Floyd County Zoning Ordinance

FCO-2006-06

Amendments to Floyd County Zoning Ordinance

1. **November 8, 2006**
2. **February 6, 2007**
3. **January 2, 2008**
4. **March 18, 2008.**
5. **November 18, 2008**
6. **August 18, 2009**
7. **February 2, 2010**
8. **March 15, 2010**
9. **January 4, 2011**
10. **March 6, 2012**
11. **October 16, 2012**
12. **April 1, 2014**
13. **December 2, 2014**
14. **April 18, 2017**
15. **October 17, 2017**
16. **December 19, 2017**

Floyd County Zoning Ordinance
Table of Content

Basic Provisions

Title 1
Purpose 1
Authority 1
Compliance 1
Severability 1
Interpretation 1
Jurisdiction 1
Application 2
Repealer 2
Amendments 2
Types of Petitions and Permits 2
Effective Dates 2

Definitions 3

Non-Conforming Structures, Lots, Uses and Signs

Intent for Non-Conforming Structures, Lots and Uses 31
Illegal Non-Conforming and Legal Non-Conforming Defined 31
Burden of Proof 31
Legal Non-Conforming Lots and Parcels 31
Legal Non-Conforming Structures and Uses 32
Legal Non-Conforming Signs 32

Zoning District Established

Establishment of Standard Districts 34
Standard District and Land Uses 34
Establishment of Overlay Districts 35
Establishment of Planned Unit Development District 35
Unlisted or Questionable Land Uses 35
Agricultural-Residential (AR) 36
Rural Residential (RR) 37
Residential Suburban (RS) 39
Residential Urban (RU) 40
Multi-Family (MF) 42
Neighborhood Commercial (NC) 44
General Commercial (GC) 45
Highway Service (HS) 47
Office Business (OB) 49
General Industrial (GI) 50

Park-Recreation (PR) 52

Development and Performance Standards

Lot and Yard Standards. 54
Height Standards..... 54
Accessory Use and Structure 55
Buffer Yard 58
Fences and Wall..... 62
Environmental 62
Home Occupation..... 63
Landscaping 64
Loading 66
Mobile/ Manufactured Home 67
Parking 68
Performance..... 70
Sight Visibility 71
Signs 71
Telecommunication 76
Temporary Use. 81
Wind Turbines 82
Small Wireless Cell..... 82

Flood Hazard Areas Standards

Authorization..... 86
General Provisions 87
Administration... 89
Provisions for Flood Hazard Reduction 92
Variances..... 99

Planned Unit Development

Permitted Uses. 103
Development Standards 103
Planned Unit Development Standards 103
Conceptual Plan Process 106
Detailed Development Plan Process 107
Secondary Approval Process 110
Minor Modifications..... 111
Covenants and Maintenance..... 111
Recording 111
Construction 111
Extension and Abandonment 111
Rules of Procedure..... 112

Overlay District

Steep Slope Overlay District..... 113
Slopes 20-33 percent 113
Slopes 33 percent and above..... 114
Construction Techniques..... 114
Highlander Point and Edwardsville Gateway Districts..... 115
Development Standards 115

Development Review

Zone Districts Requiring a Development Plan..... 119
Development Plan Requirements..... 119
Highlander Point and Edwardsville Gateway District Requirements..... 121
Development Plan Process 122
Development Plan Approval..... 123
Modification 125

Miscellaneous Development Standards

Miscellaneous Development Standards 127
Wastewater Treatment Standards..... 129

Drainage and Storm Water Management Standards

Drainage Requirements. 132

Sound Standards.... 133

Lighting Standards. 133

Sexually Oriented Business

Purpose 134
Findings..... 134
Sexually Oriented Business Classifications..... 134
Permitted Zoning Districts..... 134
Site Design Guidelines 136
Licensing of Sexually Oriented Businesses..... 137

Administration

Authority 138

Violations 138
Types of Violations 138
Liability 138
Procedure of Violations 138
Types of Petitions and Permits 139
Schedule of Fees 139
Administrative Appeals 139
Conditional Uses 140
Development Standards Variance 142
Special Exception (Variance of Use) 143
Zoning Map Amendment 144
Improvement Location Permits 147
Board of Zoning Appeals 149

Zoning Map

Official Copies 151
Location of Official Maps 151
Zoning District Boundaries 151
Damaged or Destroyed Lost Maps 151
Official Zoning Maps 151

Appendix A Land Use Matrix 153

Appendix B Parking Requirements 160

Appendix C
Storm Water vacated

Appendix D Schedule of Fees 162

Section 1.01 Title

This Ordinance shall be formally known as the "Floyd County Zoning Ordinance" and it may be cited and referred to herein as the "Zoning Ordinance" or "Ordinance".

Section 1.02 Purpose

This Ordinance is a tool for Floyd County to guide and manage growth and development in accordance with vision of the Floyd County Comprehensive Plan. The primary purposes of this ordinance are the following:

A. To secure adequate light, air, convenience of access;
B. To provide safety from fire, flood and other danger;
C. To lessen or avoid congestion on public ways;
D. To promote the public health, safety, comfort, morals, convenience, and general welfare;
E. To promote community growth and development in areas with adequate public facilities such as public ways, utilities, and recreational facilities;
F. To recognize the unique natural characteristics and resources of the community and strive to promote good stewardship of these resources
G. To promote the efficient and effective use of public funds in relationship to community growth and development

Section 1.03 Authority

This Ordinance is adopted by the Board of Commissioners of the County of Floyd pursuant to its authority under the laws of the State of Indiana

Section 1.04 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; no structure or land shall be used; and no existing use shall be expanded except in compliance and conformity with all provisions of this Ordinance and any and all permits and certifications issued by proper authority hereunder.

Section 1.05 Severability

If any article, chapter, clause, provision, portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, chapter, clause, provision or portion of this Ordinance.

Section 1.06 Interpretation

The provisions of this Ordinance are deemed to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare. If two or more provisions within this Ordinance are in conflict or are inconsistent with one another, or with a term or provision of any other ordinance, rule, or regulation, then the provision which is most restrictive shall control.

Section 1.07 Jurisdiction

This Ordinance shall apply to all land within the Floyd County, Indiana except that which lies within the planning jurisdiction of the City of New Albany, the incorporated towns of Georgetown and Greenville or which is owned by the State of Indiana or United States.

Section 1.08 Application

When land or structures which are within the jurisdiction of this Ordinance are also subject to private covenants, private contracts, commitments, permits, agreements, and/or laws, rules, and regulations of the State of Indiana, the United States, or any other governmental entity or agency, the applicable provision imposing the greater restriction shall control and apply. In no instance, however, shall any term or provision of this Ordinance be interpreted as altering or negating any other applicable regulation.

Section 1.09 Repealer

All ordinances or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.

Section 1.10 Amendments

All amendments, repeals, and/or changes to this Ordinance shall be in compliance with the laws of the State of Indiana. All review of text and zoning map amendments, the Floyd County Plan Commission and the Floyd County Commissioners shall pay reasonable regard to the following:

A. The most recently adopted Comprehensive Plan.
B. Current conditions and the character of structure, and uses in each district.
C. The most desirable use for which the land in each district is adapted.
D. The conservation of property values throughout the jurisdiction.
E. Responsible development and growth

Section 1.11 Types of Petitions/Permits

The Floyd County Plan Commission hereby requires that an application be submitted for the following petitions and permits.

A. Administrative Appeal
B. Certificate of Occupancy
C. Conditional Use
D. Development Plan Review
E. Improvement Location Permit
F. Planned Unit Development (Conceptual Sketch Plan)
G. Planned Unit Development (Detailed Development Plan)
H. Sign Permit
I. Special Exception (Use Variance)
J. Temporary Use Permit
K. Variances of Development Standards
L. Zoning Map Change (Re-Zoning)

Section 1.12 Effective Date

This Ordinance shall take effect upon its passage by approval of the Board of Commissioners of Floyd County and publication as required by law.

Section 2.01 Definitions

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine genre shall include the feminine.

AR means the zoning district Agricultural-Residential.

ACCESSORY BUILDING AND USE means (a) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy. (b) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.

ACCIDENTAL DISCHARGE means a discharge or release prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

ADJACENT PROPERTY OWNERS means the owners of property contiguous to the subject property, excluding those who are also the owners of the subject property, ignoring all intervening streams, street and railroad rights-of-way.

ADULT ARCADE means any place to which the public is permitted or invited where one (1) or more "video booths" and/or "live viewing booths" are available to patrons where the images shown and/or live entertainment presented are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment that as a substantial or significant portion of its business regularly features: (1) persons who appear in areas of the establishment open to patrons in a "state of nudity" or "state of semi-nudity" so as to expose to view "specified anatomical areas"; or (2) any live entertainment, exhibition, performance, or dance by persons whose entertainment, exhibition, performance, or dance is characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities";

ADULT MEDIA means magazines, books, photographic reproductions, videotapes, movies, slides, compact discs in any format (e.g., cd-rom, cd-r, cd-rw), digital video discs in any format (e.g., dvd), other devices used to reproduce or record computer images, or other print, video, film, electronic, computer-based, analog, or digital media characterized by an emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas."

ADULT MEDIA STORE means an establishment that rents and/or sells adult media and that meets any of the following tests: (1) more than 10 percent of the gross public floor area is devoted to adult media; or more than 10 percent of the stock in trade consists of adult media; or (2) a media store which advertises or holds itself out in any forum as a SEXUALLY ORIENTED BUSINESS by use of such terms as "X-rated," "XXX," "adult," "sex," "nude," or otherwise advertises or holds itself out as a SEXUALLY ORIENTED BUSINESS. (Amended 3)

ADULT MOTEL means a hotel, motel or similar commercial establishment as regulated by Floyd County; which offers accommodations to the public for any form of consideration; and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or

"specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this sex-oriented type of photographic reproductions; or offers a sleeping room for rent for a period of time that is less than 10 hours; or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

ADULT MOTION PICTURE THEATER means a commercial establishment occupying a building or portion of a building (including any portion of a building which contains more than 150 square feet) where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions, or other projected images are regularly shown, if such establishment as a prevailing practice excludes minors by virtue of age, regardless of whether the minor is accompanied by a parent or guardian, or if, as a prevailing practice, the films, motion pictures, video cassettes, slides or similar photographic reproductions, or other projected images presented are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY STORE means a business offering goods for sale or rent and that meets any of the following tests: (1) more than 5 percent of the stock in trade of the business consists of "sexually-oriented novelties or toys" and more than 5 percent of the gross public floor area of the business is devoted to the display of "sexually-oriented novelties or toys"; or (2) it offers for sale items from any 2 of the following categories: "adult media," "sexually-oriented novelties or toys," apparel or other items marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items constitutes more than 10 percent of the stock in trade of the business and occupies more than 10 percent of the gross public floor area of the business; or (3) which advertises or holds itself out in any forum as a SEXUALLY ORIENTED BUSINESS by use of such terms as "sex toys, "marital aids," "X-rated," "XXX," "adult," "sex," "nude," or otherwise advertises or holds itself out as a SEXUALLY ORIENTED BUSINESS. ADULT NOVELTY STORE shall not include any establishment which, as a substantial portion of its business, offers for sale or rental to persons employed in the medical, legal or education professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for use in the practice of medicine or law or for use by an educational institution.

ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment that as a substantial or significant portion of its business regularly features persons who appear in a state of nudity or semi-nudity, live performances which are characterized by an emphasis on the depiction or description of "specified anatomical areas," "specified sexual activities," or live entertainment of an erotic nature that is characterized by an emphasis on the depiction or description of "specified anatomical areas," or "specified sexual activities".

AGRICULTURE, PRIMARY means the production, keeping, cultivation, or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; llamas, chinchilla, ostrich and other specialty animals; fish for commercial sale (aquaculture); trees and forest products; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program.

AGRICULTURE, HOME means the on-site production, principally for use, or consumption of the property owner, or tenants, of plants, or their products including, but not limited to gardening and fruit production. This does not include the sale of products produced on-site to others as long as such sales are incidental to the principle use of the property as a residence.

AGRICULTURAL, SERVICES means establishments primarily engaged in agricultural equipment and implement sales and service, landscaping, and veterinary services. (Amended 6)

AMBULATORY CARE FACILITY means a facility that provides preventive, diagnostic and treatment services to persons who come to the facility, receive services, and depart from the facility on the same day.

ANTENNA means any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services, and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni directional antennas, such as whips.

AUCTION HOUSE/YARD means a place where objects of art, furniture, and other goods (non-livestock) are offered for sale to persons who bid on the object in competition with each other.

AUTOMOBILE REPAIR AND SERVICES means general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including bodywork, welding, and major painting services.

AUTOMOTIVE SALES AND SERVICES means establishments primarily engaged in furnishing automotive repair, rental, leasing, washing, and the retail sales and installation of lubricants, tires, batteries, and similar vehicle accessories.

AUTOMOBILE SALES AND SERVICES means the use of land, buildings, or other premise principally for the display sale, lease, rental of new or used and may include any vehicle preparation, warranty, or repair work conducted as an accessory use.

ALLEY means a right of way other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.

APPLICANT means a person or persons submitting an application for development.

APPLICATION FOR DEVELOPMENT means an application form and all accompanying documents and exhibits required of an applicant by an approving authority for development review and approval purposes.

ASSISTED LIVING FACILITY means residences primarily for the elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services, such as recreational activities, pharmaceutical services, laundry services, financial services, and transportation. The facility is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

BAR means an establishment in which alcoholic beverages are served, primarily by drink and where food or packaged liquor may also be served or sold.

BARN means any building or structure used for agricultural purposes or storage of vehicles, recreational equipment and materials.

BASE LAND USE ZONE means primary classification of land to which an overlay zone is secondary. Any use permitted in the basic land use district shall also be permitted in an overlay zone.

BED AND BREAKFAST means overnight accommodations and a morning meal in a single family detached dwelling unit provided to transients for compensation.

BLOCK means property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection of an intercepting street and railroad right-of-way, waterway or other definite barrier. For purposes of this definition, a cul-de-sac less than 100 feet in length does not constitute an intersecting or intercepting street.

BOARD OF ZONING APPEALS means the Floyd County Board of Zoning Appeals or also known as BZA

BOARDING HOUSE means a dwelling unit or part thereof in which for compensation, lodging and meals are provided including but not limited to personal services.

