b) Development Plans

The **Commission** shall review and take action on applications for the approval of Primary or Secondary Development Plans pursuant to the IC 36-7-4-1400 series, and as described in §154.301.

### (c) **Subdivisions** of Land

The **Commission** shall review and take action on applications for the primary or **secondary approval** of **Subdivisions** of land, and the certification and recording of exempt land divisions, pursuant to the IC 36-7-4-700 series, and as described in §154.302.

### (d) Zoning Map Amendments

The **Commission** shall review and take action on proposed zoning map amendments pursuant to the IC 36-7-4-600 series and §154.503(G).

### (e) Zoning Text Amendments

The **Commission** shall review and take action on proposed ordinance text amendments pursuant to the IC 36-7-4-600 series and §154.503(H).

### (f) **Plat** Vacations

The **Commission** shall review and take action on proposed **plat** vacations pursuant to IC 36-7-4-711.

### (g) **Plat** Covenant Vacations

The **Commission** shall review and take action on proposed **plat** covenant vacations pursuant to IC 36-7-4-711 and IC 36-7-4-714.

## (3) **Fees**

At the time an application is filed with the **Board, Plan Commission**, or Executive Director for action and approval, DPS staff shall collect a nonrefundable filing **fee**. In accordance with IC 36-7-4-411, the **Plan Commission** shall establish a schedule of **fees** to defray the administrative costs connected with:

- (a) Processing and hearing administrative appeals and applications for rezoning, **special uses, contingent uses** and variances;
- (b) Issuing permits; and
- (c) Other actions or activities taken in accordance with the provisions of IC Title 36.

## WOODBURN ZONING ORDINANCE

### (4) Deemed Delivery of Notice

If this ordinance or the rules of the **Board of Zoning Appeals** or **Plan Commission** requires written notice to be given to any **person**, the notice requirement shall be considered satisfied as of three (3) days after the date of deposit of the required notice in the United States mail.

### (5) Commitments

#### (a) Authorization

As part of its review of an application the **Board of Zoning Appeals**, Hearing Officer, or the **Plan Commission**, as applicable, may permit or require the property **owner(s)** to make **commitments** concerning the **use** or **development** of that property, in accordance with IC 36-7-4-1015, and the **Board's** or **Commission's** rules, . **Commitments** shall be in a form acceptable to the **Board's** or **Commission's** legal staff.

#### (b) General Provisions

- (i) By permitting or requiring a **commitment**, the **Board**, Hearing Officer, or **Commission** does not become obligated to approve the application or recommend approval of the proposed zoning map amendment, and the City Council shall be under no obligation to approve the zoning map amendment.
- (ii) By permitting or requiring a **commitment**, the **Board** or Hearing Officer, shall not be obligated to grant any requested **waiver** or modification of a zoning standard or requirement, and the **Commission** shall not be obligated to grant any requested **waiver** or modification of a **development** standard or requirement.
- (iii) If a **commitment** is executed in conjunction with an application or a proposed zoning map amendment, and the application or proposal is denied, the **commitment** shall not be recorded.
- (iv) This section does not affect the validity of any covenant, **easement**, equitable servitude, or other land **use** restriction created in accordance with the law.

#### (c) Content

A **commitment** may include, but shall not be limited to, the following provisions:

- (i) Limiting the **uses**, or a specific aspect of a **use**, that will be permitted on the property;
- (ii) Placing restrictions on the size, location, height, or similar aspects of a proposed **structure** or **structures** on the property;
- (iii) Establishing standards or requirements relative to screening, **buffering**, landscaping, parking, or other similar site design aspects of a **development** on the property;
- (iv) Limiting off-site impacts of a proposed **building**, **structure** or **development** or future **development** proposal, relative to noise, site lighting, **signage**, or similar issues;
- (v) Similar **use**, layout, or site design issues; or

## WOODBURN ZONING ORDINANCE

(vi) Any other provisions as determined by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**.

(d) Recordation

**Commitments** made under this §154.503(A)(5) shall be approved by the **Board**, Hearing Officer, or **Commission** and recorded in the Allen **County Recorder's** office in accordance with the **Commission's** rules. Unless modified or terminated by the **Commission** or automatically terminated, a recorded **commitment** made under this section is binding on:

- (i) The **owner** of the **parcel**;
- (ii) Any subsequent **owner** of the **parcel**; and
- (iii) Any **person(s)** who acquires an interest in the **parcel**.

(e) Enforcement

**Commitments** made under this §154.503(A)(5) shall include provisions for the enforcement of the **commitment**. The **commitment** shall designate the **Board**, Hearing Officer, or **Commission** as a party entitled to enforce the **commitment**. Other appropriate parties, including but not limited to registered neighborhood associations, may also be designated as a party entitled to enforce the **commitment**. A **violation** of a **commitment** shall be considered a **violation** of this ordinance.

(f) Modification and Termination

A **commitment** made under this §154.503(A)(5) shall automatically terminate if, after the adoption of the **commitment** and approval of the proposed application or zoning map amendment, the approval or zoning classification that is the subject of the **commitment** is changed at some future point. Otherwise, **commitments** made under this section shall only be modified or terminated by the **Board of Zoning Appeals**, Hearing Officer, or **Plan Commission**. Prior to the **Board**, Hearing Officer, or **Commission** considering a request to modify or terminate a **commitment** previously approved under this section, the **Board**, Hearing Officer, or **Commission** shall hold a public hearing on the request. The procedure for the public hearing, including required notice, shall be as established in the **Board's** or **Commission's** rules.

(6) **Conditions**

- (a) Wherever this ordinance grants the **Board** or the **Commission** the authority to impose **conditions** on an approval or recommendation:
  - (i) All **conditions** imposed shall be reasonably related to the anticipated impacts of the proposed **development** or land **use** and to the purposes of this ordinances; and.
  - (ii) Such **conditions** may include a requirement for the recordation of a written **commitment** in a form acceptable to the **Board** or **Commission**, as applicable, binding the present and subsequent **owners** of the **parcel** of land affected and all parties having an interest therein, to the terms of the **conditions**.

## WOODBURN ZONING ORDINANCE

(7) Lapsing of Approvals

The approvals listed in the table below are valid for the periods indicated in that table. The sections listed in the right-hand column provide more information about periods of validity.

TYPE OF APPROVAL	LAPSING PERIOD	ORDINANCE SECTION
Primary Development Plan	24 months	154.301(C)(4)(f)
Secondary Development Plan	36 months	154.301(D)(3)(f)(i)
Site Plan	6 months	154.302(G)(5)(b)
Primary Minor Subdivision	24 months	154.303(E)(4)(d)(i)
Secondary Minor Subdivision	24 months	154.303(E)(5)(i)(b)
Primary Major Subdivision	24 months	154.303(F)(4)
Secondary Major Subdivision	12 months	154.303(F)(4)(d)(ii)
Improvement Location Permit	3 months	154.303(B)(5&8)



# WOODBURN ZONING ORDINANCE

## (B) Improvement Location Permit

### (1) General Provisions

An **Improvement Location Permit** shall be required for the construction, reconstruction, enlargement, or relocation of any **building** or **structure** (including a non-**temporary sign**), unless specifically excluded by this ordinance. No **building** or **structure** shall be erected, constructed, reconstructed, enlarged, or moved prior to the issuance of an **Improvement Location Permit**.

- (a) No **Improvement Location Permit** shall be issued unless the proposed **development** conforms with the provisions and requirements of this ordinance.
- (b) No **Improvement Location Permit** shall be issued for construction that would encroach over a platted front or rear **building** line, unless the applicant documents that the restrictive covenants for the **subdivision** allow such an encroachment. This prohibition shall also apply to all non-allowed construction that does not require an **Improvement Location Permit**
- (c) No **Improvement Location Permit** shall be issued for the construction, reconstruction, enlargement, or relocation of a **building** or **structure**, or any part of a **building** or **structure** (except for **fences** or **signs**), within a utility or surface drainage **easement**, unless the **easement** has been vacated (if the **easement** is a platted **easement**) or otherwise released.
- (d) No **Improvement Location Permit** shall be issued for construction that would encroach into a **corner visibility area** as defined herein. This prohibition shall also apply to construction that does not require an **Improvement Location Permit**
- (e) If an application requires the approval of a Development Plan or a Site Plan Review, that approval shall have been granted and all **conditions** of approval satisfied prior to the approval and issuance of any **Improvement Location Permit(s)**.
- (f) For new primary buildings, no **Improvement Location Permit** shall be issued unless the building is connected to public sanitary sewer and water facilities unless private sewer and / or water connections are approved by the **City of Woodburn**.
- (g) Notwithstanding the other Improvement Location permit validity provisions included herein, any application for a non-Site Plan Review Improvement Location Permit shall be void if a complete application is not submitted within three (3) months of the submission of an ILP incomplete application.

## WOODBURN ZONING ORDINANCE

### (2) Exclusions

An **Improvement Location Permit** shall not be required for the items listed in the following table, but the **development** standards of this ordinance shall still apply.

IMPROVEMENT LOCATION PERMIT EXCLUSIONS		
Accessory building of 200 square feet or less	Grill	Sign (as set forth in § 154.409)
Access ramp	Hedge	Site lighting facilities
Address marker	Holiday decorations	Solar panel (building mounted)
Arbor	Landscape elements	Storage tank (underground)
Basketball backboard/goal	Mail delivery box	Swing set
Bird bath	Manufactured home, Type 2 (if located in a manufactured home park)	Television aerial
Bird feeder	Manufactured home, Type 2 (if located in a manufactured home park)	Temporary signs
Bird house	Name plate	Tree house (not attached to ground)
Commercial communication tower (if located within City right of way)	Newspaper delivery box	Trellis
Dog/pet house	Patio (without foundations/footings)	Utility fixtures (including lines/poles/supports)
Driveway	Play equipment	Walk
Fence (temporary construction)	Pond	Wall (retaining)
Fence (agricultural)	Property boundary marker	Yard light
Flagpole	Rain barrel/garden	
Garden	Satellite dish	

### (3) Issuance of Permit

- (a) Complete permit applications shall be promptly reviewed by DPS staff. If the proposed construction is in compliance with the provisions of this ordinance, the permit shall be issued. However, the **Zoning Administrator** may distribute the permit application and supporting information to other applicable entities for review prior to the issuance of the permit. In that case the issuance of the permit may be delayed until any **conditions** of that reviewing entity are satisfied.
  - (i) If the proposed construction requires a permit from the Allen County **Building Department** then the **Improvement Location Permit** shall be sent by the DPS staff to the **Building Department**.
  - (ii) If the proposed construction does not require a permit from the Allen **County Building Department**, then the **Improvement Location Permit** shall be sent directly to the applicant.
  - (iii) If there is an existing zoning ordinance **violation** on the **lot** included in the permit application, the **Zoning Administrator** may delay the issuance of the permit until such time as the **Zoning Administrator** determines that the

## WOODBURN ZONING ORDINANCE

**violation** has been resolved or an adequate commitment to resolve the **violation** has been made.

- (b) If the proposed construction is not in compliance with the provisions of this ordinance, the **Zoning Administrator** shall not approve the application, and shall notify the applicant in writing of the reason(s) why the permit cannot be approved.
  - (i) If the applicant amends the application to bring it into full compliance with the provisions of this ordinance within thirty (30) days after such notice, then the **Zoning Administrator** shall approve and issue the permit.
  - (ii) If the application cannot be amended to bring it into full compliance, the **Zoning Administrator** shall defer action on the request to allow the applicant the opportunity to apply for a variance. If a variance is not obtained, or a requested variance is denied by the **Board of Zoning Appeals** or Hearing Officer, then the permit application shall be denied. The applicant may also withdraw the permit application.
  - (iii) As part of the review and approval of any **Improvement Location Permit**, the **Zoning Administrator** may place **conditions** on the permit. If **conditions** are placed on a permit, those **conditions** must be satisfied or adequately addressed prior to the issuance of a **Certificate of Compliance** for the project or **use**.
- (4) Lack of **Improvement Location Permit**
  - (a) Any case where construction requiring an **Improvement Location Permit** takes place without the issuance of the required permit shall be a **violation** of this ordinance. In that case, the **Zoning Administrator** shall give the **owner(s)** written notice of the **violation** and the **owner(s)** of the real estate shall be required to make application for an **Improvement Location Permit**, in accordance with this §154.503(B)(1), within ten (10) business days of notice being given.
  - (b) If the **Zoning Administrator** determines that the **building** or **structure** so erected or maintained fails to conform with the provisions of this ordinance, the **owner(s)** shall be granted thirty (30) business days to complete to the satisfaction of the **Zoning Administrator**, the modification necessary to cause the **building** or **structure** to be in compliance with the ordinance.
  - (c) If the **owner(s)** fail to timely apply for an **Improvement Location Permit** as required by subsection (3)(a) above, or if at the end of the thirty (30) business day period the **building** or **structure** is not in conformity with the provisions of this ordinance, the **owner(s)** of the real estate on which the **building** or **structure** is located shall be subject to the penalties set forth in §154.505.
- (5) Commencement and Continuation of Work

Work on any construction project for which an **Improvement Location Permit** has been issued shall begin within ninety (90) business days of the date of the issuance of the permit. Work shall continue with due diligence until the project is completed.
- (6) Compliance with Approved Plans

All work shall proceed in accordance with the plan(s), specifications, and other information approved as part of the permit application.

## WOODBURN ZONING ORDINANCE

### (7) Amendment and Modifications

- (a) After the **Improvement Location Permit** has been issued, amendments involving the location, design, or layout of a proposed **building** or **structure** that are determined to not be a **substantial change** may be approved by the **Zoning Administrator**. Such an amendment, if approved, shall not require another **Improvement Location Permit** application.
- (b) After the **Improvement Location Permit** has been issued the approved plan(s) shall not be amended to include new items such as **accessory structures**, **decks**, further **additions**, or other similar changes. Such an amendment shall require another **Improvement Location Permit** application.
- (c) An approved **Improvement Location Permit** may not be applied or transferred to another construction project or site or to a different applicant.

### (8) Validity and Revocation of Permit

- (a) An approved **Improvement Location Permit** may be revoked and declared void by the **Zoning Administrator** in the following situations:
  - (i) If work on the construction project is not commenced within (90) days of its date of issuance and continued with due diligence to completion; or
  - (ii) If work on the construction project is not completed within eighteen (18) months of the issuance of the permit, unless a request to extend the validity of the permit is submitted prior to the expiration of the eighteen (18) months; this provision shall not apply to Site Plan review **Improvement Location Permits**;
  - (iii) If work on the construction project is not proceeding in conformance with the approved plan(s), specifications, and other information approved as part of the permit application; or
  - (iv) If work on the construction project is not in compliance with the provisions of this ordinance.
- (b) If the **Zoning Administrator** determines that any of the situations listed in §154.503(B)(8)(a) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of non-compliance, and establish a time frame for the work to be brought into full compliance. The **Zoning Administrator** may also issue a stop work order (in conjunction with the Department of Neighborhood Code Enforcement) to ensure that no additional work will be done on the project.
- (c) If the work on the project is not brought into full compliance within the time frame specified by the **Zoning Administrator**, a stop work order shall be issued (if one has not been previously issued), and the previously issued **Improvement Location Permit** shall be revoked and declared void. In a case where work on the project has not begun within the required ninety (90) days, a stop work order shall not be required, but the permit may still be revoked and declared void.
- (d) After the revocation of an **Improvement Location Permit** any **person** performing any work in or about the **structure**, **building** or lot shall be subject to the penalties prescribed in §154.505.

## WOODBURN ZONING ORDINANCE

### (9) Certificate of Compliance

- (a) After the issuance of an **Improvement Location Permit** for a **building** or **structure**, no occupancy or **use** of that **building** or **structure** shall take place prior to the issuance of a **Certificate of Compliance** for the **building** or **structure**. Upon the completion of the construction included with the issued **Improvement Location Permit**, the DPS staff shall take the following actions:
  - (i) If the construction is in full compliance with the requirements of this ordinance, the requested **Certificate of Compliance** shall be issued to the **Allen County Building Department**. However, if another review entity has placed a condition on the issuance of the **Certificate of Compliance** as a result of a DPS distribution for review, the issuance of the **Certificate of Compliance** may be delayed until the **conditions** of that reviewing entity are satisfied.
  - (ii) If the **Certificate of Compliance** cannot be issued, the DPS staff shall advise the applicant of the reason(s) the compliance cannot be issued. It shall be the applicant's or the designated project representative's responsibility to resolve all outstanding issues, provide any requested information, or schedule any required inspections. The requested **Certificate of Compliance** shall not be issued until all outstanding issues are adequately addressed.
- (b) Any approved **Certificate of Compliance** may be revoked and declared void by the **Zoning Administrator** in the following situations:
  - (i) If a **Certificate of Compliance** was issued based on the acceptance of a letter of **commitment** for compliance on a future date that was not fulfilled as specified; or
  - (ii) If a **Certificate of Compliance** approving a certain **use** was issued and the **use** is no longer in compliance with the provisions of this ordinance.
- (c) If the **Zoning Administrator** determines that any of the situations listed in subsection (9)(a)(ii) or (9)(b) above exists, the **Zoning Administrator** shall notify the applicant, specify the areas of noncompliance and establish a timeframe for the **use** to be brought into full compliance. If the construction, site, or **use** is not brought into compliance within the timeframe specified the **Certificate of Compliance** shall be revoked and declared void. A new application, filing fee, review and approval shall be required to obtain another **Certificate of Compliance**.

### (10) Certificate of Use

In order for a landowner, tenant, or occupant to change any **use** of real estate to another **use** permitted in the **zoning district**, the landowner, tenant, or occupant shall apply for a **Certificate of Use**. The **Certificate of Use** shall certify only that the change in **use** of the real estate is permitted in the **zoning district** and complies with the **use** provisions of the applicable **zoning district**. A new outdoor **storage** area which does not otherwise require an **Improvement Location Permit** shall require a **Certificate of Use**.

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## (C) Contingent Uses

### (1) List of Contingent Uses

The following **contingent uses** may be permitted by the **Board of Zoning Appeals** after public hearing pursuant to §154.503(A)(1) in any **zoning district**, if the **Board** determines that the application meets the criteria in §154.503(C)(2) below. As part of its approval, the **Board** may impose **conditions** regarding the location, site design, and other features of the proposed **building, structure, use**, or site **development** as are reasonably related to the purposes of this ordinance.

- (a) **Airport** (public)
- (b) **Cemetery** (public or private)
- (c) **Correctional institution**
- (d) Government/publicly-owned and operated facility not otherwise permitted (highway/transportation facility, lift station, recycling facility, sewage/water treatment plant, and other utility facility).
- (e) **Heliport** (public).
- (f) **Public works use** (temporary)

### (2) Criteria for Approval of Contingent Use

The **Board** shall approve a **contingent use** if the **Board** determines that:

- (a) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (b) The proposed **use** will substantially serve the health, safety, or welfare of the community and will not conflict with the **Comprehensive plan** or other plan duly adopted by the Woodburn City Council.

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# WOODBURN ZONING ORDINANCE

## (D) Special Uses

### (1) List of Special Uses

The following **special uses** may be permitted by the **Board of Zoning Appeals** in the **zoning districts** shown in the table below, after public hearing pursuant to §154.503(A)(1). To approve a **special use**, the **Board** shall determine that the application meets the criteria in §154.503(D)(2) below and any other requirements stated for the specific **use** in this ordinance. The **Board** may impose reasonable **conditions** as part of its approval.

In addition certain uses shall also require approval of a special use, even in cases where the use is a permitted use in the existing underlying zoning district.

SPECIAL USES	
Special Use	District(s) Where Allowed
Accessory building conversion to a single family residence	AR
Accessory building, as a primary building, on a site of at least 5 acres	AR
Airstrip/heliport (for corporate or multiple owner use)	AR
Animal grooming	C1
Animal hospital	C1
Animal keeping (outdoor, small animal)	R1, R2, R3, and MHS
Animal kennel	C1
Animal obedience school	C1
Automatic teller machine (stand-alone ATM)	C1
Automobile maintenance (quick service)	C2, NC, and SC
Automobile sales	C2, NC, and SC
Bed and breakfast	AR, R1, R2, R3, and MHS
Boarding house	AR, R1, R2, R3, and MHS
Child care home (class II)	AR, R1, R2, R3, and MHS
Club, private <sup>(1)</sup>	R1, R2, R3, MHS, and C1,
Commercial communication tower <sup>(2)</sup>	C1, C2, NC, SC, C3, C4,BTI, I1, I2, and I3
Community facility (transitional use)	R1, R2, R3, and MHS
Community garden that includes a structure	AR, R1, R2, R3, MHS, C1, C2, and NC
Country club	AR, R1, R2, R3, and MHS
Educational institution uses	AR, R1, R2, R3, MHS <sup>(1)</sup> , C1, C2, and C3
Emergency response facility (transitional use)	R1, R2, R3, and MHS
Flood control improvement project/non-permitted fill, private	Any district
Fuel storage facility	I2
Funeral home	AR, R1, R2, R3, and MHS
Gas station (including convenience store)	C2, NC, SC, I1, and I2
Golf course	AR, R1, R2, R3, and MHS
Greenhouse (retail)	C2, NC, and SC
Group residential facility (large) <sup>(1)</sup>	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Heliport	R1, R2, R3, and MHS

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SPECIAL USES	
Special Use	District(s) Where Allowed
Home business <sup>(2)</sup>	AR, R1, R2, R3, MHS, C1, C2, C3, and C4
Home workshop <sup>(2)</sup>	AR
Homeless/emergency shelter (accessory to a religious institution)	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
Illuminated recreation field (if adjacent to residential district)	BTI, I1, I2, and I3
Instruction/training education (transitional use)	R1, R2, R3, and MHS
Junk yard	I2
Live-work unit (transitional use)	R1, R2, R3, and MHS
Manufactured home, Type II (see § 154.503(D)(3)(e) for additional standards)	R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
Manufactured home, Type III	MHS
Medical office (transitional use)	R1, R2, R3, and MHS
Metal and plastic extrusion and molding	I1
Metal cutting facility	I1
Metal fabricating facility	I1
Metal processing facility	I1
Model home (for an extension of time or expansion of scope)	AR, MHS, R1, R2, and R3
Motor vehicle storage yard	I2
Museum	R1, R2, R3, and MHS
Nature preserve (that includes a structure or parking area)	AR, R1, R2, R3, and MHS
Neighborhood facility	AR, R1, R2, R3, and MHS
Nonconforming use (expansion of existing nonconforming use, or allow conforming status to existing use)	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
Open use of land (not otherwise permitted)	I3
Outdoor use (in conjunction with a permitted primary building)	C2
Personal service (transitional use)	R1, R2, R3, and MHS
Plant nursery (retail)	C2, NC, and SC
Processing facility (including but not limited to animals, animal products, lumber, timber, raw materials processing)	I2
Professional office/business service (transitional use)	R1, R2, R3, and MHS
Reception, meeting, or recreation hall; clubhouse	AR
Recreation facility or use (not otherwise permitted) <sup>(1)</sup>	A1, A3, R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
Religious institution or school illuminated athletic field(s)	R1, R2, R3, MHS, C1, C2, NC, and SC
Residential facility for a court-ordered re-entry program	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Residential facility for homeless individuals	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Retail (limited)	C1
Riding stable, non-residential	AR
Salvage yard	I2
Sexually oriented business	C4
Sheet metal fabrication and/or processing	I1

## WOODBURN ZONING ORDINANCE

<b>SPECIAL USES</b>	
<b>Special Use</b>	<b>District(s) Where Allowed</b>
<b>Shooting range</b> (indoor)	C2, and SC
<b>Shooting range</b> (outdoor)	C4
<b>Sign</b> (temporary <b>subdivision</b> direction)	AR
<b>Solar panel</b> (ground mounted)	AR, R1, R2, R3, RP, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
<b>Solid waste transfer station</b>	I2
<b>Studio</b> (transitional use)	R1, R2, R3, and MHS
<b>Subdivision clubhouse, meeting hall, neighborhood center</b> , or swim/tennis facility, if not previously approved as part of the <b>subdivision</b>	R1, R2, R3, and MHS
Tattoo establishment	C1
Tree service	C3 and C4
<b>Two family dwelling</b> (to allow conforming status for existing nonconforming <b>dwelling</b> s)	AR, R1, and MHS
<b>Utility facility, private</b> (not otherwise permitted or exempt)	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, and C4
<b>Veterinary clinic</b>	C1
<b>Wind energy conversion system</b> (micro) <sup>(2)</sup>	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3
<b>Wind energy conversion system</b> (standard) <sup>(2)</sup>	AR, R1, R2, R3, MHS, C1, C2, NC, SC, C3, C4, I1, I2, and I3
Winery (micro)	I1
Notes: (1) See the individual <b>zoning districts</b> for possible additional <b>use</b> standards (2) See § 154.503(D)(3) for additional <b>use</b> standards	

## WOODBURN ZONING ORDINANCE

### (2) Criteria for Approval of **Special Use**

In reviewing an application for any **special use**, the **Board** may consider the location and size of the **use**; the nature and intensity of the operations involved in or conducted in connection with it; and its site layout, including access provisions and parking requirements, and may approve a **Special Use** if the **Board** determines that:

- (a) The proposed **use** will not be unduly detrimental to the **use**, value, pattern of **development**, or **growth** of the surrounding area;
- (b) The location, size, intensity, site design, and operation of the proposed **use** will be compatible with the immediate area;
- (c) Adequate storm drainage, water, sanitary disposal, other utility, and transportation **infrastructure** either currently exists or will be provided to serve the proposed **use**; and
- (d) If the application is for one of the following listed **uses**, in addition to the criteria above, the **Board** shall also determine that the proposed **use** will not be injurious to the public health, safety, or welfare of the community:
  - (i) **Airstrip/heliport** (corporate/multiple **owner use**)
  - (ii) **Arena**
  - (iii) **Recreation facility or use** (not otherwise permitted)
  - (iv) **Reserved**
  - (v) **Shooting range** (indoor or outdoor)
  - (vi) **Solid waste transfer station**
  - (vii) **Stadium/racetrack**
  - (viii) **Utility facility, private**

### (3) Additional **Special Use** Standards and Provisions

The following standards shall apply as applicable to applications for the noted **Special Use** approvals.

