

## **SECTION 901: AGRICULTURAL (A) DISTRICT**

### A. Agricultural District:

1. The Agricultural district is intended to protect and maintain the agricultural lands utilized for farming and livestock purposes. It is the intent of this Section to preserve agricultural lands and to discourage reclassification of zoning to non-agricultural use without a clear showing of proven need in the public interest and a clear showing of conformity with the comprehensive plan.
2. Indiana Code 34-1-52-4 (State Right to Farm Law) is hereby incorporated by reference.

### B. The permitted principal uses are:

1. Dwelling, Single-Family
2. Livestock Operation, minor or intensive
3. Farm
4. Commercial Forestry Production
5. Fish hatchery
6. Manufactured Home Type I
7. Home Occupation Type I
8. Park
9. Plant nursery
10. Kennel
11. Child care home
12. Day care home

### C. The following uses are Special Exceptions, permitted subject to Section 501:

1. House of Worship
2. Nursing Home
3. Cemetery
4. Funeral Home
5. Utility service structure, station or yard
6. Communication Tower
7. Group Home
8. Commercial Recreation Area
9. School
10. Manufactured Home Type II
11. Home Occupation Type II
12. Public Safety Facilities
13. Planned Unit Development
14. Child caring institution

### D. The following minimum standards and requirements shall apply:

1. Front Yard Setback
  - a. Seventy-Five (75) feet from the centerline of all county streets
  - b. Sixty (60) feet from the right-of-way line of state and federal streets
2. Side Yard Setback
  - a. Twenty-five (25) feet from lot line

3. Rear Yard Setback
  - a. Twenty-five (25) feet from lot line
4. Lot Area – One and one-half (1 ½) acre
5. Lot Width - Two hundred (200) feet
6. Ground Floor Area - Nine hundred fifty (950) square feet
7. Signs
  - a. The following sign types are permitted:
    1. Bulletin Board
    2. Construction
    3. Home Occupation
    4. Political
    5. Real Estate
    6. Tenant
  - b. Signs shall be non-illuminated
  - c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Home Occupation sign:
      - a. Limited to one (1) per lot
      - b. Maximum copy area – sixteen (16) square feet
      - c. Minimum ten (10) foot setback from all lot lines
      - d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
        1. Building sign:
          - a. Limited to two (2) per building
          - b. Maximum copy area - sixty (60) square feet
        2. Pedestal sign:
          - a. Limited to one (1) per lot
          - b. Maximum copy area - thirty-six (36) square feet
          - c. Minimum ten (10) foot setback from all lot lines
          - d. Maximum height - eight (8) feet

**SECTION 902: SUBURBAN RESIDENTIAL (SR) DISTRICT**

- A. The suburban residential district is intended to be a low density, rural residential district. It is the intent of this Section to allow single-family dwelling units and uses servicing the needs of the residential rural community.
- B. The permitted principal uses are:
1. Dwelling, Single-Family
  2. Manufactured Home Type I
  3. Home Occupation Type I
  4. Park
  5. Child Care Home
  6. Day Care Home
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. House of Worship
  2. Nursing Home
  3. Cemetery
  4. Funeral Home
  5. Utility service structure, station or yard
  6. Communication Tower
  7. Group Home
  8. Commercial recreation area
  9. School
  10. Commercial Forestry Production
  11. Fish hatchery
  12. Manufactured Home Type II
  13. Home Occupation Type II
  14. Public Safety Facilities
  15. Livestock Operation, minor or intensive
  16. Planned Unit Development
  17. Child caring institution
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Seventy-Five (75) feet from the centerline of all County streets
    - b. Sixty (60) feet from the right-of-way line of state and federal streets
  2. Side Yard Setback
    - a. Ten (10) feet from lot line
  3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  4. Lot Area - One and one-half (1 ½) acre
  5. Lot Width - Two hundred (200) feet
  6. Ground Floor Area - Nine hundred fifty (950) square feet

## 7. Signs

- a. The following sign types are permitted:
  1. Bulletin Board
  2. Construction
  3. Home Occupation
  4. Political
  5. Real Estate
  6. Tenant
- b. Signs shall be non-illuminated
- c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
  1. Home Occupation sign:
    - a. Limited to One (1) per lot
    - b. Maximum copy area - sixteen (16) square feet
    - c. Minimum ten (10) foot setback from all lot lines
- d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
  1. Building Sign:
    - a. Limited to two (2) per building
    - b. Maximum copy area - sixty (60) square feet
  2. Pedestal Sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - thirty-six (36) square feet
    - c. Minimum ten (10) foot setback from all lot lines
    - d. Maximum height - eight (8) feet

**SECTION 903: RESIDENTIAL LOW DENSITY (R-2) DISTRICT**

- A. The residential low-density district is intended to be a low-density residential district. It is the intent of this Section to allow single-family dwelling units and uses servicing the needs of the residential community.
  
- B. The permitted principal uses are:
  - 1. Dwelling, single-family
  - 2. Manufactured Home Type I
  - 3. Home Occupation Type I
  - 4. Park
  - 5. Child Care Home
  - 6. Day Care Home
  
- C. The following uses are Special Exceptions, permitted subject to Section 501:
  - 1. House of Worship
  - 2. Nursing Home
  - 3. Cemetery
  - 4. Funeral home
  - 5. Utility service structure, station or yard
  - 6. Communication Tower
  - 7. Group Home
  - 8. Commercial recreation area
  - 9. School
  - 10. Manufactured Home Type II
  - 11. Home Occupation Type II
  - 12. Public safety facilities
  - 13. Planned Unit Development
  - 14. Child Caring Institution
  
- D. The following minimum standards and requirements shall apply:
  - 1. Front Yard Setback
    - a. Seventy-Five (75) feet from the centerline of all county streets
    - b. Sixty (60) feet from the right-of-way line of state and federal streets
  - 2. Side Yard Setback
    - a. Seven and one-half (7 1/2) feet from lot line
  - 3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  - 4. Lot Area –
    - a. Twenty-one thousand seven hundred eighty (21,780) square feet [1/2 acre] if serviced by central sewer
    - b. One and one-half (1 1/2) acre if serviced by on-site sewer
  - 5. Lot Width –
    - a. Seventy-five (75) feet if serviced by central sewer
    - b. Two-hundred (200) feet if serviced by on-site sewer
  - 6. Ground Floor Area - Nine hundred fifty (950) square feet

7. Signs

- a. The following sign types are permitted:
  1. Bulletin Board
  2. Construction
  3. Home Occupation
  4. Political
  5. Real Estate
  6. Tenant
- b. Signs shall be non-illuminated
- c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
  1. Home Occupation sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - sixteen (16) square feet
    - c. Minimum ten (10) foot setback from all lot lines
- d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
  1. Building sign:
    - a. Limited to two (2) per building
    - b. Maximum copy area - sixty (60) square feet
  2. Pedestal sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - thirty-six (36) square feet
    - c. Minimum ten (10) foot setback from all lot lines
    - d. Maximum height - eight (8) feet

## **SECTION 904: RESIDENTIAL MEDIUM DENSITY (R-4) DISTRICT**

- A. The residential medium density district is intended to be a moderately dense residential district. It is the intent of this section to allow single-family and two-family dwelling units and uses servicing the needs of a moderately dense residential area.
- B. The permitted principal uses are:
1. Dwelling, Single-Family
  2. Dwelling, Two-Family
  3. Manufactured Home Type I
  4. Home Occupation Type I
  5. Park
  6. Child Care Home
  7. Day Care Home
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. House of Worship
  2. Nursing Home
  3. Cemetery
  4. Funeral Home
  5. Utility service structure, station or yard
  6. Communication Tower
  7. Group Home
  8. Commercial Recreation Area
  9. School
  10. Home Occupation Type II
  11. Public Safety Facility
  12. Planned Unit Development
  13. Child Caring Institution
  14. Manufactured Home Type II
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Twenty-Five (25) feet from the right-of-way line of the street
  2. Side Yard Setback
    - a. Six (6) feet from lot line
  3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  4. Lot Area –
    - a. Ten thousand eight hundred ninety (10,890) square feet [1/4 acre] if serviced by central sewer
    - b. One and one-half (1 ½) acre if serviced by on-site sewer
  5. Lot Width –
    - a. Sixty (60) feet if serviced by central sewer
    - b. Two-hundred (200) feet if serviced by on-site sewer
  6. Ground Floor Area - Seven hundred twenty (720) square feet

7. Signs

- a. The following sign types are permitted:
  1. Bulletin Board
  2. Construction
  3. Home Occupation
  4. Political
  5. Real Estate
  6. Tenant
- b. Signs shall be non-illuminated
- c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
  1. Home Occupation sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - ten (10) square feet
    - c. Minimum ten (10) foot setback from all lot lines
- d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
  1. Building sign:
    - a. Limited to two (2) per building
    - b. Maximum copy area- sixty (60) square feet
  2. Pedestal sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - thirty-six (36) square feet
    - c. Minimum ten (10) foot setback from all lot lines
    - d. Maximum height - eight (8) feet

## **SECTION 905: RESIDENTIAL HIGH DENSITY (R-8) DISTRICT**

- A. The residential high-density district is intended to be a highly dense residential district. It is the intent of this Section to allow single family, two-family, and multi-family dwelling units and uses servicing the needs of a highly dense residential area.
- B. The permitted principal uses are:
1. Dwelling, Single-Family
  2. Dwelling, Two-Family
  3. Dwelling, Multi-Family
  4. Manufactured Home Type I
  5. Home Occupation Type I
  6. Park
  7. Child Care Home
  8. Day Care Home
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. House of Worship
  2. Nursing Home
  3. Cemetery
  4. Funeral Home
  5. Utility service structure, station or yard
  6. Communication Tower
  7. Group Home
  8. Commercial recreation area
  9. School
  10. Public Safety Facility
  11. Laundromat
  12. Grocery Store
  13. Home Occupation Type II
  14. Medical and other health services
  15. Planned Unit Development
  16. Child Caring Institution
  17. Manufactured Home Type II
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Twenty-five (25) feet from the right-of-way line of the street
  2. Side Yard Setback
    - a. Six (6) feet from lot line
  3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  4. Lot Area - Five thousand four hundred forty-five (5,445) square feet [1/8 acre]
  5. Lot Width - Fifty (50) feet
  6. Ground Floor Area - Seven hundred twenty (720) square feet