BUILDING means any structure having a roof supported by columns or walls, and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING, HEIGHT OF means the vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the eaves line for gable, hip and gambrel roofs. (Amended 2)

BUILDING PRINCIPAL means a building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING AREA means the maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

BUILDING SETBACK LINE means the line nearest the front of and across a lot establishing the minimum space to be provided between the front line of buildings or structures requiring permits under the building code and the street right-of-way line.

BUFFER means a natural growth or landscaped area, fence, wall, berm, or combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisance.

BUSINESS OR COMMERCIAL USE means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMPGROUND means any area or tract of land used or designed to accommodate two (2) or more travel trailers, mobile homes, or two (2) or more camping parties, including cabins, tents, or other camping outfits.

CARRIER ON WHEELS means a portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A Carrier of Wheels is normally vehicle-mounted and contains a telescoping boom as the Antenna support structure.

CEMETERY means property used for the interment of the dead.

CERTIFICATE OF OCCUPANCY means a certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.

CHILD CARE FACILITIES (owner occupied) means an establishment providing non-overnight care, supervision, and protection of children in private residences which is ancillary to the primary use as residential. A residential structure in which at least 6 children (not including the children for whom the provider is a grandparent, parent, step-parent, guardian, custodian, or other relative) at any time receive child care from a provider: (1) while unattended by a parent, legal guardian, or custodian; (2) for regular compensation; (3) for more than 4 hours but less than 24 hours in each of 10 consecutive days per year, excluding Saturdays, Sundays, and holidays.

CHILD CARE CENTER means an establishment providing for the care, supervision and protection of children.

CHILDREN CARE INSTITUTION means a residential facility that provides child care on a 24 hour basis for more than 10 children; or a residential facility with a capacity of not more than 10 children that does not meet the residential structure requirements of a group home; or operates under a license issued under IC 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies under the rules adopted under IC 4-22-2 by the Division of Family and Children or successor agencies.

CHURCH or HOUSE OF WORSHIP means (a) a church, synagogue, temple or mosque, or other facility that is used for prayer by persons of similar faith; (b) a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.

CLEAN WATER ACT means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

CLAY BUILDING MATERIAL AND REFRACTORY MANUFACTURING means establishments primarily engaged in shaping, molding, baking, burning, or hardening clay refractory, nonclay refractory, ceramic tile, structural clay tile, brick, and other structural clay building materials

CLINIC OR MEDICAL HEALTH CENTER means an establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.

CO-LOCATION means the act of siting Telecommunication facilities in the same location on the same support structure as other Telecommunications facilities.

COMMERCIAL GREENHOUSE means a structure in which plants, vegetables, flowers and similar materials are grown for sale.

COMMERCIAL KENNEL means any structure or premises on which five or more dogs or other domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

COMMISSION means the Floyd County Plan Commission.

COMMUNITY CENTER means a facility used for recreational, social, educational, and cultural activities.

COMPACT HOME definition deleted (Amended 5)

COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING means manufactures computers, computer peripherals, communications equipment, and similar electronic products, and establishments that

manufacture components for such products. The design and use of integrated circuits and the application of highly specialized miniaturization technologies are common elements in the production technologies of the computer and electronic sub-sector.

CONDITIONAL USE means a use permitted in a particular base zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the zoning ordinance and authorized by the approving authority.

CONFINED FEEDING OPERATION or CONFINED ANIMAL FEEDING OPERATION means an agricultural livestock feeding operation as defined in Indiana Administrative Code. (Amended 3)

CONTIGUOUS means when at least one boundary line of a parcel touches the boundary line of another parcel.

CONSTRUCTION ACTIVITY means land disturbance activities subject to state NPDES General Construction Permits related to "Rule 13" or "Rule 5" or local permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

CONVENIENCE STORE means a store that is located on the same lot and is accessory to a gasoline station.

COUNTY COMMISSIONERS means the Board of County Commissioners of Floyd County, Indiana.

COUNTY ENGINEER means the Floyd County Highway Engineer.

COUNTY HEALTH DEPARTMENT means the Floyd County Health Department.

COUNTY PLANNER means the Floyd County Planner.

COUNTY SURVEYOR means the Floyd County Surveyor.

COVENANT means a restriction or affirmative obligation placed on the development or use of land through a written, recorded instrument.

DIAMETER AT BREAST HEIGHT (DBH) means diameter at breast height is a tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

DECIDUOUS means plants that drop their foliage annually before becoming dormant.

DEPARTMENT means the Floyd County Plan Commission Office.

DEVELOPER means any individual firm, association syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under these regulations to effect a subdivision of land, and includes any person who (1) having an interest in land, causes it, directly or indirectly, to be subdivided as defined herein, or (2) directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises to sell, lease, or develop, any interest, lot, parcel, site, or unit in a subdivision, or (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel, site, or unit in a subdivision, or (4) is directly or indirectly controlled by or under direct or indirect common control with any of the foregoing.

DEVELOPMENT means any man-made change to improved or unimproved real estate including but not limited to: Construction, reconstruction, or placement of a building or any addition to a building valued at more than $1,000 or containing 400 or more square feet in floor area; Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days; Installing utilities, erection of walls and fences, construction of roads, or similar projects; Construction of flood control structures and/or erosion control devices such as levees, dikes, dams, channel improvements, perimeter fencing, etc.; Mining, dredging, filling, grading, excavation, or drilling operations; Construction and/or reconstruction of bridges or culverts; Storage of materials; or Any 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 of roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings

DWELLING means a structure or portion thereof that is used exclusively for human habitation.

DWELLING, MANUFACTURED HOME means a dwelling unit designed and built in a factory, installed as a permanent residence, which bear a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and which also compiles with the following specifications: (1) Was constructed after January 1, 1981, and exceeds 950 square feet of occupiable space per Indiana Code 36-7-4(d), (2) Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling, (3) meets all other requirements set forth in this ordinance and other county ordinances as development standards for manufactured homes.

DWELLING, MOBILE HOME definition deleted. (Amended 5)

DWELLING, MULTI-FAMILY means a building designed for or occupied by two or more families, exclusively for dwelling purposes including units that are located one over another.

DWELLING, SINGLE FAMILY ATTACHED means a one-family dwelling unit with ground floor, outside access, attached to one or more one-family dwellings by common vertical walls without openings.

DWELLING, SINGLE FAMILY DETACHED means a building containing one dwelling unit and that is not attached to any other dwelling unit by any means.

DWELLING, TOWNHOUSE means a one-family dwelling in a row of at least three but not to exceed eight such units in which each unit has its own front and rear access to the outside. No unit can be located over another unit and each unit is separated from any other unit by one or more vertical fire-resistant walls. (Amended 3)

DWELLING, TWO-FAMILY means a building on a single lot containing two dwelling units, each of which is totally separate from each other by an unpierced wall extending from the ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

ELECTRICAL EQUIPMENT, APPLIANCE, AND COMPONENT MANUFACTURING manufacture products that generate, distribute and use electrical power.

ESTABLISHMENT means in the context of SEXUALLY ORIENTED BUSINESS and includes any of the following: (1) the opening or commencement of any SEXUALLY ORIENTED BUSINESS as a new business;

(2) the conversion of an existing business, whether or not a SEXUALLY ORIENTED BUSINESS, to any SEXUALLY ORIENTED BUSINESS; (3) the addition of another SEXUALLY ORIENTED BUSINESS to any other existing SEXUALLY ORIENTED BUSINESS; or (4) the relocation of any SEXUALLY ORIENTED BUSINESS.

FAÇADE means the exterior walls of a building exposed to public view or that a wall viewed by persons not within the building.

FAMILY means one or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.

FARM means a tract of land consisting of 5 acres or more and comprising an area which is devoted to agricultural operations, such as forestry, the growing of crops, pasturage, the production of livestock and poultry, the growing of trees, shrubs and plants, and other recognized agricultural pursuits, and including accessory buildings essential to the operation of the farm.

FARM STAND means a structure for the display and sale of farm products primarily grown on the property upon which the stand is located.

FARMER'S MARKET means the seasonal selling or offering for sale at retail of vegetables or produce, flowers, orchard products, and similar non-animal agricultural products, occurring in pre-designated areas, where the vendors are individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

FEMA means Federal Emergency Management Agency.

FHBM means Flood Hazard Boundary Map.

FIRM means Flood Insurance Rate Map.

FIRM MAP means a map prepared by the Federal Emergency Management Agency (FEMA) for certain streams and water courses in Floyd County for the purpose of establishing Flood Insurance Rates, which map, to the extent that a particular stream or water course is delineated thereon, shall be utilized to ascertain the flood plain of such covered streams and water courses.

FIXTURE (LIGHT) means the assembly that holds the lamp (bulb) in a lighting system, and includes such parts as a reflector, refractor, the ballast, housing and the attachment parts.

FLOOD OR FLOOD WATER – means the water of any river, stream, or lake in Floyd County, Indiana or upon adjoining any boundary line of said County, which is above the bank or outside channel and banks of such river, stream or lake.

FLOODLIGHT means a bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more.

FLOODPLAIN means the floodway and the floodway fringe and any other areas indicated on the Flood Boundary maps as flood prone areas for which no data are available.

FLOODWAY means that area shown on the Floyd County Flood Boundary and Floodway Maps of current adoption as meeting the definition of *floodway* promulgated by the Federal Emergency Management Agency and the Indiana Department of Natural Resources.

FLOODWAY AREA means the channel of river or stream and those portions of the flood plains adjoining the channel thereof which are reasonably required to efficiently carry and discharge the flood water or flood flow of any river or stream, and includes that portion of the flood plain as herein defined, which during a 100-year flood is covered by flood waters in significantly down stream, or an area which is covered by flood waters in significantly volumes of flood waters, as determined by the Department of Natural Resources.

FLOODWAY FRINGE means that area shown on the Floyd County Flood Boundary Maps of current adoption as meeting the definition of *floodway* fringe promulgated by the Federal Emergency Management Agency (FEMA) and the Indiana Department of Natural Resources.

FLOOD HAZARD AREA means any floodplain, floodway, floodway fringe district or any combination thereof as illustrated on the flood boundary and floodway map prepared by the Federal Emergency Management Agency (FEMA). This is the area immediately affected by floodwater during a "one-hundred-year flood."

FLOOD PROOF BUILDING means a commercial or industrial building design to exclude flood waters from the interior of that building. All such flood proofing shall be adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the regulatory flood, and shall be accomplished in accordance with standards for completely flood proof structures contained in Sections 210.2.2 FP2 of the US Army Corps of Engineers Publication entitled “Flood Proofing Regulations”, June 1972 Addition, or applicable provisions of any subsequent additions thereof. In every instance of flood proofing to meet requirements of this Ordinance, such flood proofing shall be properly certifies by a registered professional engineer or architect. Residential structures shall not be permitted to utilize flood proofing techniques for the purpose of increasing the flood protection grade of such structure or for the purpose of meeting other requirements of this Code.

FLOOD PROTECTION GRADE means the elevation of the lowest point around the perimeter of a building at which flood water may enter the interior of that building, or with respect to a commercial or industrial building which has been flood proofed, the water surface elevation for which the building is protected. With respect to a residential structure, the phrase “lowest point around the perimeter of the building: shall mean the lowest floor of a building or structure and with respect to those buildings or structures having a basement, the lowest floor of such building or structure shall be the basement floor.

FLOYD COUNTY means and includes, for purposes of this ordinance, Floyd County, Indiana, acting through its duly appointed, qualified, and acting advisory plan commission, together with the officers, employees, attorneys, and designees of said commission.

FOOT-CANDLE means a unit of measurement of the amount of light striking a surface equal to one lumen per square foot.

FULLY SHIELDED means a light fixture which prevents all upward transmission of light, and which, as installed, obstructs a line of sight to the bulb when viewed from the property line at a point at or above a horizontal plane running through the lowest portion of the fixture.

FUNERAL HOME means a building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

FURNITURE AND RELATED PRODUCT MANUFACTURING makes furniture and related articles, such as mattresses, window blinds, cabinets, and fixtures. The processes used in the manufacture of furniture include the cutting, bending, molding, laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan. Design services may be performed by the furniture establishment's work force or may be purchased from industrial designers.

GC means General Commercial.

GI means General Industrial.

GARAGE, PRIVATE means an accessory building with capacity for not more than four (4) motor vehicles per family, no more than two (2) which may be a commercial vehicle of not more than three (3) tons capacity. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.

GARAGE, PUBLIC means any building, or premises, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GARBAGE means all putrescible animal solid, vegetable solid and semi-solid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials.

GENERAL MANUFACTURING USES – establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including assembling component parts, the creation of products, and the blending of materials such as oils, resins and liquors

GEOTECHNICAL ENGINEER means a civil engineer, licensed to practice in the State of Indiana, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

GEOTECHNICAL REPORT means the written study and analysis of the site of a proposed development prepared by a geotechnical engineer and focusing on the geotechnical conditions of those areas to be developed. The report shall include the results of such hydrologic studies, laboratory tests, material samplings, test-hole borings and other information and data as shall be reasonably necessary to support each of the conclusions and recommendations of the author with respect to the following matters: (1) the location of significant rock deposits which may limit or restrict the proposed development and methods of mitigation, if any, (2) the presence of soil types, sink holes, springs, water tables, or other surface or subsurface conditions which might pose limitations on the proposed development, together with recommendations for mitigation.

GLARE means the sensation experienced by an observer with a direct line of sight to a light source, exceeding the level to which the observer's eyes are adapted, which often results in annoyance, discomfort, or visual impairment.

GOLF COURSE means a tract of land laid out for at least nine holes for playing the game of golf that may include a clubhouse, dining, and snack bars, pro shop, and practice facilities.

GROSS PUBLIC FLOOR AREA (ADULT BUSINESS) means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-computer areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabarets or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas.

GROUND FLOOR AREA means the square foot area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breeze-ways, terraces, garages, exterior and interior stairways.

HS means Highway Service District.

HEAT ISLAND EFFECT means an air circulation problem peculiar to urbanized areas whereby heat from buildings, structures, pavements, and concentrations of pollutants create a haze dome that prevents rising hot air from being cooled at its normal rate.

HEALTH CLUB means an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, and lockers.

HEALTH CARE FACILITY means a facility or institution, whether public or private, principally engaged in providing services for health maintenance and treatment of mental and physical conditions.