- (a) **Commercial communication tower**
  - (i) A special use shall not be required for a wireless support structure, as defined in I.C. 8-1-32,3-14, if the proposed wireless support structure is located within the City right of way.
  - (ii) A **special use** shall not be required for the location of additional cabinets or shelters for an existing tower.
  - (iii) A **special use** shall not be required for the co-location of antennae in any **district** on an existing **building or structure**. Antennae shall be permitted to extend up to 20 feet above the existing **building or structure**. A **Certificate of Compliance** shall be obtained for all antennae locations and co-locations.
  - (iv) In addition to meeting the requirements set forth in §154.503(D)(2) the **Board** shall also find the following as a part of its approval:

## WOODBURN ZONING ORDINANCE

- [A] The proposed communication tower is necessary to serve either new providers of service, or documented service gaps in the immediate area; and
- [B] The applicant is unable to locate or co-locate on an existing **structure**.
- (v) New communication towers approved by the **Board of Zoning Appeals** shall conform to the following **development** standards:
  - [A] The tower **structure** shall not exceed 150 feet in height for a new service provider, and 80 feet in height for towers intended to fill in service gaps for an existing provider;
  - [B] The **setback** requirement for towers shall be as follows. **Setbacks** shall be measured from the base of the tower to the applicable **lot lines**.

TOWER SETBACK REQUIREMENTS	
Front yard (including through lots)	75% of tower <b>structure</b> height
Side yard – interior lot line	50% of tower <b>structure</b> height
Side yard – street frontage side of corner lot	75% of tower <b>structure</b> height
Rear yard	50% of tower <b>structure</b> height

- (b) **Home business**
  - (i) The **Board** may limit the number of outside employees who work at the home;
  - (ii) No outdoor display, **storage**, work, or other exterior indication of the **home business** shall be permitted, except for a **sign** of up to four (4) square feet;
  - (iii) No vehicle with a load capacity greater than one-ton shall be permitted to be parked outdoor as part of a **home business**; and
  - (iv) Food-related **uses** shall also require Fort Wayne-Allen **County Department of Health** approval.
- (c) **Reserved**
- (d) **Home workshop**
  - (i) The **Board** may limit the number of employees;
  - (ii) The area used for outdoor **storage** for the **home workshop** shall be limited to the area of the workshop, and shall be adequately screened; the **Board** may further limit the outdoor **storage**;
  - (iii) Except for vehicles or equipment, outdoor **storage** shall be limited to eight (8) feet in height; and
  - (iv) Adequate on-site parking shall be provided for employee and client/customer parking.
- (e) **Manufactured home, type II**

In addition to meeting the requirements set forth in §154.503(D)(2) the **Board** shall determine that the home is:

## WOODBURN ZONING ORDINANCE

- (i) Compatible with the existing housing pattern in the immediate area with regard to **setbacks**, placement, and orientation on the **lot**; entry location; roof pitch; and foundation type and construction; and
- (ii) Constructed of roofing and siding materials compatible with the immediate area.
- (f) **Reserved**
- (g) **Solid waste transfer station**

Any waste receptacles stored outdoor shall be stored on a paved surface.

## WOODBURN ZONING ORDINANCE

### (E) Variances from **Development** Standards

The **Board of Zoning Appeals** may approve variances from the **development** standards of this ordinance, pursuant to IC 36-7-4-918.5, if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The strict application of the terms of the ordinance will result in practical difficulties in the **use** of the property.

### (F) **Use** Variances

The **Board of Zoning Appeals** may approve variances of **use** pursuant to IC 36-7-4-918.4 if the **Board** makes a written determination that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The **use** and value of the area **adjacent** to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of this ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the **Comprehensive Plan** or any other plan duly adopted by the Woodburn City Council.

# **WOODBURN ZONING ORDINANCE**

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## WOODBURN ZONING ORDINANCE

### (G) Zoning Map Amendments

#### (1) Purpose

The following procedures, requirements, and standards are established to allow for proper **Commission** review and consideration of zoning map amendment application in conformance with the objectives and strategies of the **Comprehensive Plan**, and to comply with the provision of IC 36-7-4-600 series (Zoning Ordinance).

#### (2) Procedure

##### (a) Pre-application Discussion

Prior to the submission of an application to amend the zoning map, the applicant is encouraged to meet with the DPS staff to discuss the proposal. The purpose of this discussion is to:

- (i) Acquaint the applicant with the requirements and procedures of the rezoning process; and
- (ii) Advise the applicant of potential issues relative to the request, and how to proceed with the request.

##### (b) Applicant Initiation and Submission Requirements

- (i) Per I.C. 36-7-4-602(c)(1)(B), an applicant may initiate an application to amend the zoning map. The applicant for a zoning map amendment shall submit an application form and supporting information as established by the **Commission's** rules. DPS staff shall only place an application on the **Commission's** next available public hearing agenda after all submittal requirements have been received. A determination made by the DPS staff with regard to the completeness of information required for an application may be appealed to the **Commission** in accordance with the **Commission's** rules.
- (ii) The **Commission** may also initiate an application to amend the zoning map, in accordance with IC 36-7-4-602(c), and the **Commission's** rules.
- (iii) The Woodburn City Council may also initiate a proposal application to amend the zoning map, in accordance with IC 36-7-4-602(c) and the **Commission's** rules., and direct the **Commission** and DPS staff to prepare it.

##### (c) **Commission** Review and Recommendation

###### (i) Public Hearing

All proposed zoning map amendment requests shall be reviewed by the **Commission** at a scheduled public hearing. The **Commission** shall establish hearing procedures by rule.

###### (ii) Recommendation of **Commission**

After a public hearing on the request has been held, the **Commission** may make a recommendation on the proposed zoning map amendment at its next scheduled business meeting. The **Commission** may make a favorable recommendation, an unfavorable recommendation, or no recommendation on the request. The **Commission** shall enter written findings setting forth the reasons for its action. The **Commission** may defer action on a proposed

## WOODBURN ZONING ORDINANCE

zoning map amendment, if it needs additional information or additional time for consideration of the request. If the **Commission** permits or requires a **commitment** in conjunction with its review of a proposed zoning map amendment, as set forth in §154.503(A)(5), the **Commission** may defer action on the request until the **commitment** has been executed. Any action by the **Commission** shall be taken in accordance with IC 36-7-4-605 and the **Commission's** rules. In considering a request application for a zoning map amendment, the **Commission** and City Council shall pay reasonable regard to:

- [A] The **comprehensive plan**;
- [B] Current **conditions** and the character of current **structures** and **uses** in each **district**;
- [C] The most desirable **use** for which the land in each **district** is adapted;
- [D] The conservation of property values throughout the jurisdiction; and
- [E] Responsible **development** and growth.

(iii) Notice of Recommendation

Notice of the **Commission's** recommendation on a proposed zoning map amendment shall be provided as established in the **Commission's** rules.

(iv) Certification of Recommendation

The **Commission's** recommendation shall be certified to the City Council, in accordance with IC 36-7-4-605 and IC 36-7-4-608.

(d) City Council Consideration of **Commission** Recommendation

The City Council shall consider and take action on the **Commission's** recommendation in accordance with its rules and procedures, and in conformance with IC 36-7-4-608.

(e) Reserved

(H) Zoning Text Amendments

(1) Purpose

The following procedures are established to allow for proper **Commission** review and consideration of ordinance text amendments, in conformance with objectives and strategies of the **Comprehensive Plan**, and to comply with the provisions of IC 36-7-4-600 series (Zoning Ordinance).

(2) Procedure

The **Commission** shall establish by rule procedures for the preparation, processing, review, and action on any proposal to amend or partially repeal the text of the ordinance, including notice and hearing, pursuant to IC 36-7-4-606 and IC 36-7-4-607.

# WOODBURN ZONING ORDINANCE

## § 154.504 NONCONFORMING SITUATIONS

### (A) Purpose

The purpose of this §154.504 is to set forth criteria, standards, and procedures for establishing, continuing, altering, or discontinuing legal **nonconforming uses, structures, lots** and situations. This section is intended to provide for the continued **use of nonconforming structures, uses, lots** and situations, along with reasonable maintenance and repairs.

### (B) Nonconforming Lots

Any **lot** established by legally recorded **plat** or deed prior to March 3, 2018 that does not meet the minimum size or dimension requirements of this ordinance, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may still be used for any **use or structure** permitted in the **zoning district** in which the **lot** is located, but any **buildings or structures** constructed on such a **lot** shall comply with all applicable requirements for that **building or structure**. Any lot located within a recorded residential plat previously approved with lesser yard requirements shall be permitted to be developed for single family residential use, and any existing single family detached residences may be enlarged in accordance with the previously approved setbacks. If a single family detached residence on a lot with nonconforming yard requirements is damaged or destroyed, the residence shall be permitted to be rebuilt in accordance with the previously approved yard requirements.

### (C) Nonconforming Uses

#### (1) Continuation

Except as otherwise provided in this section, a **use** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, may be continued.

#### (2) Expansion of Use

(a) A **structure** used for a **nonconforming use** shall not be added to or enlarged in any manner unless the **use** and the **structure**, including the **addition** or enlargement, is brought into conformance with the permitted **use** and **setback** requirements of the **district** in which it is located, with the following exception:

(i) A single **family**, two **family**, or attached single **family** residential **structure**, located in a **zoning district** that does not permit **single family uses**, may be added to or enlarged, provided the **addition** conforms to all applicable residential **setback** requirements. Residential accessory structures, such as a fence, garage, or shed, shall also be permitted.

(b) A nonconforming use may be expanded or extended into any other portion of the structure that existed at the time the nonconforming use was established.

(c) A nonconforming use on a part of a lot that is not inside a building shall not be expanded or extended into any other portion of such lot; except that an agricultural use that existed legally under the Allen County Zoning Ordinance and then was annexed into the **City of Woodburn** shall be permitted to continue.

# WOODBURN ZONING ORDINANCE

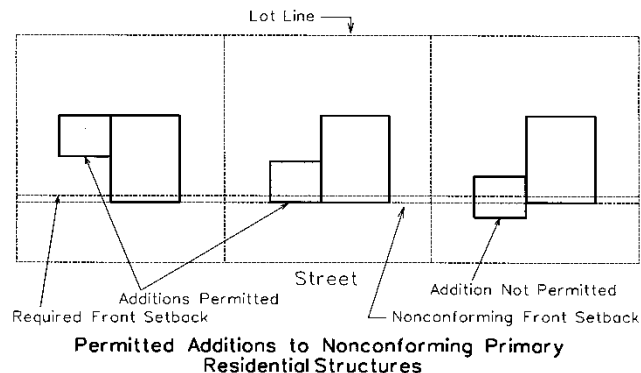
## (D) Nonconforming Buildings or Structures

### (1) Continuation

- (a) Except as otherwise provided in this section, a **nonconforming building or structure** that existed as of March 2, 1998, or that subsequently becomes nonconforming as a result of an amendment to this ordinance, shall be permitted to continue.
- (b) A detached residential **accessory building** that becomes nonconforming due to the demolition or other removal of the primary **residential building** shall be permitted to continue. However, the failure to construct a new primary **residential building** on the same **lot, tract, or development site** within twelve (12) months of the removal of the **primary building** shall be construed as intent to abandon the **accessory building or structure**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.

### (2) Additions or Enlargement of Buildings or Structures

- (a) A **building or structure** that does not conform to the height limitation of the **zoning district** in which it is located may be added to or enlarged, provided the **addition** or enlargement conforms to the height limitation.
- (b) A primary **residential building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged, provided that the nonconforming front or **rear yard** dimension is not decreased.



- (c) A primary **nonresidential building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to front or rear **setback** requirements may be added to or enlarged on a one time basis of up to 50% of the square footage of the existing **structure**, provided that the nonconforming front or **rear yard** dimension is not decreased.
- (d) Reserved
- (e) A detached residential **accessory building** that conforms to the permitted **use** requirements of this ordinance but is nonconforming with regard to side or rear **setback** requirements may be rebuilt on the existing foundation, added to, or enlarged, provided that the existing nonconforming **setback** is not less than 1.5 feet and the **building** is not located in a platted utility **easement**.
- (f) In a C2 **district** that existed as of March 3, 2018, existing **buildings** that exceed the square footage limitation for new **development** permitted in that **districts** and **buildings** located on **lots** that contain multiple **buildings** as of March 3, 2018, shall be permitted to be expanded or

## WOODBURN ZONING ORDINANCE

reconstructed, provided the expansion or reconstruction conforms to the applicable **setback**, height and open space provisions in this ordinance.

- (g) If a **lot** in a C2 **district** that existed as of March 3, 2018, did not contain multiple **buildings** as of that date, but had adequate space to accommodate multiple **buildings** as of that date, then the construction of multiple **buildings** on that **lot** shall be permitted, provided that all **buildings** conform to the applicable **setback**, height, and open space provisions in this ordinance.

### (3) Maintenance or Reconstruction

- (a) A **nonconforming building** or **structure** that legally existed as of March 2, 1998 or that becomes nonconforming as a result of an amendment to this ordinance, may be maintained and repaired, except as otherwise provided in this section.
- (b) An undamaged **nonconforming building** or **structure** may be reconstructed if the reconstruction does not result in the removal or demolition of any exterior **wall** (unless such removal or demolition will result in that exterior **wall** meeting the requirements of the ordinance), and the reconstruction is no more than double the total value of the **nonconforming building** or **structure**.

### (E) Other Nonconforming Situations

#### (1) Fences

**Fences** that are nonconforming with regard to location on the **lot** may be maintained and repaired as necessary. Such a **fence** may also be replaced, provided the location, style, and material of the **fence** remains the same and the height is not increased. However, in the event of a **fence** containing barbed wire, razor wire or other harmful material, the replacement of that part of the **fence** shall only be permitted in accordance with the applicable current requirements of the **zoning district** where the **fence** is located. Any **person** proposing to replace such a nonconforming **fence** shall submit adequate documentation as part of the application for the **Improvement Location Permit** for the **fence** verifying the current location, height and fencing material to DPS staff. The replacement **fence** shall conform to all other applicable provisions of this ordinance. This exclusion shall not apply to a proposal to replace any existing **fence** located within a required **front yard** unless the **fence** is in line with an existing **building** or is moved back to be in line with an existing **building**. In that instance the style and/or material of the **fence** may also be changed, provided the **fence** height is not increased.

#### (2) Parking Areas

Parking areas that do not conform to the **development**, landscaping, and/or screening and buffering standards of §154.404 (**Development Design Standards** and Requirements) or 154.408 (Screening and **Buffering**), may continue to be used. Any proposed expansion of such a parking area shall be required to conform to the applicable **development** standards in the area of that expansion. The resurfacing, restriping, or similar maintenance of existing parking area shall not be considered an **addition** or expansion.

#### (3) Signs

Nonconforming **signs** shall be governed by the provisions of §154.409(F)(10).

#### (4) Reversion of Use

A **building** originally designed for single or two **family use** and converted to a higher intensity residential or non-residential **use** may be reverted to a single **family** or two **family use** if acceptable

## WOODBURN ZONING ORDINANCE

evidence can be provided to the DPS staff showing that the **building** was originally built for or was historically used for single **family** or two **family use**. A **Certificate of Use** application is required for consideration of a **building** reversion. Buildings reverted under this §154.504(E)(4) shall be considered to be a conforming use. Evidence that could be determined to be acceptable includes but is not limited to the following:

- (a) Original **building** designs or permits;
  - (b) Sanborn Fire Insurance Maps;
  - (c) **City** directories;
  - (d) Tax or assessment records; and
  - (e) Affidavits
- (5) Acquisition of Property for Public Purposes

If a government or quasi-governmental entity acquires property for public purposes, and the result of that acquisition is to reduce **lot** area, **lot width**, property **setbacks** below the minimums required by this ordinance in the **district** where the property is located, or otherwise results in **development** on the property not complying with the requirements of this ordinance, and that deviation from the requirements of this ordinance did not exist before the acquisition of property for public purposes, then the deviation from the requirements of this ordinance created by acquisition of property for public purposes shall not be considered a non-conformity, and the applicant's rights with regard to the remaining property shall be the same as if a portion of the property had not been acquired for public purposes.

(F) Discontinuation and Damage

(1) Discontinuation of Use

Any **nonconforming use** that has been discontinued for a period of twelve (12) consecutive months as determined by the **Zoning Administrator** shall be deemed abandoned and shall not be permitted to be reestablished. Any subsequent **use** of the **lot** shall only conform to the **use** provisions of this ordinance. In a case where a detached residential **accessory building** becomes a **nonconforming building** and **use** due to the demolition or other removal of the primary **residential building** on the same **lot** the passage of twelve (12) months after the removal of the **primary building** without the construction of a new primary **residential building** shall be deemed as intent to abandon the **accessory building and use**. Enforcement proceedings as provided in this ordinance may be initiated after the expiration of the twelve (12) month period.

(2) Restoration of Damaged Building or Structure

- (a) A damaged **nonconforming building** or **structure** may be reconstructed or restored if the cost of **restoration** or reconstruction is no more than double the total value of the **nonconforming building or structure**. A damaged **nonconforming building or structure** that costs more than double the total value of the **nonconforming building or structure** to repair shall only be repaired or rebuilt in conformance with the provisions of this ordinance. However, a nonconforming detached single **family** residential **structure** located in a **district** which does not allow new single **family** detached residential **structures** shall be permitted to be rebuilt if damaged, provided it meets the other applicable standards of this ordinance, except connection to public sewer and water facilities.
- (b) For purposes of this subsection, the "value of the **nonconforming structure**" shall be presumptively determined by the property **owner's** most current property record card that is

## WOODBURN ZONING ORDINANCE

maintained by the applicable agency responsible for assessing the property for real estate taxes. The property **owner** may attempt to prove the value of **nonconforming structure** by providing the **Zoning Administrator** with an appraisal that is completed and signed by an appraiser licensed by the State of Indiana and performed in accordance with the Uniform Standards for Professional Appraisal Practice (USPAP). The **Zoning Administrator** shall determine the value of the original **nonconforming structure**,

(3) No Expansion of Damaged **Building** or **Structure**

Any damaged **nonconforming building** or **structure** shall be reconstructed or restored within the boundaries of the footprint of the original **nonconforming building** or **structure**, and the original **nonconforming building** or **structure** shall not be expanded or enlarged. Any **nonconforming building** or **structure** that is restored or reconstructed at more than double the total value of the **building** or **structure**, or that is expanded outside of the footprint of the original **nonconforming building** or **structure**, shall result in the **building** or **structure** losing its nonconforming status and the building or structure shall be required to meet the requirements of this ordinance.

(G) Documentation

An applicant or **owner** claiming the existence of a **nonconforming building, structure, use, lot**, or site feature shall bear the burden of supplying the **Zoning Administrator** with adequate documentation verifying that the **structure** is a **nonconforming structure** or **use**. The **Zoning Administrator** shall review the submitted information and make a determination as to the validity of the **use**.

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# WOODBURN ZONING ORDINANCE

## § 154.505 ENFORCEMENT

### (A) Purpose

The purpose of this section is to:

- (1) Provide for the enforcement of the provisions of this ordinance; and
- (2) Establish standards, procedures, and requirements for **violations** and penalties.

### (B) Enforcement Officials

The **Plan Commission, Board of Zoning Appeals**, Executive Director, **Zoning Administrator**, any zoning enforcement officers designated by the **Zoning Administrator**, and DPS staff are designated and empowered to enforce the provisions and requirements of this ordinance. The enforcement shall be carried out as set forth in this section, the **City Code**, and by rule in accordance with the provisions of this ordinance and IC 36-7-4.

### (C) Conformance

All departments, officials, and employees with the authority to issue permits or licenses within the **planning jurisdiction** of the **City** shall do so only in conformance with the applicable provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void.

### (D) Violations

Each of the following shall be a **violation** of this ordinance and a common nuisance:

- (1) The erection, raising, conversion, construction, enlargement, moving or maintenance of any **building** or **structure**, or the **use** of any land or **lot**, or **building** or **structure** that is contrary to any of the provisions of this ordinance, including but not limited to:
  - (a) Constructing a **building** or **structure** without a required **Improvement Location Permit**;
  - (b) Constructing a **building** or **structure** not in conformance with an issued **Improvement Location Permit**;
  - (c) Occupying a **structure** without a **Certificate of Compliance**; or
  - (d) Operating a **use** in a **zoning district** where that **use** is not permitted.
- (2) Any **person**, whether as principal agent, **owner**, lessee, tenant, contractor, builder, architect, **engineer** or otherwise who, either individually or in concert with another, acts contrary to any provision of this ordinance or is liable under this ordinance for maintaining a common nuisance, shall be in **violation** of this ordinance.
- (3) In addition, the failure or refusal of a **developer**, or the **developer's** successor in interest, to completely install improvements in a Development Plan or **subdivision** in accordance with this ordinance and/or with the **developer's** plans and specifications for the Development Plan or **subdivision**, as approved by the **Commission**. The **owner** or occupier of such **building, structure, land, or lot**, or as to uncompleted improvements in a Development Plan or **Subdivision**, the **developer** or the **developer's** successor in interest, shall be in **violation** of this ordinance and held liable for maintaining a common nuisance.