7. Signs
  - a. The following sign types are permitted:
    1. Bulletin Board
    2. Construction
    3. Home Occupation
    4. Political
    5. Real Estate
    6. Tenant
  - b. Signs shall be non-illuminated
  - c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Home Occupation sign:
      - a. Limited to one (1) per lot
      - b. Maximum copy area- ten (10) square feet
      - c. Minimum ten (10) foot setback from all lot lines
    2. Uses which have obtained Special Exception approval are permitted the signs allowed for permitted uses and the following:
      - a. Building sign:
        1. Limited to two (2) per building
        2. Maximum copy area - sixty (60) square feet
      - b. Pedestal sign:
        1. Limited to one (1) per lot
        2. Maximum copy area - thirty-six (36) square feet
        3. Minimum ten (10) foot setback from all lot lines
        4. Maximum height – eight (8) feet
8. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

**SECTION 906: RESIDENTIAL APARTMENT (R-20) DISTRICT**

- A. The residential apartment district is intended to be a high density, multi-family residential district. It is the intent of this Section to allow multi-family dwelling units and uses servicing the needs of a highly dense residential area.
- B. The permitted principal uses are:
1. Dwelling, Multi-Family
  2. Group Home
  3. Nursing Home
  4. Home Occupation Type I
  5. Child Care Home
  6. Day Care Home
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. House of Worship
  2. Cemetery
  3. Funeral Home
  4. Utility service structure, station, or yard
  5. Communication Tower
  6. Commercial Recreation Area
  7. School
  8. Public Safety Facility
  9. Laundromat
  10. Grocery Store
  11. Medical and other health services
  12. Home Occupation Type II
  13. Mobile Home Park
  14. Planned Unit Development
  15. Child Caring Institution
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Twenty-five (25) feet from the right-of-way line of the street
  2. Side Yard Setback
    - a. Six (6) feet from lot line
  3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  4. Lot Area - Ten thousand eight hundred ninety (10,890) square feet [1/4 acre]
  5. Lot Width - Fifty (50) feet
  6. Ground Floor Area - Seven hundred twenty (720) square feet
  7. Signs
    - a. The following sign types are permitted:
      1. Bulletin Board
      2. Construction
      3. Home Occupation
      4. Political

5. Real Estate
6. Tenant
- b. Signs shall be non-illuminated
- c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
  1. Home Occupation sign:
    - a. Limited to one (1) per lot
    - b. Maximum copy area - ten (10) square feet
    - c. Minimum ten (10) foot setback from all lot lines
  - d. Uses which have obtained Special Exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building sign:
      - a. Limited to two (2) per building
      - b. Maximum copy area - sixty (60) square feet
    2. Pedestal sign:
      - a. Limited to one (1) per lot
      - b. Maximum copy area - thirty-six (36) square feet
      - c. Minimum ten (10) foot setback from all lot lines
      - d. Maximum height - eight (8) feet
8. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

## **SECTION 907: RESIDENTIAL MOBILE HOME PARK (RMH) DISTRICT**

- A. The residential mobile home park district is intended to be a high-density residential district suitable for the location of mobile homes and manufactured homes. It is the intent of this Section to allow mobile homes and manufactured homes and uses servicing the needs of a high-density residential area.
- B. The permitted principal uses are:
1. Manufactured Home Type I
  2. Manufactured Home Type II
  3. Home Occupation Type I
  4. Laundromat
  5. Mobile Home Park, including office
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. House of Worship
  2. Utility service structure, station, or yard
  3. Communication Tower
  4. Commercial Recreation Area
  5. Grocery Store
  6. Home Occupation Type II
  7. Child Care Home
  8. Day Care Home
- D. The following minimum standards and requirements shall apply:
1. No dwelling unit shall be located within twenty (20) feet of an outside boundary lot line
  2. Minimum separation between dwelling units shall be twelve (12) feet
  3. Lot Area - One (1) acre
  4. Signs
    - a. The following sign types are permitted:
      1. Bulletin Board
      2. Construction
      3. Home Occupation
      4. Political
      5. Real Estate
      6. Tenant
    - b. Signs shall be non-illuminated
    - c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
      1. Home Occupation sign:
        - a. Limited to one (1) per dwelling unit
        - b. Maximum copy area - ten (10) square feet
        - c. Minimum ten (10) foot setback from all perimeter lot lines

2. Uses which have obtained Special Exception approval are permitted the signs allowed for permitted uses and the following:
  - a. Building sign:
    1. Limited to two (2) per building
    2. Maximum copy area - sixty (60) square feet
  - b. Pedestal sign:
    1. Limited to one (1) per lot
    2. Maximum copy area - thirty-six (36) square feet
    3. Minimum ten (10) foot setback from all lot lines
    4. Maximum height - eight (8) feet
5. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

**SECTION 908: LOCAL BUSINESS (LB) DISTRICT**

- A. The local business district is intended to be a low-intensity commercial district providing establishments which will serve the needs of surrounding residents. It is the intent of this Section to allow residential dwelling units and professional, business, and retail establishments which will serve the needs of the surrounding area.
- B. The permitted principal uses are:
1. Dwelling, Single-Family
  2. Dwelling, Two-Family
  3. Dwelling, Multi-Family
  4. Manufactured Home Type I
  5. Group Home
  6. Service establishments including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
  7. Retail outlets including bookstores, card and gift shops, arts and craft stores, clothing stores, shoe stores, toy stores, jewelry stores, antique stores, and similar establishments
  8. Grocery Store
  9. Professional offices
  10. Business offices
  11. Medical and dental offices and clinics
  12. Travel agency
  13. Banks and financial institutions
  14. Retail video store
  15. Financial, insurance, and real estate office
  16. Veterinary office
  17. Appliance sales and service
  18. Home Occupation Type I
  19. Home Occupation Type II
  20. House of Worship
  21. Nursing Home
  22. Funeral Home
  23. Eating and drinking establishments
  24. Library
  25. Child Care Home
  26. Day Care Home
  27. Child Caring Institution
  28. Child Care Center
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. Utility service structure, station or yard
  2. Communication tower
  3. Commercial recreation area
  4. School
  5. Private club
  6. Arcade

7. Convenience store/fuel station
8. Lumber Yard
9. Motor vehicle repair
10. Planned Unit Development

D. The following minimum standards and requirements shall apply:

1. Front Yard Setback
  - a. Twenty-Five (25) feet from the right-of-way line of the street
2. Side Yard Setback
  - a. Six (6) feet from lot line
3. Rear Yard Setback
  - a. Fifteen (15) feet from lot line
4. Lot Area - Six thousand (6,000) square feet
5. Lot Width - Fifty (50) feet
6. Ground Floor Area - Seven hundred twenty (720) square feet
7. Signs
  - a. The following sign types are permitted:
    1. Awning
    2. Banner
    3. Bulletin Board
    4. Construction
    5. Ground
    6. Home Occupation
    7. Incidental
    8. Pedestal
    9. Political
    10. Portable
    11. Projecting
    12. Real Estate
    13. Tenant
    14. Wall
    15. Window
  - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Building sign:
      - a. Limited to two (2) per building
      - b. Maximum copy area - sixty (60) square feet
    2. Ground or Pedestal sign:
      - a. Limited to one (1) per lot
      - b. Maximum copy area - thirty-six (36) square feet
      - c. Maximum height - eight (8) feet
      - d. Minimum five (5) foot setback from all lot lines

## **SECTION 909: GENERAL BUSINESS (GB) DISTRICT**

- A. The general business district is intended for intensive commercial uses that require a conspicuous and accessible location. It is the intent of this Section to allow a variety of commercial uses, and certain light manufacturing uses that are compatible with commercial uses.
- B. The permitted principal uses are:
1. Dwelling, Single Family
  2. Dwelling, Two-Family
  3. Dwelling, Multi-Family
  4. Manufactured Home, Type I
  5. Group Home
  6. Service establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
  7. Retail outlets including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments
  8. Department store
  9. Grocery store
  10. Professional offices
  11. Business offices
  12. Medical and dental offices and clinics
  13. Travel agency
  14. Banks and financial institution
  15. Retail video store
  16. Financial, insurance and real estate offices
  17. Veterinary office
  18. Library
  19. Tire store
  20. Motor vehicle repair
  21. Theater
  22. Hotel
  23. Motor vehicle dealer
  24. Commercial recreation area
  25. Convenience store/fuel station
  26. Hospital
  27. Nursing home
  28. Private club
  29. House of Worship
  30. Eating and drinking establishments
  31. Funeral home
  32. Warehousing
  33. Light Manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
  34. Appliance Repair
  35. Lumber Yard

36. Child Care Home
37. Day Care Home
38. Child Care Center
39. Child Care Institution

C. The following uses are Special Exceptions, permitted subject to Section 501:

1. Utility service structure, station or yard
2. Communication tower
3. School
4. Arcade
5. Planned Unit Development

D. The following minimum standards and requirements shall apply:

1. Front Yard Setback
  - a. Twenty-Five (25) feet from the right-of-way line of the street
2. Side Yard Setback
  - a. Ten (10) feet from lot line
3. Rear Yard Setback
  - a. Fifteen (15) feet from lot line
4. Lot Area - Ten thousand (10,000) square feet
5. Lot Width - Seventy (70) feet
6. Ground Floor Area - Seven hundred twenty (720) square feet
7. Signs
  - a. The following sign types are permitted:
    1. Awning
    2. Banner
    3. Bulletin Board
    4. Construction
    5. Elevated
    6. Ground
    7. Incidental
    8. Off-premise
    9. Pedestal
    10. Political
    11. Portable
    12. Projecting
    13. Real Estate
    14. Roof
    15. Tenant
    16. Wall
    17. Window
  - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Building sign:
      - a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space

