

Notice of Public Hearing

Review and possible modifications to the Unified Development Ordinance (UDO) & Commercial Solar Energy System Overlay District (CSES) Ordinance #2021-26

Notice is hereby given in compliance with Indiana Code 36-7-4-604 that the Plan Commission of Noble County will hold a Public Hearing to consider and possibly vote to amend the text of the Noble County's Unified Development Ordinance – Commercial Solar Energy System (CSES) at the Plan Commission meeting scheduled for **July 20, 2022 at 7:00 pm.**

The hearing will be held in the Dekko Room, 2090 N SR 9, Albion Indiana.

The proposed changes would apply to all applicable sections of the Unified Development Ordinance and the Commercial Solar Overlay Ordinance for all of the unincorporated areas of Noble County. Discussion with a possible vote:

CSES Overlay District:

5) **Base Zoning** to include: **and will consider the base zoning to be subordinate to a CSES Overlay District. Under no circumstances shall a planned development or rezoning of property (i.e., change to the base zoning) change the applicability of the CSES's land use restrictions and additional development standards.**

The base zoning district's development standards shall apply to all improvements except all structures and improvements associated with CSES development.

The development standards for any structure or improvement associated with a CSES development shall comply with the development standards in this Commercial Solar Energy System Overlay District.

B) Also, to include additional information under **Process:**

CSES Overlay District Boundary – Zoning Map Amendment – Application: The boundaries for the CSES-OD shall be any parcel, or portion of a parcel rezoned to apply this overlay and shown on the Official Zoning Map as a hatched or textured pattern and noted on the map legend as CSES-OD.

Unified Development Ordinance:

Article 11, page 11-32 **Underlying District** to include: **regarding Commercial Solar Energy System (CSES) the underlying zoning (Base Zoning) will be subordinate to the CSES Overlay District.**

Article 5.40 Pk-03 Lake Residential Parking C Material - permitted material to include; **gravel, stone and rock**

~~Article 5.12.01 CF-02 Animal Density Standards: to adjust the minimum setback from 100' to 150'~~

Article 9.17 Subdivision Minor D 3 c: (remove proposed address) change to; **Any existing** address for each lot.

Article 9.17 Subdivision Minor G: recording of plat within 30 days, increase to **sixty (60) days.**

Penalties—the proposed text amendments do not change any penalty or forfeiture provisions in the Unified Development Ordinance.

Written objections may be filed with the Plan Commission Secretary and will be considered at any hearing. Oral comments will be heard at any scheduled hearing in accordance with the hearing rules of the Plan Commission.

The public hearings may be continued from time to time as may be found necessary by the Plan Commission.

Approval or disapproval of the Plan Commission's recommendation will be heard by the Noble County Board of Commissioners to be held on August 1, 2022 in the Noble County Annex 109 N York, St Albion, Indiana.

Kassandra Slain, Administrative Assistant
Noble County Plan Commission

Definitions – Two-Page Layout

Two-Page Layout: Two-Page Layout refers to the two-page layout accompanying each zoning district in *Article 2: Zoning Districts* of this Unified Development Ordinance. The two-page layout includes district intents, permitted uses, special exception uses, and basic zoning district information.

Type 1 Retail, Very Low Intensity: Retail businesses that have very little impact on neighboring properties, traffic generation, and public safety. Example businesses include an art and craft gallery, flower shop, gift shop (small), jewelry store, and news dealer.

Type 2 Retail, Low Intensity: Retail businesses that have a low impact on neighboring properties, traffic generation, and public safety. Example businesses include a bakery, book store (small), convenience store (small), craft gallery (small), drug store (small), and meat market.

Type 3 Retail, Medium Intensity: Retail businesses that have a moderate impact on neighboring properties, traffic generation, and public safety. Example businesses include an antique shop, apparel shop, art and craft supplies, book store, boutique, building supply store (small), convenience store (large), department store (small), drug store (large), fabric shop, furniture shop (small), garden shop, gift shop (large), grocery/supermarket (small), home electronics/appliance store (small), liquor sales, music/media shop, office supply store (small), party/event store (small), pawn shop, pet grooming/store, plant nursery, print shop/copy center, pro shop, quick cash/check cashing, shoe store/repair, sign shop, sporting goods (small), variety store (small), video/DVD rental, gun sales, and hunting store.

Type 4 Retail, High Intensity: Retail businesses that have a high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (small), boat sales (small), building supply store (large), department store (large), furniture store (large), grocery/supermarket (large), home electronics/appliance (large), office supply store (large), party/event store (large), sporting goods store (large), superstore, and variety store (large).