# WOODBURN ZONING ORDINANCE

## (E) Enforcement Powers

Those officials and entities of the **City of Woodburn** listed in §154.505(B) may enforce **violations** of this ordinance by any or all of the following means, and the **use** of one means shall not prevent those officials and entities from using a different or additional means to enforce the same **violation** unless prohibited by State law.

### (1) Stop Work Order

- (a) The **Zoning Administrator**, Executive Director, the **Board of Zoning Appeals**, or the **Plan Commission**, shall have the authority to issue an order for work on any **building, structure, land, lot, or development site** to be stopped, if the work is in **violation** of this ordinance, and to call upon the police power of the **City** to give effect to that order.
- (b) A decision by the **Zoning Administrator** or Executive Director to issue a stop work order shall be appealed to the **Board of Zoning Appeals**, in accordance with the provisions of this ordinance and the **Board's** rules, or with respect to a Development Plan or **Subdivision**, to the **Commission**.
- (c) The stop work order shall remain in effect during the pending of any appeal, and after an appeal unless it is removed, rescinded, modified or revoked by the **Board**, or if applicable, the **Commission**.
- (d) A **violation** of a stop work order shall be considered a **violation** of this ordinance.

### (2) Non-Issuance of Improvement Location Permits

- (a) No **Improvement Location Permits** shall be issued for any improvements on **lots** or **parcels** of land that have been **subdivided** contrary to the provisions of this ordinance; provided however, that the **Zoning Administrator** or Executive Director shall be allowed to issue such permits to the applicant upon the expiration of the time period specified in §154.303(C)(2)(b) that would have applied had there been compliance with this ordinance.
- (b) In the event a **dwelling** within a **Commission** approved recorded **Subdivision Plat** is occupied prior to issuance of a **Certificate of Compliance** for that **dwelling**, and the **Certificate of Compliance** cannot be issued because all improvements serving the **dwelling** (as shown on the approved **subdivision** plans) have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **lots** within that recorded **plat** until all previously approved **subdivision** improvements serving that **dwelling** are properly installed and operational and that **dwelling** otherwise qualifies for the issuance of a **Certificate of Compliance**.

### (3) Non-Issuance of Development Plan Project Permits

In the event a **building** or **structure** within an approved Development Plan is occupied prior to issuance of a **Certificate of Compliance** for that **building** or **structure**, and the **Certificate of Compliance** cannot be issued because all improvements serving that **building** or **structure** (as shown on the approved Development Plan) had have not been properly installed or become operational, the **Zoning Administrator** shall not issue any additional **Improvement Location Permits** for **buildings** or **structures** within that Development Plan until all previously approved improvements serving that **building** or

## WOODBURN ZONING ORDINANCE

**structure** are properly installed and operational and that **building** or **structure** otherwise qualifies for the issuance of a **Certificate of Compliance**.

(4) Breach of **Bond**

The Executive Director, for and on behalf of the Plan Commission, may enforce through legal proceedings or otherwise any breach of a **bond** executed by a **developer** and posted with the **Commission** pursuant to the provisions of §154.303(F)(6).

(5) **Violation** Prosecution

Any **person** that commits a **violation** of this ordinance, may be prosecuted as set forth in this ordinance in Allen **County** Circuit Court or Superior Court, for such a **violation**. Each calendar day of the existence of a **violation** may be considered as a separate offense.

(6) Injunctive Relief

(a) Abatement

The individual(s) or entities designated in this ordinance may bring action for an injunction in the Allen **County** Circuit or Superior Court to enjoin any **person** from violating, or continuing to violate any provision of this ordinance and to cause that **violation** to be resolved, removed, or abated. Any other aggrieved property **owner** or entity may also initiate such action.

(b) Removal of **Structure**

The individual(s) or entities designated in this ordinance may bring action in the Allen **County** Circuit or Superior Court for a mandatory injunction directing a **person** who violates, or is liable for a **violation** of, this ordinance, to remove such **building, structure, sign, fence, and/or addition/enlargement** to an existing **building or structure** erected, used, or maintained in **violation** of this ordinance.

(7) Payment of Costs

Any **person** found to be in **violation** of this ordinance in an enforcement action shall be responsible to pay all applicable attorney **fees**, court costs, and other costs and expenses incurred by the **Commission**, Executive Director, **Zoning Administrator**, **Board of Zoning Appeals** or property **owner** who is damaged in connection with the prosecution of the enforcement action.

(8) Private Covenants, Restrictions or Agreements

Private covenants, restrictions and/or agreements, whether by deed or other instrument, that impose any requirements or standards different than those established under this ordinance, shall not be construed to modify the provisions of this ordinance or impose any enforcement obligations upon the individual(s) or entities designated in this ordinance unless the **Commission** or the **Board** had accepted in writing, and had specifically accepted the responsibility for enforcement of, the terms and **conditions** of any such private covenant, restriction or agreement.

(9) Provision Affect or Modification

The provisions of this ordinance shall not be construed to be affected or modified by any State of Indiana statute or any other **City of Woodburn** ordinance, whether such statute or ordinance may be more restrictive or lenient, or impose any different standards than are

## WOODBURN ZONING ORDINANCE

required under this ordinance, unless this ordinance or the law specifically provide to the contrary.

(10) Remedies Cumulative

The remedies provided for in this section are cumulative, and not exclusive, and shall be in addition to any other remedies provided by law.

(11) Penalty

A **person** who commits a **violation** of this ordinance shall be fined an amount of not more than two thousand five hundred dollars (\$2,500.00) for each offense.

(F) Administrative Proceedings for **Violations**

- (1) This ordinance restricts and prohibits actions that are harmful to land, air, and water and the **City** wants to provide an administrative proceeding to assess fines for **violations** of this ordinance.
- (2) The **City** hereby establishes an administrative proceeding for the hearing of certain **violations** of this ordinance pursuant to I.C. §§ 36-7-4-1013(a) and 36-1-6-9.
- (3) Pursuant to I.C. § 36-1-6-9(b), the **City** hereby appoints the **City** hearing officer appointed by the **City** pursuant to I.C. § 36-7-9 and §152.13 of the **City** Code, as amended from time to time, as the administrative body to hear and enforce **violations** of this ordinance.
- (4) In an administrative proceeding to enforce this ordinance:
  - (a) An attorney designated by the **Commission** shall, upon receipt of information, make an investigation of the alleged zoning **violation**, and if the acts elicited by the investigation are sufficient to establish a reasonable belief that a **violation** of this ordinance has occurred on the part of the party being investigated, the attorney designated by the **Commission** may file a complaint against the **person** and prosecute the alleged **violation** before the hearing officer designated in subsection (3) above. The complaint shall contain: (a) the date of the alleged **violation**, (b) the name of the responsible **person**, (c) the address of alleged **violation**, (d) the provision(s) of this ordinance allegedly violated, (e) a brief statement supporting the alleged **violation**; and (f) the amount of the civil penalty sought under this ordinance. The complaint shall be served by U.S. mail and by certified mail, return receipt requested, on the **owner** of the real estate at the last address shown on the property record card maintained by the Allen **County** Assessor.
  - (b) The hearing officer appointed under subsection (3) above shall provide a notice of the hearing and conduct a hearing on the complaint and the alleged **violation**, and any alleged defenses thereto, in accordance with I.C. § 36-7-9 and §152.13 of the **City** Code, as amended from time to time;
  - (c) At the administrative hearing, the alleged **violation** of this ordinance must be proven by a preponderance of the evidence with the **Commission** having the burden of proof;
  - (d) If the **person** is found to have violated this ordinance, the administrative body may impose a penalty against the **person** in accordance with a schedule of penalties adopted by the **Plan Commission**; the amount not to exceed \$2,500.00.

## WOODBURN ZONING ORDINANCE

- (5) A **person** who receives a penalty from the hearing officer under this §154.505(F) may appeal the order imposing the penalty to either the Allen Superior or Allen Circuit Court, alleging that the order was arbitrary, capricious, unreasonable or contrary to law. An appeal of an order imposing a penalty for violating this ordinance must be filed with either the Allen Superior or the Allen Circuit Court not more than sixty (60) days after the day on which the order is entered.
  - (6) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, then no applications shall be accepted, nor shall any permit be issued, for that real estate until the all of the unpaid civil penalties have been paid in full.
  - (7) If a **person** is found to have violated this ordinance and has been assessed a final, non-appealable civil penalty, and the civil penalty remains unpaid for thirty (30) days after the civil penalty has been become final and non-appealable, the **Zoning Administrator** may record with the Allen **County Recorder** a notice of the unpaid civil penalty, which notice of civil penalty shall constitute a lien against the real estate.
  - (8) The administrative enforcement proceedings under this §154/505(F) shall be cumulative, and not exclusive, and shall be in addition to any other enforcement remedies provided by this ordinance or law.
- (G) Right of Entry
- The **Zoning Administrator** may enter upon any **lot** with the approval of the property **owner** at any reasonable time to make inspections of all **buildings, structures, uses, or lot** located with the jurisdiction of this ordinance to determine compliance with the provisions of this ordinance. All inspection shall be subject to the following standards and **conditions**:
- (1) The **Zoning Administrator** shall furnish to the **owner**, tenant or occupant of the **building, structure or lot** sought to be inspected, sufficient identification and information to demonstrate that the **person** is a representative of the **Commission** and the purpose of the inspection.
  - (2) The **Zoning Administrator** may apply to any court of competent jurisdiction for legal process for the purpose of securing entry to any **building, structure, or lot** if the **owner**, tenant or occupant refuses to grant entry.
- (H) Action to Bring Compliance; Expenses as a Lien against Property
- The **Zoning Administrator** shall be entitled to enforce the provisions of this ordinance under I.C. § 36-1-6-2, including but not limited to providing a notice of the **violation**, entering upon the property to take appropriate action to bring the property into compliance with this ordinance, assessing the expenses incurred in bringing the property into compliance, and filing and recording a lien against the property. The provisions of I.C. § 36-1-6-2, as amended, are incorporated herein by reference.

# **WOODBURN ZONING ORDINANCE**

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# WOODBURN ZONING ORDINANCE

## § 154.506 DEFINITIONS

For the purpose of this ordinance, the following rules of usage and definitions shall apply:

### (A) Rules of Usage

- (1) Words used in the present tense shall also include the future tense.
- (2) The singular shall include the plural; and the plural shall include the singular.
- (3) The word "shall" is mandatory; the words "may" or "should" are permissive.
- (4) The word "used" or "occupied" as applied to any land or **buildings** shall be construed to include the words "intended, arranged or designed to be used or occupied."

### (B) Defined terms

The following terms shall have the following meaning, unless a contrary meaning is required by the context or specifically otherwise prescribed:

#### Accessory Building

A **building detached** from a **primary building** or **structure** and customarily used with, and clearly incidental and subordinate to, the **primary building, structure, or use**, and ordinarily located on the same **lot** with that **primary building, structure, or use**.

#### Accessory Dwelling Unit (ADU)

An additional **dwelling** unit with separate cooking, sleeping, and sanitation (bathroom) facilities. An **accessory dwelling** unit shall be subordinate to a primary single **family** residential **structure**. Where permitted, only one freestanding or integrated **accessory dwelling unit** shall be allowed per property. Examples of an integrated accessory dwelling unit shall include no separate primary entrances, no separate utility metering, or internal access between the accessory dwelling unit and the rest of the residence.

#### Accessory Structure, Nonresidential

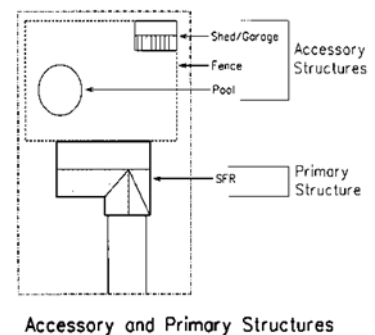
A **structure** or combination of **structures** that:

- (1) Are located on the same **lot, tract, or development site** as the primary **nonresidential building or use**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**; and
- (3) Are subordinate to and serving a **primary building or use**.

#### Accessory Structure, Residential

A **structure** or combination of **structures** that:

- (1) Are located on the same **lot, tract, or development site** as the primary **residential building**;
- (2) Are clearly incidental to and customarily found in connection with a **primary building or use**;
- (3) Are subordinate to and serving a **primary building or use**; and
- (4) Contribute to the comfort, convenience or necessity of the occupants in the **primary building or use**.



# WOODBURN ZONING ORDINANCE

## Accessory Use

A **use** that:

- (1) Is located on the same **lot, tract, or development site** as the **primary building or use**;
- (2) Is clearly incidental to and customarily found in connection with a **primary building or use** (including **public utility**, communication, electric, gas, water and sewer lines, their supports and incidental equipment);
- (3) Is subordinate to and serves a **primary building or use**;
- (4) Contributes to the convenience or necessity of the occupants of the **primary building or use**; and
- (5) For **single family detached dwellings**: the keeping of up to six chickens (excluding rooster) or any other animal type and number as set forth in City of Woodburn Ordinance (For the Abatement and Removal of Public Nuisances and Noise Control) shall be permitted as a residential accessory use.

## Access Ramp

A ramp or similar **structure** that provides wheelchair or similar access to a **building**.

## Addition

Any construction that involves an extension or increase in the square footage, size, or height of an existing **building or structure**.

## Adjacent

Two or more **lots** whose external boundaries adjoin one another. For the purposes of the landscape and **yard** requirement **standards**, **lots** shall also be considered **adjacent** if separated by a strip of land of less than 25 feet in width, or a **street right-of-way** of 60 feet or less. A Code P-1 landscape standard shall apply to a parking area separated from a residential district by a street right of way of less than 60 feet. For the purposes of the **floodplain** regulations, **adjacent** shall mean “adjoining”.

## Administrative Manual

That manual adopted or amended from time to time by the Plan Commission containing information on the use or interpretation of this ordinance or uses, development, or procedures described in this ordinance, which may include but shall not be limited to application forms and requirements and formats for submission; flowcharts of procedures; public notice requirements; interpretations of terms; and rules of procedure for the Plan Commission or Board of Zoning Appeals.

## Adult Bookstore, Adult Novelty Store, Adult Video Store

A commercial establishment that has thirty-five percent (35%) or more items of its stock-in-trade, including inventory and/or displayed items, of any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations that are characterized by their emphasis upon the exhibition or description of **specified sexual activities** or **specified anatomical areas**; or
- (2) Instruments, devices, or paraphernalia that are designed for **use** or marketed primarily for stimulation of human genital organs or for sadomasochistic **use**.

## Adult Cabaret

A **nightclub, bar, restaurant, theater** or other establishment, whether or not alcoholic beverages are served, which displays:



# WOODBURN ZONING ORDINANCE

- (1) **Persons** who appear nude or semi-nude,
- (2) Live performances which are characterized by the exposure of **specified anatomical areas** or by **specified sexual activities**, or
- (3) Films, motion pictures, video cassettes, compact disc, slides, or other photographic reproductions which are characterized by their emphasis upon the exhibition or description of **specified sexual activities** or **specified anatomical areas**.

## **Adult Care Center**

A **building**, other than the operator's primary place of residence, where adults receive **day care** from a provider:

- (1) While unattended by a relative, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

It is intended that **adult care centers** be classified as commercial **uses**, and be located in commercial **zoning districts**.

## **Adult Care Home**

A residential **structure**, which is the primary residence of the adult care provider, in which more than six (6) but less than twelve (12) adults not related to the provider receive **day care** for regular compensation.

## **Adult Entertainment Establishment**

Any establishment having as a substantial or **significant** portion of its business the offering of adult entertainment including **adult book stores**, **adult motion picture theaters**, adult mini motion picture **theaters**, adult massage parlors, adult **theaters**, adult artist-body painting **studios**, adult modeling **studios**, adult sexual encounter centers, **adult cabaret**, adult **nightclubs** and all other similar adult entertainment **uses**.

## **Adult Motion Picture Theater**

An enclosed **building** used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**.

## **Adult Night Club**

A **nightclub** devoted to adult entertainment, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to **specified sexual activities** or **specified anatomical areas**, or, a **nightclub** that features topless dancers, go-go dancers, strippers, male or female impersonators, or entertainers for observation by patrons.

## **Agricultural Building or Structure**

A **building** or **structure** designed primarily for agricultural purposes in which the majority of the **structure** is used for the **storage** or propagation of crops and/or materials used in the preparation of crops, or for **storage**, protection and maintenance of farm machinery and equipment, or for the housing or preparation of **domestic farm animals** for marketing, all primarily for the **use** of the **owner** or occupant.

# WOODBURN ZONING ORDINANCE

## Agricultural Fence

A **fence** erected for and used in conjunction with land which is zoned or otherwise designated as agricultural land, or used for growing crops or raising livestock. An agricultural fence may use a single strand of barbed wire or a single strand of electrically charged material.

## Agricultural Livestock Operation, High Intensity

An agricultural operation where the number of animals exceeds the maximum permitted as part of a “**low intensity livestock operation**”. New high intensity **agricultural livestock operations** shall not be permitted within the **City of Woodburn**.

## Agricultural Livestock Operation, Low Intensity

An agricultural operation where **domestic farm animals**, excluding swine, are kept for **use** as part of an **agricultural use** or raised for sale. The maximum numbers of animals that shall be permitted per acre as part of the operation shall be as follows:

NUMBER AND TYPE OF LIVESTOCK PERMITTED PER ACRE	
Type of livestock	Number permitted (per acre)
Beef or dairy cow	2
Veal calf	6
Sheep and goats	10
Horses and llamas	2
Turkeys, ducks, geese, and or laying hens	100
Limits for livestock not specifically noted shall be determined by the <b>Zoning Administrator</b>	

## Agricultural Livestock Operation

An agricultural operation where **domestic farm animals** are kept for **use** as part of a farm or raised for sale.

## Agricultural Use

The primary or **accessory use** of a **tract** of land for normal agricultural activities, including farming and dairy farming, pasturage, agriculture, **apiculture**, horticulture, floriculture, viticulture, and **domestic farm animal** husbandry, and the necessary **accessory building, structures, and uses** for packing, treating, or storing the produce.

## Agronomic Crop Production

The **use** of a **tract** of land for field crop production, excluding horticultural/specialty crops.

## Airstrip (Private)

An area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling other aircraft.

## Alley

**Right-of-way** other than a **street**, road, crosswalk or **easement** designed for the special accommodation of the property it reaches, usually as an access to the rear or side of **lots**.

# WOODBURN ZONING ORDINANCE

## **Amortization**

The process of discontinuing nonconforming land **uses**.

## **Animal Hospital**

A medical facility for the treatment of animals that is operated by, or in which the treatment is under the direct supervision of a veterinarian licensed to practice by the State of Indiana. A veterinarian **clinic** shall also be considered an **animal hospital**.

## **Animal Keeping (Small)**

The keeping of small animals, excluding domestic pets (such as cats and dogs) and larger livestock animals (such as cows, chickens, goats, horses, and pigs), for either 4H or other **school**/educational purposes, on a single **family** residential property.

## **Animal Kennel**

An establishment where dogs or cats are temporarily boarded for a **fee**. The term shall also include the keeping of more than five dogs, more than seven cats, or more than seven dogs and cats

## **Animal Service**

Uses related to the provision of medical services, treatment, boarding, and other similar services to animals, including animal grooming, **animal hospitals**, **animal kennels**, animal obedience schools, and **veterinary clinics**.

## **Antique Shop**

An establishment that sells items such as furniture, household wares and decorations, and related articles, that have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

## **Apiculture**

The raising and care of bees (beekeeping); this definition shall also include the on-site sale of honey.

## **Apparel and Accessory Store**

A retail store selling clothing and related items.

## **Apparel Fabrication and Processing**

An establishment used for the production and processing of clothing and other apparel.

## **Aquaculture**

The cultivation of aquatic animals and plants, especially fish, shellfish, and seaweed, in natural or controlled environments.

## **Aquaponics**

A food production system that combines aquaculture with hydroponics in a constructed, recirculating system utilizing natural bacterial cycles to convert fish wastes to plant nutrients.

## **Arbor**

A shade **structure** often covered with shrubs, vines, or branches.

# WOODBURN ZONING ORDINANCE

## Arcade

A place, **lot**, establishment or room set aside in a retail or commercial establishment in which coin operated amusement devices are located. For purposes of this definition, an amusement device is a machine or device operated by means of the insertion of a coin, token or similar object, for the purpose of amusement or skill and for the playing of which a **fee** is charged. The term does not include vending machines that do not incorporate gaming or amusement features, nor coin operated mechanical music devices, nor mechanical motion picture devices.

## Arena

An enclosed **building** with tiers of seats around a sports field, playing court or public exhibition area. **Arenas** are typically used for sports, entertainment and other public gathering purposes, such as athletic events, concerts, conferences, conventions, and circuses.

## Arterial, Principal

A **street** designated as such on the Northeastern Indiana Regional Coordinating Council Functional Classification System map for Allen **County**, Indiana, as may be amended or updated.

## Arterial Street (see “Street, Arterial”)

## Art Gallery

A room or series of rooms where works of art are exhibited for display or sale.

## Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive **instruction** on a more than incidental basis or to sit for photographic portraits. The sales of art produced on the **lot** shall be permitted as an **accessory use**.

## Asphalt Plant

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

## Assembly Facility

A facility used for the general assembly or sub-assemblies of materials including agricultural implements, aircraft, appliances, **automobiles**, bicycles, boats, electronics, **manufactured homes**, motorcycles, motors, **recreational vehicles**.

## Assembly of Finished Products Facility

An enclosed **building** where goods and products are assembled from preassembled or manufactured parts, including computers, electronics, and other similar products.

## Assisted Living Facility

A residential establishment or institution other than a **hospital** or **nursing home** that provides living accommodations and medical services. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

## Athletic Fields

A permanent facility for the staging of amateur and/or professional sporting events, consisting of an open-air or enclosed fields, **arena**/stadiums, and appropriate support facilities.

# WOODBURN ZONING ORDINANCE

## **Auction Hall**

A place where objects of art, furniture, and other goods, not including **automobiles**, motorcycles, watercraft, and trucks are offered for sale to **persons** who bid on the object in competition with each other.

## **Automatic Teller Machine**

A mechanized device that provides **banking** and other electronic services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

## **Automobile**

A self-propelled, free moving vehicle with wheels, usually used to transport not more than 10 passengers and licensed by the appropriate state agency as a passenger vehicle (i.e. cars, pickup trucks, and motorcycles).

## **Automobile Body Shop**

A facility that provides painting and collision repair services, including body frame straightening or alignment, disassembly or replacement of damaged body parts, complete body painting services, welding services, complete wreck rebuilding, and frame repair services.

## **Automobile Detailing/Trim Shop**

A facility that provides automotive-related services such as applying paint protectors, interior and exterior cleaning and polishing as well as installation of aftermarket accessories such as auto alarms, headlight covers, spoilers, sunroofs, tinting, and similar items. However, engine degreasing or similar **automobile** cleaning services shall not be included under this definition.

## **Automobile Maintenance (Quick Service)**

A facility that provides engine tune-ups and servicing of brakes, air conditioning, exhaust systems, oil change or lubrication; wheel alignment or balancing; or similar servicing, rebuilding or repairs that normally do not require **significant** disassembly of **automobiles**, or overnight **storage** of **automobiles**.

## **Automobile Maintenance or Repair**

For purposes of parking requirements, this category includes **automobile repair**, detail, body **shop**, or similar **use**, **automobile maintenance (quick service)**, and car wash (full and self service).