HEIGHT means the vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure.

HOME OCCUPATION means any activities carried out for gain by a resident and conducted in the resident's dwelling unit or accessory structures. (Amended 6)

HORIZONTAL FOOT-CANDLES means the amount of light striking a horizontal surface.

HOSPITAL means an institution providing primary health services and medical or surgical care of persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including as an integral part of the institution related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL means a facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

IDEM means the Indiana Department of Environmental Management.

IDNR means the Indiana Department of Natural Resources.

INDOOR AUTOMOTIVE SALES AND SERVICE means retail trade establishments selling or rental of new and used automobiles, motorcycles, mopeds, scooters, golf carts and all terrain vehicles including incidental maintenance and repair facilities located inside a fully enclosed principal structure. Incidental maintenance and repair does not include customizing, body work or painting. (Amended 6)

INTEGRATED CENTER means a commercial development having one (1) or more lots and containing structures totaling more than 100,000 square feet of gross floor space (Amended 5)

ILLICIT DISCHARGE means any discharge to a Municipal Separate Storm Sewer System (MS4) that is not composed entirely of storm water except discharges pursuant to a National Pollutant Discharge Elimination System permit (other than Floyd County's NPDES storm water permit) or otherwise defined by this ordinance.

ILLUMINATION means the amount of light striking a surface per unit of area of the surface.

IMPROVEMENT LOCATION PERMIT means a permit stating that the proposed erection, construction; enlargement or moving of a building or structure referred to therein complies with the provisions of the proposed master plan.

INDUSTRIAL ACTIVITY means activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

INDOT means Indiana Department of Transportation

INSTALLED means the attachment or fixing in place of an outdoor light fixture, whether or not same is connected to a power source.

ISDH means the Indiana State Department of Health.

JUNK YARD means an area or structure used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles, scrap machinery, and/or scrap equipment.

LETTER OF MAP AMENDMENT (LOMA) means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

LETTER OF MAP REVISION (LOMR*)* means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

LIBRARY means a place containing books for reading, study, and research.

LICENSED MOBILE HOME PARK means a tract of land on which two or more Mobile Homes are located. Said tract of land duly licensed by the State Board of Health for use as a Mobile Home Park.

LIGHT SOURCE means the bulb and lens, diffuser, or reflective enclosure, or other parts intended to distribute light.

LIGHT TRESPASS means light projected onto a property from a fixture not located on that property.

LOADING OR UNLOADING BERTHS means the off-street area required for the receipt or distribution of vehicles of material or merchandise.

LODGE means (a) the place where members of a local chapter of an association or a fraternal, cultural, or religious organization hold their meetings; (b) the local chapter itself.

LOT means a parcel, tract or area of land that fronts on a street or place. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder. In determining lot and boundary lines, no part thereof within the limits of a street shall be included. (Amended 8)

LOT, CORNER means a lot at the junction of and abutting two or more intersecting streets or roads.

LOT COVERAGE means the percentage of the lot area covered by the building area.

LOT, DOUBLE-FRONTAGE means a lot having frontage on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT FRONTAGE means the required base zone district frontage is contiguous, continuous, and must be owned by the owner of the primary structure while the structure is being used. Once a lot has been developed, the frontage may not be transferred in such a manner which would violate any Floyd County Ordinance as to the total lot road frontage for all lots created as a result of such a transfer. For purposes of establishing lot frontage requirements, the frontage must be either on a public dedicated street or a private recorded access easement with a private maintenance agreement measuring at minimum 50 feet in width for its entire length. (Amended 13)

LOT LINE, FRONT means in the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

LOT, INTERIOR means a lot other than a Corner Lot or Through Lot.

LOT LINE, REAR means a lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE means any lot boundary line not a front line or a rear lot line.

LOT, THROUGH means a lot having frontage on two parallel or approximately parallel streets.

LOT WIDTH means the distance between side lot lines as measured at and along the front setback line. Cul-de Sac and irregular shaped lots shall measure their front lot widths along the front setback line from one side lot line to the other.

LOWEST FLOOR means the lowest of the following: the basement floor; the garage floor, if the garage is the lowest level of the building; the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings; or the floor level of any enclosure below an elevated building where walls of the enclosure provide any resistance to the flow of the flood waters unless; the walls are designed to automatically equalize the 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 openings shall be no higher than one (1) foot above the enclosed area's floor. Such enclosed space shall be useable for non-residential purposes and building access.

LUMEN means a measure of the amount of light emitted from a bulb. For purposes of this ordinance, the term shall refer to the light output specification of a new bulb provided by the manufacturer.

MF means Multi-Family District.

MEDICAL AND DIAGNOSTIC LABORATORIES industry comprises establishments known as medical and diagnostic laboratories primarily engaged in providing analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner.

MEDICAL EQUIPMENT AND SUPPLIES MANUFACTURING This industry comprises establishments primarily engaged in manufacturing medical equipment and supplies. Examples of products made by these establishments are laboratory apparatus and furniture, surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, dentures, and orthodontic appliances.

MICRO-WIRELESS FACILITIES means a Small cell facility is not larger in dimension than:

a. Twenty-four (24) inches in length
a. Fifteen (15) inches in width; and
b. Twelve (12) inches in height.

1. External Antenna(s) for small cell facilities shall meet the following standards
    a. Any external antennae is no longer than eleven (11) inches

MINERAL EXTRACTION means mining or quarrying, or removing earth materials.

MOBILE HOME TIE DOWNS; SCHEDULE A means sufficient anchorage to resist flotation, collapse, or lateral movement of any mobile home. As a minimum, such anchorage shall consist of (1) Over-the-top ties provided at each of the 4 corners of the mobile home. with 2 additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring only 1 additional tie per side; (2) frame ties provided at each corner of the home with 5 additional ties per side at intermediate points and mobile homes less than 50 feet long requiring 4 additional ties per side; (3) All components of the anchoring system be capable of carrying a force of 4,800 pounds; (4) Any additions to the mobile home be similarly anchored; and (5) adequate drainage and access for a hauler shall be provided.

MOBILE/MANUFACTURED HOME PARK means an area of land on which two or more mobile homes are regularly accommodated with or without charge, including any building utilities or other structure, fixture or equipment that is used or intended to be used in providing that accommodation.

MODULAR UNIT means a factory built housing unit designed to be transported to a building site usually in pairs, and installed on the site.

MONOPOLE means a single, freestanding pole-type structure supporting one or more antenna. (Amended 3)

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means any facility designed or used for collecting and/or conveying storm water, including, but not limited to, any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural storm water controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:
a) Owned or maintained by Floyd County;
b) Not a combined sewer; and
c) Not part of a publicly-owned treatment works.

MINI-STORAGE means a building or group of buildings containing separate, individual, and private storage spaces of varying sizes available for lease or rent for varying periods of time.

NC means Neighborhood Commercial District.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT_means a permit issued by the Indiana Department of Environmental Management (IDEM) under delegated authority by the United States Environmental Protection Agency (USEPA), whether the permit is applicable on an individual, group, or general area-wide basis.

NATURAL RESOURCES mean the Indiana Natural Resources Commission.

NON-STORM WATER DISCHARGE_means any discharge to the storm drainage system that is not composed entirely of storm water.

NUDITY or STATE OF NUDITY or NUDE means exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

NRCS means the Natural Resources Conservation Service

OB means Office-Business District

OIL CHANGING FACILITY means an establishment that provides the lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a motor vehicle.

OFFICE COMPLEX/OFFICE PARK means a development of a tract of land that contains a number of separate office buildings, with accessory and supporting uses, and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

OFF-SITE PARKING means parking provided for a specific use but located on a site other than the one on which the specific use is located.

OFF-STREET PARKING means a temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

ONE AND TWO FAMILY DWELLING CODE means the nationally recognized model building code adopted by the Indiana Administrative Building Council (ABC) as a statewide code for the construction of one and two family dwellings in the state and which includes those supplements and amendments promulgated by the ABC.

OPEN SPACE means any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

OPEN SPACE (FORMAL) means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use, enjoyment as well as the use and enjoyment of owners, occupants, and their guests. Formal Open space may include parks, commons, plazas, community green or lawn, or other areas, decorative plantings, formal or informal gardens, pedestrian walkways or paths, and active or passive recreation areas (swimming pools, tennis courts, playgrounds, etc.).

OPERATE or CAUSE TO OPERATE means in the context of SEXUALLY ORIENTED BUSINESS to cause to function, or to put or keep in a state of doing business. Operator means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business, or who causes it to function or who puts or keeps it in operation. A person may be found to be operating or causing to be operated a sexually oriented business, whether or not that person is an owner or part owner of the business.

OUTDOOR ILLUMINATING DEVICE means light sources, reflective surfaces, lamps, fixtures, or similar devices, whether portable or permanently installed, used for illumination or advertisement which is not located within an enclosed structure.

OVERLAY DISTRICT means an additional secondary classification of land which permits or restricts use of land.

PR means Park-Recreation District

PACKAGE WASTEWATER TREATMENT PLANT means a mechanical facility, whether prefabricated or site-built, used by a sewage disposal company in providing a sewage disposal service, as permitted under a certificate of territorial authority (CTA) issued by the Indiana Utility Regulatory Commission pursuant to Title 8 of the Indiana Code or other applicable law or regulation. For purposes of this definition, the term "facility" shall include all sewage treatment plants, main sewers, submain sewers, force mains, pumping stations, ejector stations, and all other equipment and appurtenances necessary or useful and convenient for rendering a sewage disposal service. The term A "Package Wastewater Treatment Plant" shall not include those facilities owned or operated by a municipal corporation, as defined by I.C. 36-1-2-10, or those which process sewage exclusively from one or more public or private schools located in Floyd County.

PARKING AREA, PUBLIC means an open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, as an accommodation, for clients or customers.
PARTIALLY SHIELDED means a light fixture shielded or constructed so that no more than ten percent of the light rays are emitted by the installed fixture at angles above the horizontal plane.

PAVED means a durable surface for parking, driving, riding or similar activities, that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, dirt, sand, or grass is not permitted as a paved surface.

PERFORMANCE BOND means an amount of money or other negotiable security paid by the developer, property owner or his/her surety to the County which guarantees that the developer or property Owner will perform all actions required by the County in regards to an approved plat or other situations stated in this Ordinance and/Or as deemed by the Planning Director that Provides that if the Developer or Property Owner defaults and fails to comply with the provisions of his/her approval, the developer or Property Owner or his/Her Surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

PERMANENT FOUNDATION means a structural system for transposing loads from a Structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

PERSON means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

PARKING SPACE means a space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 18 feet long exclusive of passageways.

PERMITTEE means a person whose name appears on the permit/application to operate a sexually oriented business.

PERSON means an individual, corporation, firm, partnership, association, organization or any other unit or legal entity.

PERSONAL SERVICES means establishments primarily engaged in providing services involving the care of a person or his/her personal goods and/or apparel.

PLACE means an open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

PLANNED UNIT DEVELOPMENT (PD) means an area of land that is under unified control and is planned and developed as a whole and containing a single land use or a mix of land uses in a single development operation or a definitely programmed series of development phases. The development may include streets, circulation ways, parking, utilities, buildings, open spaces, and other site features and improvements. A Planned Unit Development is built according to approved general and detailed plans including a map showing the entire development area, a text that establishes the uses and development standards to be used and exhibits that further describe the development. A Planned Unit Development includes a program for the provision, operation and maintenance of any areas, facilities and improvements as will be for common use.

PLANNING DIRECTOR means the County Plan Commission Executive Director.

PLAT means a map or chart that shows a division of land and is intended to be filed for record.

PLAT REVIEW COMMITTEE means a committee established by the Commission to assist with the technical evaluation of developments and to make appropriate technical recommendations to the Commission and Department.

POLLUTANT means anything of a chemical component or nature which causes or contributes to pollution.

POLLUTION means the presence of matter or energy whose nature, location or quantity produces undesired environmental effects. (Amended 3)

PREMISES mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PROFESSIONAL OFFICE means an office for the following members of recognized professions and auxiliary services: accountants, advertising agents, architects, artists, attorneys-at-law, banking, chiropodists, chiropractors, dentists, educational support services, employment service, financial service,

insurance agents, landscape architects, land surveyors, opticians, optometrists, osteopaths, physicians, professional consultant services, real estate brokers, professional engineers and surgeons.

PROPERTY OWNER means any person who has a legal or equitable interest in the property or his authorized representative.

PUBLIC SEWER means a sewage disposal service operated by a recognized governmental unit or political subdivision thereof within the State of Indiana.

PUBLIC RECREATION AREA (Mobile Home) means an area set aside for recreational use. Said area may contain play ground equipment, swimming pool, game courts, etc… and is reserved for park occupants.

PUBLIC PARK means a tract of land owned by a branch of government and available to the general public for recreational purposes.

RR means Rural Residential District.

RS mean Residential Suburban District.

RU means Residential Urban District.

RECREATION, ACTIVE means leisure-time activities, usually of a formal nature and often performed with others, such as basketball, softball, baseball, tennis, soccer. Active recreation requires equipment and takes place at prescribed places, sites, courts, or fields.

RECREATION, PASSIVE means activities that involve relatively inactive or less energetic activities, such as but not limited to walking, sitting, picnicking, board and table games.

RECREATIONAL VEHICLE means a vehicular type portable structure without permanent foundation that can be hauled, towed, or driven and is primarily designed as a temporary living accommodation for recreational and camping purposes.

REGULATORY FLOOD means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a 100-year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of 1 percent in a given year, and included the entirety of the flood plain as herein defined.

REGULATORY FLOOD PROFILE means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

RESEARCH CENTER means a facility for investigation into natural, physical, or social sciences which may include engineering and product development.

RESPONSIBLE PARTY means the person causing or permitting a prohibited discharge in violation of this ordinance, or the person in control of, or having the right to control, the property or premises from which a prohibited discharge has occurred.

RETAIL SERVICES means establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including amusement and recreational services, educational services, social services, museums, and galleries.

RETAIL USE, SMALL SCALE means a retail establishment up to 5,000 square feet primarily engaged in the selling or rental of goods and/or merchandise and in rendering services incidental to the sale of such goods.

RETAIL SALES, OUTDOOR means the display and sale of products and services, primarily outside of a building, or structure, including vehicles; garden supplies, flowers, shrubs, and other plants materials; gas, tires, and motor oil, and beverages, boats, aircraft, farm equipment, motor homes, building and landscape materials and lumberyards.