2. Free Standing sign:
  - a. If only one occupant/use on a lot:
    1. One (1) sign permitted
    2. Maximum height of thirty (30) feet
    3. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
    4. Minimum five (5) foot setback from all lot lines
  - b. If two (2) or more occupants or uses on a lot:
    1. One (1) sign which only identifies the plaza and its tenants for each unified development, unless such development has frontage on two (2) or more streets, excluding alleys, whereby two (2) signs may be permitted
    2. Maximum height of thirty (30) feet
    3. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
    4. Minimum five (5) foot setback from all lot lines
3. Off-Premise sign:
  - a. One (1) sign permitted per lot
  - b. Maximum height of thirty (30) feet
  - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
  - d. Minimum five (5) foot setback from all lot lines
  - e. Minimum separation distances
    1. From dwelling unit, house of worship, or school – Five hundred (500) feet
    2. From other off-premise sign - Three hundred (300) feet

## **SECTION 910: ACCOMMODATION BUSINESS (AB) DISTRICT**

- A. The accommodation business district is intended for intensive, highly automotive oriented uses that require a conspicuous and accessible location along a thoroughfare. It is the intent of this Section to allow a variety of commercial and automotive service related uses.
- B. The permitted principal uses are:
1. Grocery store
  2. Department store
  3. Hotel
  4. Tire store
  5. Auto/Truck repair
  6. Theater
  7. Motor vehicle dealer
  8. Commercial recreation area
  9. Convenience store/fuel station
  10. Eating and drinking establishments
  11. Retail outlets
  12. Professional offices
  13. Business offices
  14. Lumber Yard
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. Utility service structure, station, or yard
  2. Communication tower
  3. Arcade
  4. Dwelling unit, single family
  5. Dwelling unit, two-family
  6. Dwelling unit, multi-family
  7. Manufactured Home Type I
  8. Child Care Home
  9. Day Care Home
  10. Planned Unit Development
  11. Group Home
  12. Child Care Center
  13. Child Caring Institution
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Seventy-five (75) feet from the centerline of county street
    - b. Sixty (60) feet from right-of-way line of state or federal streets
  2. Side Yard Setback
    - a. Ten (10) feet from lot line
  3. Rear Yard Setback
    - a. Fifteen (15) feet from lot line
  4. Lot Area - Ten thousand (10,000) square feet
  5. Lot Width - Seventy (70) feet

6. Ground Floor Area - Seven hundred twenty (720) square feet

7. Signs

a. The following sign types are permitted:

1. Awning
2. Banner
3. Bulletin Board
4. Construction
5. Elevated
6. Ground
7. Incidental
8. Off-premise
9. Pedestal
10. Political
11. Portable
12. Projecting
13. Real Estate
14. Roof
15. Tenant
16. Wall
17. Window

b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):

1. Building sign:

a. Shall not exceed a copy area of one and one-half (1 1/2) times the lineal front footage of the building or tenant space

2. Free Standing sign:

a. If only one occupant/use on lot:

1. One (1) sign permitted
2. Maximum height of sixty (60) feet
3. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot
4. Minimum five (5) foot setback from all lot lines

a. If two (2) or more occupants or uses on a lot:

1. One (1) sign which only identifies the plaza and its tenants for each unified development, unless such development has frontage on two (2) or more streets, excluding alleys, whereby two (2) signs may be permitted
2. Maximum height of sixty (60) feet
3. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot

3. Off-Premise sign:

- a. One (1) sign permitted per lot
- b. Maximum height of sixty (60) feet
- c. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot
- d. Minimum five (5) foot setback from all lot lines

- e. Minimum separation distances:
  - 1. From dwelling unit, house of worship, or school – Five hundred (500) feet
  - 2. From other off-premise signs - three hundred (300) feet

**SECTION 911: CENTRAL BUSINESS (CB) DISTRICT**

- A. The Central Business District is intended for commercial uses that are located in a central core area of a city or town. It is the intent of this Section to allow a variety of commercial uses in a concentrated area central to the residential areas of the city or town.
- B. The permitted principal uses area:
1. Dwelling, single family
  2. Dwelling, two-family
  3. Dwelling, multi-family
  4. Manufactured Home, Type I
  5. Group Home
  6. Service establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
  7. Retail outlets, including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments
  8. Department store
  9. Grocery store
  10. Professional offices
  11. Medical and dental offices and clinics
  12. Travel agency
  13. Banks and financial institution
  14. Retail video store
  15. Financial, insurance and real estate offices
  16. Veterinary office
  17. Library
  18. Tire store
  19. Motor vehicle repair
  20. Theater
  21. Hotel
  22. Motor vehicle dealer
  23. Convenience store/fuel station
  24. Hospital
  25. Nursing home
  26. Private club
  27. House of worship
  28. Eating and drinking establishments
  29. Funeral home
  30. Appliance repair
  31. Warehousing
  32. Child Care Home
  33. Day Care Home
  34. Child Care Center
  35. Child Caring Institution

C. The following uses are Special Exceptions, permitted subject to Section 501:

1. School
2. Arcade
3. Commercial recreation area

D. The following minimum standards and requirements shall apply:

1. Front yard setback
  - a. None
2. Side yard setback
  - a. None
3. Rear yard setback
  - a. None
4. Lot Area - One thousand two hundred (1,200) square feet
5. Lot Width - Twenty (20) feet
6. Signs
  - a. The following sign types are permitted:
    1. Awning
    2. Banner
    3. Bulletin Board
    4. Construction
    5. Elevated
    6. Ground
    7. Incidental
    8. Pedestal
    9. Political
    10. Portable
    11. Projecting
    12. Real Estate
    13. Roof
    14. Tenant
    15. Wall
    16. Window
  - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707 (M):
    1. Building sign:
      - a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
    2. Free standing sign:
      - a. One (1) sign permitted per lot
      - b. Maximum height of twenty (20) feet
      - c. Each lot permitted to have a copy area of thirty (30) square foot or a copy area of thirty (30) percent of the lineal frontage of the lot

**SECTION 912: LIGHT MANUFACTURING (M-1) DISTRICT**

- A. The light manufacturing district is intended for low intensity manufacturing uses. It is the intent of this Section to allow manufacturing uses which are benign in their operating procedures and compatible with certain commercial uses.
- B. The permitted principal uses are:
1. Warehousing
  2. Light manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
  3. Auto repair
  4. Appliance repair
  5. Convenience store/fuel station
  6. Utility service structure, station or yard
  7. Tire store
  8. Lumber Yard
- C. The following uses are Special Exceptions, permitted subject to Section 501:
1. Communication tower
  2. Eating and drinking establishments
  3. Retail outlets
  4. Professional offices
  5. Business offices
  6. Dwelling unit, single family
  7. Dwelling unit, two-family
  8. Dwelling unit, multi-family
  9. Commercial recreation area
  10. Child Care Home
  11. Day Care Home
  12. Group Home
  13. Child Care Center
  14. Child Caring Institution
  15. Manufactured Home Type I
  16. Heavy Manufacturing
- D. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Seventy-five (75) feet from the centerline of county streets
    - b. Sixty (60) feet from the right-of-way line of state and federal streets
  2. Side Yard Setback
    - a. Twenty-five (25) feet from lot line, if adjacent to a residential district
    - b. Ten (10) feet from all other lot lines
  3. Rear Yard Setback
    - a. Twenty-five (25) feet from lot line, if adjacent to a residential district
    - b. Fifteen (15) feet from all other lot lines
  4. Lot Area - Twenty-one thousand seven hundred eighty (21,780) square feet
  5. Lot Width - One hundred (100) feet

6. Ground Floor Area - Seven hundred twenty (720) square feet
7. Signs
  - a. The following sign types are permitted:
    1. Awning
    2. Banner
    3. Bulletin Board
    4. Construction
    5. Elevated
    6. Ground
    7. Incidental
    8. Off-premise
    9. Pedestal
    10. Political
    11. Portable
    12. Projecting
    13. Real Estate
    14. Roof
    15. Tenant
    16. Wall
    17. Window
  - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Building sign:
      - a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
    2. Free Standing sign:
      - a. One (1) sign permitted
      - b. Maximum height of thirty (30) feet
      - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
      - d. Minimum five (5) foot setback from all lot lines
    3. Off-Premise sign:
      - a. One (1) sign permitted per lot
      - b. Maximum height of thirty (30) feet
      - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot.
      - d. Minimum five (5) foot setback from all lot lines
      - e. Minimum separation distances:
        1. From dwelling unit, house of worship, or school - Five hundred (500) feet
        2. From other off-premise signs - Three hundred (300) feet

**SECTION 913: HEAVY MANUFACTURING (M-2) DISTRICT**

- A. The heavy manufacturing district is intended for intensive, heavy manufacturing uses. It is the intent of this Section to allow intensive manufacturing uses that may involve methods of operation which require visual and distance separation from residential, commercial, and recreational uses.
- B. The permitted principal uses are:
1. Warehousing
  2. Light manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
  3. Heavy manufacturing, including: food products, wood products, paper products, chemical products, mineral products, plastic products, metal products, concrete products
  4. Utility service structure, station or yard
  5. Communication tower
  6. Auto repair
  7. Lumber yard
- C. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. One hundred (100) feet from the centerline of county streets
    - b. Eighty (80) feet from the right-of-way line of state and federal streets
  2. Side Yard Setback
    - a. One hundred (100) feet from lot line, if adjacent to a residential or commercial district
    - b. Forty (40) feet from all other lot lines
  3. Rear Yard Setback
    - a. One hundred (100) feet from lot line, if adjacent to a residential or commercial district
    - b. Forty (40) feet from lot line if adjacent to industrial or agricultural district
  4. Lot Area - Twenty-one thousand seven hundred eighty (21,780) square feet
  5. Lot Width - One hundred (100) feet
  6. Signs
    - a. The following sign types are permitted:
      1. Awning
      2. Banner
      3. Bulletin Board
      4. Construction
      5. Elevated
      6. Ground
      7. Incidental
      8. Off-premise
      9. Pedestal
      10. Political
      11. Portable
      12. Projecting