## **Automobile Rental**

Rental of **automobiles** and light trucks (1 ton or less) only, including **storage**, detailing, and incidental maintenance, but excluding maintenance requiring pneumatic lifts.

## **Automobile Repair**

A facility that provides general **automobile** service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for **automobiles**. This definition shall not include any services provided under the definition of “**automobile body shop**”.

## **Automobile Sales**

A **lot**, **tract**, or **development site** where the **primary use** is the sale of two or more new or used **automobiles**. All **automobiles** offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a **primary structure**.

# WOODBURN ZONING ORDINANCE

## **Automobile Service, General**

Uses related to the **maintenance** or **repair** of **automobiles** which are more intensive than those **uses** permitted as Limited **Automobile Services**, and similar automotive-related **uses**, including **automobile body shops**, **automobile detailing or trim shops**, **automobile maintenance** (quick service), **automobile rental** (outdoor), **automobile repair**, **automobile restoration**, **automobile** rustproofing/undercoating, **automobile sales** (outdoor), **automobile washing facility**, **gas station**, taxi service, **tire sales**, and towing service.

## **Automobile Service, Limited**

Uses related to the minor **maintenance** or **repair** of **automobiles**, and similar automotive-related **uses**, including **automobile accessory store**; **automobile rental** (indoor only), and **automobile sales** (indoor only)

## **Automobile Washing Facility (Full or Self Service)**

A facility for the cleaning of **automobiles**, operated by the public or by on-site employees, whether or not in conjunction with other goods or services provided to customers.

## **Awning**

A cover that projects from a wall of a building over a window or entrance to provide weather protection and architectural spatial definition. The top surface of an awning is typically sloped. An awning may be fixed in place or retractable. An awning is completely supported by the building.

# WOODBURN ZONING ORDINANCE

## Bakery (Wholesale)

A facility that makes **bakery** and related items on-site and may sell these items directly at the facility provided that any sales are secondary and incidental to the primary operation of producing baked goods.

## Bank

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and drive through facilities. (See also “**Credit Union**” and “**Savings and Loan Association**”)

## Bar

An eating/drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary. A **bar/tavern** may include the provision of live entertainment and/or dancing; however, a **bar/tavern** shall not include any adult business **use**.

## Barber Shop

A **personal services** establishment where hair is cut and other similar services are provided.

## Beauty Shop

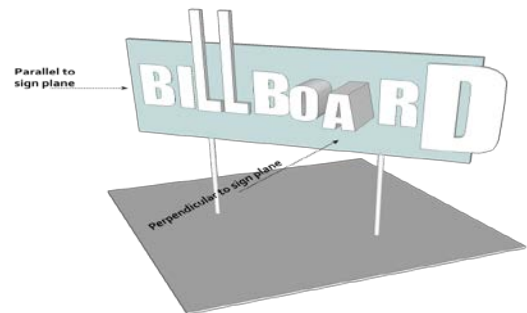
An establishment in which cosmetology is offered or practiced on a regular basis for compensation, and may include **barber shops**, salons, and spas.

## 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 (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** as designated by Section 152.40 and IC 36.7.4.410, et seq, or any successor Board of Zoning Appeals. This term shall not include the Allen **County Board** of Commissioners. 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.

# WOODBURN ZONING ORDINANCE

## Boarding House

A **residential building** containing rooms for accommodating, for compensation, three or more **persons**. Lodging may include the serving of meals to the lodgers. Facilities for lodgers may include sleeping or living quarters, or individual bathrooms, but shall not include individual cooking facilities.

## Board of Zoning Appeals (see “Board”)

## Bond

Any form of security, including cash, surety **bond**, or financial instrument of credit, as approved by the appropriate agency, for the purpose of guaranteeing that improvements will be made in a **subdivision** according to the **standards** as adopted by the **Plan Commission**.

## Bottling Facility

A facility where soft drinks, juice, water, milk, alcoholic drinks, or other liquids are placed in bottles or cans for shipment. This **use** may include the combination of liquids or syrups to produce new liquids for placement in bottles or cans, the shipping and receiving of cans and bottles related to the operation, and incidental sales of bottled or canned liquids to the public, but shall not include the fabrication of bottles or cans.

## Brewery

A facility that brews ales, beers, meads and/or similar beverages on site.

## Brewery (Micro)

An establishment where ale, beer, and/or similar beverages are brewed, typically in conjunction with a **bar**, **tavern** or **restaurant use**. Annual production will typically not exceed 15,000 barrels per year.

## Building

An enclosed **structure** (typically having a roof supported by **walls**). A **carport**, **deck**, **gazebo**, **open porch**, tent, and recreational vehicle shall not be considered **buildings**.

## Building, Detached

A **building** having no structural connection with another **building**.

## Building, Nonconforming

An existing **building** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the regulations set forth in this ordinance applicable to the **district** in which the **building** is located.

## Building, Nonresidential

Any **building** that does not meet the definition of a **residential building**. A **mixed use development** that contains both residential and **non-residential uses** is a **nonresidential building**. Any institutional **use**, other than a **small group residential facility**, in which patients or clients reside in the facility for purposes of receiving treatment or assistance in living activities, such as a **hospital**, university, **religious institution**, or **school**, is a **nonresidential use**.

## Building, Primary

A **building** constituting the **primary use** of a **lot**. If a single primary **nonresidential building** is permitted in a nonresidential **zoning district**, then a single **multiple tenant building** shall also be permitted; where multiple primary **nonresidential buildings** are permitted in a nonresidential **zoning district**, then multiple multiple-



# WOODBURN ZONING ORDINANCE

tenant **buildings** shall also be permitted. In calculating the square footage of a residential **primary building**, all enclosed areas, including attics, basements, and attached **garages**, shall be included.

## Building, Residential

A **building** in which all of the **uses** are to accommodate household living (e.g. **single family**, two **family**, or **multiple family dwelling** units) or a **small group residential facility**.

## Building Bay

A division within a **building** façade, created by vertical elements such as columns, pilasters, or other architectural elements/changes in planes.

## Building Department

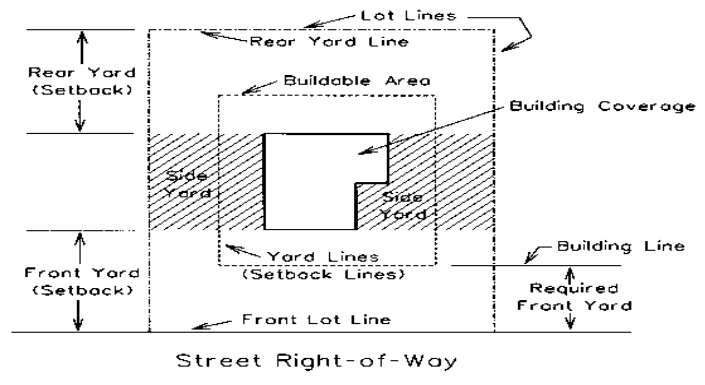
**The Allen County Building Department.**

## Building Height

The vertical distance measured from the ground level immediately **adjacent** to the primary front entrance to the highest point of the roof or **structure**.

### Building Line, Front

A line with a fixed location parallel to the front **street** line as determined by this ordinance or recorded deed restrictions, beyond which the foundation **wall** and/or any enclosed **porch**, vestibule, or other portion of a **building** shall not project. A **front building line** may be established by a **subdivision plat** or by the **zoning ordinance**.



## Building Material Disposal Site

A **site** used for the purpose of disposing of **building** materials, including concrete, from a demolition **site** or **sites** without creating nuisances or hazards to public health, safety, or welfare.

## Building Setbacks

Lines that are substantially parallel to the **lot lines** which define the minimum distances that **buildings** must be located from the **lot lines**. (See required **yards** in the **Zoning District Standards**.)

## Building Surface

The total surface of a **building** face to which a **sign** is attached.

## Business School

A post-secondary **school** for business **instruction** which is not publicly owned, or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; excluding **school** conducted as a commercial enterprise for teaching barber/beauty skills, dancing, industrial, music, or technical skills.

### Business, Technology, and Industrial Park (BTI)

A **development** on a **tract** of land that contains a number of separate businesses, offices, technology and/or industrial **uses**, plus accessory and supporting **uses**, and common open space designed, planned, and constructed on an integrated and coordinated basis.

# WOODBURN ZONING ORDINANCE

## Campground

Any area or **tract** of land used or rented for occupancy by campers using tents and/or **recreational vehicles** for periods not to exceed two weeks.

## Campus Housing

For purposes of parking requirements, this category includes **campus housing** (off site), **dormitories** and **fraternity/sorority houses**, and other housing with the primary purpose of housing students of an educational or institutional campus.

## Candelas

A unit of luminous intensity, which is the amount of luminous flux (total luminous power emitted from a source and expressed as **lumens**) per unit solid angle in a given direction.

## Canopy

A fixed cover that projects from a **wall** of a **building** over a **window** or entrance to provide weather protection and architectural spatial definition. A **canopy** typically projects at a 90-degree (perpendicular) or similar angle. Freestanding canopies may also be permitted. A **canopy** may be completely supported by the **building**, or completely or partially supported by columns, poles, posts, or similar supports.

## Carport

A **structure** or part of a **structure** used for the parking, **storage**, or keeping of vehicles by the **owner** or tenant of the **lot** as an **accessory use** to a permitted residential **use**, and that does not include a **wall** between the ground and the roof on at least one side that is not a vehicle entryway.

## Cemetery (Private and Public)

Land used for burial of the dead and dedicated for related purposes, including crematories, offices and maintenance facilities, mausoleums and mortuaries when operated in conjunction with and within the boundaries of a **cemetery**.

## Certificate of Compliance

A certificate issued by the **Zoning Administrator** stating that the occupancy and **use** of land or a **building** or **structure** referred to in the certificate complies with the provisions of this ordinance and any **conditions** of the **Improvement Location Permit** (if applicable).

## Certificate of Occupancy

A certificate issued by the Allen **County Building Department** or successor agency, allowing the occupancy or **use** of a **building** and certifying that the **structure** or **use** has been constructed and will be used in compliance with the applicable codes and ordinances.

## Certificate of Use

A certificate issued by the Zoning Administrator certifying that a proposed or existing use is a permitted use in the zoning district where the use is located.

## Change of Use

Any **use** that is a **substantial change** from the previous **use** of a **building**, **structure**, or land.

# WOODBURN ZONING ORDINANCE

## Check Cashing

Any business that cashes checks, drafts, money orders, **traveler's** checks, or similar instruments, for a **fee**. This definition does not include: a **bank**, trust company, **savings and loan association**, **credit union**, **loan office**, or similar **use**; or a business that provides these services as an **accessory use** to a permitted **primary use**.

## Child Care

A service that provides for the care, health, safety, supervision and/or guidance of a child's social, emotional, and educational growth, on a regular basis, in a place other than the child's own home. The following **uses** shall not be considered as **child care** under the terms of this ordinance:

- (1) A program for children operated by the department of **education** or a public or private **school**;
- (2) A nonresidential program that provides **child care** for less than four (4) hours a day;
- (3) A recreational program for children that operates for not more than ninety (90) days in a calendar year;
- (4) A program whose primary purpose is to provide social, recreational, or religious activity for **school** age children such as scouting, boys **club**, girls **club**, sports or the arts; and
- (5) **Child care** where the provider cares for fewer than six (6) children, not including children for whom the provider is a parent, stepparent, guardian, custodian, or other relative.

## Child Care Center

A **building**, other than the operator's primary place of residence, where children receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For regular compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

## Child Care Home

A residential **structure**, which is the primary residence of the **child care** provider, in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive **child care** from a licensed **child care** provider:

- (1) While unattended by a parent, legal guardian, or custodian;
- (2) For compensation; and
- (3) For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays.

This term includes a **Class I Child Care Home** and a **Class II Child Care Home**, which are defined as follows:

- (1) **Class I Child Care Home.** A **child care home** that serves up to twelve (12) children at any time. The children may be at the home on either a part-time or a full-time basis. The provider may employ an assistant as required by State law.
- (2) **Class II Child Care Home.** A **child care home** that serves more than twelve (12) but not more than sixteen (16) children at any time. The children may be at the home on either a part-time or full-time basis. The provider may employ an assistant as required by State law.

# WOODBURN ZONING ORDINANCE

## Child Care Ministry

**Child care** operated by a **church** or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

## Church (see “Religious Institution”)

## City

The **City of Woodburn**, Indiana.

## Class I Child Care Home (see “Child Care Home”)

## Class II Child Care Home (see “Child Care Home”)

## 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.

## Clothing

Commercial **uses** related to the alterations, sales, and related sales or services for **clothing** and similar items, including **apparel and accessory store**, **clothing** store, consignment **shop**, costume and **clothing** rental, diaper service facility, **dry cleaning store**, furrier, **laundromat/coin operated laundry**, shoe store/shoe repair **shop**, and tailor/alterations service.

## 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.

## 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.

## Commission

The Woodburn **City Plan Commission**.

# WOODBURN ZONING ORDINANCE

## 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 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 Allen **County Board** of Commissioners and the Woodburn City 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**).

## Condominium Development

A project developed subject to and in accordance with IC 32-25 (**Condominiums**). This requires that undivided interests in the **common areas** and facilities be vested in the **condominium unit owners**.

# WOODBURN ZONING ORDINANCE

## Condominium Unit

An enclosed space occupying all or part of a floor or floors in a **structure**, together with the undivided interest in the common elements appertaining to that unit.

## Confined Feeding

- (1) The **confined feeding** of animals for food, fur, or pleasure purposes in lots, pens, ponds, **sheds**, or **buildings** where:
  - (a) animals are confined, fed, and maintained for at least forty-five (45) days during any twelve (12) month period; and
  - (b) ground cover or vegetation is not sustained over at least fifty percent (50%) of the animal confinement area.
- (2) The term does not include the following:
  - (a) A livestock market:
    - (i) where animals are assembled from at least two (2) sources to be publicly auctioned or privately sold on a commission basis; and
    - (ii) that is under state or federal supervision.
  - (b) A livestock sale barn or auction market where animals are kept for not more than ten (10) days.
- (3) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

## Confined Feeding Operation (CFO)

- (1) Any **confined feeding** of
  - (a) at least three hundred (300) cattle,
  - (b) at least six hundred (600) swine or sheep;
  - (c) at least thirty thousand (30,000) fowl; or
  - (d) at least five hundred (500) horses: or
- (2) Any animal feeding operation electing to be subject to IC 13-18-10; or
- (3) Any animal feeding operation that is causing a **violation** of
  - (a) water pollution control laws;
  - (b) any rules of the water pollution control board; or
  - (c) IC 13-18-10.
- (4) A **confined feeding operation** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

## Construction Access Road

A temporary non-dedicated, unplatted right-of-way, other than a street, alley or easement, designed to provide sole ingress and egress for all development and construction equipment, as well as all laborers and material handlers, in connection with the improvement of a platted subdivision of land or a Development Plan, including but not limited to the construction of dwellings, buildings and other improvements, which right-of way is

# WOODBURN ZONING ORDINANCE

constructed and maintained by the developer and owner at either's sole expense or their cumulative expense and continuously in the absolute ownership and/or exclusive control of the developer and owner.

## Contingent Use

A **use** that could be permitted in any **zoning district** as set forth in § 154.503(C), subject to specific **standards** and **Board of Zoning Appeals** approval.

## Convenience Store

A small retail establishment designed and stocked to sell primarily food, beverages, and other household supplies to customers.

## Convent

A **structure** used for the purpose of housing **persons** on a permanent basis who are not members of a **family** and who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms **convent** and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the **convent use** but only for the residents of the **convent**. A **convent** is a permitted **accessory use** where incidental to a religious assembly **use** (**church, synagogue, temple, and mosque**).

## Conveyance (including the word “convey”)

The transfer of title to land from one **person** to another by deed.

## Corner Lot (see “Lot, Corner”)

## Corner Visibility Area

The following areas, in which no **fence, retaining wall, hedge, or other planting, building, or structure** that would impede vision between a height of three (3) and eight (8) feet shall be located:

- (1) For a **corner lot**, the area bounded by the edges of intersecting roadways and a line intersecting those edge lines at points 40 feet distant from the intersection of the edge or roadway lines extended.
- (2) For a **lot** at the intersection of an **alley**, the area bounded by the edge of the roadway and the edge of the intersecting **alley** and a line intersecting those edge lines at points 90 feet distant on the roadway and 15 feet distant on the **alley** from the intersection of those edge lines extended.

## Corporate Campus

A **building** or **buildings** in close proximity to each other, either **adjacent** or connected with centralized amenities, parking, support, and other internal functions. The **buildings** are intended to have quality architectural and site design features.

## Correctional Institution

A place of confinement, including places requiring overnight stays only, for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses. This definition shall not include a correctional services facility or a residential facility for a court-ordered re-entry program

## Correctional Services Facility

A facility providing services other than confinement for **persons** who have broken the law, are awaiting trial, and/or have been convicted of criminal offenses.

# WOODBURN ZONING ORDINANCE

## **County**

Allen **County**, Indiana.

## **Country Club**

An establishment typically associated with a **golf course** that is intended as a place of social and recreational gatherings for members of a **private club**.

## **Credit Union**

An establishment that provides retail **banking**, lending, and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and drive through facilities.

## **Crematory**

A facility containing furnaces for the reduction of dead bodies to ashes by fire.

## **Customer Service Facility**

A facility, other than a retail store, operated by a public or **private utility**, at which customers of the utility may make bill payments, obtain product or service information, or conduct similar business.



# WOODBURN ZONING ORDINANCE

## Dating Service

Any business that offers to provide or does provide an introduction between two **persons** for a period of companionship for which service a **fee** is charged, levied, or otherwise imposed.

## Day Care (see Day Care, Child)

## Day Care, Adult (see Day Care, Child)

## Day Care, Child

A service that provides for the care, health, safety, and supervision of an individual, not related to the provider, on a regular basis, in a residential **structure** other than the individual's own home, as an **accessory use** to a single **family** residence. The provision of **day care** shall be a permitted **use** in all **residential zoning districts** if the following **conditions** are met:

- (1) The home shall be the primary residence of the **day care** provider; and
- (2) Services shall be provided for fewer than six (6) adults or children not related to the provider; and
- (3) Care is provided for less than 24 hours per day.

## Deck

An unroofed platform, either freestanding or attached to a **building**, which is supported by pillars or posts.

## Department of Planning Services (DPS)

The department established jointly by, and providing planning and permitting services to, Allen **County** and the **City of Woodburn**, and any successor agency. For purposes of reviewing the completeness of zoning applications, and granting an Improvement Location Permit, Certificate of Compliance, or Certificate of Use for a wireless service provider, DPS shall be the "permit authority" under I.C. 8-1-32.3, et seq.

## Department Store

An establishment primarily engaged in general merchandise retail **use** with no one merchandise line predominating. Merchandise lines are normally arranged in separate departments, with or without central customer checkout facilities.

## Department of Health

The Fort Wayne-Allen **County Department of Health**.

## Developer

Any **person** who **subdivides** land or erects or alters **buildings** or improvements on land.

## Development

Any change or improvement to land brought about by human activity.

## Development Site

Land used or proposed to be used for **development**, consisting of either a single **lot** or multiple contiguous **lots**. The **Zoning Administrator** may also determine other property configurations to be a **development site**.

# WOODBURN ZONING ORDINANCE

## Developmental Disability

A severe, chronic disability of an individual that:

- (1) Is attributable to a mental or physical impairment, or a combination of mental and physical impairment (other than a sole diagnosis of **mental illness**);
- (2) Is manifested before the individual is 22 years of age;
- (3) Is likely to continue indefinitely;
- (4) Reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; and
- (5) Results in substantial limitation in at least three of the following:
  - (a) self care;
  - (b) receptive and expressive language;
  - (c) learning;
  - (d) mobility;
  - (e) self-direction;
  - (f) capacity for independent living; and
  - (g) economic self-sufficiency.

## Developmentally Disabled Individual

An individual who has a **developmental disability**.

## Distillery

A facility where distilling, typically of alcoholic liquors, is done.

### Distillery (Micro)

A small **distillery** established to produce beverage grade alcohol in relatively small quantities, such as a specialty single malt whiskey or bourbon, either as a stand alone facility or in conjunction with a **brewery** or winery.

## Distribution Facility

The intake of goods and merchandise, individually or in bulk, the short-term holding or **storage** of those goods or merchandise, and/or the breaking up into **lots** or **parcels** and subsequent shipment off-site of such goods and merchandise. Distribution may be provided to an entity with an identity of interest with the **distribution facility** or to businesses and individuals unrelated to the distributor. The term "**Distribution Facility**" shall also include a transshipment facility for the temporary holding, **storage** and shipment of goods or vehicles.

## District

A part, zone, or geographic area within the **planning jurisdiction** of the **City of Woodburn**, within which certain zoning and/or **development** regulations apply. Also referred to as a "**zoning district**".

## Doctor Office

The private offices of physicians, dentists, or similar professionals, where **persons** are examined or treated on an outpatient basis only. **Laboratory** tests shall be permitted as an **accessory use**.

# WOODBURN ZONING ORDINANCE

## Domestic Farm Animal

Calves, cattle, emus, goats, horses, llamas, ostriches, poultry (including chickens and quail), sheep, and similar animals (pigeons shall not be considered to be **domestic farm animals**).

## Dormitory

A **building** used as group living quarters for a student body or religious order as an **accessory use** for a college, university, boarding **school**, **convent**, monastery or other similar institutional **use**.

## Double Frontage Lot

A **lot** having **frontage** on two separate parallel or approximately parallel dedicated **streets**. (Also known as a “**through lot**”.)

## Drive-Through Facility

**Building** or **structure** used to provide or dispense products or services, through an attendant, a **window** or an automated machine, to **persons** remaining in vehicles in a designated stacking aisle. A **drive-through facility** may be in combination with other **uses**, such as **banks**, **credit unions**, loan associations, automated teller machines (ATM’s), dry cleaners, drug stores, pharmacies, **restaurants** or similar **uses**. A **drive-through facility** does not include a car wash, **automobile maintenance** facility (quick service), or **gas station**.

## Driveway

An unobstructed paved or unpaved strip providing access to a vehicle **parking space**, loading space, or maneuvering facility.

## Dry Cleaning Store

An establishment where laundry or dry cleaning is dropped off by customers or picked up by customers but not including any on-site cleaning or dry cleaning activities.

## Dwelling

Any **building** that is wholly or partly used or intended to be used for a residence by human occupants, including but not limited to the **use** of living, sleeping, cooking, and eating.

## Dwelling, Multiple Family

A **building** or portion of a **building** used for occupancy by three (3) or more families living independently of each other. For purposes of this ordinance, a **condominium structure** containing three (3) or more individual **dwelling** units shall be defined as a **multiple family dwelling** unit.

## Dwelling, Single Family (Detached)

A **residential building** used for occupancy by one household, including **Type I manufactured homes**, which is not attached to any other **dwelling** unit through shared side or rear **walls**, floors or ceilings, or corner points. Temporary housing such as **bed and breakfasts**, **boarding houses**, **hotels**, **motels**, **nursing homes**, tents, and **recreational vehicles**, shall not be regarded as **single family dwellings**.

## Dwelling, Single-Family (Attached)

A single **residential building** consisting of two **single family dwellings** on two individual **lots**, attached on a common **lot line**, intended for occupancy by one household per unit. Each **dwelling** unit may be attached to no more than one other **dwelling** unit.