Type 5 Retail, Very High Intensity: Retail businesses that have a very high impact on neighboring properties, traffic generation, and public safety. Example businesses include automobile sales (large), boat sales (large), construction vehicle sales, farm equipment sales, manufactured home sales, semi tractor-trailer sales, and tool/equipment sales rental.

Type 6 Retail, Special Handling: Retail businesses that sell products that require special handling due to risks to public safety. Example business includes fireworks sales.

Underlying District: A base district zone is the existing zoning district of the subject lot:

- Prior to the approval of a planned development; or
- Prior to the effects of an overlay district.
- **Regarding Commercial Solar Energy System (CSES) the underlying zoning (Base Zoning) will be subordinate to the CSES Overlay District.**

Use: The purposes for which land or a structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

Use, Accessory: A subordinate use that is customarily incidental to the principal use on the same lot.

Use, Permitted: A use which may be lawfully established in a particular district or districts provided it conforms with all applicable requirements, regulations, and standards.

Use, Primary: The main use of land or buildings as distinguished from an accessory use. A primary use may be either a permitted use or a special exception.

Use, Temporary: A land use or structure established for a limited and fixed period of no more than 180 days with the intent to discontinue such use or structure upon the expiration of the time period.

Use Variance: See "Variance, Use."

Parking Standards (PK)

5.40 PK-03: Lake Residential Parking Standards

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

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The following standards apply:

A. Quantity: A minimum of two (2) off-street parking spaces shall be required per dwelling unit.

B. Location:

1. *Single Lot*: The required parking spaces shall be located on the same lot as the dwelling unit.
2. *Multiple Lots*: In cases where a lake front through lot includes an adjacent lot separated only by a right-of-way or access easement, the required parking spaces shall be located on the lake front lot or the adjacent lot to which is legally associated with the lake front lot.
3. *Garages*: The required parking spaces may include spaces within garages and/or carports.
4. *Prohibited*: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.

C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel, stone, rock, Dirt, sand or grass shall not be permitted as parking surfaces. **Permitted materials to include: gravel, stone, and rock**

5.41 PK-04: Multiple-family Residential and Upper Floor Dwelling Unit Parking Standards

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

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The following standards apply:

A. Quantity:

1. *Tenants*: A minimum of two (2) parking spaces shall be required per dwelling unit.
2. *Visitors*: One (1) parking space per every four (4) dwelling units shall be required for visitors.

B. Location:

1. *Tenants*: Tenant parking spaces shall be located on the same site as the dwelling unit. Tenant parking spaces may include spaces within garages and/or carports.
2. *Visitors*: Visitor parking spaces shall be located in a common parking area or as angled parking along internal private streets, but shall be proportionately assigned to an area within 200 feet of each multiple-family structure.
3. *Prohibited*: Parking of motor vehicles shall not be permitted on yards, lawns, or similar pervious surfaced areas.

C. Materials: All off-street parking shall utilize a paved surface of concrete, asphalt, brick pavers, porous concrete or the like. Gravel, stone, rock, dirt, sand or grass shall not be permitted as parking surfaces.

Subdivision of Land; Minor Subdivision Plat

3. *Site Plan*: A Site Plan, drawn to a scale of one inch equals fifty feet (1"=50') or one inch equals one hundred feet (1"=100'), that includes the following items:

- a. Name and address of the petitioner,
- b. North arrow and graphic scale,
- c. ~~Proposed address for each lot,~~ Any existing address for each lot.
- d. Adjacent streets, sidewalks, and easements,
- e. Boundary lines of the site including all parcel dimensions of the site proposed to be subdivided,
- f. Proposed subdivision lines, all lot dimensions, lot area, and building setback lines on the proposed lots,
- g. Footprint and dimensions of existing structures with measurements to property lines,
- h. Stamp of a licensed surveyor, and
- i. Any other information necessary to support a thorough review of the project as requested on the application form or from the Plan Commission or Zoning Administrator.

4. *Site Plan Exemption*: Any parcel which is greater than 20 acres in area shall not be required to provide any of the Site Plan information listed in *Section 9.17(D)(3)*. Therefore, if a 40 acre parent tract has a two (2) acre lot split from it; the remaining 38 acres would not need to provide the Site Plan information.

5. *Deadline*: Twelve (12) hard copies of the application for a Minor Subdivision Primary Plat; twelve (12) hard copies of all supporting information; one (1) digital copy of the application for Minor Subdivision Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.

6. *Fee*: The applicable fees from the Noble County fee schedule shall be paid at the time the application for a Minor Subdivision Primary Plat is filed. An application without the appropriate application fees shall not be considered substantially complete. Fees shall include reimbursement for any cost borne by the Plan Commission to hire a professional engineer or other technician necessary to subsidize the county staff's capabilities for review.