RETAIL USE, LARGE SCALE means a retail establishment 5,000 square feet and more primarily engaged in the selling or rental of goods and/or merchandise and in rendering services incidental to the sale of such goods.

RETAIL NURSERY means the growing, cultivation, storage, and sale of garden plants, flowers, trees, shrubs, and fertilizers, as well as the sale of garden tools and similar accessories to the general public.

RESIDENTIAL DISTRICT means a district which permits primarily residential uses.

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED (A) means a residential facility which provides residential services for more than 8 developmentally disabled individuals as described in IC 12-28-4.

RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED (B) means a residential facility which provides residential services for 8 or less developmentally disabled individuals as described in IC 12-28-4.

REFUSE means all putrescible and nonputrescible solid, and semi-solid wastes, except human excreta, but including garbage, rubbish, ashes, abandoned automobiles, street cleanings, dead animals offal and solid commercial, industrial, and institutional wastes.

REFUSE DUMP means a lot, or any portion of a lot, where refuse is placed.

REGULARLY FEATURES means the consistent and repeated offering of the identified goods or services to the public as one of the intended profit-making objectives of the commercial enterprise, which enterprise regularly holds itself forth to the public as a place where such goods or services may be obtained.

RESTAURANT, DRIVE-THRU means an establishment where food and/or beverages are sold in a form ready for consumption, where all or significant part of the consumption takes place outside the confines of the restaurant, and where ordering and pick-up of food may take place in an automobile.

RESTAURANT, FULL SERVICE means an establishment where food and drink are prepared, served and consumed mostly within the principal building.

RESTAURANT, OUTDOORS means any part of the food establishment located outdoors, not used for any other purposes, and open to the sky with the exception that if my have a retractable awning or umbrellas, and may contain furniture, including but not limited to planters, tables, railing, chairs, that are readily moveable.

RETIREMENT COMMUNITY means any age-restricted development, which may be in any housing from, including detached and attached dwelling units, apartments, and residences, offering private and semi-private rooms.

SANITARY LANDFILL means a site for solid waste disposal in which a fee or compensation is taken in exchange for usage. (Amended 3)

SANITARY SEWER SYSTEM means a system which processes sewage by transferring the effluent via a system of pipes to a central processing facility operating off the premises which created the effluent.

SCHOOL means any nursery school; daycare facility; preschool; kindergarten school; public or private elementary, middle or secondary school ; special education school; vocational school, junior college or college and university. A school includes all school grounds.

SCIENTIFIC RESEARCH AND DEVELOPMENT SERVICES industry group comprises establishments engaged in conducting original investigation undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development). The industries within this industry group are defined on the basis of the domain of research; that is, on the scientific expertise of the establishment.

SCREENING means a divider, partition, or fence of suitable material used to enclose a property to afford privacy and security to the residents and neighbors.

SEMI-NUDITY or SEMINUDE CONDITION or SEMI-NUDE means exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

SEWAGE DISPOSAL COMPANY means any natural person, firm, association, corporation, or partnership, owning, leasing, or operating a sewage disposal service within Floyd County, Indiana, pursuant to a CTA issued by the Indiana Utility Regulatory Commission.

SEWAGE DISPOSAL SERVICE means any public utility service performed by a sewage disposal company whereby liquid and solid waste, sewage, night soil, and industrial waste of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner.

SEXUAL DEVICE means any three-dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators and penis pumps, and shall also include other devices with non-sex related utility, such as leather whips, straps and ligatures, when such devices are marketed in a context suggesting sexual or sadomasochistic purposes. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult media store, adult novelty store, adult cabaret, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

SEXUALLY ORIENTED NOVELTIES OR TOYS means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs or for use in connection with "specified sexual activities."

SEXUAL ENCOUNTER PLACE means a commercial enterprise that, as one (1) of its principal business purposes, offers for any form of consideration: physical contact in any form between persons of the opposite sex; or (2) activities between male and female persons and/or persons of the same sex when one (1) or more of the persons is semi-nude.

SEXUAL ENCOUNTER PLACE shall not include: (1) any establishment or professional practice operated or conducted by a medical practitioner, physical therapist, rehabilitation therapist, or a massage therapist, if such person is licensed by or registered with the State of Indiana or licensed by the Floyd County, while practicing within the scope of such license or registration and according to the standards and ethics of such profession or of any person acting under the supervision of a medical practitioner, physical therapist, rehabilitation therapist, or massage therapist; or (2) any establishment or professional practice operated or conducted by a health care professional licensed in the State of Indiana while practicing within the scope of such license and according to the standards and ethics of such profession or of any person acting under the supervision of a licensed health care professional.

SIGHT VISIBILITY TRIANGLE means a triangular shaped portion of land established at street intersection in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGNS mean any board, devise or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein. (Amended 3)

SIGN, ANIMATED OR MOVING means any sign or part of a sign that changes physical position or light intensity by any movement or rotation or that gives the visual impression of such movement or rotation that is not permitted herein as a electronic sign. Incidental signs that verify customers have placed orders and that are incidental are not considered as an animated or moving sign. Incidental signs shall not exceed 4 square feet in sign area. (Amended 5)

SIGN AREA means the entire face of a sign, including the advertising surface and any framing, trim, or molding, but not including the support structure. For double-sided identical signs, only one sign constitutes total sign area.

SIGN, AWNING means a sign that is mounted, painted, or attached to an awning or other window or door canopy that is otherwise permitted by ordinance.

SIGN, BANNER means a temporary sign of cloth or similar material that celebrates an event, season, community, neighborhood, or district and is sponsored by recognized community agency or organization.

SIGN, CONSTRUCTION means a temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

SIGN, DIRECTIONAL means signs limited to directional messages such as “entrance” and/or “exit”

SIGN, ELECTRONIC VARIABLE MESSAGE means a permanent sign capable of displaying words, symbols, figures, or images that uses an electronic display created through the use of a pattern of lights in a dot matrix configuration, LED (light emitting diode) or digital technology which allows for the sign face to intermittently change the image without having to physically or mechanically replace the sign face. (Amended 5)

SIGN, FACE means the area or display surface used for the message.

SIGN, FREESTANDING means any non-moveable sign not affixed to a building.

SIGN, GOVERNMENTAL means a sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

SIGN, GROUND means a freestanding sign other than a pole sign in which the entire bottom is in contact with or close to the ground.

SIGN, MARQUEE/READER BOARD means any sign made a part of a marquee and/or reader board and designed to have changeable copy either electronically or manually. Any electronic portion of a reader board sign shall contain only static on-site messages that can change once a minute. Any display that contains or displays animated, variable, moving video or scrolling advertising shall be considered an Electronic Variable Message Sign. (Amended 5)(Amended 9)(Amended 10)

SIGN, (OFF-PREMISES) means any commercial board, device, or structure or part thereof used for advertising, display, or publicity purposes that does not relate or direct attention to the activity or use that is located on the premises. (Amended 3)

SIGN, (ON-PREMISE) means any board, device, or structure or part thereof used for advertising, display or publicity purposes that relates or directs attention to the activity or use on the premises where the sign is located. (Amended 3)

SIGN, POLE means a sign that is mounted on a free-standing pole or other support so that the bottom of the sign face is six feet or more above grade. *(Amended 1)*

SIGN, PROJECTION means on a sign attached to a wall, the distance from the exterior wall surface to the sign element farthest from such surface.

SIGN, ROOF means a sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge of the roof of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof or the deck line of a building with a mansard roof. (Amended 3)

SIGN, TIME AND TEMPERATURE means a limited function display which through analogical or digital methods, electronically presents the time of day or current temperature. Time and Temperature displays which, through their configuration area capable of presenting other electronic messages shall be considered electronic variable message signs. (Amended 5)

SIGN, WALL means a sign fastened to, or painted on, the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure. Measurement of a wall sign without defined sign background will be largest horizontal width by the largest vertical width.

SKIRTING means the material used to enclose the area under the Mobile Home.

SMALL CELL FACILITY means a telecommunication facility as defined by the Federal Telecommunications Act 1996 currently in effect or which a wireless facility that satisfies the following:

b. Each antenna including exposed elements has a volume of six (6) cubic feet or less;
c. Primary equipment enclosure located on the facility has a volume not to exceed twenty-eight (28) cubic feet and follows all exception for measurement described in Indiana Code 8-1-32.3 series (Amended 14)

SMALL WIND TURBINES means a turbine rated 100 kW or less that can be used to power farms, businesses, and homes. (Amended 6)

SPECIAL EXCEPTION means a variance of use from a base zoning district's permitted or conditional uses.

SPECIAL FLOOD HAZARD AREA (SFHA) means those lands within the jurisdiction of Floyd County subject to inundation by the regulatory flood. The SFHAs of Floyd County are generally identified as such on the Floyd County, Indiana and Incorporated Areas Flood Insurance Rate Maps dated December 4, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO). (Amended 12)

SPECIALTY TRADE CONTRACTORS primary activity is performing specific activities (e.g., pouring concrete, site preparation, plumbing, painting, and electrical work) involved in building construction or other activities that are similar for all types of construction but that are not responsible for the entire project. The work performed may include new work, additions, alterations, maintenance, and repairs.

SPECIFIED ANATOMICAL AREAS means less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or (3) excretory functions as part of or in connection with any of the activities set forth in (1) and (2) above.

SPOTLIGHT means a bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less.

STAND means the area set aside for a Mobile Home on any given site.

STANDARD OF PRACTICE FOR RESIDENTIAL CONSTRUCTION STORM WATER MANAGEMENT means a document that defines the management practices for erosion prevention, sediment control and other construction site waste management by which homebuilders may use as guidance and minimum expectations to be achieved during inspections by Floyd County. In the event that this document is not published, then the "Indiana Storm water Quality Manual" or the "Indiana Handbook for Erosion and Sediment Control in Urban Areas" developed by Indiana Department of Natural Resources (IDNR) may be used as an equivalent guide.

STEALTH TELECOMMUNICATIONS FACILITY means any Telecommunications Facility that is integrated as an architectural feature of a structure so that the purpose of the Facility for providing wireless services is not readily apparent to a causal observer.

STEEP SLOPE means a slope of 20 percent or greater over any 100 foot segment prior to cut and fill.

STREET means a right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A Street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A Street may also be classified according to function as follows:

A. Freeways/expressways are limited-access highways which carry large volumes of traffic and have more importance regionally than locally. They often contain four or more moving lanes and permit a continuous high-speed traffic flow. These highways have a high order of design and construction requirements.

B. Arterials are high capacity/high volume thoroughfares. They provide access to and through the County. The main function of these roads is mobility, not access to property. Three different types of arterials are classified for the purposes of this title. They are: major arterials, minor arterials and one-way arterials.

C. Collector roads function as a collection and distribution system. These medium-volume and capacity roads collect and distribute traffic to and from streets of lower classification to arterial roads and/or activity centers. Mobility has a much higher priority than access to property on these roads. Collector roads may be characterized as major or minor.

D. Local roads are medium-volume roads that form the majority of the county road network. Often they are part of the numbered street system and are typically longer than subdivision streets. While in some cases these streets may provide direct access to property, their primary function is traffic movement.

E. Subdivision streets are low capacity and low speed roads whose function is to provide access to homes and property. Through traffic and heavy use of these roads should be discouraged. To the extent possible, residential driveways and ingress and egress points to other uses or structures should be oriented to the local roads rather than to arterials or collectors.

F. Marginal access streets are local roads that are parallel to, and separated by a limited access landscape buffer strip from arterial streets and highways. These roads provide for access to abutting property on one side only.

G. Cul-de-sac Street is a local road or subdivision street with only one outlet, having a paved, circular turn-around area at the closed end.

H. Alley is a minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

STREET, DEAD-END means any street with only one outlet but having no paved turn-around at the closed end.

STOCK IN TRADE means the individual items displayed in areas open to the public and offered for sale or rental in an establishment.

STORM WATER RUNOFF OR STORM WATER means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORY means that portion of a building between a floor and the next floor above, or the roof.

STRUCTURAL ALTERATION means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

STRUCTURE means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

STRUCTURAL STORM WATER CONTROL OR BEST MANAGEMENT PRACTICE (BMP) means a structural storm water management facility or device that controls storm water runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

STRUCTURE, PRINCIPAL/PRIMARY means a building in which is conducted the principal use of the lot on which it is located. (amended 16)

STRUCTURE, ACCESSORY means a subordinate structure on the same lot as the principal building or use

SUBSTANTIAL ALTERATION means a building or structure, the increase of the exterior size, bulk or dimensions, of a building or structure. Such an enlargement is considered to occur when the first significant alteration of any wall, ceiling, floor or other structural element of that building or structure commences.

SUBSTANTIAL ENLARGEMENT of a SEXUALLY ORIENTED BUSINESS means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.

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, however, include either: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or Any alteration of a "historic structure", providing that the alteration will not preclude the structure's continued designation as "historic structure".

SUBSTANTIAL MODIFICATION means any alteration, repair enlargement or extension of an existing building. Such substantial modification is considered to occur when the first alteration of any wall, ceiling, floor or other structural element of the building commences. This term does not, however, include (1) any project for improvement of a structure to comply with the existing health, sanitary or safety code specifications or (2) any alteration of a structure listed on the National register of Historical Places or the Indiana State Survey of Historic, Architectural, Archeological and Cultural Sites, Structured, Districts and Objects.

SUBDIVISION means the division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development.

SUPPORT STRUCTURE(S) means a structure primarily designed to support Telecommunications Facilities including, but not limited to, Monopoles, Towers, and other freestanding self-supporting structures.

TELECOMMUNICATION TOWERS AND FACILITIES means any unmanned facility established for the purpose of providing wireless transmission of voice, data, images or other information including, but not limited to, cellular telephone services, personal communications service, and paging service. A Telecommunication Facility consists of one or more Antennas and accessory equipment.

TEMPORARY USE means a use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TOWER means a lattice-type structure, guyed or freestanding, that supports one or more Antennas.