# WOODBURN ZONING ORDINANCE

## **Dwelling, Townhouse**

A **single family dwelling** unit with two (2) or more floors located on a separate **lot** or **development site**, with a private entrance and direct ground level access to the outdoors and a totally exposed front and rear **wall** to be used for access, light, and ventilation, and attached to one or more similar units. **Townhouse dwellings** are typically part of a **structure** whose **dwelling** units are attached in a linear arrangement with no other **dwelling** or **use**, or portion of another **dwelling** or **use** directly above or below the unit, and separated from adjoining unit(s) by a continuous **wall**.

## **Dwelling, Two Family**

A detached residential **structure**, used for occupancy by two households living independently of each other, including but not limited to **structures** in which the two units are connected to allow assistance in daily living activities between the two households. Each **dwelling** shall have a minimum of 950 square feet of **gross floor area**, not including attached **garage** space.

## **Dwelling Unit, Residential**

One or more rooms, designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the **dwelling** unit for the exclusive **use** of a single **family** maintaining a household.

# WOODBURN ZONING ORDINANCE

## Easement

A recorded grant by a property **owner** to a third party, the general public, **public utility** or utilities, or a governmental or quasi-governmental entity permitting the **use** of land for a specifically stated purpose or purposes.

## Easement, Roadway

A roadway, approved by the **Commission** over private property, that permits a specific and limited **use** of that thoroughfare to the grantee of the **easement**.

## Easement, Utility

A portion or strip of land that is part of a **lot** or **parcel** but that has been reserved for the specific purpose of utilities and related services.

## Educational Institution

**Public**, non-public, **parochial**, or other post-secondary **school**, junior college, college or university, other than a **business school**; the **use** may also include recreational **uses**, living quarters, dining rooms, heating plants and other incidental facilities for students, teachers and employees.

## Electronics

Commercial uses related to the sales, repair, and related services for consumer electronic equipment, including computer sales and service; computer software store; consumer electronics sales and service; and telephone sales and service.

## Emergency Shelter (see “Homeless Shelter”)

## Employment Agency

An agency that specializes in matching individuals’ skill sets to particular jobs or finds jobs for unemployed individuals.

## Engine Repair

A facility used for the repair of small engines or motors.

## Engineer (see “Professional Engineer”)

## Entertainment Facility

A facility that offers indoor or outdoor entertainment **uses**, including performing arts **theaters**, cinemas, concert venues, or circus/festivals, but does not include **adult entertainment establishment uses**.

## Equipment Rental, General

The rental of supplies and large equipment primarily for intended for use by construction, general, landscaping, or industrial contractors, including, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

## Equipment Rental, Limited

The rental of supplies and equipment primarily intended for homeowner **use** and minor residential gardening and construction projects, but not including car or truck rentals. All maintenance of equipment shall be conducted within an enclosed **building**. This **use** type does not include the rental, **storage**, or maintenance of large construction or other commercial heavy equipment.

# WOODBURN ZONING ORDINANCE

## **Equipment Supply Facility**

A facility that supplies equipment such as but not limited to air purification, electrical, electric wire & cable, fire protection, food service, HVAC, industrial, maintenance, mechanical, medical, power transmission, radio/communication, **restaurant**, telecommunication, trade show/exhibit, truck, water softening/purification, and welding equipment.

## **Executive Committee**

The **Executive Committee** of the Allen **County Plan Commission**.

## **Exempt Division of Land**

A division of a **parcel** of land into two or more **tracts** that qualifies as an **Exempt Division of Land** pursuant to §154.303(C)(2).

## **Exhibit Hall**

An area or space either outdoor or within a **building** for the display of topic-specific goods or information.

## **Expressway - Freeway**

Any **expressway - freeway** that operates at a high service level, consists of limited land access, carries region-wide traffic, and is generally classified as part of the interstate system.

## **Exterminator**

An establishment that specializes in the eradication of household pests, weeds, or common household and/or **yard** nuisances and associated operations.

# WOODBURN ZONING ORDINANCE

## Facade

A particular face of a **building**. A rectangular **building** will have four **facades**.

## Facade, Primary

Any face of a **building** that has **frontage** on a **public street**. **Buildings** on **corner lots** will have two or more **primary facades** according to the number of **public streets** fronted.

## Facade, Secondary

The side and rear **facades** of a **structure**. **Secondary facades** will have no **frontage** on **public streets**, but may have **frontage** on public **alleys**.

## Fairground

An open area for holding fairs, exhibitions, circuses, or other large gathering, and that contain a combination of indoor display/exhibition areas and **outdoor display**/staging areas.

## Family

One or more **persons** occupying a single **dwelling** unit and living as a single housekeeping unit (as distinguished from a group occupying a **boarding house**, **club**, **hotel**, **nursing home**, rooming house, **fraternity** or **sorority house**, off-site **campus housing**, **residential facility** serving individuals under a court-ordered re-entry program, **residential facility for homeless individuals**, or similar living situation), where all the **persons** are related by blood, marriage or adoption. If all of the **persons** occupying a single **dwelling** unit are not related by blood, marriage, or adoption, then no more than eight (8) **persons** may occupy a single **dwelling** unit. If all of the members of a household are not related by blood, marriage, or adoption, then a **use** with more than eight (8) **persons** occupying a single **dwelling** unit shall not be considered a **single family use**.

## Farmers Market

An area, which may or may not be in a completely enclosed **building**, where on designated days and times, growers and producers of horticultural and agricultural products may sell those products and/or other incidental items directly to the public.

## Fee

The charge for an application or other service as established by the **Plan Commission** or other entities of Woodburn duly authorized to establish **fees**.

## Feed Store

An establishment for the selling of food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery. **Outdoor display** of goods may or may not be allowed depending on the **zoning district**.

## Fence

A free-standing, vertical barrier, constructed of any material other than vegetation, resting on or partially buried in the ground and rising above ground level, which supports no load other than its own weight, and is used for confinement, enclosure, partition, privacy, protection, or screening; excluding a single strand of rope, wire, or similar material between no more than two posts; parking **lot** wheel stops; and similar barriers/partitions that are less than 12 inches high.. The posts, concrete for the posts and attachment of the **fence** to the posts shall be contained within the **lot** where the **fence** is located. This definition shall include a **freestanding wall**.

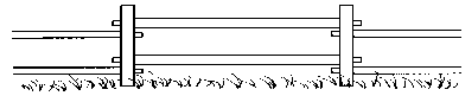
# WOODBURN ZONING ORDINANCE

## Fence, Agricultural

A **fence** erected for and used in conjunction with land which is zoned or otherwise designated as agricultural land, or used for growing crops or raising livestock. An agricultural fence may use a single strand of barbed wire or a single strand of electrically charged material

## Fence, Open

A **fence** that is less than 50% opaque when viewed perpendicularly to its vertical surface.



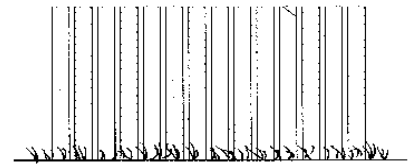
Open Fence

## Fence, Ornamental

An **open fence** intended to partition or enclose a property or a portion of a property. **Ornamental fences** shall include, but not be limited to split rail, picket, wrought iron, and similar style **open fences**. Chain link fencing is not an ornamental fencing material.

## Fence, Privacy

A **solid fence** erected or constructed to prevent views across the **fence** line.



Solid Fence

## Fence, Solid

A **fence** that is at least 50% opaque when viewed perpendicularly to its vertical surface.

## Fence or Wall Height

The height of a **fence** or **wall** shall be measured as the vertical distance between finished grade on the highest side of the **fence** or **wall** to the top of the **fence** or **wall**.

## Fill

Any organic material including but not limited to earth, clay, sand, wood chips, bark, or other organic material of any kind that is placed or stored upon the surface of the ground resulting in an increase in the natural surface elevation.

## Financial Planning Service

An establishment that provides services to help determine a **person's** or firm's financial needs or goals for the future and the means to achieve them by deciding what investments or activities would be most appropriate under both personal and broader economic circumstances.

## Food and Beverage Service

Commercial **uses** related to the sales, preparation, and related services for food and/or beverage items for consumption on or off the **lot**, including: **bakery** goods; **bar** or **tavern**; caterer; **club** (private); **coffee shop**; confectionery, ice cream, or candy store; **convenience store**; delicatessen; **farmer's market** (including outdoor sales); fruit and/or vegetable store (indoor); **grocery store** or **supermarket**; meat or fish market; micro or mini-**brewery**/brewpub; package liquor store; **reception**/banquet hall (indoor); **restaurant**, including drive-through facilities; sandwich **shop**; and tea room.

## Fraternity House

A **building**, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other **educational institution**.



# WOODBURN ZONING ORDINANCE

## **Freight Service**

Loading, unloading, packing or unpacking of freight, including handling services provided for freight in special containers or for non-containerized freight, services provided by a container freight terminal, or other freight terminal, for all modes of transport services incidental to freight.

## **Frontage**

The length of the property line of any **parcel** along each **street** that it borders.

## **Full-Cutoff**

For purposes of lighting **standards**, a light fixture that prevents distribution of light above a horizontal lane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

## **Funeral Home**

A **building** used for the preparation of the deceased for burial, the display of the deceased and rituals connected therewith before burial or cremation. **Accessory uses** may include:

- (1) Embalming, cremation and the performance of other services used in preparation of the dead for burial;
- (2) The performance of autopsies and other similar surgical procedures;
- (3) The **storage** of caskets, funeral urns, and other related funeral supplies;
- (4) The **storage** of funeral vehicles; and
- (5) A funeral chapel.

## **Furniture Production**

A facility that specializes in the assembly, fabrication or production of finished or unfinished furniture, store displays, cabinets, and related items.

## **Furniture Store**

An establishment that specializes in the sale of any or all of the following: new, used, finished or unfinished furniture including kitchen cabinets and related items.

# WOODBURN ZONING ORDINANCE

## Garage (see “Garage, Residential”)

### Garage, Residential

A detached **accessory structure** or portion of a **primary building** used for personal **storage**, the **storage** of **motor vehicles** and other similar accessory residential **uses**.

## Garage Sale (see “Yard Sale”)

### Garbage

Animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food; or other business or household waste materials.

### Garden Equipment Supply

An establishment that specializes in the retail of nursery plants or related items, which may include: plants that have been grown on the property or imported, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

### Gas Pump Embellishment

Letters, figures, characters or representatives in irregular forms that used as a supplement to permitted gas pump **signage**.

### Gas Station

A facility where gas and other supplies for motorists are sold. Minor repair services such as lubrication, oil and tire changes may be provided, but major repairs such as vehicle bodywork or painting or repair of engines or drive trains may not be provided. A **gas station** may include a **convenience store**.

### Gateway

A point along a roadway at which a motorist or pedestrian gains a sense of having entered the **City** or a particular part of the **City**. This impression can be imparted through such things as **signs**, **monuments**, landscaping, and a change in **development** character, or a natural feature.

### Gazebo

A freestanding, roofed, usually open-sided **structure** providing seating or an area for gathering.

### Glare

A situation created when illumination sources shine with visibly harsh, uncomfortably bright light that: causes discomfort; distracts attention; or leads to reduction or loss of visibility or visual performances (up to and including situations of blinding **glare**, as defined in the Illuminating Engineering Society of North America’s current Lighting Handbook). These situations are typically caused by insufficiently shielded light sources, or high luminance (luminance that is sufficiently greater than the luminance to which the eyes are adapted).

### Golf Course

A **tract** of land typically laid out for playing the game of golf that may include a **clubhouse**, dining and snack **bars**, pro **shop**, and practice facilities.

### Golf Course (Miniature)

A **recreational facility**, typically comprised of small putting greens, each with a “cup” or “hole,” where patrons in groups pay a **fee** to move in consecutive order from the first hole to the last.

# WOODBURN ZONING ORDINANCE

## Golf Driving Range

A **tract** of land devoted as a practice range for practicing golf shots.

## Government Facility

An institution operated by a federal, state, **county**, town, township or **City** government, or by a special purpose **district**.

## Greenhouse

An establishment, including a **building**, part of a **building** or open space, for the growth, display and/or sale of plants, trees, and other materials used in indoor or outdoor planting for retail and wholesale sales.

## Grocery Store

A retail sales establishment selling primarily food and beverages for off-site preparation and consumption that maintains a sizable inventory of fresh fruits, vegetables, fresh-cut meats, or fresh seafood or specialize in the sale of one type of food item. This **use** may also include sales of personal convenience and small household goods.

## Gross Floor Area

The total floor area of all stories of a **building** or **buildings**, measured by taking the outside dimensions of the **building** at each floor level intended for occupancy or **storage** (including basements), but not including any uncovered or unenclosed **porches**, **patios**, or **decks**.

## Ground Floor Area

The **gross floor area** of a **building** exclusive of basements and floors above the ground floor.

## Group Residential Facility (Large)

A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are developmentally disabled or **mentally ill**, or other similar **residential facility** if the facility houses more than eight (8) individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A large **group residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **group residential facility for mentally ill individuals**.

## Group Residential Facility (Small)

A facility providing housing for up to eight (8) unrelated individuals, with or without supervisory staff. This definition shall include a **residential facility** for individuals who are developmentally disabled or **mentally ill** or any other **residential facility** that houses up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a **protected class** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court-ordered re-entry program or homeless individuals. A **residential facility for mentally ill individuals** shall be located at least 3,000 feet from any other **residential facility for mentally ill individuals**.

# WOODBURN ZONING ORDINANCE

## Hazardous Waste

**Solid waste** or a combination of **solid wastes** that, because of quantity, concentration, or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in mortality or increase in serious **irreversible** or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard when improperly treated, stored, transported, disposed of, or otherwise managed.

This includes but is not limited to toxic chemicals, explosives, pathological wastes, radioactive materials, and materials likely to cause fires, liquids, semi-liquids, sludge, pesticides, pesticide containers, raw animal manure, **onsite sewage system** tank pumping, and raw or digested sewage sludge.

## Hazardous Waste Disposal Area

The outermost perimeter of the area within a **hazardous waste** disposal facility that is permitted to receive **hazardous waste** for disposal.

## Hazardous Waste Treatment, Storage and/or Disposal Facility

A **solid waste** disposal facility designed to treat, store and/or dispose of **hazardous waste** regulated by 329 IAC 3.1 or any subsequent applicable revisions. The facility shall be constructed and operated in accordance with a permit issued by the appropriate government agency authorized by or under the Resource Conservation and Recovery Act (40 CFR 260 - 40 CFR 270, 42 U.S.C. 6901, et seq., and IC 13-7-8.5, as may be amended).

## Health Care Facility

A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

## Health Club

A non-medical service establishment intended to maintain or improve the physical condition of **persons** which contains exercise and game equipment and facilities, steam baths and saunas, or similar equipment and facilities.

## Hedge

A linear arrangement of plants grown closely together to create the effect of a solid, continuous barrier that divides one space from another.

## Heliport

An area either at ground level or elevated on a **structure**, licensed by the federal government or appropriate state agency and approved for the loading, landing, and takeoff of helicopters. This shall include accessory facilities and **uses** such as **public parking** areas, waiting rooms, fueling, and maintenance equipment or facilities.

## Heliport (Private)

An area of land used for the landing and take-off of personal private helicopters, excluding discharging or receiving cargo, picking up passengers or fueling other aircraft or helicopters.

## Historic District

Any site, **building, structure, object**, landscape (or collection of sites, **buildings, structures, objects**, or landscapes) which has obtained official historic status through local designation by the City Council.

# WOODBURN ZONING ORDINANCE

## Historic Site

Any site which has obtained official historic status through local, State, or National Register designation

## Holiday Decorations

Ornamental materials that are incidental and commonly associated with any national, local or religious holiday.

## Home Business

An **accessory use** of a **dwelling** unit, or a **use** of a **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. A **home business** would typically be more intensive than a **home occupation**, due to factors such as outside employees working at the **dwelling** unit, clients or customers coming to the **dwelling** unit, or on-site retail sales. To allow for possible mixing of **uses** in rural and residential areas, outside employees shall be permitted; however, only one (1) outside employee shall be permitted to work at the home. Clients or customers shall be permitted to come to the home, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted. A **home business** shall be permitted in conjunction with a single **family** or **two family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. If conducted within the **dwelling** unit (**primary structure**), the gross square floor area used for the **home business** shall be less than 50% of the area of the **primary structure**. If conducted out of an **accessory structure**, the area used for the **home business** shall not exceed the square footage of the **primary structure**. Permitted **home businesses** shall include, but not be limited to, **professional offices**, **personal service uses** such as **barber shops** and beauty/nail salons, and teaching/tutoring/music lessons.

## Home Enterprise

A **use** of a single **family** property, where business activities are conducted. **Home enterprises** are intended to permit higher intensity **uses**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home enterprises** may include assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding auto repair). A **home enterprise** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives. The **gross floor area** of the **home enterprise** shall not exceed eight thousand (8,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home enterprise**, clients or customers shall be permitted to come to the property, and on-site retail sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted. A **Home Enterprise** is not permitted by right or eligible for a **special use** under the provisions of this ordinance.

## Home Improvement Store

A **retail facility** engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, lumber, paint and glass; house wares; household appliances; lawn supplies; garden supplies; and landscape materials. A home improvement center may also include separate enclosed areas devoted to the rental of light equipment used in conjunction with home improvement projects.

## Home Occupation

An **accessory use** of a **dwelling** unit, or a **use** of an attached **structure** accessory to a **dwelling** unit, where business activities are conducted which do not change the residential character of the **structure** or property, or adversely impact **adjacent** properties. Clients or customers shall not come to the home, and on-site retail sales shall not be permitted. No outside employees may be permitted. A **home occupation** shall be permitted in conjunction with a single **family**, **two family**, or **multiple family dwelling** unit where the business **owner** lives, and shall be operated entirely within a primary or attached **accessory structure**.

# WOODBURN ZONING ORDINANCE

## Home Workshop

A **use** of a single **family** property, where business activities are conducted. **Home workshops** are intended to permit **uses** which are more intensive than a **home business**, including **uses** which produce or repair a product, but which do not adversely impact **adjacent** properties. **Home workshops** may include limited assembly, contracting, fabricating, **manufacturing**, processing, or repair activities (excluding auto repair). A **home workshop** shall be permitted in conjunction with a **single family dwelling** unit where the business **owner** lives, and shall be conducted entirely within a primary or **accessory structure**. The **gross floor area** of the workshop shall not exceed two thousand (2,000) square feet. To allow for the mixing of **uses** in rural areas, outside employees shall be permitted to work at the **home workshop**, clients or customers shall be permitted to come to the property, and on-site sales of items either produced or value-added on the property, along with accessory retail sales, shall be permitted.

## Homeless/Emergency Shelter (see “Homeless Shelter”)

## Homeless Shelter

A facility providing temporary housing to needy, homeless, or transient **persons** that may be an **accessory use** to a **religious institution** or other place of worship, and may also provide ancillary services such as counseling or vocational **training**.

## Hospice Care Center

A facility providing in-patient care for individuals suffering from a terminal illness; overnight patient stays shall be permitted as part of this use.

## Hospital

An institution providing primary health services and medical or surgical care to **persons**, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, **training** facilities, medical offices, and staff residences. Overnight patient stays shall be permitted as part of this use.

## Hotel

A **building** providing, for compensation, sleeping accommodations and customary lodging services where guests enter through a main lobby of the **building** to get to each rental unit. Related ancillary **uses** may include but shall not be limited to conference and meeting rooms, **restaurants**, **bars**, and **recreational facilities**. An extended stay **hotel** is included in this definition.

## Hydroponics

The cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil, or similar soilless growth of plants.

# WOODBURN ZONING ORDINANCE

## Improvement Location Permit

A permit issued by the **Zoning Administrator** stating that the proposed erection, construction, enlargement or moving of the **building** or **structure** referred to in the permit application complies with the provisions of this ordinance.

## Infrastructure

For the purposes of this ordinance, the community public works and facilities determined to be necessary in relation to proposed **development**, including, but not limited to; access drives, landscaping, parking facilities, sanitary sewers, site and **street** lighting, storm drainage facilities, **street** facilities, traffic control facilities, and water facilities.

## Instruction/Training/Education

An establishment, other than an elementary or junior high **school**, senior high **school**, or college/university, offering **instruction** or **training** in a trade, art, skill, or occupation, including art **instruction**, barber/beauty **school**, business **training**, computer **training**, craft **instruction**, dance **instruction**, driving **instruction**, **educational institution**, gymnastics **instruction**, martial arts **training**, medical **training**, music **instruction**, photography **training**, and yoga/Pilates **instruction**

## Interior Lot (see “Lot, Interior”)

## Junk Material

Materials, including but not limited to the following:

- (1) **automobile** or machinery equipment or parts, including used **automobile** tires;
- (2) **building/infrastructure** construction materials;
- (3) cloth and clothing;
- (4) construction materials;
- (5) electronics or furniture;
- (6) **garbage, refuse, trash**, or debris;
- (7) manufactured clay and porcelain products;
- (8) manufactured plastic products;
- (9) manufactured rubber products;
- (10) motor vehicles, or motor vehicle equipment or parts;
- (11) paper and paper products;
- (12) recyclable products of all kinds;
- (13) scrap metal;
- (14) wood and wood products; and
- (15) wrecked and/or dismantled **automobiles** and machinery.

## Junk Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for storing or selling **junk material**.

# WOODBURN ZONING ORDINANCE

## **Laboratory**

A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**. This definition includes electronic and telecommunications laboratories, including assembly.

## **Land Surveyor**

A surveyor who is licensed in compliance with the laws of the State of Indiana.

## **Landing Field, Private**

A **landing field** used solely for the convenience of the **owner** or lessee of the property, utilizing a sod landing strip, having hangar facilities for not more than two (2) aircraft, with no commercial sales or service establishments located on the property, as an **accessory use** to a permitted **single family use**. A private **landing field** shall not be considered an **airstrip**.

## **Landscape Buffer**

A landscaped area intended to separate and partially obstruct the view of two **adjacent** land **uses** or properties from one another.

## **Landscape Elements**

Annual plants, benches, chairs, perennial plants, planters, shrubs, statuary, trees, **yard** ornaments, and similar elements.

## **Landscape Planting Area**

An area designed for landscape plantings that meets all applicable width and/or square footage requirements as set forth in this ordinance.

## **Landscape Screening**

The method by which a view onto one site from another site is shielded, concealed, or hidden. Screening techniques include **fences**, **walls**, **hedges**, mounding, or other features.

## **Large Satellite Dish (see “Satellite Dish, Large”)**

## **Laundromat/Coin Operated Laundry**

An establishment providing washing, drying, or dry-cleaning machines on the **lot** for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

## **Library**

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A **library** may also include meeting rooms, offices for **library** personnel, and similar support facilities.

## **Limited Assembly and Fabrication**

Facilities used for the limited fabrication and assembly of products including bio-medical, orthopedic, communication and computation equipment, industrial controls, optical instruments, scientific and precision instruments, service industry machines and specialty equipment.



# WOODBURN ZONING ORDINANCE

## Limited Equipment Rental

The short-term leasing of tools, materials, and/or construction equipment, excluding equipment used for excavation, grading, or similar tasks or processes.

## Live-Work Unit

A **dwelling** unit containing a living and working space that is intended to function as business workspace with a residential **use** occupied by the business **owner** or operator. The unit typically has workspace on the main floor of the unit and the majority of the residence located either on the upper floor if there are two floors, or to the back of the unit if there is only one floor.

## Loan Office

A facility primarily engaged in making loans to individuals that does not meet the definition of a **bank** and where the primary activity is not a **check cashing**, pay-day loan, or cash advance business.