13. Real Estate
  14. Roof
  15. Tenant
  16. Wall
  17. Window
- b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
1. Building sign:
    - a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
  2. Free Standing sign:
    - a. One (1) sign permitted
    - b. Maximum height of thirty (30) feet
    - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
    - d. Minimum five (5) foot setback from all lot lines
  3. Off-Premise sign:
    - a. One (1) sign permitted per lot
    - b. Maximum height of thirty (30) feet
    - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot.
    - d. Minimum five (5) foot setback from all property lines
    - e. Minimum separation distances:
      1. From dwelling unit, house of worship, or school - five hundred (500) feet
      2. From other off-premise signs - three hundred (300) feet

## **SECTION 914: EXTRACTIVE MANUFACTURING (M-3) DISTRICT**

- A. The extractive manufacturing district is intended for the mining, storage, and processing of mineral resources. It is the intent of this Section to allow the extraction and processing of mineral resources in areas not experiencing development pressure.
- B. The permitted principal uses are:
1. Mining and processing of mineral resources
  2. Mining and processing of petroleum resources
  3. Manufacturing of products which utilize resources obtained from the site
  4. Utility service structure, station or yard
- C. The following minimum standards and requirements shall apply:
1. Front Yard Setback
    - a. Seventy-five (75) feet from centerline of county street
    - b. Sixty (60) feet from right-of-way line of state or federal street
  2. Side Yard Setback
    - a. Ten (10) feet from lot line
  3. Rear Yard Setback
    - a. Twenty (20) feet from lot line
  4. Lot Area - Five (5) acres
  5. Lot Width - Two hundred (200) feet
  6. Signs
    - a. The following sign types are permitted:
      1. Awning
      2. Banner
      3. Bulletin
      4. Construction
      5. Elevated
      6. Ground
      7. Incidental
      8. Off-premise
      9. Pedestal
      10. Political
      11. Portable
      12. Projecting
      13. Real Estate
      14. Roof
      15. Tenant
      16. Wall
      17. Window
    - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
      1. Building sign:
        - a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space

2. Free Standing sign:
  - a. One (1) sign permitted
  - b. Maximum height of thirty (30) feet
  - c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
  - d. Minimum five (5) foot setback from all lot lines
3. Off-Premise sign:
  - a. One (1) sign permitted per lot
  - b. Maximum height of thirty (30) feet
  - c. Maximum copy area of six hundred seventy-five (675) square feet
  - d. Minimum five (5) foot setback from all lot lines
  - e. Minimum separation distances:
    1. From dwelling unit, house of worship, or school – five hundred (500) feet
    2. From other off-premise signs - three hundred (300) feet

**SECTION 915: AIRPORT (AZ) DISTRICT**

- A. The airport district is intended for airport facilities and compatible land uses. It is the intent of this Section to allow for the continued use and expansion of airport facilities.
- B. The permitted principal uses are:
  - 1. Terminal, freight and passenger
  - 2. Airplane hangers
  - 3. Airplane repair facilities
- C. The following uses are Special Exceptions, permitted subject to Section 501:
  - 1. Utility service structure, station or yard
- D. The following minimum standards and requirements shall apply:
  - 1. Front Yard Setback
    - a. Seventy-five (75) feet from centerline of county street
    - b. Sixty (60) feet from right-of-way line of state or federal street
  - 2. Side and Rear Yard Setback
    - a. Ten (10) feet from lot line
  - 3. Lot Area - Five (5) acres
  - 4. Lot Width - One hundred (100) feet
  - 5. Signs
    - a. The following sign types are permitted:
      - 1. Awning
      - 2. Banner
      - 3. Bulletin
      - 4. Construction
      - 5. Elevated
      - 6. Ground
      - 7. Incidental
      - 8. Pedestal
      - 9. Political
      - 10. Portable
      - 11. Projecting
      - 12. Roof
      - 13. Wall
      - 14. Window
    - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
      - 1. Building sign:
        - a. Maximum copy area - one hundred (100) square feet
      - 2. Free Standing sign:
        - a. Maximum copy area - one hundred (100) square feet
        - b. Maximum height - fifteen (15) feet
        - c. Minimum five (5) foot setback from all lot lines

**SECTION 916: OPEN SPACE (OS) DISTRICT**

- A. The open space district is intended for outdoor recreational and leisure activities. It is the intent of this Section to limit development within this district to uses which are recreational or leisure in nature.
  
- B. The permitted principal uses are:
  - 1. Golf Course
  - 2. Campground
  - 3. Swimming or Tennis Club
  - 4. Horseback Riding Stable
  - 5. Public Park/Playground
  
- C. The following uses are Special Exceptions, permitted subject to Section 501:
  - 1. Private Club
  - 2. Utility service structure, station or yard
  - 3. Private Park/Playground
  
- D. The following minimum standards and requirements shall apply:
  - 1. Setback
    - a. Fifty (50) feet from all lot lines
  - 2. Lot Area - Five (5) acres
  - 3. Signs
    - a. The following sign types are permitted:
      - 1. Awning
      - 2. Bulletin Board
      - 3. Construction
      - 4. Pedestal
      - 5. Political
      - 6. Roof
      - 7. Wall
      - 8. Window
    - b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
      - 1. Building sign:
        - a. Maximum copy area - sixty (60) square feet
      - 2. Free Standing sign:
        - a. Maximum copy area - sixty (60) square feet
        - b. Maximum height of eight (8) feet
        - c. Minimum five (5) foot setback from all lot lines

## **SECTION 917: FLOOD HAZARD AREA OVERLAY DISTRICT (FHA)**

### **A. PURPOSE AND INTENT**

The purpose of this Section is to restrict development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. These regulations are hereby adopted in order to accomplish the following:

1. To prevent unwise developments from increasing flood or drainage hazards to others;
  2. To protect new buildings and major improvements to buildings from flood damage;
  3. To protect human life and health from the hazards of flooding;
  4. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
  5. To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and
  6. To make federally subsidized flood insurance available for property in Huntington County by fulfilling the requirements of the National Flood Insurance Program.
- B. The Flood Insurance Rate Maps, effective date July 18, 1983, and Flood Hazard Boundary Maps, effective date July 18, 1983, shall be utilized as overlay maps to the official Zoning Map for the purpose of determining compliance with Section 917.

### **C. DEFINITIONS**

For the purpose of this Section only, the following definitions apply. These definitions shall not be construed or interpreted for use in any other Section of the Zoning Ordinance:

1. Building - see "structure"
2. Development - any man-made change to improved or unimproved real estate including but not limited to:
  - a. construction, reconstruction, or placement of a building or any addition to a building;
  - b. installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days;
  - c. installing utilities, erection of walls and fences, construction of roads, or similar projects;
  - d. construction of flood control structures such as levees, dikes, channel improvements, etc.;
  - e. mining, dredging, filling, grading, excavation, or drilling operations;
  - f. construction and/or reconstruction of bridges or culverts;
  - g. storage of materials; or
  - h. 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 buildings 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 buildings.

3. Existing Manufactured Home Park or Subdivision - means 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 before the effective date of the floodplain management regulations adopted by a community.
4. Expansion to an Existing Manufactured Home Park or Subdivision - means 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).
5. FBFM - means Flood Boundary and Floodway Map.
6. FEMA - means Federal Emergency Management Agency.
7. FHBM - means Flood Hazard Boundary Map.
8. FIRM - means Flood Insurance Rate Map.
9. 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.
10. 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 floodway fringe districts.
11. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
12. Floodway - means 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.
13. Floodway Fringe - means those portions of the flood hazard areas lying outside the floodway.
14. Letter of Map Amendment (LOMA) - An amendment to the currently effective FEMA Map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
15. 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.
16. Lowest Floor - means the lowest of the following:
  - a. the top of the basement floor;
  - b. the top of the garage floor, if the garage is the lowest level of the building;
  - c. the top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
  - d. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
    1. 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) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1)

foot above grade.

2. such enclosed space shall be usable for nonresidential purposes and building access.

17. Manufactured Home - means 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.”
18. New Manufactured Home Park or Subdivision - means 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 the effective date of floodplain management regulations adopted by a community.
19. Recreation 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 temporary living quarters for recreational camping, travel, or seasonal use.
20. Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. The regulatory flood elevation at any location is as defined in Section 917(E). The “Regulatory Flood” is also known by the term “Base Flood”.
21. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the County that are subject to inundation by the regulatory flood. The SFHAs of the County are generally identified as such on the Flood Insurance Rate Maps of the County prepared by the Federal Emergency Management Agency and dated July 18, 1983. The SFHAs of the Town of Roanoke are generally identified as such on the Flood Insurance Rate map of the Town prepared by the Federal Emergency Management Agency and dated December 1, 1982. The SFHAs of the Town of Andrews are generally identified as such on the Flood Insurance Rate Map of the Town prepared by the Federal Emergency management Agency and date September 20, 1982. The SFHAs of those parts of unincorporated Huntington County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Flood Insurance Rate Map prepared for Huntington County by the Federal Emergency Management Agency and dated July 18, 1983.
22. Structure - means 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 and travel trailers to be installed on a site for more than 180 days.
23. Substantial Improvement - means 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 which have incurred “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”.

#### D. DUTIES OF THE ADMINISTRATOR

The Director of the Huntington City/County Planning Department is authorized to review all development and subdivision proposals to insure compliance with this section, including but not limited to the following duties:

1. Ensure that all development activities within the SFHAs of the County meet the requirements of this Section.
2. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
3. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 917(G), and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
4. Maintain a record of the “as built” elevation of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA.
5. Maintain a record of the engineer’s certificate and the “as built” floodproofed elevation of all buildings subject to Section 917(H).
6. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Section. Submit reports as required for the National Flood Insurance Program.
7. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, copies of DNR permits and letters of recommendation, federal permit documents, and “as built” elevation and floodproofing data for all buildings constructed subject to this Ordinance.