TRADE OR BUSINESS SCHOOL means secretarial or Business School or College when not publicly owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

TRADE SHOP means establishments, also known as machine shops primarily engaged in machining metal parts on a job or order basis. Generally machine shop jobs are low volume using machine tools, such as lathes (including computer numerically controlled); automatic screw machines; and machines for boring, grinding, and milling

TRAVEL CENTER means any building, premises, or land in which or upon which a business or service involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles, and which may include overnight accommodations and restaurant facilities.*(Amended 1)*

TRAVEL TRAILER means a vehicle or other portable structure that is designed to move on the highway and designed or used as a temporary dwelling.

TRAVEL TRAILER PARK means an area of land on which two or more travel trailers are regularly accommodated with or without charge, including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation.

UNDILUTED DISCHARGES means a discharge that has not been mixed with that of another source such as another septic tank.

USE means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

USE, LEGAL NONCONFORMING means an existing use of land or building that meet the requirements of previous ordinance but now which fails to comply with the requirements set forth in this ordinance.

USE, ILLEGAL NONCONFORMING means an existing use of land or building that did not meet the requirements previous ordinance and now which fails to comply with the requirements set forth in this ordinance.

UTILITY POLE a structure that is:

1. Owned or operated by:
    a. A public utility
    b. A communication service provider
    c. A municipality
    d. An electric membership corporation
    e. A rural electric cooperative; and
2. Designed or used to:
    a. Carry lines, cables, wires for telephony, cable television, or electricity;
    b. Providing lighting;
    c. Providing traffic control or
    d. Providing signage

VARIANCE means a modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose or assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

VERTICAL FOOT-CANDLES means the amount of light striking a vertical surface.

WAREHOUSING AND STORAGE are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These establishments provide facilities to store goods. They do not sell the goods they handle. These establishments take responsibility for storing the goods and keeping them secure. They may also provide a range of services, often referred to as logistics services, and related to the distribution of goods. Logistics services can include labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement.

WATERS OF THE STATE means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Indiana which are not entirely confined and retained completely upon the property of a single Person.

WETLAND means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. [33 C.F.R. ' 328.3(b)]

WHOLESALE TRADE means establishments or places of business primarily engaged in selling merchandise to other businesses, including retailers, industrial, commercial, institutional, or professional business users, other wholesalers, or acting as agents or brokers and buying merchandise to, such individuals or companies.

WHOLESALE NURSERY means the growing, cultivation, storage, and sale of garden plants, flowers, trees, and shrubs to landscapers, developers, builders, and retail nurseries.

WOOD PRODUCT MANUFACTURING industries manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile home), and prefabricated wood buildings. The production processes of the Wood Product Manufacturing sub sector include sawing, planing, shaping, laminating, and assembling of wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools. The lumber or other transformed wood shapes may also be subsequently planed or smoothed, and assembled into finished products.

YARD means a space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.

YARD, FRONT means a yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the street right of way line and the building line.

YARD, REAR means a yard expending across the full width of the lot, between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.

YARD, SIDE means a yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear

ZONE A means floodplain.

Section 3.01 Introduction for Non-Conforming Structures, Lots, Uses

All structures, land uses, land changes, structural alternations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Ordinance shall be subject to all development standards and regulations for the applicable zoning district.

Section 3.02 Intent for Non-Conforming Structures, Lots, and Uses

Upon adoption of this Ordinance and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this section has been added to provide rules, policies and regulations that apply to these structures, lots, and uses; referred to as legal non-conforming.

Section 3.03 Illegal non-conforming and Legal non-conforming defined

A. A use, structure, lot or sign which was constructed or is being used without an approved improvement location permit or approval from the Plan Commission or Board of Zoning Appeals is considered illegal non-conforming. An illegal non-conforming use, structure, lot or sign shall be subject to actions and penalties allowed by this Ordinance and all other applicable County regulations, policies and laws.

B. Legal non-conforming uses, structures, lots, and signs nonconformity is based on the enactment of a new or changes to a Zoning Ordinance. The use, structure, lot or sign has not changed, but no longer conforms to the standards of the zoning district.

Section 3.04 Burden of Proof

The burden of proof regarding whether a use, structure, lot, sign or other characteristic of property is legally established as nonconforming shall be on the owner solely. The Planning Director, or selected designee, shall make the determination as to whether the evidence is sufficient to consider the property legal non-conforming. Such determination may be appealed to the Planning Director by the property owner within 30 calendar days of receipt of written notice from the Plan Commission Director. The property owner must file a written notice of appeal with the Plan Commission.

Section 3.05 Legal Non-Conforming Lots/Parcels

Parcels and/or lots that were in existence and in compliance with all land use and other laws on the date of the passage of this ordinance, and, further, that do not conform to the height, bulk, area and density regulations set forth in this ordinance, shall be deemed to be a legal non-conforming parcel/lot that may be occupied or used subject to the following:

A. The legal non-conforming parcel may not be further developed until compliance with the ordinance and/or the legal non-conforming status is demonstrated or until a variance from the terms of the ordinance is obtained. A legal lot of record created before the effective date of this section may use an alternative sewage disposal system and water supply system provided the lot is capable of containing a water supply and the sewage disposal system meets the requirements and is acceptable to the Floyd County Health Department. (Amended 3)

Section 3.06 Legal Non-Conforming Structures and Uses

Legal non-conforming uses/structures shall be allowed to continue in accordance with the following limitations:

A. Expansion of legal non-conforming uses is prohibited except as stated below.

   1. A change from one legal non-conforming use to another non-conforming use requires a special exception through the Board of Zoning Appeals.

B. Vacated (Amended 10)

C. A legal non-conforming use may only be moved to a property in a zoning district in which the use is permitted by right in that zoning district.

D. Any enlargement, alteration, or expansion of a legal non-conforming structure that increases the degree of nonconformity shall be prohibited except as stated below.

   1. For structures used for single-family residential, commercial and/or industrial activities, the floor area of the structure(s) can be expanded by 50 percent of the floor area at the time the structure(s) became legal non-conforming, provided either (Amended 10):

      a. The building and site meet current regulations.
      b. The building and site are changed to the extent practical, as determined by the Plan Commission to reduce the degree of non-conformity.

E. A legal nonconforming structure which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or act of God may be restored and the occupancy or use of such building, structure, or part thereof which existed at the time of such destruction may be continued or resumed, provided that such restoration is started within a period of 1 year of destruction and is diligently prosecuted to completion. (Amended 15)

F. A legal non-conforming structure may be repaired and maintained, provided there is no extension, alteration, expansion or substitution of the non-conforming structure.

G. A legal non-conforming structure and or use shall not be moved to a different property in the County unless it is situated on the new property in conformance with the regulations of the zoning district in which the property is located. A legal non-conforming structure may be relocated on the property on which it is located to decrease the degree of nonconformity.

3.07 Legal Non-Conforming Signs

A legal non-conforming signs shall be subject to the following regulations.

A. A legal non-conforming sign may be altered in a way that does not increase its height and size, or change its perimeter shape or location, without bringing the entire sign into conformance, provided the cost of such alteration is not more than 50 percent of the replacement cost of the sign. A sign or portion of a sign may be altered to change its copy or to decrease its nonconformity.

B. In the event a legal non-conforming sign is damaged or destroyed due to the results of fire, flood, wind, earthquake, vandalism, or other calamity or act of God, the sign can be rebuilt or restored to its identical size in height and sign area. (Amended 4)

C. A legal non-conforming sign shall not be moved to a different property in the County unless it is situated on the new property in conformance with the applicable regulations of this Ordinance. A legal non-conforming sign may be relocated on the property which it is located to decrease the degree of nonconformity.

Section 4.01 Establishment of Standard Districts

For the purpose of this ordinance, the planning jurisdiction is divided into the following zoning districts for general uses as stated. These districts shall be indicated on the Official Zoning Map and labeled using the two-digit codes as noted below.

Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. For example, permitted uses in AR district are not permitted in the RS district unless expressly listed as such in the RS district. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

Single Family Residential District(s)

AR – Agricultural Residential

RR –Residential Rural

RS –Residential Suburban

Multi-Family Residential District(s)

RU – Residential Urban

MF – Multi-Family Residential

Commercial District(s)

NC – Neighborhood Commercial

GC – General Commercial

HS – Highway Service

Industrial District(s)

OB- Office-Business

GI- General Industrial

Other District(s)

PR- Park-Recreation

MH – Manufactured Home Park (deleted Amended 5)

Section 4.02 Standard District and Land Uses

Specific land uses are either permitted, non-permitted, or conditional use in each zoning District. Floyd County's permitted uses for each district are noted in the Permitted and Conditional Use column and in the land use matrix section located in Appendix A of this Ordinance.

Section 4.03 Establishment of Overlay Districts

The overlay districts noted below have been established to provide additional development standards that respond to unique characteristics of the properties to which it applies. When added to the requirements of the standard zoning districts it will assist Floyd County in providing for the public welfare and accomplishing the goals of the Floyd County Comprehensive Plan. Both those uses and development standards which are expressly permitted and noted for the overlay districts and the underlying standard district shall apply to the properties included in the overlay districts. This overlay district shall be indicated on the Official Zoning Map using the two-digit code and a specific pattern.

HP – Highlander Point/US 150 Gateway Overlay District

ED – Edwardsville Gateway Overlay District

SD – Steep Slope Overlay District

Section 4.04 Establishment of Planned Unit Development District

This Ordinance allows for the following zoning districts to be rezoned for the creation of a planned unit development. Planned Unit Development districts are allowed in the following: RR, RS, RU, NC, GC, HS, OB, and GI. All planned unit developments shall be consistent with the development and performance requirements for the base zoning district in which the Planned Unit Development is being considered. These development and performance standard requirements can be found in this Ordinance. Planned Unit Development (PD) shall be indicated on the Official Zoning Map using the two-digit code (PD).

PD – Planned Unit Development

Section 4.05 Unlisted or Questionable Land Uses

Any use not listed as permitted or conditional use is considered a non-permitted unless the Planning Director makes a determination otherwise. The Planning Director may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is permitted use or conditional use. This determination may be appealed to the Board of Zoning Appeals.

Section 4.06 Agricultural-Residential (AR)

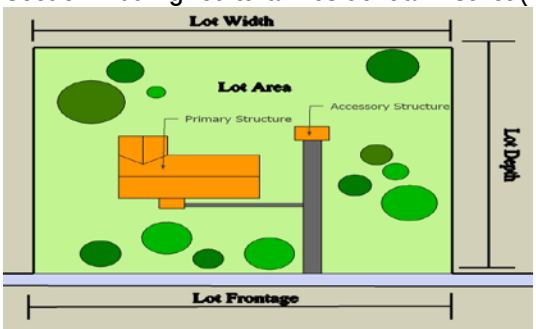
District Intent: The Agricultural-Residential (AR) district is intended to provide a land use category for primarily agricultural and agricultural-oriented uses. The provisions that regulate this land use should promote, protect and maintain areas for agricultural uses. The provisions should also promote, protect and maintain environmentally sensitive areas and natural resources. Residential development should be developed to assimilate and be compatible with agricultural operations and surrounding natural resources.

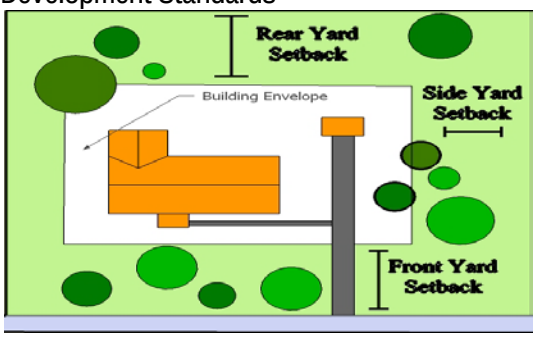
Floyd County's Plan Commission and Board of Zoning Appeals should strive to protect agricultural uses from conflicting land uses, non-agricultural commercial uses and any use that may cause significant impact to the environment. The Plan Commission and the Board of Zoning Appeals should strive to promote an average density of 1 dwelling units per 2 acres.

Section 4.07 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.08 Conditional Uses– The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.09 Agricultural-Residential District (AR) Development Standards





Agricultural/Residential District (AR) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	87,120 Square Feet (2 Acres)
Minimum Lot Width	100 Feet
Minimum Lot Frontage	100 Feet
Primary Structure Maximum Height Restriction	35 Feet
Accessory Structure Maximum Height Restriction	18 Feet
Water	Requires connection to public water
Sanitary Sewer	May use either septic or sanitary sewer system
Primary and Accessory Structure Front Yard Setback	60 Feet (Amended 8)
Primary and Accessory Structure Side Yard Setback	10 Feet
Primary Structure Rear Yard Setback	20 Feet
Accessory Structure Rear Yard Setback	10 Feet
Maximum Primary Structure(s) per Lot	1

Minimum Ground Floor Area	950 square feet (Amended 5)
Maximum Lot Coverage Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	35 percent

Section 4.10 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Agricultural Residential (AR) District. Refer to these development and performance standards for requirements that apply within the Agricultural Residential (AR) District.

Agricultural Residential (AR) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.04, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	
Loading	
Manufactured Housing	
Parking	5.17, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.28
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.37,
Temporary Uses	5.38
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

Section 4.11 Rural Residential (RR)

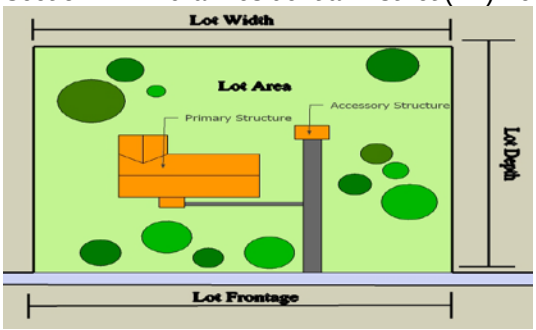
District Intent: The Rural Residential (RR) district is intended to provide an additional residential land use category for areas with both residential and agricultural areas. The provisions that regulate this land use should allow for residential uses that are compatibility with agricultural operations and natural resources.

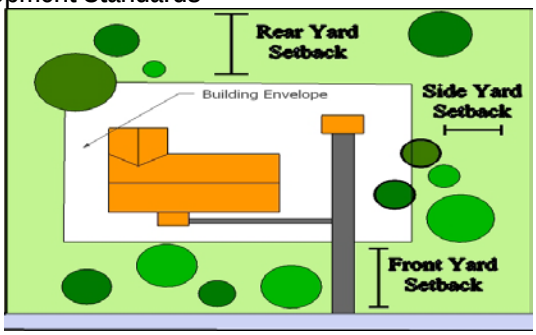
Floyd County's Plan Commission and Board of Zoning Appeals should strive to establish this zone as a transitional district between agricultural /residential and higher density residential, commercial and industrial districts. The Plan Commission and the Board of Zoning Appeals should strive to promote an average density of 1.0 dwelling units per .85 acres.