## Lot

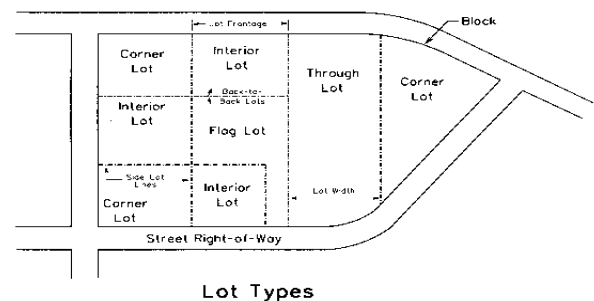
A piece of land of specific shape and dimension; it may be a single platted **lot** or a single **parcel**. The word “**lot**” shall include the words “**lot**, platted” and “**parcel**.”

## Lot, Corner

A **lot** at the junction of and abutting two or more intersecting **streets**.

## Lot, Flag

A **lot** that does not meet the minimum **frontage** requirements and where access to the public road is by a narrow, private **right-of-way** or **driveway**.



## Lot, Front (Nonresidential)

That part of an **interior** or **through lot** that abuts a **street**. On a **corner lot**, the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location, **setbacks**, and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Previously approved site and/or **Development Plans**, and
- (4) Conforming **building setbacks**.

## Lot, Front (Residential)

That part of an interior or **through lot** that abuts a **street**. On a **corner lot**, the front shall be that part of the **lot** having the least amount of footage abutting the **street**, with the exception that if the **lot** is laid out so that the longer dimension is less than 1.6 times the narrower dimension, then the **Zoning Administrator** shall determine the front of the **lot**, based on the following:

- (1) The location and orientation of existing **structure(s)**;
- (2) The size and functional usage of the existing front, side, and **rear yards**; and
- (3) Platted **building** lines and restrictive covenants.

# WOODBURN ZONING ORDINANCE

## Lot, Interior

Any **lot** other than a corner or **through lot**.

## Lot, Platted

An individual piece of land as shown on a **subdivision plat** recorded in the Allen **County Recorder's** office and in compliance with the **subdivision** regulations in effect at the time of the recording.

## Lot, Through

An **interior lot** that has legal direct access onto two (2) or more parallel **streets** or roads, including **private streets**.

## Lot Coverage

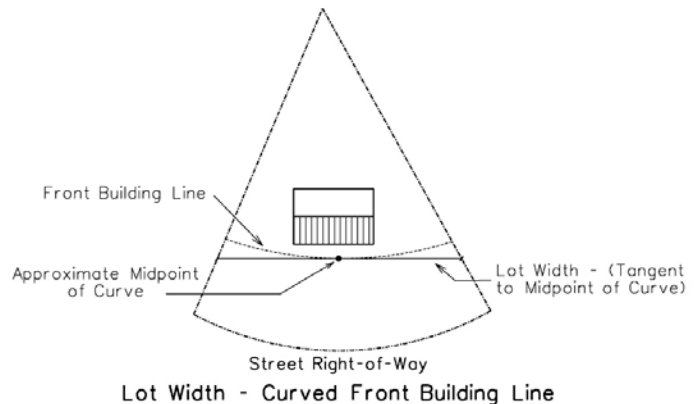
That portion of a **lot** that is covered by **buildings**.

## Lot Depth

The average horizontal distance between the **front** and **rear lot lines**.

## Lot Width

The dimension of a **lot**, measured between **side lot lines** on the **building line**. For **lots** with curved **front building lines**, the **lot width** shall be the dimension of the **lot** as measured along a straight line that is tangent to the midpoint or approximate midpoint of the curve of the **building line**. The **lot width** for other **lots** with irregularly shaped **front building lines** shall be as determined by the **Zoning Administrator**.



## Lot Width, Minimum

The least permissible width of a **lot** measured horizontally along either the **front building line** or the **front lot line**, as set forth in the applicable development standards table.

## Lot Line

Lines bounding a **lot**, as further described in the definitions in this ordinance.

## Lot Line, Front

The line running along the front of the **lot**, typically located along the **street right of way**. The **front lot line** is also referred to as the front **street line**. In a **through lot** both **lot lines** abutting the **streets** shall be deemed **front lot lines**. For flag lots, the front lot line shall be the lot line which is roughly parallel with the street. For other situations, the Zoning Administrator shall determine the front lot line.

## Lot Line, Rear

The **lot line** generally opposite or parallel to the front **street line**, except in a **through lot**. If a **rear lot line** is less than ten (10) feet long or the **lot** comes to a point at the rear, that **rear lot line** is assumed to be a line at least ten (10) feet long, lying wholly within the **lot**, parallel to the front **street line** or, parallel to the chord of the arc of the front **street line**.

# WOODBURN ZONING ORDINANCE

## **Lot Line, Side**

Any **lot line** other than a front **street** line or a **rear lot line**. A **side lot line** separating the **lot** from a **street** is a "side **street** line."

## **Lumens**

The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is 1 candela.

# WOODBURN ZONING ORDINANCE

## Machine Tool Shop

A workshop where power-driven tools are used for making, finishing, or repairing machines or machine parts.

## Manufactured Home

A **structure**, transportable in one or more sections, which is built on a permanent chassis and is designed for **use** with or without a permanent foundation when attached to the required utilities. The term "**manufactured home**" shall not include a "**recreational vehicle**". The term shall include **Manufactured Home, Type II** and **Manufactured Home, Type III**.

## Manufactured Home Park

A **parcel** of land designed for **use** by more than one (1) **Type II** or **Type III manufactured homes** that provides the **infrastructure** and utilities necessary for single **family** occupancy of those homes.

## Manufactured Home, Type I

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, that is designed for **use** as a **dwelling**, either by itself or in conjunction with other similar units. Typically, a **modular home** would fall under this definition. To be considered a **Type I manufactured home**, the **structure** must:

- (1) Be constructed in conformance with the Indiana One and **Two Family Dwelling** Code;
- (2) Consist of two or more sections;
- (3) Be placed on a continuous, permanent under floor foundation that is not pierced, except for required ventilation and access;
- (4) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;
- (5) Not be constructed with an integral chassis or permanent/detachable hitch; or wheels, axles, or other device allowing transportation; and
- (6) Be designed to be transported by a trailer or other similar carrier that is not designed to be permanently attached to the **dwelling** or remain with it after the **structure** is placed on its foundation.

## Manufactured Home, Type II

A **structure**, fabricated in an off-site **manufacturing** facility for installation or assembly at a **building** site, bearing a seal certifying that it is built in compliance with the Federal **Manufactured Home** Construction and Safety **Standards** Act (42 USC Section 5401, et. Seq.) or IC 22-15-4-1, as may be amended, (as opposed to a **Type I manufactured home** that is built in conformance with the Indiana One and **Two Family Dwelling** Code). To be considered a **Type II manufactured home**, the **structure** must:

- (1) Contain at least nine hundred fifty (950) square feet of **occupied space** per **dwelling** unit;
- (2) Be a double or multiple section unit;
- (3) Be placed on a permanent under-floor foundation installed in conformance with the Indiana One and **Two Family Dwelling** Code and according to the manufacturer's installation specifications;
- (4) Be placed onto a permanent perimeter enclosure in conformance with the Indiana One and **Two Family Dwelling** Code;
- (5) Have the wheels, axles, and hitch mechanisms removed;
- (6) Have siding and roofing material of a type customarily used on **dwellings** constructed on-site;

## WOODBURN ZONING ORDINANCE

- (7) Be connected to all the utilities necessary for the occupancy of the unit, in conformance with the Indiana One and **Two Family Dwelling** Code; and
- (8) Have been constructed after January 1, 1981.

### **Manufactured Home, Type III**

A **structure**, fabricated in an off-site **manufacturing** facility, which is transportable in one or more sections and is designed for **use** as a **single family dwelling**. A **mobile home** would meet this definition. To be considered a **Type III manufactured home**, the **structure** must:

- (1) Be properly connected to all utilities necessary for the occupancy of the unit; and
- (2) Be set on piers and properly skirted, with wheels and axles removed, in a **manufactured home park**.
- (3) A **Manufactured Home, Type III** is not permitted by right or eligible for a **special use** under the provisions of this ordinance

### **Manufacturing**

Establishments involved in the **manufacturing**, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the **manufacturing** site. This **use** includes but is not limited to the processing of adhesive/glue, agricultural implements, aircraft, animal feed, appliances, **automobiles**, bicycles, boats, carbon steel pipe & tubing, concrete, concrete products, electronics, insulation, **manufactured homes**, modular **buildings**, motorcycles, motors, paper/paper products, **recreational vehicles**, spas, stainless steel, steel, tile, tires, and valves.

### **Massage Therapy Establishment**

Any establishment having a source of income or compensation derived from the practice of massage that complies with and is licensed by the appropriate authorities.

### **Master Sign Plan**

A plan submitted to the **Plan Commission** as part of a request for an overall **sign** program of a consistent architectural **design** for either a larger scale **development** (such as a large retail or **shopping center**, industrial park, medical campus, etc.) on a **lot**, **development site**, or combination of **lots/development sites**; for multiple **signs** as part of an individual **development** project; or for a request for a **waiver** on a site where the **Plan Commission** has previously approved a **Development Plan**.

### **Medical Facility or Office**

A facility for the medical examination and treatment of human outpatients, including audiologist, blood bank, blood or plasma donor facility, chiropractor, clinic, dentist, diagnostic center, dialysis center, doctor, health center, **hospice care center**, **hospital**, **laboratory**, **nursing home**, ophthalmologist, optician, optometrist, physical therapy facility, podiatrist, rehabilitation facility, sleep disorder facility, surgery center, and **treatment center**.

### **Meeting Hall**

A facility designed for public or private assembly.

### **Mental Illness**

A psychiatric disorder that:

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- (1) Substantially disturbs an individual's thinking, feeling, or behavior; and
- (2) Impairs the individual's ability to function.

The term includes alcoholism, and addiction to narcotics or dangerous drugs.

## **Mentally Ill Individual**

An individual who:

- (1) Has a psychiatric disorder that substantially impairs the individual's mental health; and
- (2) Requires care, treatment, **training** or detention:
  - (a) Because of the psychiatric disorder; or
  - (b) For the welfare of the community in which the individual resides.

## **Minimum Building Elevation**

The lowest opening on any **building** or **structure** as determined by the stormwater authority based on local stormwater management requirements specific to a **Development Plan** or **Subdivision Plat**.

## **Mirrored Glass**

Glass with a high exterior light reflectance level (typically over 50%).

## **Mitigation**

The avoidance, elimination, minimization, reduction, or compensation for the adverse effects of a proposed action.

## **Mixed-Use Building**

A **building** containing more than one type of **use**, such as governmental, institutional, office, **personal service**, retail, and residential; including a mix of residential and non-residential **uses**.

## **Mixed-Use Development**

The practice of allowing more than one type of **use** in a **building** or set of **buildings**.

## **Mobile Food Service Unit**

A vehicle, typically a van, truck, towed trailer, or pushcart, from which food and beverages are sold.

## **Mobile Home (see "Manufactured Home, Type III")**

## **Mobile Home Park (see "Manufactured Home Park")**

## **Model Home**

A **single family (attached)**, **single family (detached)**, or **two family dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in an approved Major or Minor **Subdivision** or other residential **development**. **Model homes** may also include sales or rental offices.

## **Model Unit**

A **multiple family** (apartment or **condominium**) **dwelling** unit used for a temporary period of time for display purposes as an example of **dwelling** units available or to be available for sale or rental in a **multiple family dwelling** or complex. **Model units** may also include sales or rental offices.

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**Modular Home** (see “**Manufactured Home, Type I**”)

## **Monument**

A permanent marker, used to identify the boundary lines of any **lot, parcel, tract, street** lines, or survey control points.

**Mosque** (see “**Religious Institution**”)

## **Motel**

A **building** or series of **buildings**, typically one or two stories, in which sleeping accommodations are offered for compensation, and that is distinguished from a **hotel** primarily by providing independent exterior access to, and adjoining parking for, each rental unit.

## **Motor Vehicle**

A boat/watercraft, bus, golf cart, lawn mower, lawn implements, truck, tractor, trailers, semi-trailer, **recreational vehicle**, or similar vehicle drawn or propelled by mechanical power, and farm implements whether self-propelled or designed to be pulled, pushed or carried by another **motor vehicle** or automobile.

## **Motor Vehicle, Inoperable**

An automobile or motor vehicle which cannot be driven on a **public street** for reasons including, but not limited to, being abandoned, wrecked, in a state of disrepair, or otherwise incapable of moving under its own power.

## **Motor Vehicle Repair**

A facility that provides general motor vehicle service, rebuilding or reconstruction of engines, transmissions, or other systems, steam cleaning, or minor painting or detailing services for motor vehicles. This definition shall not include any services provided under the definition of “automobile body shop”.

## **Motor Vehicle Storage Yard**

A **lot, tract, or development site** used for the temporary, short term (up to 90 days) **outdoor storage** of automobiles or **motor vehicles** not used for transportation purposes on an active, regular or continuing basis, whether or not the **motor vehicle** is titled, licensed, or operable, either as a **primary use** or **accessory use**. Junk and **salvage yards** shall not be included under this definition.

## **Mounting Height, Light**

The **mounting height** of a light fixture shall be defined as the vertical distance between the **adjacent** grade and the top of the lighting fixture (luminaire).

## **Multiple Family Complex**

A grouping of two or more **multiple family structures**; also, a project with three or more single **family structures**, or two or more two **family structures**, on a single **lot**.

## **Multiple Family Complex, High Rise**

A grouping of 2 or more multiple **family structures** of 5 or more stories.

## **Mural**

A work of art, including a hand-painted, hand-tiled, or printed image on an exterior **wall** of a **building** that does not contain a message advertising a business conducted, service rendered, event scheduled, political issue,

## **WOODBURN ZONING ORDINANCE**

goods produced or sold, or other commercial message. A display or surface treatment that meets this definition is not a **sign**.

### **Museum**

A facility open to the public, with or without charge, for the collection and display of paintings, sculpture, textiles, antiquities, other works of art, or similar items.



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## **Name Plate**

An accessory **sign** containing only the name of the occupant of a **dwelling** and an occupation permitted in that **zoning district**.

## **Nature Preserve**

An area intended to remain in a predominantly natural or undeveloped state to provide resource protection and passive recreational opportunities.

## **Neighborhood Center**

A facility operated by a recognized neighborhood association and typically includes administrative office activities for the association as well as low intensity community services. Activities shall not include commercial or **uses** that create land **use** conflicts within a residential neighborhood.

## **Neighborhood Facility**

A facility intended to serve or accommodate the needs of a specific segment of a community or area. Neighborhood facilities shall include, but not be limited to, playgrounds, non-platted subdivision amenities, and similar uses.

## **Newspaper Publishing Facility**

An enclosed facility for the printing and distribution of newspapers, newsletters, and other similar media that is printed on newsprint-type paper for sale and general circulation.

## **Nightclub**

An establishment dispensing liquor and meals in which music, dancing, or entertainment is provided. Any establishment that meets the definition of “**adult cabaret**” or “**adult nightclub**” is not included under this definition.

## **Nits**

A nit is a photometric unit equivalent to one cd/m<sup>2</sup> (**candela** per square meter).

## **Nonconforming Building/Structure**

An existing **building** or **structure** that was constructed in conformance with the applicable ordinance at the time of construction that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **building** or **structure** is located.

## **Nonconforming Use**

A **use** of land, or of a **building** or **structure**, that lawfully existed prior to March 3, 2018 that fails to comply with the requirements set forth in this ordinance applicable to the **district** in which the **use** is located.

## **Nonresidential District**

The C1, C2, NC, SC, C3, C4, BTI, I1, I2, and I3 **zoning districts**.

## **Nude or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft with less than a fully opaque clothing covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

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## **Nude or Semi-Nude Model Studio**

Any place where a **person** who regularly appears in a state of nudity or semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other **persons**. This definition shall not include a **person** appearing in a state of nudity or semi-nudity doing so in a modeling class operated:

- (1) By a college, junior college, or university supported entirely or partly by taxation;
- (2) By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a **structure**:
  - (a) That has no **sign** visible from the exterior of the **structure** and no other advertising that indicates a nude or semi-nude **person** is available for viewing; and
  - (b) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

## **Nursery School (see “Preschool”)**

## **Nursing Home**

A facility licensed by the State Board of Health that provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm **persons** requiring nursing services; provides for licensed physicians services or supervision; and maintains medical records; overnight patient stays shall be permitted as part of this use. A convalescent home, health and rehabilitation center, and rest home, if meeting the above criteria, shall also be included under this definition.

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## Occupied Space

The total area of earth horizontally covered by a **manufactured home**, excluding accessory appendages such as but not limited to **garages**, **patios**, breezeways, and **porches**.

## Office, Professional

Facilities that are characterized by activities generally focusing on business, professional, insurance, or financial services. **Accessory uses** may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or **building**.

## Onsite Sewage System

All equipment and devices used for conduction, collection, **storage**, treatment, and on-site disposal of sewage using a soil absorption field or Permitted Discharge System, for a property not served by a sanitary sewerage system. The term shall include conventional, alternative, and experimental **onsite sewage system** technologies and components, and privies approved by the Indiana State **Department of Health** for use in the state. An **onsite sewage system** shall also include a private septic system.

## Onsite Sewage System Suitability Zone

An area of land delineated on a survey, supplemental document or plot plan, determined under the review of the **Department of Health**, provided in effort to protect soil most suitable for the installation and operation of a private **onsite sewage system**.

## Open Fence (see “Fence, Open”)

## Open Use of Land

An outdoor **use** that is operated with no **primary buildings** or **structures**, excluding a quarry operation.

## Ornamental Fence (see “Fence, Ornamental”)

## Outdoor Activity Area

The **use** of an area for outside activities by a **nonresidential use**, such as dumpsters, loading areas, mechanical equipment, outside eating/drinking areas, and outside **storage** areas. Gardens, front-facing **automobile service** bays and similar **uses** shall not be considered **outdoor activity areas**.

## Outdoor Display

The placement of goods, equipment or materials for sale, rental or lease in a location not enclosed by a **structure** consisting of **walls** and a roof. **Outdoor display** shall not mean **yard sales** as defined in this ordinance.

## Outdoor Sales, Permanent

The use of a portion of a property for the accessory storage and sales of items such as ice, magazines, newspapers, propane, vending machine sales, and videos.

## Outdoor Storage

The keeping of goods, materials or equipment in a location not enclosed by **walls** and a roof.

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## Outlot

A building site available for retail or other nonresidential development, typically part of a larger commercial development or site.

## Owner

Any **person** having record title.

## Painted Graphics

Any advertisement painted directly onto the **wall** of a **building**.

## Parcel

An individual unplatted piece of land, that was either: created by a deed recorded prior to March 3, 2018 in compliance with the **Subdivision** Control Ordinance in effect at the time of recordation; created as an **exempt division of land**/excluded **conveyance** by a deed recorded after September 1, 2007, in compliance with the **Subdivision** Control Ordinance in effect at the time of recording; or created by a **Plan Commission**-approved **Development** Plan. When a piece of land is titled in the name of the same landowner, but is divided by an improved public **right of way**, waters of the United States, or **waters of the State** of Indiana, then that piece of land shall be deemed to be more than one **parcel**.

## Park or Recreation Area (Public)

A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, provided by a unit of government to meet the active and/or passive recreational needs of the public.

## Park or Recreation Area (Private)

A natural, landscaped, or developed area, which may include buildings, structures, or athletic fields, owned or controlled and used by private or semi-public persons, entities, or groups for active and/or passive recreational purposes.

## Parking Area

A public or private area designed and used for the temporary parking of automobiles or motor vehicles, including parking lots and driveways.

## Parking Area (Off-site)

A parking area for a religious institution or school which is located directly across an alley right of way from that religious institution or school (see “Universally Permitted Use”).

## Parking Space (Off-Street)

A space other than on a **street**, passageway, or **alley** designed for **use** or used for the temporary parking of a **motor vehicle**, including **driveways** and **garages** on private residential property.

## Parking Structure

A **structure** designed to accommodate vehicular **parking spaces** that are fully or partially enclosed or located on the **deck** surface of a **building**, including parking **garages** and **deck** parking.

## Patio

A slab on grade located in the **front**, **rear**, or **side yard** of a property.

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## **Pawn Shop**

A place where money is loaned on security of personal property left in pawn and pledged as collateral for the loan and where that property may be redeemed by the seller in a fixed period of time or sold to the general public.

## **Pedestrian Friendly (see “Pedestrian Oriented”)**

## **Pedestrian Oriented**

Areas that accommodate pedestrians in a manner that is safe, functional, and aesthetically pleasing. **Pedestrian oriented** areas generally separate pedestrian and auto traffic, as well as offer designs that are more human-scaled.

## **Person**

An individual, firm, company, corporation, limited liability company, partnership, limited partnership, joint venture, trust, or any other incorporated or unincorporated associations or organizations, including the respective agents of such **persons**.

## **Personal Services**

An establishment that primarily engages in providing services generally involving the care of the **person** or his or her personal goods or apparel, including adoption service, **adult care center**, bankruptcy service, **barber shop**, **beauty shop**, bookkeeping service, **child care center**, clothing alterations, collection agency, consulting service, **correctional services facility**, copy/duplicating service, counseling service, credit service, **customer service facility**, **dating service**, **day care**, day spa, embroidery, **employment agency**, finance agency, **financial planning service**, fitness center, **funeral home**, **health club**, investment service, legal service, massage therapy, nail salon, nutrition service, security service, social service agency, tailor, tanning salon, **travel** agency, tutoring service, wedding consultant, and weight loss service.

## **Pet Store**

A retail establishment offering small animals, fish, or birds for sale as pets and where all creatures for sale are housed within the **building**.

## **Photographic Studio**

An establishment that specializes in offering professional images or photographs by means of shooting, processing, and printing images of the subject. This **use** may include the developing of film to produce images and the sales of images produced by the establishment.

## **Plan Commission**

The Allen County **Plan Commission** as designated by Section 152.40 and IC 36.7.4.410, et seq, or successor Plan Commission.

## **Planning Jurisdiction**

That land lying within the incorporated boundaries of Woodburn and any additional areas where extra-territorial **planning jurisdiction** has been granted by the Allen **County** Commissioners.

## **Planning Staff**

The personnel of the Land **Use** division of the **Department of Planning Services**.

# WOODBURN ZONING ORDINANCE

## **Plant Nursery**

A place where plants are propagated and grown to usable size or otherwise kept for sale, including retail and wholesale nurseries, and the sale of related items, along with any **buildings** and **structures** necessary for the operation of the facility.

## **Plat**

The drawing on which a plan of **subdivision** is presented to the **Plan Commission** (or an approved committee of the **Commission**) for approval, showing the length, width, and size of each **lot**, and public ways or places. A **plat** must be properly approved and recorded to be of effect.

## **Plat, Minor**

A **subdivision** of a **parcel** of land, that creates no more than six (6) **lots**, and that is reviewed and approved in accordance with this ordinance. No further **subdivision** of a platted and recorded **minor plat** shall be permitted, unless the **minor plat** is replatted in accordance with this ordinance.

## **Plat, Major**

A **subdivision** of a **parcel** of land that is reviewed and approved in accordance with the **Subdivision** regulations, and is intended to be filed with the Allen **County Recorder's** office; excluding an **exempt division of land** under §154.303(C)(2) and a **minor plat**. All **lots** in a **major plat** shall be served by a public sanitary sewer system. **Major Plats** shall only be permitted in R, MH, C, or I **zoning districts**. No further **subdivision** of a recorded **major plat** shall be permitted, unless the **plat** is replatted.