#### E. REGULATORY FLOOD ELEVATION

This Section’s protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

1. The regulatory flood elevation for the SFHAs of the Wabash River, the Little River, the Salamonie River and any other streams shall be as delineated on the 100 year flood profiles in the Flood Insurance Study of the County prepared by the Federal Emergency Management Agency and dated January 18, 1983, of the Town of Roanoke dated June 1, 1982, and of the Town of Andrews dated March 30, 1982.
2. The regulatory flood elevation for each SFHA delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County.
3. The regulatory Flood Elevation for each of the remaining SFHAs delineated as an “A Zone” on the Flood Insurance Rate Map of the County or Town of Andrews or Roanoke shall be according to the best data available as provided by the Department of Natural Resources.
4. The regulatory flood elevation for the SFHAs of those parts of unincorporated Huntington County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be as delineated on the 100 year flood profiles in

the Flood Insurance Study of Huntington County prepared by the Federal Emergency Management Agency and dated January 18, 1983.

If the SFHA is delineated as “AH Zone or AO Zone”, the elevation (or depth) will be delineated as “Zone A” on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

F. IMPROVEMENT LOCATION PERMIT

No person, firm, corporation, or governmental body not exempted by state law shall commence any “development” in the SFHA without first obtaining an Improvement Location Permit from the Department. The Department shall not issue an Improvement Location Permit if the proposed “development” does not meet the requirements of this Section.

1. The application for an Improvement Location Permit shall be accompanied by the following:
  - a. A description of the proposed development.
  - b. Location of the proposed development - sufficient to accurately locate property and structure in relation to existing roads and streams.
  - c. A legal description of the property.
  - d. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
  - e. Elevation of lowest floor (including basement) of all proposed structures. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD).
2. Upon receipt of an application for an Improvement Location Permit, the Director shall determine if the site is located within an identified floodway or within the floodplain where the limits of the floodway have not yet been determined.
  - a. If the site is in an identified floodway, the Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of IC 13-2-22 a permit from the Natural Resources Commission 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 filing, grading, clearing and paving, etc., undertaken before the actual start of construction of the building.

No action shall be taken by the Director until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Director may issue the local Improvement Location Permit, provided the provisions contained in Sections 917(G) and (H) have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

- b. If the site is located in an identified floodway fringe, then the Director may issue the local Improvement Location Permit provided the provisions contained in Section 917(G) and (H) have been met. The key provision is that the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade.
- c. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Director shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Director until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Director has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the Improvement Location Permit are not less restrictive than the conditions received from the Department of Natural Resources and the provisions contained in Section 917(G) and (H) have been met.

- d. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Director shall require the applicant to provide an engineering analysis showing the limits of the floodway, floodway fringe and 100 year elevation for the site.

#### G. PREVENTING INCREASED DAMAGES

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- 1. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply.
  - a. No development shall be allowed which acting alone or in combination with existing or future similar works, will cause any increase in the elevation of the regulatory flood; and
  - b. For all projects involving channel modifications or fill (including levees) the County shall submit a request to the Federal Emergency Management Agency to revise the regulatory flood data.
- 2. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/ floodway fringe delineation has been provided) the following standard shall apply:
  - a. The total cumulative effect of the proposed development, when combined with

all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.

3. Public Health Standards in all SFHAs:
  - a. No development in the SFHA shall include locating or storing chemicals explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of Section 917(H).
  - b. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPG are watertight.

#### H. PROTECTING BUILDINGS

In addition to the damage prevention requirements of Section 917(G), all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

1. This building protection requirement applies to the following situations:
  - a. construction or placement of any new building having a floor area greater than 400 square feet;
  - b. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land) or any structural alteration made previously (one time only alteration);
  - c. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
  - d. 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 if lawfully occupied before it was removed to avoid flood damage; and
  - e. installing a travel trailer on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods. The Director shall maintain a record of compliance with these building protection standards as required in Section 917(D).
  - a. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:
    1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
    2. The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
    3. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
    4. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
    5. The lowest floor (see definition of lowest floor in Section 917(C) Definitions) shall be at or above the FPG.

- b. A residential or non-residential building may be elevated in accordance with the following:
  1. The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:
    - a. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed floor area subject to flooding. The bottom of all such opening shall be no higher than one (1) foot above the enclosed area's floor.
    - b. Any enclosure below the elevated floor is used for non-residential purposes and building access.
  2. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
  3. All areas below the FPG shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilation, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- c. Manufactured homes and travel trailers (also called recreational vehicles) to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements.
  1. 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. This requirement applies to all manufactured homes to be placed on a site;
    - a. outside a manufactured home park or subdivision;
    - b. in a new manufactured home park or subdivision;
    - c. in an expansion to an existing manufactured home park or subdivision; or
    - d. in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
  2. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements 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.

This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not

- been substantially damage by a flood.
- d. Recreation vehicles placed on a site shall either:
    1. be on the site for less than 130 consecutive days;
    2. 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
    3. meet the requirements for “manufactured homes” in paragraph (c) of this sub-section.
  - e. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
    1. A Registered Professional Engineer shall certify that the building 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 building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
    2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

#### I. OTHER DEVELOPMENT REOUIREMENTS

1. The Director shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Director finds the subdivision to be so located, the Director shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Director shall require appropriate changes and modifications in order to assure that
  - a. it is consistent with the need to minimize flood damages;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. adequate drainage is provided so as to reduce exposure to flood hazards;
  - d. on-site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
2. Developers shall record the 100-year flood elevation on all subdivision plats containing lands identified elsewhere by ordinance as within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
3. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community’s FHBM or FIRM shall develop an evacuation plan for those lots located in Zone A and file it with the local Plan Commission and have it filed and approved by the appropriate community emergency management authorities.

## J. VARIANCES

1. The Huntington County Board of Zoning Appeals may consider issuing a Variance to the terms and provisions of this Ordinance provided the applicant demonstrates that:
  - a. There exists a good and sufficient cause for the requested Variance;
  - b. The strict application of the terms of this section will constitute an exceptional hardship to the applicant; and
  - c. The granting of the requested Variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. The Board of Zoning Appeals may issue a Variance to the terms and provision of this section subject to the following standards and conditions:
  - a. No Variance or exception for a residential use within a floodway subject to Section 917(G)(1) or (2) may be granted.
  - b. Any Variance or exception granted in a floodway subject to Section 917(G)(1) or (2) will require a permit from Natural Resources.
  - c. Variances or exceptions to the Building Protection Standards of Section 917(H) 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.
  - d. Variances or exceptions may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
  - e. All Variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
  - f. The Board of Zoning Appeals shall issue a written notice to the recipient of a Variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

## K. 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 County, Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

## L. VIOLATIONS

Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a Variance shall be deemed to be a violation of this Ordinance.

M. ABROGATION AND GREATER RESTRICTIONS

This Ordinance repeals and replaces other ordinances adopted by the County Commissioners to fulfill the requirements of the National Flood Insurance Program. However, this Ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more restrictive restrictions shall take precedence. In addition, the County Commissioners shall assure that all National Flood Insurance regulations (contained in 44 CFR 60.3) and State Floodplain Management regulations and laws (310 IAC 6-1-1, IC 13-2-22 and IC 13-2-22.5) are met.

N. SEPARABILITY

The provisions and sections of this Ordinance shall be deemed separable and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

## **SECTION 918: EXCLUSIVE USE OVERLAY DISTRICT (EUD)**

- A. The Exclusive Use Overlay District is intended to be a district established for uses that do not readily permit classification in the agricultural, residential, commercial, or industrial districts. The development standards of other districts do not adequately address the specific and unusual characteristics of certain uses. However, such uses may contribute to the livability or economic health of the County or are of such character that their specific control is necessary.
- B. The Exclusive Use District is an overlay district. The existing zoning classification of the lot will remain with the lot, and all Permitted Uses and Special Exceptions for the existing classification will be allowed after a EUD classification is obtained.
- C. The permitted principal uses are:
1. Sanitary landfill
  2. Recycling facility
  3. Incinerator
  4. Salvage yard
  5. Adult entertainment establishment
- D. The following minimum standards and requirements shall apply:
1. Sanitary Landfill
    - a. No building shall be located within one hundred (100) feet of any lot line.
    - b. No portion of the landfill operation shall be located within one hundred fifty (150) feet of any lot line. Except for any building and component of use associated with the landfill, the 150 foot buffer shall be landscaped.
    - c. Minimum separation from a dwelling unit - Three hundred ( 300) feet.
    - d. No portion of the landfill operation shall be located within three hundred (300) feet of any stream or watercourse.
    - e. Screening with a minimum height above grade of ten (10) feet shall be provided around the perimeter of the lot.
    - f. One (1) tree shall be provided for each fifty (50) lineal feet of frontage along any street adjacent to the landfill. These trees shall be located within the 150 foot buffer.
  2. Recycling Facility
    - a. No building shall be located within one hundred (100) feet of any lot line
    - b. Minimum Lot Size - Two (2) acres
  3. Incinerator
    - a. No building shall be located within one hundred (100) feet of any lot line
    - b. Minimum Lot Size - Two (2) acres
  4. Salvage Yard
    - a. No building shall be located within one hundred (100) feet of any lot line
    - b. Screening with a minimum height above grade of ten (10) feet shall be provided around the perimeter of the lot. No salvage material, nor any portion of the operation, shall be stored or conducted outside of the fenced-in area.
    - c. One (1) tree shall be provided for each fifty (50) lineal feet of frontage along any street adjacent to the salvage yard. These trees shall be located between the street and the screening.