Section 4.12 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.13 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.14 Rural Residential District (RR) Development Standards





Rural Residential District (RR) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	37,000 Square Feet
Minimum Lot Width	100 Feet
Minimum Lot Frontage	100 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Requires connection to public water
Sanitary Sewer	May use either septic or sanitary sewer system
Primary and Accessory Structure Front Yard Setback	60 Feet – Arterial, Collector or Local Street 40 Feet – Subdivision Street
Primary and Accessory Structure Side Yard(s) Setback	10 Feet each side
Primary Structure Rear Yard Setback	20 Feet
Accessory Structure Rear Yard Setback	10 Feet
Maximum Primary Structure(s) per Lot	1
Minimum Ground Floor Area	950 Square feet (Amended 5)
Maximum Lot Coverage Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	35 Percent

Section 4.15 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Rural Residential (RR) District. Refer to these development and performance standards for requirements that apply within the Rural Residential (RR) District.

Rural Residential (RR) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.04, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	

Loading	
Manufactured Housing	
Parking	5.17, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.28,
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.3
Temporary Uses	5.38
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

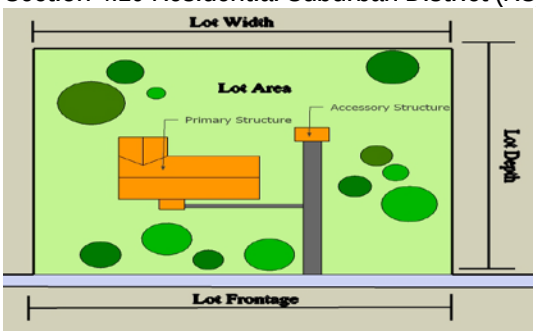
Section 4.16 Residential Suburban District (RS)

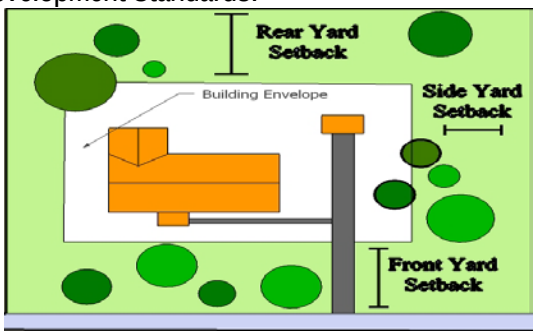
District Intent: The Residential Suburban (RS) district is intended to provide for the development of medium size single family detached homes on medium sized lots. The provisions that regulate this land use district should provide for the development of medium density residential neighborhood. Floyd County Plan Commission and Board of Zoning Appeals should strive to integrate this type of neighborhood with higher density developments and neighborhood-serving commercial facilities. This district should be protected from conflicting land uses and may be located in proximity to rural residential (RR) district in a way that does not interfere with agricultural practices. The Plan Commission and the Board of Zoning Appeals should strive to promote an average net density of 3.0 dwelling units per acre community wide.

Section 4.17 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.18 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.19 Residential Suburban District (RS) Development Standards:





Residential Suburban (RS) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	12,000 Square Feet
Minimum Lot Width (See 5.02 for additional standards)	80 Feet – Subdivision Street
Minimum Lot Frontage (See 5.02 for additional standards)	80 Feet - Subdivision Street
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet

Water	Requires connection to public water
Sanitary Sewer	May requires connected to sanitary sewer system *(Amended 1)*
Primary Structure Front Yard Setback	60 Feet – Arterial, Collector, Local Roads 20 Feet – Subdivision Street (Amended 10)
Primary and Accessory Structure Side Yard Setback	8 Feet
Primary Structure Rear Yard Setback	20 Feet
Accessory Structure Rear Yard Setback	10 Feet
Maximum Primary Structure(s) per Lot	1
Minimum Ground Floor Area	950 Square feet (Amended 5)
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	50 Percent

Section 4.20 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Residential Suburban (RS) District. Refer to these development and performance standards for requirements that apply within the Residential Suburban (RS) District.

Residential Suburban (RS) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03,
Accessory Uses/Structures	5.04, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	
Loading	
Manufactured Housing	
Parking	5.18, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.28
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36,
Temporary Uses	5.38
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

Section 4.21 Residential Urban District (RU)

District Intent: The Residential Urban (RU) district is intended to provide for the development of medium single family and attached two or multi- family homes on small lots. The provisions that regulate this land use district should provide for the development of high density residential neighborhoods.

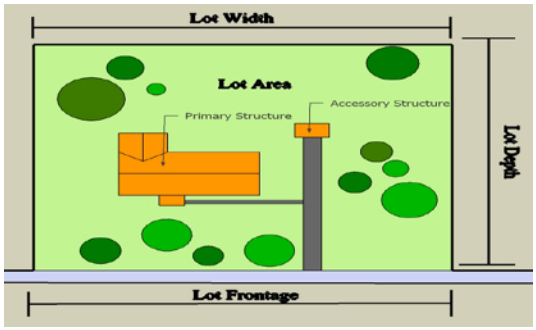
Floyd County Plan Commission and Board of Zoning Appeals should strive to integrate this type of neighborhood with medium and higher density developments and neighborhood-serving commercial facilities. This district should be protected from conflicting land uses and be located in proximity to

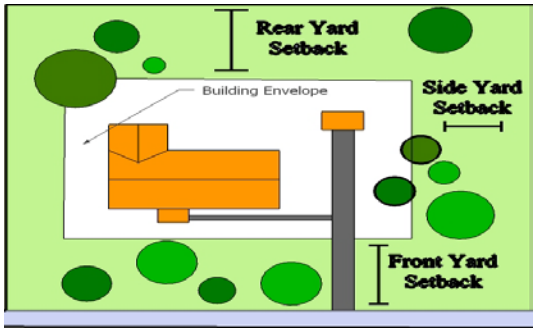
Residential Suburban (RS) district. The Plan Commission and the Board of Zoning Appeals should strive to promote an average net density of 6.0 dwelling units per acre community wide.

Section 4.22 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.23 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.24 Residential Urban District (RU) Development Standards





Residential Urban District (RU) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	6,000 Square Feet – Single Family 12,000 Square Feet – Two-Family
Minimum Lot Width ((See 5.02 for additional standards)	50 Feet – (Single Family) Subdivision Street 80 Feet – (Two-Family) Subdivision Street
Minimum Lot Frontage (See 5.02 for additional standards)	50 Feet – (Single Family) Subdivision Street 80 Feet – (Two-Family) Subdivision Street
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water
Sanitary Sewer	Required connection to sanitary sewer system
Primary Structure Front Yard Setback	35 Feet – Arterial, Collector or Local Street 20 Feet – Subdivision Street (Amended 10)
Primary and Accessory Structure Side Yard Setback	10 feet one side– Single Family; 10 Feet each side – Two-Family
Primary and Accessory Structure Rear Yard Setback	10 Feet
Maximum Primary Structure(s) per Lot	1
Minimum Ground Floor Area	950 Square feet (Amended 5)
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	65 Percent

Section 4.25– Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Residential Urban (RU) District. Refer to these development and performance standards for requirements that apply within the Residential Urban (RU) District.

Residential Urban (RU) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03,
Accessory Uses/Structures	5.05, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	
Loading	
Manufactured Housing	
Parking	5.18, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.28
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36
Temporary Uses	5.38
Small Wind Turbine	
Small Wireless Cell	5.43

Section 4.26 Multi-Family Residential District (MF)

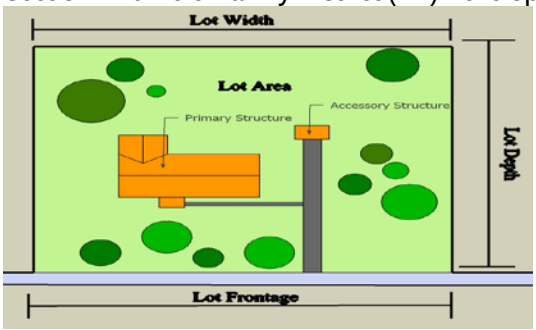
The Multi-Family Residential (MF) District is intended to provide for multi-family residential developments. The provisions that regulate this land use should promote the adequate provision for open space, living areas, and vehicle parking.

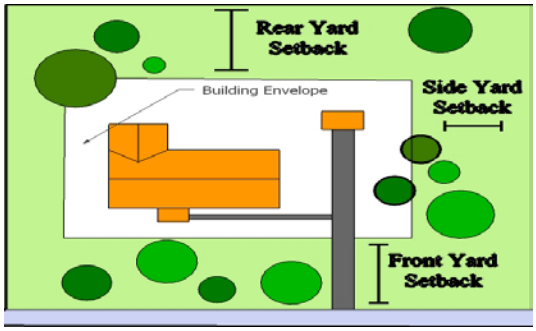
Floyd County Plan Commission and Board of Zoning Appeals should strive to integrate this district with Residential Urban (RU) type developments and neighborhood-serving commercial facilities. It should be located in areas that have adequate infrastructure and public services to provide for the development needs. This district should be protected from conflicting land uses. The Plan Commission and the Board of Zoning Appeals should strive to promote a density of 8.0 dwelling units per acre community wide.

Section 4.27 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.28 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.29 Multi-Family District (MF) Development Standards





Multi-Family District (MF) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	30,000 Square Feet
Minimum Lot Area per Unit	5,445 Square Feet
Maximum Lot Area per Unit	8,000 Square Feet
Minimum Lot Frontage	100 Feet
Minimum Lot Width	100 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water
Sanitary Sewer	Required connection to sanitary system
Primary Structure Front Yard Setback	60 Feet – Arterial, Collector or Local Street 40 Feet – Subdivision Street
Primary and Accessory Structure Side Yard Setback	20 Feet
Primary and Accessory Structure Rear Yard Setback	25 Feet
Maximum Primary Structure(s) per Lot	*n/a (Amended 1)*
Minimum Living Area per unit	800 Square Feet
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	65 Percent

Section 4.30 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Multi-Family (MF) District. Refer to these development and performance standards for requirements that apply within the Multi-Family (MF) District.

Multi-Family (MF) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.05, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	5.12
Landscaping	5.13
Loading	

Manufactured Housing	
Parking	5.19, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.28,
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36
Temporary Uses	5.38
Small Wind Turbine	
Small Wireless Cell	5.43

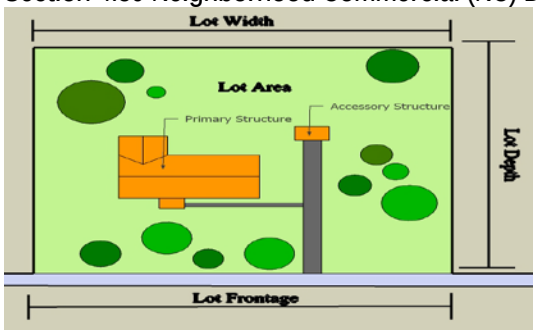
Section 4.31-4.35 - Manufactured Home Park District (MH) (Deleted – Amendment 5)
Section 4.36 Neighborhood Commercial District (NC)

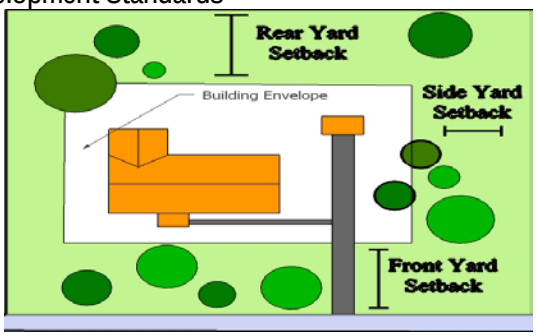
District Intent: The Neighborhood Commercial (NC) district is intended to provide a land use category for small scale commercial uses that provide products and services to local neighborhoods. The provisions that regulate this land use should promote appropriate commercial uses that are clearly non-conflicting with the residential areas of Floyd County. Floyd County's Plan Commission and Board of Zoning Appeals should strive to use this district selectively, in areas where small scale commercial centers are appropriate to service neighborhood commercial needs. The Plan Commission and Board of Zoning Appeals should also strive to exclude businesses from Neighborhood Commercial (NC) district that have an adverse effect on existing or future adjacent neighborhoods. Retail Small Scale uses are defined as having 5,000 square feet of floor space or less.

Section 4.37 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.38 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.39 Neighborhood Commercial (NC) Development Standards





Neighborhood Commercial (NC) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	22,000 Square Feet
Minimum Lot Width	150 Feet
Minimum Lot Frontage	150 Feet
Primary Maximum Structure Height	35 Feet

Accessory Maximum Structure Height	18 Feet
Water	Require connection to public water
Sanitary Sewer	Require connection to sanitary sewer system
Primary Structure Front Yard Setback	30 Feet
Primary and Accessory Structure Side Yard Setback	20 Feet
Primary and Accessory Structure Rear Yard Setback	25 Feet
Maximum Primary Structure(s) per Lot	1
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	70 percent

Section 4.40– Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Neighborhood Commercial (NC) District. Refer to these development and performance standards for requirements that apply within the Neighborhood Commercial (NC) District.