## **Plat Committee**

A group of officials appointed by the **Plan Commission** to hold hearings on and dispose of **subdivision** applications on behalf of the **Commission**.

## **Play Equipment**

**Accessory structures** and **uses**, used for **recreation** and play, including jungle gyms, play houses, play sets/**structures**/equipment, skateboard halfpipes, swing sets, trampolines, tree houses, and sandboxes, but excluding materials that meet the definition of junk as set forth herein.

## **Police Station**

Any **building** or part of a **building** that is designated by a chief of police or sheriff to be used as a police or sheriff's station or substation and at which duly authorized officers perform law enforcement functions.

## **Porch, Open**

A roofed **structure** attached to a **building** and open on two or more sides. A screened in **porch** shall not be considered open.

## **Portable Storage Container**

A semi-trailer, truck box or other similar container placed on a property for **use** as accessory **storage**. Dumpsters or roll-off containers used for the temporary **storage** of **solid waste** shall not be included under this definition.

## **Preschool**

A **school** for children primarily between the ages of three and five, providing preparation for elementary **school**.

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## **Primary Building (see “Building, Primary”)**

### **Printing Services**

A retail establishment that includes a quick print **shop** or the operation of offset printing and other related equipment, such as, but not limited to, paper cutters, collating machines, multi-colored press equipment, plate burners, digital services, publishing, binding and **photographic** developing equipment.

### **Professional Engineer**

An **engineer** who is licensed in compliance with the laws of the State of Indiana.

### **Professional Office/Business Service**

An establishment where the business of a commercial/professional organization or a professional **person** is conducted, or which engages in providing services to such an organization or **person**, including accountant, advertising, answering service, appraiser, architect, attorney, auction service, **bank**, bookkeeping, broker, **credit union**, data processing facility, data **storage** facility, **engineer**, foundation office, graphic design service, insurance agency, interior design service, internet/web site service, **land surveyor**, **loan office**, marketing agency, mortgage service, planner, realtor, **savings and loan**, stock and bond broker, tax consulting, and title company.

### **Protected Class**

The federal Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven **protected classes**: race, color, religion, national origin, sex, disability, and familial status.

### **Public Park (see “Park or Recreation Area, Public”)**

### **Public Sewer Facility**

A sewage or storm water collection and disposal/dispersal system operated by an entity regulated by the Indiana Utility Regulatory **Commission** (IURC). This shall not include a package treatment or similar private sewer facility.

### **Public Utility**

A firm, corporation, municipal department or **board** duly authorized to furnish, or furnishing under regulation to the public, electricity, gas, steam, communication, transportation, drainage, sewer and/or water.

### **Public Water Facility**

A water supply system designed to serve a **district**, community, municipality or individual **development**, or portions thereof by public or quasi-**public utility**.

### **Public Works Use, Temporary**

The **temporary use** of a **structure** or **parcel** of land for purposes of preparing for or completing a public construction project, or for storing materials or equipment related to the construction project inside or outside an enclosed **building**.<sup>1</sup>

# WOODBURN ZONING ORDINANCE

## Radio Station

A **building** or portion of a **building** used as a place to stage, record and broadcast music and other related media.

## Radio Tower (Amateur)

A tower or other **structure** to support a transmitting/receiving antenna for an amateur radio activity.

## Reception Hall

A facility in which the primary function is hosting special occasion events at which food and beverages are served to groups of people, with facilities for the refrigeration and heating of food.

## Recorder

The **Recorder** of Allen **County**, Indiana.

## Recreation Facility

A private or non-profit indoor establishment that is maintained or operated for the amusement, patronage, or **recreation** of the general public, members, or paying customers, including bowling **alleys**, tennis **clubs**, skating rinks, **swimming pools**, and other similar **uses**.

## Recreation Area

Private or non-profit outdoor **recreation uses**. **Structures** are typically required by or are part of the **primary use** of the use. Recreation areas shall include athletic/recreation fields, **golf courses**, swimming pools, swimming beaches, volleyball or **tennis courts**, and similar **uses**. This **use** shall not include **public parks** or **public recreation areas**.

## Recreation, General

A commercial **use** that provides indoor or outdoor amusement, entertainment, recreation, or sport for consumers, including amusement park, athletic field, **arena**, batting cages, betting or other gambling facility, **country club**, **entertainment facility**, **golf course (miniature)**, **golf driving range**, go-kart facility, haunted house, **recreation uses**, **riding stable**, skating rink, **stadium/race track**, swim **club**, tennis **club**, and **theater**.

## Recreation/Tourism, Limited

A commercial **use** that provides indoor amusement, entertainment, recreation, or sport for consumers, including **arcade**, billiard or pool hall, bingo establishment, bowling **alley**, dinner **theater**, **entertainment facility**, haunted house, **hotel**, **motel**, skating rink, swim **club**, tennis **club**, and **theater**.

## Recreation Uses, Outdoor

**Outdoor recreation uses** may include **athletic fields**, riding stables, swimming pools, **tennis courts**, and similar **uses**.

## Recreational Vehicle

A vehicle that is built on a single chassis, four-hundred (400) square feet or less when measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for **use** as a permanent **dwelling**, but as temporary living quarters for recreational camping, **travel**, or seasonal **use**.



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## Recycling Collection Point

An **accessory use, structure**, or enclosed area that serves as a neighborhood drop-off point for **temporary storage** of recyclable materials. A **recycling collection point** may also include a facility for the temporary collection of used clothing and household goods.

## Recycling Processing Facility

A recycling facility that receives distinct and recognizable **solid waste** items such as newspapers, magazines, books, and other paper products, glass, metal cans, and other similar products are recycled, reprocessed, and treated in order to return those products to a condition where they may be again be used in new products. Based on a calendar quarter, a **recycling processing facility** must have not more than ten percent (10%) by volume of the **solid waste** that passes through the facility ultimately taken for final disposal.

## Refuse

All waste solids (except body wastes), including **garbage**, rubbish, ashes, and dead animals.

## Rehabilitation Facility

An inpatient facility which provides skilled nursing care and intensive rehabilitative services. Overnight patient stays shall be permitted as part of this use.

## Rehabilitation/Renovation

The act or process of improving a **structure**'s condition through repair and alterations while respecting those features **significant** to its architectural, historic or cultural value.

## Religious Institution

A **structure** or place in which worship, ceremonies, rituals, and **education** pertaining to a particular system of beliefs are held, together with its **accessory buildings and uses** (including **buildings** used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. **Accessory buildings, structures, or uses** may include athletic/**recreation fields** (non-illuminated); assembly **buildings** (including gymnasiums); clothing or food banks; **convents**/parsonage/rectories or similar residences; **day care**; counseling or **education**; **school** facilities; parking; or caretaker's housing.. Examples include **churches**, **mosques**, **synagogues**, **temples**, or other places of worship.

## Rental and Leasing Store

A retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods, that are housed inside a **building**.

## Research and Development Facility

A facility including research, synthesis, analysis, **development** and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment and components incidental, convenient or necessary to the conduct of those activities.

## Research and Scientific Laboratory

A facility or area for conducting scientific research, investigation, testing, or experimentation, but not including facilities for the manufacture or sale of products, except as incidental to the main purpose of the **laboratory**.

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## **Residential Condominium Development**

A residential **development** created as a horizontal property regime (pursuant to IC 32-25 et. seq., as may be amended) where each **dwelling unit** is owned or financed by the occupant or occupant's lessor, but in which the **common areas**, facilities, and underlying land is owned jointly by all the **owners** on a proportional, undivided basis.

## **Residential District**

The AR, R1, R2, R3, and MHS **zoning districts**.

## **Residential Facility, General**

Higher intensity residential **uses** other than single-**family** and two **family dwellings**, including but not limited to:

- (1) **Assisted living facility**
- (2) **Boarding house**
- (3) **Dormitory/campus housing** (off-site)
- (4) **Fraternity house**
- (5) **Group residential facility (large)**
- (6) **Live-work unit**
- (7) **Model unit**
- (8) **Multiple family complex**
- (9) **Multiple family dwelling**
- (10) **Nursing home**
- (11) **Residential dwelling unit** (above, to the rear of, or attached to a permitted **nonresidential use**)
- (12) **Retirement facility**
- (13) **Sorority house**
- (14) **Townhouse complex**

## **Residential Facility, Limited**

Low-intensity residential **uses** other than **single-family**, **two family** and **multiple family dwellings**, including but not limited to:

- (1) **Adult care home** (in an existing single **family** detached residence only);
- (2) **Child care home (class I or class II;** in an existing single **family** detached residence only);
- (3) **Group residential facility** (small; in an existing **single family detached residence** only)

## **Residential Facility for a Court-ordered Re-entry Program**

A facility providing housing for individuals under a program authorized by a local, State, or Federal court. This use shall include overnight stays; this use shall not be considered to be a correctional services facility or a correctional institution.

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## **Residential Facility for Developmentally Disabled Individuals**

A type of **Small Group Residential Facility** providing housing for up to than eight (8) **developmentally disabled individuals** (exclusive of supervisory staff, councilors or resident managers); operated under a program authorized and licensed by the State.

## **Residential Facility for Homeless Individuals**

A facility providing housing for up to eight (8) homeless individuals (exclusive of supervisory staff, counselors, or resident managers).

## **Residential Facility for Mentally Ill Individuals**

A type of **Small Group Residential Facility** providing housing for up to eight (8) **mentally ill individuals** (exclusive of supervisory staff, counselors, or resident managers).

## **Residential Facility (Other)**

A facility providing housing for up to eight (8) individuals (excluding supervisory staff, counselors, or resident managers) who are members of a protected group as set forth under the Fair Housing Act.

## **Residential Zoning District (see “Residential District”)**

## **Restaurant**

An establishment primarily for the sale of food and drink that is prepared, served, and consumed for the most part within the principal **building**, with or without **drive-through facilities**.

## **Restoration**

The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the **restoration** period. The limited upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a **restoration** project.

## **Retail/Service, General**

A facility or area for the indoor or outdoor retail sale of items, merchandise, or products to the general public. This **use** includes agricultural equipment sales, agricultural equipment service, agricultural supply sales, air conditioning service, **auction hall**, **automobile** auction, boat/watercraft sales, **check cashing**, **engine repair**, **equipment rental (limited)**, equipment service, **exhibit hall**, **exterminator**, **feed store**, fireworks sales, flea market, fruit and vegetable sales, furniture refinishing/repair, **garage**, **garden equipment supply**, **greenhouse**, gun sales, heating service, **home improvement store**, **manufactured home** sales, motor vehicle auction, **motor vehicle** rental, motor vehicle repair, **motor vehicle** sales, motor vehicle **pawn shop**, pest control, **plant nursery**, plumbing sales, plumbing service, pottery sales, seasonal sales, propane/bottled gas sales and service, **shooting range** (indoor only), **storage shed** sales, taxidermist, trade show facility, truck fueling station, truck stop, **warehouse/storage facility**, and **window** repair.

## **Retail Facility, Multiple Tenant**

A **single multiple tenant** retail **building** located on a **development site** or **shopping center** outlot.

## **Retail Facility, Single Tenant**

A stand-alone, **single tenant retail facility** on its own **development site**. Accessory space may be rented or leased within the **building** provided a separate outdoor entrance is not provided. This definition shall not include home improvement centers.

# WOODBURN ZONING ORDINANCE

## Retail, Limited

A facility or area for the retail sale of certain items, merchandise, or products to the general public. This use includes air conditioning sales, appliance store, antique shop, artist material and supply store, art gallery, bicycle sales and repair shop, book store, card and stationary store, catalog showroom, cigarette/tobacco/cigar store, clock, watch, and jewelry sales/ repair, coin shop, consignment shop, cosmetic store, craft gallery, craft supply store, department store, drug store, fabric shop, farmer's market, fireworks sales (indoor), flea market (indoor), floor covering store, florist, furniture store, gift shop, glass cutting/glazing shop, hardware store, , home improvement business, home repair, household appliance store, heating sales, hobby shop, interior decorating store, leather goods or luggage store, medical supply sales, movie and game sales/rental, music store, musical instrument store, paint store, pet store, pharmacy, photographic supply store, picture framing facility, pottery sales, rental and/or leasing store (including furniture, office equipment, or party supplies), sign sales store, sporting goods sales and rentals, toy store, variety store, and window sales.

## Retaining Wall

Any **fence** or **wall** built or designed to retain or restrain lateral forces of soil or other materials.

## Retirement Facility

An independent living facility designed to meet the needs of **persons** fifty-five (55) years of age or over. Typically the facility consists of independent living apartments along with **common areas** for meals, social gatherings, and recreation. Services such as transportation, housekeeping, dietary supervision, recreational activities, and coordination for home health care may also be offered. However, the primary purpose of the facility is not to provide medical services for its residents.

## Riding Stable, Non-residential

Any **lot** or portions of a **lot** on which horses or other similar animals are maintained for the public to ride in return for monetary remuneration or other forms of compensation. Non-residential stables may be located on a **parcel** with no **primary structure**.

## Riding Stable, Private

Any **lot** or portions of a **lot**, on which a **private club**, association, or other private organization maintains horses or other similar animals to be ridden exclusively by its membership and guests of the membership.

## Riding Stable, Residential

An area for riding or housing/boarding horses, used as an **accessory use** and located on a property with a single **family** residence.

## Right-of-Way

A dedicated strip of land that may be occupied or may be intended to be occupied by transportation facilities, **public utilities**, or other public **uses**.

## Root Parcel of Land

Any separate and distinct quantity of land located within a registered **metes and bounds subdivision** created by virtue of a legally recorded deed. For purposes of determining the duration of existence of a **root parcel**, a quantity of land shall not lose its character as a **root parcel** because of later **conveyances** of land from that **parcel**; provided, however, that any **parcel** legally created from a **root parcel of land** by **conveyance** within a registered nonconforming **metes and bounds subdivision** shall, after the expiration of twelve (12) months from the recordation of the deed evidencing that **conveyance**, be construed as a new **root parcel**.

# WOODBURN ZONING ORDINANCE

## Sales Yard

An outdoor area for the sale of **building** materials, lumber, sand, gravel, stone, and similar materials used in construction projects.

## Salvage Yard

A **lot, parcel, development site, structure**, or business operation that is primarily used for sales of, processing, or dismantling junk, **building/infrastructure** construction material, or similar material.

## Sanitary Landfill

A **solid waste** disposal facility designed to accommodate and dispose of certain types of **solid waste** as defined and described in 329 IAC 10-2 (excluding **hazardous waste** regulated by 329 IAC 3.1). The facility shall be operated by spreading the waste in layers, compacting to the smallest practical volume, and covering with material at the end of each operating day. The facility shall be operated under permits issued by the appropriate government agencies. A **Sanitary Landfill** is not permitted by right or eligible for a **special use** under the provisions of this ordinance

## Satellite Dish, Large

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is more than two (2) feet in diameter.

## Satellite Dish, Small

A parabolic (dish shaped) **structure** with an antennae or similar apparatus or device designed for the purpose of receiving radio, television or similar communications which is not more than two (2) feet in diameter.

## Savings and Loan

An establishment that provides lending and financial services to individuals and businesses. **Accessory uses** may include **automatic teller machines** and **drive through facilities**.

## Sawmill

A mill for sawing timber or logs into boards or lumber.

## School

Facility used for educational purpose including public or private primary or secondary **schools**; elementary, junior or senior high, including charter or vocational **schools**.

## Seasonal Outdoor Retail Sales

Any business or **use (primary or accessory)**, that is conducted primarily out of doors, which may include but not be limited to: retail sales of garden supplies and equipment; roadside stands for the sale of fruits and vegetables, plants, flowers, Christmas trees, fireworks; and other similar businesses or **uses**.

## Secondary Approval

Approval, or approval with **conditions**, granted to an application for a **Development Plan** or **Major** or **Minor Subdivision**, certifying that the application reflects all terms, **conditions**, and **commitments** required by the **Plan Commission**, or the **Plat Committee** acting in its behalf.

## Security Fence

A **fence** erected as a barrier to **persons**, animals, or vehicles entering or leaving the enclosed area.

# WOODBURN ZONING ORDINANCE

## Self-Service Storage (Mini-Warehouse) Facility

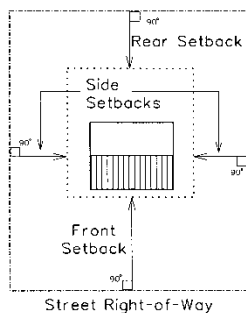
A **building** or group of **buildings** consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for **self-service storage** of personal property.

## Semi-Nude Or State Of Semi-Nudity

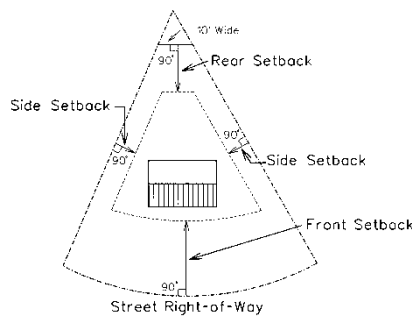
A state of dress in which opaque clothing covers no more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

## Setback

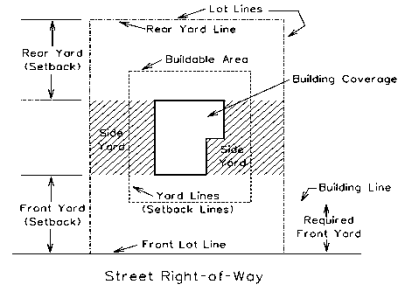
The distance on a **lot** measured from the edge of a **right-of-way** that must remain open, unoccupied and unobstructed by **structures**, except as otherwise provided or permitted in the ordinance.



Examples of Setbacks



Examples of Setbacks



## Sexual Encounter Establishment

An establishment that as one of its purposes offers for any form of consideration a place where two or more **persons** may congregate, associate, or consort for the purpose of engaging in **specified sexual activities** or where one or more of the **person** is nude or semi-nude. This definition shall not include a licensed **health care facility**, or establishment where a medical practitioner, psychologist, psychiatrist, or similar professional **person** licensed by the state engages in medically approved and recognized sexual therapy.

## Sexually Oriented Business

An **adult bookstore**, **adult cabaret**, **adult motion picture theater**, **adult night club**, **adult novelty store**, **adult video store**, **nude or semi-nude model studio**, or **sexual encounter establishment**.

## Shed

An outbuilding or other **structure** that is accessory to a principal **use** on the same **lot**.

## Shooting Range

An area or facility to be used for firearm target practice, competitions, or similar **uses**, including but not limited to archery, skeet, trap, paintball, and similar shooting activities, and including both indoor and outdoor facilities.

## Shop

A place where merchandise is offered for sale; a store.

# WOODBURN ZONING ORDINANCE

## Shopping Center

A **development** that includes more than one **multiple tenant** or **single tenant retail facility**, or other retail use located on a **development site** or combination of **development sites**.

## Sign

Any identification, description, illustration, device, light projection, or surface treatment, that is in view of the general public and that directs attention to a **person**, place, commodity, activity, institution, organization or business. **Signs** include but are not limited to wind wavers, banners, **building** and equipment wraps, painted tops of **buildings**, mannequins displayed outdoors, **outdoor displays** of goods not for sale, **window signs**, and portable **signs**. **Signs** do not include architectural elements or details; clocks; thermometers; vending machines; newspaper racks; decorative illumination including façade illumination, neon accent lighting, and backlit **awnings** that do not attract attention to a product or service; art, **murals**, and other similar painted displays that do not attract attention to a product or service; **signs** where the message is either not legible from outside the **building** or intended to only be seen from inside the **building**.

## Sign, Additional Entrance

A **freestanding sign** located at the entrance to a property containing **multiple tenants** or facilities on a single property or on multiple properties that share that access. An **additional entrance sign** includes but is not limited to a tenant panel **sign** for a **shopping center**, commercial facility, or industrial park, or a single **sign** containing the names of the **multiple tenants** or facilities that share the access where the **sign** is located, but does not include a **subdivision entrance sign**.



## Sign, Auction

A **temporary sign** that announces the date, time and other information relative to an auction on a property.

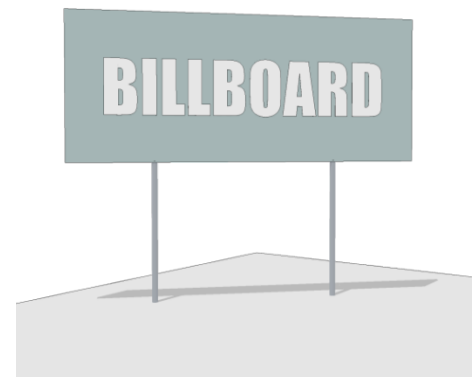
## Sign, Awning

A **sign** affixed flat to or painted upon the surface of an **awning**.



## Sign, Billboard

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that has 100 square feet or more of **sign area**. A **Billboard** is not permitted by right or eligible for a **special use** under the provisions of this ordinance



## Sign, Blade

A **sign** affixed to a **building wall** that projects from the **building** face, generally at right angles to the **building**. **Blade signs** are: primarily oriented toward vehicular traffic; and located in higher traffic volume areas. The height of a blade sign shall be at least 1.5 times the sign width.

# WOODBURN ZONING ORDINANCE

## Sign, Canopy

A **sign** affixed to a **canopy**.

## Sign, Changeable Copy

A **sign** or portion of a **sign** that allows for frequent changes in **sign** messages by manual, electronic, or mechanical means.

## Sign, Construction

Any **sign** announcing the names of architects, **engineers**, contractors, or other individuals or firms involved with the construction, alteration, or repair of a **building** project or announcing the character of the **building** enterprise or the purpose for which the project is intended.



## Sign, Direction

A small auxiliary **sign** typically used to provide information such as directions on or to a property, parking locations and limitations, traffic information, address identification, and other similar information. **Direction signs** may include logos or other proprietary symbols.



## Sign, Directory

A **sign** that provides a list or directions to multiple facilities or tenants within a single **building** or complex of **buildings**.

## Sign, Drive-Through

A **sign**, as defined herein, erected for and used in conjunction with a commercial **use** which conducts business exchanges with clients who drive up to a **window** and remain in their **automobiles**. **Drive-through signs** shall include menu boards and other **signage** relating to services available at the service **window(s)**.

## Sign, Entrance

A **sign** used to identify a planned **district** or platted **subdivision** with the intention of providing knowledge about the complete project and not a single entity or unit.



## Sign, Expired

A **sign** displayed on a property after the conclusion of the event the **sign** was placed in association with; or a **sign** with a message that has been rendered no longer operative, valid, or timely by a cessation or abandonment of a land **use** or occupancy, a cessation or completion of events, or the passage of time. Examples of **expired signs** shall include a **sign** for a business no longer in operation, an empty **sign** cabinet that does not display any message, a **yard sale sign** displayed after the conclusion of the sale, a **noncommercial opinion sign** displayed more than the permitted number of days after the date of the applicable election, a **real estate sign** displayed more than the permitted number of days after the closing of the sale, or a **construction sign** displayed more than the permitted number of days after the completion of construction.

## Sign, Flashing

Any **sign** that flashes or appears to flash by a powered light source at intervals of less than 6 seconds.



# WOODBURN ZONING ORDINANCE

## Sign, Freestanding

A **sign** that is completely or principally self-supported and erected on a frame, mast or pole that is not attached to a **building**.

## Sign, Ground-mounted

A **freestanding sign** supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles with no clearance between the bottom of the **sign** and the ground below, and designed to include a continuous or nearly continuous central base.



## Sign, Incidental

Any accessory **sign** that advertises goods, services or facilities that are available on the premises where the **sign** is located. Any **sign** required by law shall not be counted as an **incidental sign**.