5. Adult Entertainment Establishment
  - a. Minimum separation from dwelling unit - Five hundred (500) feet
  - b. Minimum separation from house of worship or school - One thousand (1,000) feet
  - c. Minimum separation from another adult entertainment establishment - One thousand (1,000) feet

E. Procedure for establishing EUD:

1. Applications shall be filed in accordance with the Rules of Procedure of the Commission.
2. The following information shall be submitted with a EUD application:
  - a. Survey and legal description of the lot
  - b. A drawing on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale as large as practical, and including the following information:
    1. Scale, date, north arrow, vicinity map, and title of the project.
    2. The boundaries, dimensions, and total gross acreage of the lot.
    3. The relationship of the project to the surrounding road system, including the width of adjacent roadways.
    4. The location and dimensions of existing manmade features such as roads, utilities, and structures, with indication as to which are to be removed, relocated, or altered.
    5. The location and dimensions of existing easements, watercourses, county drains, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
    6. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
    7. Identification of land use and zoning classification of adjacent lots.
    8. Location of the different land uses proposed.
    9. Location of proposed signs and lighting fixtures.
    10. Existing land use within a two (2) mile radius.
  - c. Proposal for providing sanitary sewer, potable water, storm water, gas, electricity, and any other utility service.
  - d. Statement of the proposed phasing of construction for the project.
  - e. The Director, or Commission, may require:
    1. Topographic maps, including contours with elevations of the pre-developed lot and proposed finished grade
    2. Soils report, prepared and certified by a qualified geologist or a registered civil engineer. Report must include:
      - a. Name of soil type
      - b. Soil drainage class
      - c. Flood hazard potential
      - d. Permeability of soils
      - e. Dominant soil texture
      - f. Suitability of soil as cover material

3. Geologic report, prepared by a qualified geologist. Report must include:
  - a. The nature of the terrain including slope, topography, and surface drainage
  - b. The nature of bedrock materials including type, thickness, and physical characteristics
  - c. Maps or data showing residuum thickness, composition of materials, and hydrologic properties
  - d. Porosity and permeability of bedrock
  - e. Thickness of strata or zone in which waste materials are to be deposited
  - f. Depth to water table
  - g. Distance to nearby permanent water bodies
4. Operation plan for landfill indicating:
  - a. Proposed fill area
  - b. Any borrow area
  - c. Access Roads
  - d. On-site drive
  - e. Grades for proper drainage of each lift required, and a typical cross-section of a lift
  - f. Special drainage devices, if necessary
  - g. Location and type of fencing
  - h. Structures existing or to be located on the site
  - i. Existing wooded areas, trees, ponds, or other natural features to be preserved
  - j. Existing and proposed utilities
  - k. Phasing of landfill operations on the lot
  - l. A plan and schedule for site restoration and completion
  - m. A plan for the ultimate land use of the lot if possible
  - n. Method of operation including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel
  - o. And all other pertinent information to indicate clearly the orderly development operation and completion of the sanitary landfill.
5. Drainage plan, including the following information:
  - a. Contours with elevations of the pre-developed lot and proposed finished grade
  - b. Size of the watershed
  - c. Method of calculation of stormwater
  - d. Proposal for the management of stormwater
6. Traffic impact analysis
7. Identification of streets to be used as haul routes for transportation of product
8. Market study or need assessment showing need within the County for

the use

9. Air quality impact analysis

10. Erosion control plan

F. The application shall be reviewed as an amendment to the zone map in accordance with IC 36-7-4-600. In addition to the criteria established in IC 36-7-4-603, the Commission and Board of County Commissioners shall pay reasonable regard to the following criteria:

1. The importance of the service provided by the proposed facility to the community
2. The availability of alternative locations for the proposed facility
3. The compatibility of the proposed use with existing uses and permitted uses

## **SECTION 919: PROFESSIONAL OFFICE DISTRICT (POD)**

- A. The Professional Office District is intended to accommodate low-intensity uses such as professional offices and business offices within a planned environment. This district is not commercial in character; however, certain limited commercial uses are permissible by special exception in demonstrated support of permitted uses in the specific POD. As the POD is designed to be compatible with residential uses, it is partially intended as a buffer or transitional area between residential and more intense business developments.
- B. The permitted principal uses are:
1. Professional offices
  2. Business offices
  3. Medical, dental, and optical offices and clinics
- C. The following uses are special exceptions permitted subject to Section 501:
1. Retail businesses
  2. Banks and financial institutions without drive-in facilities
- D. The following minimum standards and requirements shall apply:
1. Minimum Lot Size
    - a. If the proposed development is subdivided into lots, each lot shall be a minimum of ten thousand (10,000) square feet.
    - b. If the development is a planned development, there are no minimum lot size requirements for building pads; however, planned developments shall be a minimum of twenty thousand square feet (20,000 square feet).
  2. Maximum Lot Coverage

Buildings and accessory structures shall occupy no more than forty percent (40%) of any lot or planned development.
  3. Building Setbacks
    - a. From any federal highway right-of-way line, ten (10) feet
    - b. From any other right-of-way line, thirty (30) feet
    - c. From any A, SR, R-2, or R-4 zoning district boundary line, thirty (30) feet
    - d. From any R-8 zoning district boundary line, twenty (20) feet
    - e. From all other zoning district boundary lines and lot lines, fifteen (15) feet
    - f. Minimum separation between detached buildings, ten (10) feet
  4. Maximum Building Height

The maximum height of any building or structure shall be thirty-five (35) feet.
  5. Open Space
    - a. Each lot or planned development shall provide a minimum of twenty percent (20%) of planting area.
    - b. The required twenty percent (20%) planting area includes the required perimeter and interior landscaping areas.
  6. Perimeter Landscaping
    - a. When a lot or planned development has frontage on a federal highway, a perimeter landscape strip with a minimum width of five (5) feet shall be provided parallel to the highway.
    - b. When a lot or planned development has frontage on any other right-of-way

line, a perimeter landscape strip with a minimum width of ten (10) feet shall be provided parallel to the right-of-way line.

- c. When a lot or planned development is adjacent to any A, SR, R-2, or R-4 zoned property, a perimeter landscape strip with a minimum width of twenty-five (25) feet shall be provided parallel to the lot line.
- d. When a lot or planned development is adjacent to any R-8 or R-20 zoned property, a perimeter landscape strip with a minimum width of ten (10) feet shall be provided parallel to the lot line.
- e. A lot or planned development adjacent to any other zoning district shall provide a perimeter landscape strip with a minimum width of five (5) feet.
- f. One (1) tree for each thirty-five (35) lineal feet of property line or fraction thereof, shall be planted in the required perimeter landscape strip.
  1. The maximum separation between required trees shall be one-hundred (100) feet.
  2. Each tree shall be planted in a planting area of at least fifty (50) square feet.
  3. Trees shall be a minimum of ten (10) feet in height, with a minimum trunk diameter of two (2) inches at a point which is at least four (4) feet above finished grade, immediately after planting.
  4. Subject to the approval of the Commission, up to fifty (50) percent of the required perimeter trees may be located within the interior areas of the development if such relocation would improve the aesthetics and compatibility of the development.
  5. To encourage plant preservation where living plant material exists on a site before development, and provisions are made to preserve it permanently, credit may be given for such natural growth areas against the requirements of this Section. Said credit is to be determined by the Director based on size, location, and type of plant material to be preserved.
- g. Within a required perimeter landscape strip which is adjacent to any SR, R-2, R-4, or R-8 zoned property, a living evergreen hedge with a minimum height of thirty (30) inches, measured from finished grade immediately upon planting, and spaced a maximum of twenty-four (24) inches on center, shall be planted.
- h. The perimeter landscape strip shall remain in pervious surface, covered with grass, mulch, or ground cover plantings.
- i. Necessary accessways for the street right-of-way through all such landscaping shall be permitted to service the off-street parking area, or other vehicular use area, and such accessways may, as determined by the Director, be subtracted from the linear dimensions used to determine the number of trees required.
- j. The use of earth berms, with a maximum 3:1 slope, is encouraged within a perimeter landscape strip to increase the effectiveness of the buffer.
- k. Perimeter landscape areas shall not be used for the following purposes:
  1. location of any buildings or structures
  2. sale of any products or services
  3. storage or parking of any vehicles
- l. The required perimeter landscaping strip shall be completed prior to the occupancy of any building in the POD. The Director may allow the developer to

phase the perimeter landscaping strip in accordance with the phasing of the building(s) or planned development. Any phasing of required landscaping shall not include landscaping intended to buffer buildings from existing residences.

#### 7. Interior Landscaping

- a. At least five (5) percent of the area devoted to parking or other vehicular use, which includes all impervious surfaces except the building pad and any sidewalk areas, shall be landscaped. This landscaping shall be located within the general parking and vehicular use areas to improve the aesthetics of the parking area and to promote safe, efficient, and orderly traffic movement.
- b. Each interior landscape area shall contain a minimum of fifty (50) square feet of planting area, with a minimum width of seven (7) feet.
- c. Each planting area shall be landscaped with grass, mulch, or ground cover plantings, and may include required perimeter trees as provided in Section 919 (D) (6) (f) (4).
- d. Landscaping around the foundation area of buildings is encouraged to accent the buildings and provide a visual buffer to diffuse the sharp contrast between the parking area and the building. Subject to the approval of the Commission, up to fifty (50) percent of the required interior landscaping may be located around building foundations.

#### 8. Parking Areas

- a. Off-street parking spaces shall be provided in accordance with Section 705.
- b. A common parking area for all required off-street parking spaces may be permitted upon binding assurances for the continual availability and maintenance of parking spaces.
- c. If the development is a planned development, required off-street parking spaces shall be located within the same development as the building(s) requiring the spaces.
- d. The maximum separation between a building and its required parking area shall be five hundred (500) feet.
- e. Required parking areas shall not be used in the following manner:
  1. storage, for more than forty-eight (48) hours, of operative or inoperative vehicles
  2. to store any goods, materials or inventory used in conjunction with any business or use on or off the premises
  3. for the sale, repair or servicing of vehicles
- f. All required parking spaces, aisles and accessways shall be constructed with a hard surface using concrete, asphalt, or other paving material approved for use within the County.
- g. Landscaping and landscaping areas within or adjacent to a parking area shall be protected from the encroachment of vehicles by a continuous raised curb or properly secured wheel stops.

#### 9. Lighting

- a. All parking spaces, aisles, driveways, and accessways, intended to be utilized between dusk and dawn, shall be provided with site lighting.
- b. Lighting shall be arranged so that no source of lighting is directed toward any adjoining or nearby property used or zoned for residential purposes.
- c. Lighting shall be designed to shield public streets and all other adjacent proper-

ties from direct glare.