Neighborhood Commercial (NC) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06, 5.07, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	
Landscaping	5.13
Loading	5.14
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.27
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.36
Temporary Uses	5.38, 5.39
Small Wind Turbine	
Small Wireless Cell	5.43

Section 4.41 General Commercial District (GC)

District Intent: The General Commercial (GC) district is intended to provide a land use category for most general business uses. The provision that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial and industrial districts. It can also be used adjacent to the multi-family residential districts. Buffer yards should be fully implemented

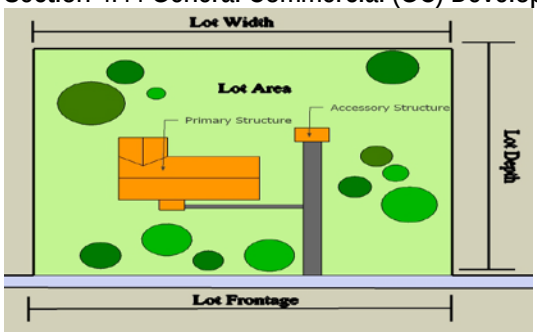
Floyd County's Plan Commission and Board of Zoning Appeals should strive to use this district to encourage strong and stable area for general commerce. The Plan Commission and Board of Zoning Appeals should encourage development in clusters which share resources and minimize the cost of public

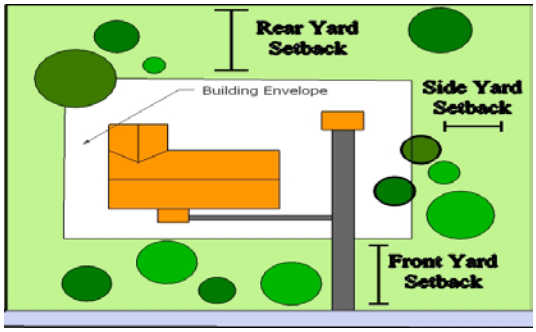
utilities and services. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots, fronting the major streets, and traffic conflicts in the General Commercial (GC) district.

Section 4.42 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.43 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.44 General Commercial (GC) Development and Performance Standards





General Commercial District (GC) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	43,560 Square feet (1 acre)
Minimum Lot Width	200 Feet
Minimum Lot Frontage	200 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water
Sanitary Sewer	Required connection to sanitary sewer system
Primary Structure Front Yard Setback	40 Feet
Primary and Accessory Structure Side Yard Setback	20 Feet
Primary and Accessory Structure Rear Yard Setback	30 Feet
Maximum Primary Structure(s) per Lot	1
Minimum Main Floor Area	2000 Square Feet *(Amended 1)*
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	70 Percent

Section 4.45 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the General Commercial (GC) District. Refer to these development and performance standards for requirements that apply within the General Commercial (GC) District.

General Commercial (GC) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06. 5.07, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	
Landscaping	5.13
Loading	5.14
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.27
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.37
Temporary Uses	5.38, 5.39
Small Wind Turbine	
Small Wireless Cell	5.43

Section 4.46 Highway Service District (HS)

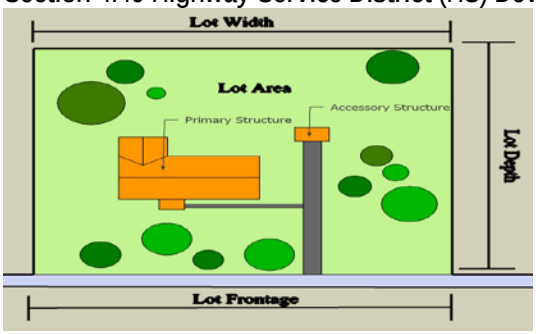
District Intent: The Highway Service (HS) district is intended to provide a land use category for commercial uses that are appropriate for location along highways. The provisions that regulate this land use district should make the district compatible with adjacent agriculture and residential districts. The district should be used at areas near major state highways and at Interstate interchanges.

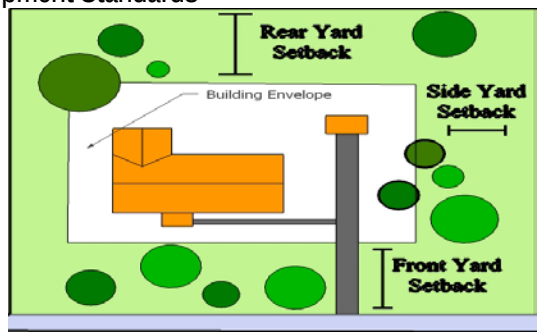
Floyd County's Plan Commission and Board of Zoning Appeals should strive to provide for highway oriented businesses and services, while minimizing light pollution, large parking lots along major roadways, hazardous traffic patterns, traffic conflicts, and excessive signs in the Highway Service (HS) district. The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto arterial or collector roads should be restricted.

Section 4.47 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.48 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.49 Highway Service District (HS) Development Standards





Highway Service District (HS) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	30,000 Square Feet
Minimum Lot Width	150 Feet
Minimum Lot Frontage	150 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water
Sanitary Sewer	Required connection to sanitary sewer system
Primary Structure Front Yard Setback	40 Feet
Primary and Accessory Structure Side Yard Setback	20 Feet
Primary and Accessory Structure Rear Yard Setback	30 Feet
Maximum Primary Structure(s) per Lot	1
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	70 Percent

Section 4.50 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Highway Service (HS) District. Refer to these development and performance standards for requirements that apply within the Highway Service (HS) District.

Highway Service (HS) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06. 5.07, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	
Landscaping	5.13
Loading	5.14
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23

Sight Visibility	5.24
Signs	5.25, 5.26, 5.27
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.37
Temporary Uses	5.38, 5.39
Small Wind Turbine	
Small Wireless Cell	5.43

Section 4.51 Office-Business District (OB)

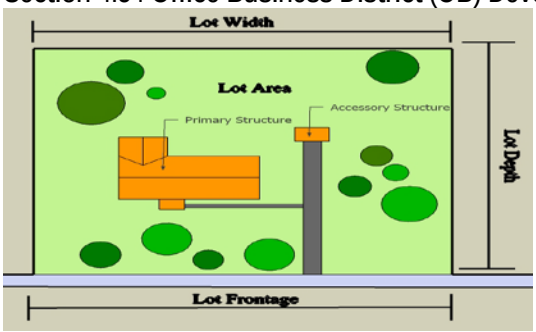
District Intent: The Office-Business (OB) district is intended to provide a land use category for assembly, research and development operations, warehousing, and other light industrial operations. The provisions that regulate this land use district should make the district compatible with the General Commercial (GC), Highway Service (HS) and Agricultural-Residential (AR) districts. This district should be used in combination with the Highway Service (HS) district in areas with convenient access to major transportation routes.

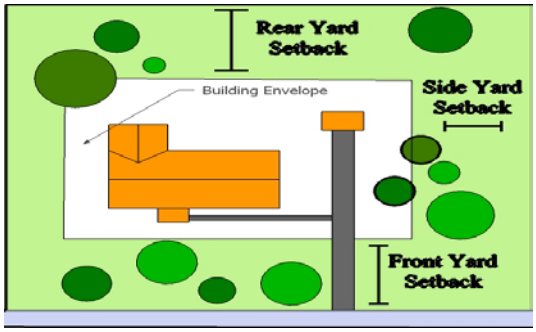
Floyd County's Plan Commission and Board of Zoning Appeals should strive to provide for light industrial operations while minimizing light pollution, large parking lots along major roadways, hazardous traffic patterns and traffic conflicts in the Office-Business (OB) district.

Section 4.52 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.53 Conditional Uses –The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.54 Office Business District (OB) Development Standards





Office Business District (OB) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	43,560 Square Feet
Minimum Lot Width	150 Feet
Minimum Lot Frontage	150 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water

Sanitary Sewer	Required connection to municipal sanitary sewer system
Primary Structure Front Yard Setback	40 Feet
Primary and Accessory Structure Side Yard Setback	25 Feet
Primary and Accessory Structure Rear Yard Setback	30 Feet
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	75 Percent

Section 4.55 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Office Business (OB) District. Refer to these development and performance standards for requirements that apply within the Office Business (OB) District.

Office-Business (OB) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06. 5.07, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	
Landscaping	5.13
Loading	5.14
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.27
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.37
Temporary Uses	5.38, 5.39
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

Section 4.56 General Industrial District (GI)

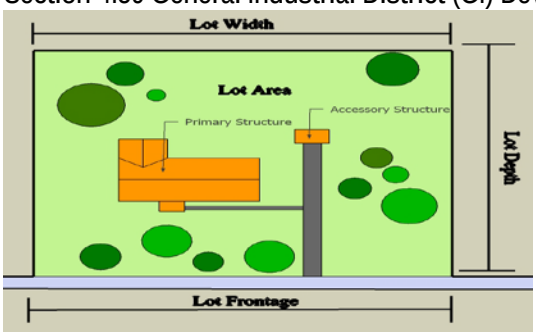
District Intent: The General Industrial (GI) district is intended to provide a land use category for a medium intensity industrial operations and uses. The provisions that regulate this land use district should make the district compatible with the General Commercial (GC), Highway Service (HS) and Office-Business (OB) districts. This district should be used in combination with the (OB) district in areas with convenient access to major transportation routes.

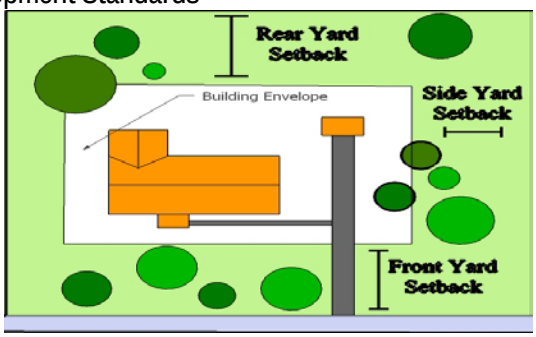
Floyd County's Plan Commission and Board of Zoning Appeals should strive to provide for industrial operations while minimizing light pollution, large parking lots along major roadways, hazardous traffic patterns and traffic conflicts in the General Industrial (GI) district. Buffering between existing lower intensity uses such as residential and agricultural uses must be appropriate to mitigate effect industrial use will have on these land uses.

Section 4.57 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.58 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.59 General Industrial District (GI) Development Standards





General Industrial (GI) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	3 Acres
Minimum Lot Width	250 Feet
Minimum Lot Frontage	250 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	18 Feet
Water	Required connection to public water
Sanitary Sewer	Required connection to municipal sanitary sewer system
Primary Structure Front Yard Setback	50 Feet
Primary and Accessory Structure Side Yard Setback	40 Feet
Primary and Accessory Structure Rear Yard Setback	40 Feet
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	75 Percent

Section 4.60 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the General Industrial (GI) District. Refer to these development and performance standards for requirements that apply within the General Industrial (GI) District.

General Industrial (GI) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06. 5.07, 5.08
Buffer Yards	5.09
Fences and Walls	5.10

Environmental	5.11
Home Occupation	
Landscaping	5.13
Loading	5.14
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.27
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35, 5.37
Temporary Uses	5.38, 5.39
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

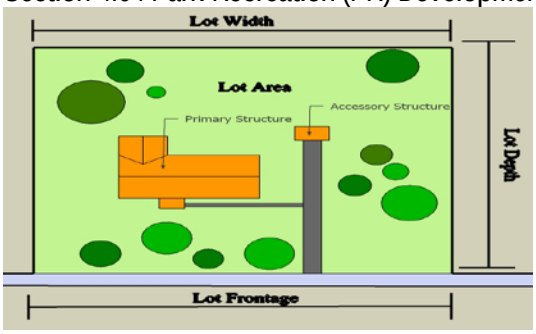
Section 4.61 Park and Recreation (PR)

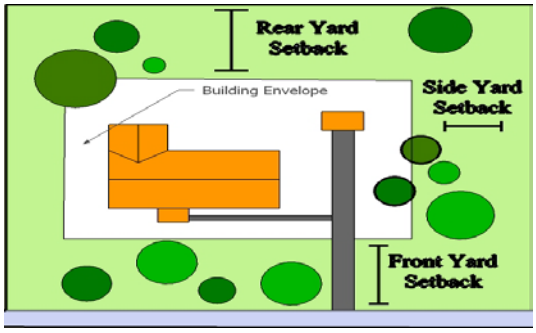
District Intent: The Park and Recreation (PR) district is intended to provide for the development of active and passive recreation opportunities within Floyd County. This district incorporates both active recreation facilities and passive or open space. The district should be integrated with the residential districts, school facilities, and natural features/resources. Floyd County's Plan Commission and Board of Zoning Appeals should strive to promote connectivity of these areas to potentially form a community-wide system, proximity to residential neighborhoods, and incorporate natural features of the county.

Section 4.62 Permitted Uses – The permitted by right uses within the District can be found in Appendix A. No building, structure, or premises shall be used, arranged or designed to be used except for the listed uses.

Section 4.63 Conditional Uses – The following conditional uses are permitted upon conditional approval of the Board of Zoning Appeals in accordance with Article 15 of this Ordinance. The eligible conditional uses can be found in Appendix A.

Section 4.64 Park-Recreation (PR) Development and Performance Standards





Park-Recreation (PR) Development Standards	
Type of Standard	Development Standards
Minimum Lot Area	5 Acres
Minimum Lot Width	100 Feet
Minimum Lot Frontage	100 Feet
Primary Maximum Structure Height	35 Feet
Accessory Maximum Structure Height	25 Feet

Water	Required connection to public water
Sanitary Sewer	May use either septic or sanitary sewer system
Primary Structure Front Yard Setback	50 Feet
Primary and Accessory Structure Side Yard Setback	50 Feet
Primary and Accessory Structure Rear Yard Setback	50 Feet
Maximum Lot Coverage (Square footage of all primary structures, accessory structures and impervious surface shall not exceed:)	25 Percent

Section 4.65 – Additional Development and Performance Standards

The following development and performance standards are applicable to the uses within the Park Recreation (PR) District. Refer to these development and performance standards for requirements that apply within the Park Recreation (PR) District.

Park Recreation (PR) Additional Development and Performance Standards	
Type of Standard	Development Standards
Lot/Yard/ Height	5.02, 5.03
Accessory Uses/Structures	5.06, 5.08
Buffer Yards	5.09
Fences and Walls	5.10
Environmental	5.11
Home Occupation	
Landscaping	
Loading	
Manufactured Housing	
Parking	5.20, 5.21, 5.22
Performance	5.23
Sight Visibility	5.24
Signs	5.25, 5.26, 5.27,
Telecommunication Facilities	5.30, 5.31, 5.32, 5.33, 5.34, 5.35,
Temporary Uses	5.38
Small Wind Turbine	5.41, 5.42
Small Wireless Cell	5.43

Section 5.01 General Development Standards that Apply

To determine which development standards apply to the subject zoning district, one needs to refer to the General Development Standards Table which is part of the subject zoning district description. The sections identified for each zoning district can be found in the sections below.

Section 5.02 Lot and Yard Standards

This Lot/Yard Standards sections applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

A. All existing lots in conflict with the lot/yard regulations at the effective date of this Ordinance shall be considered Legal Non-Conforming Lots.