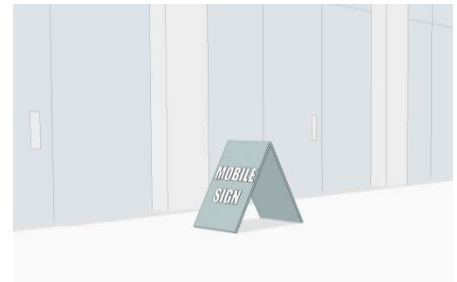
## Sign, Marquee

A **sign** displayed, erected or supported upon an overhanging **marquee** or other similar cover or shelter.

## Sign, Master Plan (see “Master Sign Plan”)

## Sign, Mobile

A **sign** that is designed to be moved from one location to another, and is not permanently affixed to the ground or to a **structure** that is permanently affixed to the ground (including **signs** affixed to a truck or trailer that is parked temporarily on a **lot** or **parcel**). A vehicle associated with and parked within 40 feet of a permitted or approved **special use** is not a **mobile sign**.



## Sign, Noncommercial Opinion

A **sign** that expresses an opinion or other point of view, and does not contain information or advertising for any business, product, good, service, entertainment, or other commodity. A **sign** that meets the definition of “**sign**”, including an **on-premise sign** or and **off-premise sign**, shall not be considered a **noncommercial opinion sign**. A **political sign** shall be considered to be a **noncommercial opinion sign**.

## Sign, Off-Premise

Any **sign** that identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the **sign** is located, and that does not exceed 100 square feet in area.

## Sign, On-Premise

Any **sign** identifying or advertising a business, **person**, activity, good, product or service located on the premises where the **sign** is installed.

## Sign, Political

Any **temporary sign** pertaining to an election or a referendum or carrying the picture or name of a **person** seeking election or appointment to a public office.

# WOODBURN ZONING ORDINANCE

## Sign, Projecting

A **sign** other than a **wall sign**, that is affixed to any **building**, **wall** or **structure** and extends greater than eighteen (18) inches beyond the **building wall** or parts of the **building wall**, generally at a right angle to the **building**, so that the **sign** is designed to be viewed from a position generally perpendicular to the **building**. **Projecting signs** shall not project above the **wall** of a **building**, including cornice walls. A sign which is suspended from a building or part of a building shall also be considered a projecting sign. The height of a projecting sign shall be less than 1.5 times the sign width.



## Sign, Public Information

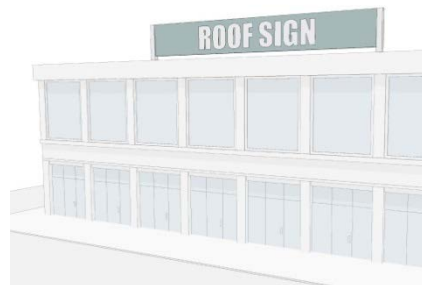
**Signs** of a public, non-commercial nature to include safety **signs**, trespassing **signs**, traffic **signs**, **signs** indicating scenic or historical points of interest, memorial plaques and the like, and all **signs** erected by or on order of a public office in the performance of a public duty.

## Sign, Real Estate

An **on-premise sign** pertaining to the sale, construction, rental or lease of the property upon which it is located.

## Sign, Roof

A **sign** erected upon or above a **roof** or parapet of a **building**.



## Sign, Temporary

A **sign** not permanently installed or not intended or designed for permanent display. This includes all **signs** constructed of cloth, canvas, light fabric, cardboard, or other light material. Easily removed **signs** attached to **windows** shall be considered **temporary signs**.

## Sign, Wall

A **sign** attached to the face of a **building**, or attached to a mansard or similar style of **roof**, so that the **sign** is designed to be viewed from a position generally parallel to the **building**. **Signs** parallel to and attached to sloping **walls** or mansard or similar style **roofs** to allow the **sign** display surface to remain perpendicular to the ground shall also be considered **wall signs**. **Wall signs** shall not project above the **wall**, cornice line, or **top roof line** of a **building**.



## Sign, Window

Any **sign** painted or otherwise permanently affixed onto a glass area or installed behind a **window** for viewing from outside the **building**, excluding **temporary signs**.



# WOODBURN ZONING ORDINANCE

## Sign Area

The area in square feet of the smallest, simplest, single geometric figure that encloses the area that forms the outside shape of the **sign** face. Permitted **changeable copy** areas are to be included in the calculation of **sign area**, not allowed in addition to otherwise permitted **sign area**.

## Sign Brightness

The maximum brightness of a video display or electronic graphic display **sign**.

## Sign Fabricating Shop

An establishment where the **primary use** is the fabrication of freestanding, **wall**, identification, or other **signage** for off-site installation. The maintenance and installation of signs shall also be permitted as part of this use.

## Sign Height

The distance between the lowest grade level within two feet of either side of a **sign**, and the highest part of the **sign** or its supporting **structure**.

## Sign Sales Store

An establishment where the **primary use** is the retail sale of **signs**, banners, or similar items. Limited on-site fabrication or creation of **signage** may be permitted.

## 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 site 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.

# WOODBURN ZONING ORDINANCE

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

## Solar Panel (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.

## 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**;
- (2) The transfer of **solid waste** at the point of generation;
- (3) A **recycling processing facility** that receives distinct and recognizable **solid waste** items that fall under the definition of “**recycling processing facility**”;
- (4) Curbside satellite collection vehicles used for collecting residential waste, which are small motorized vehicles, or the equivalent, with bins or containers that once full are deposited into larger **solid waste** collection vehicles or containers; or
- (5) A facility that generates **solid waste**.

## Sorority House

A **building**, rented, occupied or owned by a national or local chapter of an organized college **fraternity** or **sorority** that is officially recognized by a college, university, or other **educational institution**.

## Special Event

Events connected to a universally permitted use, including but not limited to fairs, carnivals, or festivals.

# WOODBURN ZONING ORDINANCE

## Special Use

A land **use** listed in this ordinance as a **special use** for the **zoning districts** in which the property is located and that requires review and approval pursuant to §154.503(D) and the other applicable provisions of this ordinance prior to commencing the **use**.

## Specified Anatomical Areas

This term includes (1) less than completely and opaquely covered: human genitals, pubic regions, cleft of buttocks, anus, or female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

## Specified Sexual Activities

Actual or simulated sexual conduct, normal or perverted acts of human masturbation; deviate sexual intercourse; oral copulation, sodomy, sexual intercourse; or physical contact, fondling, or erotic touching, in an act of apparent sexual simulation or gratification, of a **person's** clothed or unclothed genitals, pubic area, buttocks, anus or the breast of a female; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification, or excretory functions in connection with any of the above activities.

## Stadium/Racetrack

Any **structure** with tiers of seats rising around an unenclosed sports field, playing court, or public exhibition area. **Stadium/racetracks** are primarily used for sports and athletic events. Entertainment and other public gathering purposes, such as concerts and conferences may be permitted as an **accessory use** of a **stadium/racetrack**.

## Steeple

A conical, pyramidal, or similar structure on the top of a tower or roof of a religious institution.

## Storage

The keeping of goods, materials, equipment or vehicles on a property.

## Storage Building

**Structures** used for the **storage** or warehousing of goods, but not including **temporary storage** containers such as portable on-demand units or tractor trailers used for **storage**.

## Storage Shed

An **accessory structure** to a single **family** or two **family** residential **use** used for the **storage** of household recreational or **yard** equipment, gardening materials, tools, and household similar items, but excluding **portable storage containers**, shipping containers, truck bodies, and other abandoned vehicles or portions of vehicles.

## Story

That portion of a **building** included between the surface of any floor and the surface of the floor next above, or if there is no floor above it, then the space between any floor and the ceiling next above it; also any portion of a **building** used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a **story** unless the height of the surface of the first floor above the average elevation of the finished **lot** grade at the front of the **building** exceeds four (4) feet.

# WOODBURN ZONING ORDINANCE

## Street, Arterial

A **street** system typically designed to carry high volumes of traffic, generally interconnecting with **expressways** and **freeways**, and providing a continuous high mobility network that primarily services regional traffic. The following classifications shall also be included under this definition:

### (1) Principal Arterial

A **public street** that provides high volume **travel** between major points or serves the major centers of activity and designated as a **principal arterial** on the map contained in the latest Transportation Plan adopted by the Woodburn City Council. A **principal arterial** carries most of the trips entering and leaving the urban area as well as most through movements and intra-area **travel**. The **street** serves primarily through traffic and provides access to abutting properties as a secondary function.

### (2) Minor Arterial

A **street** system that interconnects with and supports the **principal arterial** system and designated as a **minor arterial** on the latest Transportation Plan adopted by the Woodburn City Council. The system carries trips to geographic areas smaller than that identified with higher classifications. Those arterials not classified as **principal arterials** shall be classified as **minor arterials**.

## Street, Collector

A **public street** that provides moderate volume traffic circulation and property access. The **street** may penetrate residential, commercial, and industrial areas distributing trips from arterials through the area to **local streets** or final destinations. The system also links neighborhoods or areas of homogeneous land **use** with arterials. The following classifications shall also be included under this definition:

### (1) Street, Minor Collector

A **minor collector street** serves as a connecting link between **collector streets** and **local streets**, primarily serving internally to residential communities.

### (2) Street, Sub-Collector

A **street** that functions to conduct traffic between major traffic arterials and/or activity centers. It is a principal traffic artery within a residential area and carries a relatively high volume of traffic.

## Street, Cul-De-Sac

A dead-end **street** that terminates in a circular **right-of-way** and does not provide more than one access point onto another **street**, nor act as a collector, or means of access to **lots** not fronting that **street**.

## Street, Local

A **public street** that provides for low volume traffic circulation and direct access to abutting properties (residential, commercial, and industrial). Through-traffic movement is usually deliberately discouraged.

## Street, Private

An improved area other than a **driveway**, which is located on private property, used primarily for purposes of vehicular **travel**, and has not been dedicated or otherwise accepted as a public **right-of-way** by an appropriate governmental entity.

# WOODBURN ZONING ORDINANCE

## Street, Public

A dedicated public **right-of-way** used primarily for purposes of vehicular **travel**, including the pavement, median, curb and/or shoulder, that has been dedicated to or otherwise accepted by the appropriate governmental entity.

## Structure

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, **structures** include **arbors**, awnings, **billboards**, **buildings**, canopies, **carports** (including framed canvas or plastic covered carports), **decks**, **fences**, **gazebos**, loading docks, **manufactured homes**, **porches**, portable storage units, **storage** tanks, **satellite dishes**, **swimming pools**, and **walls**. The term does not include construction or features such as **driveways**; earth berms or mounds; on-grade **patios**; parking areas; ponds or detention areas; sidewalks; sanitary or **hazardous waste** landfill disposal areas; sand, gravel, stone, or other similar natural material extraction overburden mounds; tents or recreational vehicles; vegetation; or similar natural features and/or man-made construction.

## Structure, Primary (see Building, Primary)

## Structure, Temporary

A trailer, mobile unit, or other **structure** intended to be placed on a **lot**, **tract**, or **development site** for a limited period of time.

## Studio

An area or facility used for the production/creation of or **instruction** in art, crafts, music, painting, photography, sculpture, or similar activities.

## Subdivision (including the word "subdivide")

The division of a single **parcel** of land, or part of that **parcel**, into two or more **lots** or **parcels** of land for the purpose, whether immediate or future, of transfer of ownership, unless it qualifies as an **Exempt Division of Land** pursuant to §154.303(C)(2). The following classifications shall also be included under this definition:

### (1) Subdivision, Major

A **subdivision** of land meeting the definition of a **Major Subdivision** in Section 154.303(C)(4).

### (2) Subdivision, Minor

A **subdivision** of land meeting the definition of a **Minor Subdivision** in §154.303(C)(3).

## Substantial Change

For the purposes of plan review and approval, a change in or to: access point numbers or **significant** change in location; the number of **buildings**; the number or size of **lots/parcels** (however, for a single family subdivision, an increase of up to 5% of the number of platted lots shall be permitted) ; or an increase in the height or the square footage of the proposed **buildings** relative to the previously submitted application or approved plan.

## Supermarket (See "Grocery Store")

## Swimming Pool

Any constructed or portable **structure** designed or constructed to be filled with water and intended to be used for swimming or similar purposes, which is both over twenty-four (24) inches in depth and over two hundred fifty (250) square feet in size regardless of whether the **structure** currently contains water or is empty.

# WOODBURN ZONING ORDINANCE

**Synagogue** (see “**Religious Institution**”)

**Tavern** (see “**Bar**”)

## **Television Station**

A building or portion of a building used as a place to stage, record and broadcast music, videos, television, and other related media.

**Temple** (see “**Religious Institution**”)

## **Tennis Court**

An indoor or outdoor facility designed with courts specifically for the recreational **use** of tennis, squash, handball and/or other similar court games.

## **Theater**

A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

## **Tire Sales**

An establishment engaged in selling **automobile**, truck, bus, and other tires for **motor vehicles**. **Accessory uses** may include the sales of other automotive accessories and the mounting, balancing, and repair of tires.

## **Top Roof Line**

The principal top edge of the roof of a **building**.

## **Townhouse Complex**

A grouping of at least two (2) freestanding **townhouse structures**.

## **Townhouse Structure**

A **structure** containing three (3) or more **townhouse dwelling** units.

## **Tract**

An area, **parcel**, site, piece of land, or property.

## **Trail, Multi-use**

A trail or path, either within a public **right-of-way** or an **easement** on private property, which is physically separated from vehicular traffic by an open space or barrier.

## **Transition**

For purposes of **sign** regulation, a visual effect used on a **changeable copy sign** to change from one message to another.

## **Transitional Use**

A **use** that is intended to serve as a low-intensity intermediate **use** between existing residential land **uses** (especially single **family**) and higher-intensity **nonresidential uses**, as an area changes from residential **use** to **nonresidential use**. A **transitional use** shall only be permitted to be considered as a **Special Use** on **lots** which adjoin an arterial roadway.



# WOODBURN ZONING ORDINANCE

## Trash

Combustible waste materials, excluding **garbage**, but including the residue from the burning of coal, coke, wood, and other combustible materials; boxes, cans, cartons, crockery, excelsior, glass, leather, metals, mineral matter, paper, rags, rubber, tires, vegetative matter, wood, and other similar materials.

## Travel

For purposes of **sign** regulation, a mode of message **transition** on a **changeable copy sign** where the message appears to move horizontally across the display surface.

## Treatment Center

A facility for the on-site drug, mental health, or psychiatric treatment, therapy, or counseling of individuals. Overnight patient stays shall not be permitted as part of this use.

## Trellis

A **structure** of open latticework, typically used as a support for vines and other plants.

## Truck Depot/Terminal

A facility in which goods shipped by truck are loaded, unloaded, or transferred between trucks for shipping or distribution, together with incidental truck **storage**, maintenance, and administrative offices.

## Truck Fueling Station

A facility where gas and other supplies are sold, where the gas dispensing facilities are designed to primarily service semi-trailer or tractor trailer truck vehicles. A truck fueling station would not offer accessory uses such as overnight accommodations, shower facilities, or restaurant facilities. A truck fueling station may include a convenience store. For the purposes of determining permitted uses, a compressed natural gas fueling station shall be considered a truck fueling station.

## Truck Stop

An establishment engaged primarily in the fueling, servicing, repair or parking of tractor trucks and similar heavy commercial vehicles, including the sale of accessories and equipment for those vehicles. A **truck stop** may also include overnight accommodations, showers and **restaurant** facilities primarily for the **use** of truck crews.

# WOODBURN ZONING ORDINANCE

## Universally Permitted Use

**Universally permitted uses** are land **uses** that are permitted in any **zoning district** within Woodburn's **planning jurisdiction**. These **uses** shall include, but not be limited to the following **primary uses**, and related **accessory uses** except as noted:

- (1) a **community garden** (including an **open fence** of up to 4 feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein);
- (2) an **open fence** of up to 4 feet in height, which shall meet the front **primary building setback** and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein, in conjunction with a vacant **lot**, or an existing proposed **primary use** parking area;
- (3) a fire station, **police station**, other similar public safety use, or other publicly-owned building supported by municipal or county taxes, such as a community center or **library**;
- (4) a **nature preserve** (private non-profit), excluding parking areas or **structures** available for public use;
- (5) an off-site parking area for a **religious institution** or a **school**, if located directly across an **alley right-of-way** from that **primary use**;
- (6) a **park or recreation area** (public county, municipal, state, or township), including parking areas, and **structures**;
- (7) a private garden (including an **open fence** of up to 4 feet in height, which shall meet the front primary and **corner lot street side yard building setbacks**, or an **ornamental fence** subject to the **standards** herein);
- (8) a **religious institution**; and
- (9) a **school** (public or private elementary, junior, or senior high, including charter or vocational **school**); including certain **accessory structures** and facilities used by the **school**, and those **accessory uses** associated with the **school use**, as determined by the **Zoning Administrator**.

## Unlicensed Motor Vehicles

A **motor vehicle** without proper, current license plates, registration and/or inspection certificate to be lawfully operated on public ways.

## Unplatted Land

A piece of land with a metes and bounds legal description, created by a legally recorded deed.

## Use

The purpose or activity for which land or **buildings** are designed, arranged, or intended or for which land or **buildings** are occupied or maintained.

## Use, Nonconforming (see "Nonconforming Use")

## Use, Nonresidential

A commercial, industrial, or institutional **use**, including educational and religious institutions, as opposed to a **single family**, **two family**, multiple **family**, or other residential **use**.

## Use, Primary

The predominant **use** of any **lot**, **tract**, **development site**, **building**, or **structure** permitted as a matter of right under the applicable **zoning district**, or by the approval of a **special use**, conditional **use**, or by **use** variance. Unless otherwise prohibited by this chapter more than one **primary use** may exist on or within

# WOODBURN ZONING ORDINANCE

**building(s)** or **structure(s)** or on a **lot, tract, or development site** provided there is compliance with all other applicable ordinance provisions.

## Use, Single Family

A residential **use** which consists of occupancy by one **family** as a single housekeeping unit. To be considered a **single family use** the **dwelling unit** must have one primary entrance, a single primary kitchen, and all individuals must have full **use** of the entire residence (excluding individual bedrooms). Except for residential facilities for the **developmentally disabled** or **mentally ill**, or a **residential facility (other)**, services shall not be provided to residents. A **fraternity** or **sorority house** shall not be considered a **single family use**.

## Utility Fixture (see “Utility Fixture, Accessory”)

### Utility Fixture, Accessory

An accessory fixture or **use** of **building** or **lot** for utility purposes, including heating units, air conditioning units, back-up generators, heat pumps, meter propane/oil tanks, **onsite sewage system** or septic tank covers, pumps, inspection pipes, solar panels (building mounted), utility connection enclosure boxes, or well heads.

### Utility Facility, Private

**Buildings, structures**, or other facilities used or intended to be used by any private utility other than telecommunications facilities. This category includes **buildings** or **structures** that house or contain facilities for the operation of water, wastewater, waste disposal, or electricity services. This **use** also includes water **storage** tanks; electric or gas substations, water or wastewater pumping stations, or similar **structures** used as an intermediary switching, boosting, distribution, or transfer station of electricity, natural gas, water, or wastewater. This category includes passageways, including **easements**, for the express purpose of transmitting or transporting electricity, gas, water, sewage, or other similar services on a local level. Additionally, a **private utility facility** means any energy device and/or system that generates energy from renewable energy resources including biofuels, geothermal, or similar sources. **Accessory uses** may include control, monitoring, data, or transmission equipment.

## Veterinary Clinic (see “Animal Hospital”)

## Violation

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

# WOODBURN ZONING ORDINANCE

## **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**.

## **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 10 days) and/or treatment of certain hazardous and non-hazardous waste.

## **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, without limitation: feed mills, granaries, and elevators; household moving and general freight **storage**; cold **storage** plants, including frozen food lockers; **storage** of weapons and ammunition; major wholesale distribution centers; logistics and supply chain facility; truck, or air freight **terminals**; bus barns; **parcel** services; major post offices; grain **terminals**; and the stockpiling of sand, gravel, or other aggregate materials.

## **Wind Energy Conversion System (WECS)**

The equipment that converts and then stores or transfers energy from the wind into usable forms of energy, including any base, blade, foundation, generator, nacelle, rotor, transformer, turbine, vane, **wind tower**, wire, or other component used in the system. In the case of multiple **wind energy conversion systems**, this shall also include the collection, transmission lines, and any related **accessory use, building, or structure**.

# WOODBURN ZONING ORDINANCE

## Wind Energy Conversion System, Large

A **wind energy conversion system** which has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per system, a total system height of more than 60 feet, or a swept area of more than 40 feet. Any **wind energy conversion system** meeting one or more of these criteria shall be considered a large wind system. **Large wind energy conversion systems** are not permitted by right or eligible for a **special use** under the provisions of this ordinance.

## Wind Energy Conversion System, Micro

A **building-mounted** wind system which has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than 12 feet above the highest point of the roof.

## Wind Energy Conversion System, Standard

A **wind energy conversion system** that has a nameplate capacity (manufacturer's rating) between 10 and 50 kilowatts per system, a total system height of 60 feet or less, and a swept area of 40 feet or less.

## Wind Energy Conversion System Swept Area

The diameter of the smallest circle encompassing the blades of a **wind energy conversion system**.

## Wind Energy Conversion System Height

The distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

## Window

An opening constructed in a **building wall** that functions to admit light or air, typically framed and spanned in glass.

## Wind Tower

A freestanding **structure** that supports the energy capture, conversion, **storage** and transfer components of a **wind energy conversion system**.

## Yard

A space on the same **lot** with a main **building**, open, unoccupied and unobstructed by **structures**, except as otherwise provided in this ordinance.

## Yard, Front

A **yard** extending across the full width of the **lot**, the depth of which is the least distance between the **street right-of-way** line and the **building** line.

## Yard, Internal Side

On a **corner lot**, the **side yard** that does not abut a **street right-of-way**.

## Yard Light

A fixture intended to provide illumination to a certain area or a portion of a lot

## Yard, Rear

A **yard** extending across the full width of the **lot** between the rear of the **primary building** or **structure** and the **rear lot line**, the depth of which is the least distance between the **rear lot line** and the rear of the **primary**

## WOODBURN ZONING ORDINANCE

**building or structure.** If the **rear lot line** is less than ten (10) feet long, or the **lot** comes to a point at the rear, the required **rear yard** shall be measured from a line where the rear of the **lot** is ten (10) feet wide and parallel or tangent to the front **street** line.

### **Yard, Side**

A **yard** between the **primary building or structure** and the **side lot line**, extending from the **front yard** or **front lot line** where no **front yard** is required, to the **rear yard**. The width of the required **side yard** is measured horizontally, at ninety (90) degrees with the **side lot line**, from the nearest point of the **side lot line** to the nearest part of the **primary building or structure**.

### **Yard Sale**

A sale of personal property to the general public on any portion of a residential property, including properties in nonresidential **zoning districts** that are used for residential purposes. This definition shall also include all sales entitled **garage, patio, carport**, basement, **porch, driveway**, rummage, estate, moving and the like.

### **Zoning Administrator**

The person appointed by the Plan Commission to enforce and administer the provisions of this ordinance.

### **Zoning District**

Delineated areas within the planning jurisdiction of the City of Woodburn, as shown on the adopted zoning maps, in which the regulations of this ordinance apply.

### **Zoo**

A facility where animals are kept for indoor or outdoor viewing by the public. Office, retail, and other commercial **uses** commonly established in these facilities and related **parking structures** shall be allowed as accessory appurtenances.