- d. All parking luminaries, except those used for security of the building and lot, shall be extinguished within one (1) hour after the end of business hours.
- e. No luminary shall be located within perimeter landscape strips, except along pedestrian walkways.

#### 10. Outdoor Furniture/Dumpster Location

- a. The exterior placement of outdoor furniture, including benches, tables, kiosks, and similar features, is permitted to enhance the outdoor environment of the planned development.
- b. Outdoor furniture should be designed to be part of the architectural concept of design and landscaping for the planned development.
- c. Dumpster areas shall be screened by landscaping, or decorative fencing on three (3) sides, with the open side facing the pavement area where access to the dumpster is gained.
- d. Access to dumpster areas shall not be through parking spaces.
- e. Dumpster areas should be located so as not to impede vehicular movement.

#### 11. Signage

- a. The provisions of Section 707 of the Zoning Ordinance shall apply with the exception of those regulations regarding the number and type of signs permitted. The following regulations identify the number and type of signs permitted in the POD:

##### 1. Pedestal

- a. One (1) pedestal sign, which may identify only the name and address of the planned development is permitted.
- b. The pedestal sign shall be supported and affixed to a base so that there is no clearance between the bottom edge of the sign and top of the base, with such base to be comprised of materials of a permanent nature which is set firmly in or below grade.
- c. The maximum height of the sign, as measured from finished grade, shall be six (6) feet.
- d. The maximum copy area of the sign shall be forty (40) square feet.

##### 2. Pedestal

- a. One (1) pedestal sign, which may identify those tenants or occupants within the planned development, shall be permitted per street frontage.
- b. The pedestal sign shall be supported and affixed to a base so that there is no clearance between the bottom edge of the sign and top of the base, with such base to be comprised of materials of a permanent nature which is set firmly in or below grade.
- c. The maximum height of the sign, as measured from finished grade, shall be six (6) feet.
- d. The maximum copy area of the sign shall be forty (40) square feet.

##### 3. Wall

- a. One (1) wall sign, which identifies the name of the tenant(s) or occupant(s) of the building, shall be permitted per tenant or

occupant within the building.

- b. The maximum copy area of the sign shall be nine (9) square feet.
  - c. The wall sign shall be affixed directly to and flat against the wall of the building and shall not extend beyond the wall(s) of the building.
  - d. The wall sign shall be located on the same side of the building as the main entrance.
  - e. The wall sign(s) shall be compatible with the architectural design of the building.
- b. No pedestal sign permitted by this Section shall be:
- 1. located within five (5) feet of any right-of-way line
  - 2. located within thirty (30) feet of any residentially zoned property
  - 3. located within a sight visibility triangle, being the area of property located at a corner formed by the intersection of two (2) public right-of-way lines, or by the intersection of a right-of-way line and an accessway, with two (2) sides of a triangle being a minimum of twenty (20) feet in length, measured from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides.
- c. No temporary signs, banners, or similar advertising mechanism shall be permitted.

#### 12. Drainage

- a. Connection to a Storm sewer shall be provided when required by Ordinance. The provision of on-site retention or detention ponds may be required by the Department to address existing or potential drainage problems.
- b. A drainage control plan shall be submitted at the time a preliminary development plan is required to be submitted.

#### 13. Underground Utilities

Within a planned development, all utilities including sewer, water, telephone, television, cable, and electrical systems shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened.

#### E. Procedure for reclassification to POD

An application for reclassification to POD shall include all information necessary to meet the requirements listed below and any additional information that will demonstrate the reclassification is appropriate.

- 1. A petitioner seeking reclassification approval shall submit a preliminary development plan on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches and drawn to a scale not smaller than one hundred (100) feet to the inch. The following information shall be provided on the preliminary development plan:
  - a. Scale, date, north arrow, vicinity map, title of the project and total gross acreage
  - b. The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of adjacent travelways
  - c. The location and dimension of existing manmade features such as existing roads and structures with indication as to which are to be removed, renovated,

- or altered.
  - d. The location of existing easements, watercourses, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
  - e. The location and delineation of existing trees and information as to which trees will be removed
  - f. Identification of surrounding land use and zoning as well as the zoning of the petitioned site
  - g. A layout of the proposed lots and/or building sites including the following site data:
    - 1. Finished floor elevation
    - 2. Common open areas
    - 3. Generalized landscaping and buffer areas
    - 4. Internal circulation patterns including off-street parking and loading facilities
    - 5. Total project density
    - 6. Percentage of building coverage
    - 7. Percentage of impervious surface coverage
    - 8. Percentage of open space areas
    - 9. The shape, size, location and height of all structures
  - h. A traffic impact analysis, if required by the Director or Commission, including the following:
    - 1. Future right-of-way dedications
    - 2. Intersection improvements
    - 3. Traffic-control devices
    - 4. Traffic generation analysis
    - 5. Distribution and assignment of traffic
    - 6. Additional roadway needs
  - i. The proposed phasing of construction for the project if applicable
  - j. A drainage statement or drainage plan as required by the County Surveyor
  - k. Size, location, and orientation of signs
  - l. Proposed lighting of the premises
  - m. One (1) aerial map showing the site in question with paved boundaries superimposed
  - n. A legal description of the land proposed for development
2. The reclassification petition and preliminary development plan shall be reviewed by the technical review committee. The technical review committee may make recommendation(s) to the Commission.
  3. The reclassification petition shall be considered as any other proposal to amend the zone map.

F. Site and Development Plan requirements

1. A lot with a POD zoning designation shall have a Site and Development Plan approved by the Plan Commission prior to the issuance of a building permit. The Site and Development Plan shall include the elements from Section 919 (E) (1) (a), (b), (c), (d), (e), (g), (i), (j), (k), (l), and (m). If no changes to the preliminary development plan submitted under Section 919 (E) are required by the Plan Commission prior to final approval,

the preliminary development plan shall be considered to be the approved Site and Development Plan.

2. A building permit may be issued under an approved Site and Development Plan after an ordinance to amend the zone map to establish the POD is approved by the County Commissioners, and after compliance with applicable law.
3. Modifications to an approved Site and Development Plan may be made only by written application to the Department.

A building permit may be issued under a Modified Site and Development Plan so long as the proposed modification is consistent with all applicable standards and requirements of the POD and so long as the proposed modification does not constitute a substantial deviation from the existing Site and Development Plan.

The Director shall review modifications to the Site and Development Plan and certify compliance with all standards and requirements of the POD and certify that no substantial deviation from the approved Site and Development Plan has occurred.

- a. A substantial deviation shall include, but is not limited to:
  2. Modification of building location which would affect setback distances or buffering from adjacent residential property;
  3. Relocation of an access point to the site;
  4. Major redesign of the parking and vehicular use area;
  5. Fundamental change in the overall concept of the planned development.
- b. If the Director determines that the proposed modification is inconsistent with POD standards and requirements or that a substantial deviation exists, the proposed modification must be resubmitted for approval to the Commission and County Commissioners, with notice to interested parties, prior to the issuance of a building permit.

#### G. Duration of Approval

1. A building permit must be issued within one (1) year from the date of approval of the reclassification to POD and subsequent approval of the Site and Development Plan.
2. Upon request, and after good cause is shown, the time period within which a building permit must be issued may be extended by the Commission.

If the time period has expired without extension and without the issuance of such permit, the Director shall file with the records of the County Commissioners a certificate of non-compliance with a condition of the POD reclassification. Effective with the filing of the certificate, the zoning classification of the site shall revert to the zoning classification of the site prior to the POD reclassification.

If there is a desire to re-establish the site as a POD following the filing of the certificate of noncompliance, a petitioner must follow the procedures set forth in Sections 919 (F), and applicable law.

#### H. Limitation of Authority

1. A Site and Development Plan authorizes only the use, arrangement and construction

set forth in such approved plans and applications. Use, arrangement, and construction different from the approved Site and Development Plan, including any amendments thereto, shall constitute a violation of this Zoning Ordinance.

2. Approval of the Site and Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of this Zoning Ordinance and all other applicable law.

## **SECTION 950: HOME OCCUPATION**

### **A. PURPOSE AND INTENT**

It is the purpose and intent of this Section to provide for certain types of home occupations to be conducted within a dwelling unit or accessory structure on the resident's premises. Two classes of home occupations are established based upon the intensity of the home occupation. Accordingly, minimum standards have been established for each class of occupation in order to assure the compatibility of home occupations with other uses permitted in the applicable district and to preserve the character of residential neighborhoods.

### **B. HOME OCCUPATIONS**

Home occupations shall not be permitted except in compliance with this Ordinance and other applicable law.

### **C. APPLICATION FOR HOME OCCUPATION**

An application for an Administrative Permit for a Type I Home Occupation or Special Exception Permit for a Type II Home Occupation shall be signed by all owners and adult residents of the property in question and filed with the Department on forms provided by the Department. The Executive Director shall review the application and classify the proposed home occupation as a Type I or Type II based upon:

1. The established standards for Type I and Type II home occupations described in Section 950 (D) and 950 (E); and
2. General planning and zoning standards established by this Ordinance.

### **D. TYPE I HOME OCCUPATION**

1. The following standards are applicable to all Type I Home Occupations:
  - a. No person other than residents of the dwelling unit on the subject premises named in the application shall be engaged in such home occupation.
  - b. No more than twenty (20) percent of the total gross floor area of the said dwelling unit shall be used for such home occupation.
  - c. No outdoor storage or display of products, equipment, or merchandise is permitted.
  - d. No retail sales shall be conducted on the premises.
  - e. The residential address of the home occupation may be utilized for identification and billing purposes only.
  - f. Exterior evidence of the conduct of a home occupation is not permitted.
  - g. The home occupation shall be conducted exclusively within the dwelling unit or accessory structure.
  - h. No equipment, process, or activity shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
  - i. No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected by one (1) dwelling unit in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.