E. Primary Plat Procedure:

1. *Assignment*: An application for Minor Subdivision Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs at least ten (10) days after the date the legal notice was published or notices were mailed. The Zoning Administrator shall notify the applicant in writing of the meeting date.

2. *Zoning Administrator Review*: The Zoning Administrator may review the proposed subdivision and submit a written report to the Plan Commission stating the facts concerning physical characteristics of the area involved in the subdivision of land, deficiencies in meeting provisions of the Unified Development Ordinance, public facilities available to service the area, and/or other pertinent facts. A copy of such report shall be made available to the applicant and all interested persons prior to or at the public hearing.

3. *Public Notice*: The following public notice standards apply to an application for Minor Subdivision Primary Plat. All costs associated with providing public notice shall be paid by the applicant.

- a. The Zoning Administrator shall notify all interested parties of the public hearing by regular U.S. Mail a minimum of ten (10) days before the public hearing.
- b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
- c. The Zoning Administrator shall be responsible for providing proof of a published notice to the Plan Commission which will then be archived in the case file.

4. *Attendance*: The applicant shall be present at the Plan Commission meeting to present and explain the application for a Minor Subdivision Primary Plat, and address and discuss comments and concerns posed by the Plan Commission. Failure to appear shall result in the dismissal of the application for a Minor Subdivision Primary Plat.

5. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.

6. *Review*: At their regularly scheduled public meeting, the Plan Commission shall review:
- The application, supporting information, and the Site Plan for a Minor Subdivision Primary Plat,
 - Testimony of the applicant,
 - Information presented in writing or verbally by the Zoning Administrator,
 - Input from the public during the public hearing,
 - Applicable provisions of this Unified Development Ordinance, and
 - Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision*:

- a. The Plan Commission shall make findings of fact and take final action, or continue the application for a Minor Subdivision Primary Plat to a defined future meeting date.
- b. The Plan Commission shall make the following findings of fact. Findings, or lack of findings, may be in the form of a general statement.
 - i. The subdivision of land is consistent with the Noble County Comprehensive Plan.
 - ii. The subdivision of land satisfies the standards of *Article 6: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
 - iv. The subdivision of land satisfies all other applicable provisions of this Unified Development Ordinance.
- c. *Final Action*:
 - i. If the Plan Commission by vote finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the application for a Minor Subdivision Primary Plat.
 - ii. If the Plan Commission by vote does not find all of the findings of fact in the affirmative, it shall deny the application for a Minor Subdivision Primary Plat.
- d. The Plan Commission may require the applicant to put in writing commitment concerning the Minor Subdivision Primary Plat. Written commitments, if applicable, shall be packaged with the Minor Subdivision Secondary Plat.
- e. The applicant and Zoning Administrator shall work collaboratively to package the Minor Subdivision Plat including the findings, final action, a print of the site plan with all required or approved amendments, and all applicable commitments. Each component of the Minor Subdivision Plat shall include a "signature" and "date" line for the Plan Commission President and Zoning Administrator to sign and date. The signature line for the Plan Commission President shall clearly state "Primary Plat Approval" and the signature line for the Zoning Administrator shall clearly state "Secondary Plat Approval." Once packaged it shall be reviewed by the Zoning Administrator to confirm consistency with what was approved. Once the Zoning Administrator confirms the package is fully consistent with what was approved he/she shall deliver it to the Plan Commission President for signature. Signature by the Plan Commission President formalizes and completes the Primary Plat approval process.

- f. *Electronic Submittal*: The final site plan shall also be submitted in .dwg file (i.e. editable electronic format) for ease of archiving and use with the county GIS system.

F. Secondary Plat Approval: After the Primary Plat has been approved, the Minor Subdivision Plat shall then be signed by the Zoning Administrator to complete the Secondary Plat process.

G. Recording Plat: The applicant is responsible for recording the approved Minor Subdivision Plat and filing it with the Noble County Recorder within ~~thirty (30)~~ **ninety (90)** days of the date of signature. One (1) copy of the recorded package, and proof of its recording shall be submitted to the Zoning Administrator for the County's records.

H. Improvement Location Permits: No building permit shall be issued until proof of recording has been demonstrated.

I. Preserving Parent Tract: When one (1) or more smaller lots, less than twenty (20) acres each, are split from a large parent tract resulting in a remnant greater than twenty (20) acres in area, then the one (1) parcel greater than twenty (20) acres may be preserved as a "parcel", not a "lot". The "parcel" would preserve its ability to be subdivided further in the future using any subdivision process in this Unified Development Ordinance, and the "lots" would only be able be modified or re-subdivided with the Administrative Subdivision or a replat processes.