- j. No specific outside entrance or exit for the home occupation shall be permitted.
  - k. Signage identifying the home occupation shall comply with the development standards of the applicable zoning district
  - l. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of home occupations which may be classified as a Type I:
- a. Telephone answering and solicitation
  - b. Home crafts
  - c. Computer programming, desktop publishing
  - d. Typing or secretarial service
  - e. Painting, sculpturing, or writing
  - f. Dressmaking, sewing, or tailoring
  - g. Drafting, surveying service
  - h. Consulting services
  - i. Mail order business, not including retail sales from site
  - j. Sales representative, office only

**E. TYPE II HOME OCCUPATION**

1. The following standards are applicable to all Type II Home Occupations:
- a. One (1) person other than the residents of the dwelling unit on the subject premises named in the application may be engaged in such home occupation.
  - b. No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be used for such home occupation.
  - c. No outdoor storage or display of products, equipment or merchandise is permitted.
  - d. Retail sales are permitted only as an accessory use to the primary home occupation. (e.g. beauty salon can sell shampoo and beauty products.)
  - e. Signage identifying the home occupation shall comply with the development standards of the applicable zoning district.
  - f. The home occupation shall be conducted exclusively within the dwelling unit or an accessory structure.
  - g. No equipment, process, or activity shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
  - h. No traffic shall be anticipated by a home occupation in substantially greater volumes than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
  - i. A minimum of two (2) off-street parking spaces, in addition to those required for the dwelling unit, shall be provided for use by patrons of the home occupation. The Board of Zoning Appeals may require additional off-street parking based upon the use and location of the property.

- j. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of home occupations which may be classified as a Type II:
  - a. Attorney office
  - b. Insurance sales or broker
  - c. Real estate sales or broker
  - d. Jewelry repair
  - e. Shoe repair
  - f. Carpentry, cabinet makers
  - g. Ceramics which involve the use of a kiln
  - h. Medical or dental office
  - i. Catering or food preparation
  - j. Pet grooming service
  - k. Barber or beauty shop
  - l. Photo developing, photo studio
  - m. Appliance repair facility

F. GENERAL PROVISION - All home occupations shall conform to the following standards:

1. Approval of a home occupation is not transferable to a location other than that which was approved.
2. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. nor later than 9:00 p.m.
3. All home occupations shall be subject to periodic inspections. Reasonable notice shall be provided to the permittee prior to the time requested for an inspection.
4. The Executive Director, in the case of an Administrative Permit for a Type I Home Occupation, or the Board of Zoning Appeals in the case of a Special Exception for a Type II Home Occupation, may impose reasonable conditions necessary to protect the public health, safety, and welfare, or to protect against a possible nuisance condition.
5. Administrative Permits issued by the Executive Director or Special Exception Permits issued by the Board of Zoning Appeals, may be revoked by the issuing authority for cause after reasonable notice to the permittee and opportunity for a hearing on the matter.
6. Home occupations shall commence only after the receipt of an Administrative Permit, if classified as a Type I, or Special Exception Permit, if classified as a Type II.

G. PERMIT REVIEW PROCESS - Applications for a home occupation shall be reviewed as follows:

1. Application filed, with authorization from property owner.
2. Review of application by Executive Director to determine classification as a Type I or Type II.
3. If classified as a Type I:
  - a. Executive Director can approve or deny the application:
  - b. If approved, an Administrative Permit for the home occupation shall be

- issued.
- c. Executive Director may impose reasonable conditions as part of the approval.
  - d. Applicant may appeal to the Board of Zoning Appeals if application is denied or if conditions are unacceptable. On appeal of a condition(s), appeals must be filed within fourteen (14) days of the date of the Executive Director's approval of the Administrative Permit.
4. If classified as a Type II, the application shall be reviewed and treated as a Special Exception request.
  5. The standards set forth in Section 950 (D), 950 (E), and 950 (F) shall be incorporated as minimum conditions of approval.

H. ENFORCEMENT:

In the event the Executive Director determines that the operation of any home occupation is in violation of the provisions of this Ordinance or any permit condition, notice shall be provided to the permittee setting forth a description of the violation, corrective action required, and a date by which such corrective action must be accomplished. The permit may be revoked if not corrected in the manner and by the date specified in the notice in accordance with the revocation procedures applicable for Special Exceptions. In addition, violations of this Section are subject to the penalties provided for in Section 350.

## **SECTION 951: SUBDIVISIONS**

Pursuant to the Huntington County Subdivision Control Ordinance, the subdivision of land which requires approval by the Plan Commission shall be permitted in all zoning districts.

## **SECTION 994: AIRPORT HEIGHT RESTRICTIONS OVERLAY DISTRICT**

### **A. GENERAL**

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces shown on that certain Huntington Municipal Airport Height Restriction Overlay District Zoning Map which is made a part hereof. An area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation. These zones are hereby established and defined as follows:

4. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. It's centerline is the continuation of the centerline of the runway. (At the adoption of this Ordinance, this is the current classification of a proposed runway running generally in a north northwest to south southeastern direction).
5. Utility Runway Non-precision Instrument Approach Zone -The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Runway Larger Than Utility Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Runway Larger Than Utility with a Minimum Greater Than 3/4 Mile Non-precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (At the adoption of this Ordinance, this is the current classification of Runway 9 running in a generally east to west direction.)
8. Runway Larger Than Utility with a Visibility Minimum as Low as 3/4 Mile Non-precision Instrument Approach Zone -The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance to 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
9. Transitional Zones - The transitional zones are the areas beneath the transitional surfaces.
10. Horizontal Zone - The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

11. Conical Zone - The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

## B. HEIGHT LIMITATIONS

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained in any zone created by this section to a height in excess of the applicable height limitation herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Non-precision Instrument Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway Larger than Utility Visual Approach Zone - Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Non-precision Instrument Approach Zone - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Transitional Zones - Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above airport elevation which is 806 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.
7. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 956 feet above mean sea level.
8. Conical Zone - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
9. Excepted Height Limitation - Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure to a height up to 50 feet above the surface of the land, and where land is located below the approach or transitional surfaces.

### C. USE RESTRICTION

Notwithstanding any other provision of this Code, no one may within any zone established by this Code create electrical interference with navigational signals or radio communication between the airport aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use or using the airport.

### D. NONCONFORMING STRUCTURES

1. Regulations Not Retroactive - The regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as the effective date of this Section, or otherwise interfere with the continuance of a nonconforming structure. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was granted all necessary and appropriate permits from regulatory authorities and was begun prior to the effective date of this Section, and is diligently pursued.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Board of Aviation Commissioners to indicate its presence, at the expense of the City of Huntington.

### E. PERMITS

1. Future Uses - No structure shall be erected, enlarged or established in excess of the applicable height limitation set forth in Sub-section B paragraph 9, in any zone created under this Section unless a Height Permit has been applied for and granted by the City/County Planning Department. Each application for a Height Permit shall indicate the purpose for which the Height Permit is desired, with sufficient particularity to allow the Planning Department to determine whether the resulting structure conforms to the regulations herein prescribed. If such determination is in the affirmative, the Height Permit shall be granted. No Height Permit shall be granted if the structure's proposed height is inconsistent with the provision of this Section, unless a Height Variance has been approved in accordance with Subsection E, paragraph 5.
2. Height Permits - Applications for Height Permits required by this Section shall be submitted to the City/County Planning Department on forms published for that purpose. The City/County Planning Department shall promptly notify the Board of Aviation Commissioners or its designee of any and all applications for Height Permits filed under this Section for the purpose of obtaining technical advice concerning the aeronautical effects that the proposed structure will have on air traffic and safety.

The Board shall have ten (10) days after notification in which to review and comment on the Height Permit application.

3. Existing Uses - No Height Permit shall be granted that would allow the establishment or creation of an obstruction or allow a nonconforming use or structure to become a

- greater hazard to air navigation, than it was on the effective date of this Section or any amendments thereto or than it was when the application for a Height Permit is made.
4. Nonconforming Uses Abandoned or Destroyed - Whenever a nonconforming structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no Height Permit shall be granted that would allow such structure to be repaired, rebuilt, or reconstructed in a manner which exceeds the applicable height limit, without first obtaining a Height Variance.
  5. Height Variances - Any person desiring to erect or increase the height of any structure, or use property not in accordance with the regulations prescribed in this Section, may apply to the Board of Zoning Appeals for a Height Variance from such regulations. This application is to be made at the City/County Planning Department Office. The City/County Planning Department shall promptly notify the Board of Aviation Commissioners or its designee of any and all Height Variances filed under this Section for the purpose of obtaining technical advice concerning the aeronautical effects that the proposed structure will have on air traffic and safety. This notification shall be at least ten (10) days prior to any hearing by the Board of Zoning Appeals. The application for Height Variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such Height Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. If the Board of Aviation Commissioners, or its designee, does not respond within a reasonable amount of time prior to the hearing by the Board of Zoning Appeals, the Board of Zoning Appeals may act on its own to grant or deny said Height Variance application.
  6. Obstruction Marking and Lighting - Any Height Permit or Height Variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to allow the City of Huntington, at its own expense, to install, operate, and maintain the necessary markings and lights.

#### F. ENFORCEMENT

It shall be the duty of the City/County Planning Department to administer and enforce the regulations prescribed herein. Application for height permits and height variances required by this Section shall be submitted to the City/County Planning Department on forms published for that purpose. The Board of Aviation Commissioners, or their appointed designee, shall act as a technical advisor to the Planning Department and/or Board of Zoning Appeals on any request for a Height Permit or Height Variance regarding this Section.

#### G. PENALTIES

Each violation of this Section or of any regulation, order, or ruling promulgated hereunder shall be subject to the penalties for violations outlined in Section 350 of the Zoning Ordinance.

H. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures and the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

I. INDIANA HIGH STRUCTURE SAFETY ACT

If any provision of this Section conflicts with the Indiana High Structure Safety Act (I.C. 8-21-10-1 et. seq.), as it is now enacted or hereafter amended, the more restrictive provision controls.

J. FEDERAL AND STATE LAWS

Compliance with this Section does not relieve any person or entity from its obligation to comply with federal or state laws which may or may not be more restrictive; nor relieve any person or entity from its obligation to obtain any studies or permits required by federal or state law.