B. The lot/yard standards permitted shall be as noted in the zoning description for each Zoning District found in Section 4 of this Ordinance. No building or structure shall be erected, altered, or enlarged unless such alteration, enlargement, or reconstruction conforms to the lot/yard regulations of the district except where other wised noted in this Ordinance.

C. No portion of any structure or material for sale stored outdoors is allowed to be located within the required setbacks. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at normal grade level subject to the requirements of this Ordinance.

D. In the case of a through or corner lot, any property line abutting a street shall be considered a front property line and the setback from that line shall conform to the front yard setback regulations of the base zone district. The Building Commissioner will have discretion to determine the side and rear setback lines for a corner or through lot.

E. All single family residential and multi-family residential lots fronting on an arterial, collector, or local road shall have a minimum lot width and lot frontage of 100 feet.

F. All single family residential lots in the Residential Suburban (RS) and Residential Urban (RU) not connected to a sanitary sewer system shall meet the development standard requirements set forth in the Rural Residential (RR) District. (Amended 6)

G. All single family residential lots which use septic systems shall be required to have adequate space within said lot for two lateral fields.

Section 5.03 Height Standards

This Height Standard section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

A. The maximum height permitted shall be as noted in the zoning description for each Zoning District found in Article 4 of this Ordinance.

B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district. Exceptions to the height standards are the following:

1. The following structures may exceed the permitted height regulation by twofold (2X), but shall not exceed a total height from grade level of 70 feet: (Amended 5)
    a. Church Steeples
    b. Water Towers, and
    c. Public utility transmission towers
    d. Athletic field lighting standards

2. The height of telecommunication towers and antenna shall meet the requirements of the Telecommunication standards of this Ordinance.

3. The height of Small Wind Turbines shall meet the requirements of the Small Wind Turbine standards of this Ordinance. (Amended 10)

Section 5.04 Accessory Use/Structure Standards

This Accessory Use/Structures standards section applies to the following districts.

AR RR RS

A. Accessory structure(s) shall comply with all development standards for subject zoning district.

B. Accessory structure(s) must relate to the primary structure and its uses

C. Accessory structure(s) shall be clearly subordinate in area, bulk extent, and purpose to the primary structure excepting barns and private garages. (amended 7)(amended 16)

D. No accessory structure(s) shall be placed in any required setbacks.

E. All accessory structure(s) are subject to all easements.

F. No mobile home or manufactured home may be used as an accessory structure in any district.

G. Accessory structure(s) may not encroach on any platted easement unless the owner of the easement gives written consent.

H. Accessory structure(s) deemed as incidental include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as stated in this Ordinance and are permitted in any front, side or rear yard. No incidental structure(s) shall be 120 square feet or larger.

I. Accessory structure(s) shall be located to the rear or side of the primary structure unless otherwise permitted in this ordinance Accessory structures used for barns and private garages may be allowed in front of primary structure. Accessory structures used for barns and private garages shall meet front setback requirements for primary structures in AR district with five acres or greater . Primary structures being located on a parcel with an existing legal conforming accessory structure(s) may be located to the rear of the existing legal conforming accessory structures. (amended 5)(amended 16)

J. The following accessory structure(s) are permitted, but must abide by all applicable standards and have all applicable and appropriate permits.

1. Bath Houses or Saunas
2. Decks
3. Garages
4. Gazebos
5. Private Greenhouses
6. Hot Tubs
7. Mini Barns
8. Storage Building
9. Pole Barn
10. Agricultural Building
11. Sheds
12. Boat Docks
13. Sports Courts
14. Carport
15. Swimming Pool (Swimming Pools must abide by all applicable Indiana Code statutes)

K. All accessory structure(s) shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure excepting barns unless otherwise permitted by this Ordinance.

Section 5.05 Accessory Use/Structure Standards

This Accessory Use/Structures Standards section applies to the following districts.

RU MF

A. Accessory structure(s) shall comply with all development standards for subject zoning district.

B. Accessory structure(s) must relate to the primary structure and its uses.

C. No accessory structure(s) shall be placed in any required setbacks.

D. All accessory structure(s) are subject to all easements.

E. Accessory structure(s) may not encroach on any platted easement unless the owner of the easement gives written consent.

F. Accessory structure(s) are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as stated in this Ordinance and are permitted in any front, side or rear yard.

G. Accessory structure(s) may only be located to the rear or side of the primary structure.

H. The following Accessory Structure(s) are permitted, but must abide by all applicable standards and have all applicable and appropriate permits:

1. Bath Houses or Saunas
2. Decks
3. Garages

4. Gazebos
5. Private Greenhouses
6. Hot Tubs
7. Storage Building
8. Sheds
9. Sports Courts
10. Carport
11. Swimming Pool (Swimming Pools must abide by all applicable Indiana Code statutes)

I. An accessory structure(s) can not exceed 1000 square feet or 100 percent of the square footage of the primary structure, whichever is less.

Section 5.06 Accessory Use/Structure Standards

This Accessory Use/Structures Standards section applies to the following districts.

NC GC HS OB GI PR

A. Accessory structure(s) shall comply with all development Standards for subject zoning district.

B. Accessory structure(s) must relate to the primary structure and its uses.

C. All accessory structure(s) are subject to all easements.

D. Accessory structure(s) may not encroach on any platted easement unless the owner of the easement gives written consent.

E. No accessory structure(s) shall be placed in any required setbacks.

F. Accessory structure(s) may only be located to the rear or side of the primary structure.

G. The following accessory structure(s) are permitted, but must abide by all applicable standards and have all applicable and appropriate permits:

1. Decks
2. Gazebos
3. Storage Buildings
4. Carport/Garage
5. Sheds
6. Dumpsters
7. Restroom Facilities

H. Accessory structure(s) are not allowed on a lot prior to a primary structure being constructed.

I. All dumpsters, compactors, and all other trash receptacles must be screened on all sides by a fence, gate or wall. The material used for the screen must be made of the same material as the primary structure. Glass or similar translucent materials shall not be used. The height of the enclosure must be at least 5 feet and/or block the view of the dumpster, compactor or similar container.

J. An accessory structure(s) can not exceed 1500 square feet or 100 percent of the square footage of the primary structure, whichever is less.

Section 5.07 Accessory Use/Structure Standards

This Accessory Use/Standards section applies to the following district

NC GC HS OB GI

A. Outdoor storage shall be permitted as an accessory use but shall be limited as follows:

1. NC: outdoor storage shall be limited to seasonal sales of finished products
2. GC: outdoor storage shall be limited to seasonal sales of finished products
3. HS: outdoor storage shall be limited to seasonal sales of finished products
4. Outdoor storage of vehicles being stored at auto repair facilities and junk yards shall be screened using an opaque fencing or a wall structure that meets all fencing and wall requirements as stated in this Ordinance.

B. In OB, Office-Business; and GI, General Industrial districts outdoor storage shall be limited as follows:

1. All outdoor storage must be screened using an opaque fencing or wall structure.
2. All outdoor storage screens shall meet all fence and wall structures set forth and stated in this Ordinance.
3. OB – outdoor storage shall be limited to finished products; and
4. GI – outdoor storage shall be limited to finished products and materials used in production shall be permitted.
5. Outdoor storage of vehicles being stored at auto repair facilities and junk yards shall be screened from adjacent properties and public roadways using an opaque fencing or a wall structure that meets all fencing and wall requirements as stated in this Ordinance.

Section 5.08 Accessory Use/Structure Standards

This Accessory Use/Standards section applies to the following district

AR RR RS RU MF NC GC HS OB GI PR

A. All receptacle used for United States Postal Service mail services shall follow all applicable federal regulations and standards as set by the United States Postal Service.

B. All receptacle used for United States Postal Service mail services shall be a minimum of 2 feet from the end of pavement on a County maintained road. The measurement standard shall be 2 feet from the end of pavement to the intersection with the vertical plane of the front of the mail receptacle when closed.

Section 5.09 Buffer Yard Standards

This Buffer Yard Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

The general purpose of a buffer yard is to soften the potential conflicts between potential uses in one zoning district and the potential uses in another adjacent district by using setbacks and landscaping. The potential degree of conflict or potential conflict between the two zoning districts determines the extent of the buffer yard requirement.

A. The required buffer yards shall meet the following minimum requirements.

1. Buffer yard type 1 shall include a minimum setback of 5 feet in addition to the yard setback otherwise required by this Ordinance for the subject property. In addition, 1 deciduous canopy tree for every 15 feet of contiguous boundary and/or a row of evergreen trees that are 6 foot in height when planted and no more than 12 feet apart shall be planted in the buffer yard within the contiguous boundary between the subject and adjoining properties. All trees shall be planted within 15 feet from the contiguous boundary.

2. Buffer yard type 2 shall include a minimum setback of 15 feet in addition to the yard setback otherwise required by this Ordinance. A 6 foot tall berm and/or a 8 foot tall wall/fence shall be placed parallel to the property line within 10 feet of the boundary between the subject and adjoining properties. In addition 1 deciduous canopy tree for every 15 feet of contiguous boundary and/or a row of evergreen trees at a height of 6 feet placed every 12 feet shall be planted on top of a berm in the buffer yard within the contiguous boundary between the subject and adjoining properties shall be planted. *(Amended 1)*

3. All berms shall be measured on the subject property side at highest post-development finish grade at base of curb and/or pavement. The height of the berms must meet the required height for the entirety of the berms. No averaging regarding the height will be permitted.

4. All fences shall be opaque and must be made of the same material as the primary structure located on the subject property.

B. The following matrix determines the type of buffer yard which shall be installed by the subject development entirely on the subject property.

Table 5.09 – Buffer Yard

	Zoning District of Adjoining Property:										
Zoning District of Subject Property:	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
AR											
RR											
RS	1	1									1
RU	1	1	1								1
MF *(Amended 1)*	2	2	2	2							1
NC	2	2	2								1
GC	2	2	2	2	1						2
HS	2	2	2	2	1						2
OB	2	2	2	2	1						2
GI	2	2	2	2	2	2	2	2	2		2
PR											

C. The following general buffer yard standards will apply to all buffer yards.

1. A buffer yard plan shall be submitted with the following application.
    1. A development plan application
    2. Subdivision application
    3. Improvement plan application.

2. The buffer yard plan shall include the following:
    1. Type of deciduous and/or evergreen trees to be used as buffer requirements.
    2. Layout of the buffer yard site including topography elevations.
    3. Identification of all existing trees to be used to meet buffering requirements.

3. The buffer yard standards only apply along the property lines where two conflicting zoning districts meet.

4. The developer or owner of the subject property is responsible for installing the buffer yard. The adjacent property owner shall not have to participate in installing the buffer yard.

5. No required buffer material (fence/wall) or required landscape material shall be placed within any easement, right-of-way, or septic field. Buffer yard material shall not interfere or impede drainage ways.

6. All required buffer yard areas shall be provided for the entirely on the subject property and shall be in addition to setbacks required by this Ordinance.

7. All required buffer yard trees shall be placed irregularly spaced and designed to provide the appearance of a natural landscape unless otherwise specified by this Ordinance. However, no 2 trees shall be placed within 5 feet of one another.

8. All deciduous trees must be at least 2 inches caliper measured by the American Nursery Institute standards at 6 inches above the root ball, and all needled evergreen must be at least 6 feet in height measured by American Nursery Institute standards from the bottom of the root ball when planted. A listing of trees that can not be used as buffer trees is available in the plan commission office.

9. All portions of the buffer yard not planted in trees, shrubs or other landscape materials shall be covered in grass or other ground covering vegetation.

10. Buffer yard plantings may be used to meet 50 percent of the any landscaping tree planting requirement. (Amended 3)

11. No parking requirements in this Ordinance may be used to satisfy all or part of any required buffer yard requirement.

12. No accessory structure(s) can be placed within the buffer yard.

13. No trees and/or planting shall be planted that are toxic to people or livestock.

14. All landscape materials must be properly maintained, and kept in a neat orderly appearance, free from all debris and refuse.

    a. All unhealthy or dead plant material shall be replaced by the end of the next planting season

    b. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth, inhibiting measures may only be used to ensure the public safety.

15. Trees, vegetation, irrigation systems, fences, walls and other landscape elements shall be considered elements of the project in the same manner as parking and other site details. The applicant and /or landowner, and their successors in interest are responsible for the regular maintenance of all landscaping elements so that they are kept in good condition. All landscaping must be maintained. All landscape structures such as fences and walls must be repaired or replaced periodically to maintain a structurally sound and aesthetic condition.

16. Any existing deciduous tree in the buffer yard over 6 inches in caliper at DBH counts as 3 new deciduous trees and any existing evergreen tree in the buffer yard over 10 feet tall counts as 2 new evergreen trees.

17. Any existing deciduous or evergreen tree(s) used to offset the buffer yard requirements must be marked, a buffer fence placed around them during construction to protect the tree.

18. Any existing deciduous or evergreen tree(s) used to offset the buffer yard requirement shall be regularly and properly maintained after development.

19. If any existing deciduous or evergreen tree(s) that are used to offset the buffer yard requirement dies, a replacement tree(s) meeting the planting standards in subsection 8. Three deciduous tree(s) shall be the replacement requirement if any existing deciduous tree counted towards the requirement stated in subsection 16 was met. Two evergreen tree(s) shall be replacement requirement if any existing evergreen tree counted towards the requirements set forth in subsection 16.

Section 5.10 Fences and Wall

This Fence and Wall Standards section applies to the following districts.

AR *RR* *RS* *RU* *MF* NC GC HS OB GI PR

A. All fences and walls must comply with the following regulations:

1. Are permitted up to the property line.
2. May not be greater than 4 feet in height in front yard excepting fences used for primary agricultural uses.
3. May not be greater than 8 feet in height in the side yard and rear yard.
4. May not be closer than 2 feet to any public right-of-way
5. May not be placed within the vision clearance triangle as defined in Section 5.24
6. May not incorporate barbed wire, security wire or sharpened top spikes with the exception of fences used for primary agricultural uses and/or industrial uses.

B. All commercial and industrial districts including those commercial and industrial legal non-conforming uses may have a fence no greater than 8 feet in height in the front yard. These uses must meet all other zoning standards regarding fencing.

Section 5.11 Environmental Standards

This Environmental Standards Sections applies to all zoning districts within the jurisdiction of the Floyd County Plan Commission. The following standards pertain to environmental concerns in Floyd County. Some of the following standards refer to state regulations. This is not to imply that the County is enforcing state regulations; state regulations are referred to in order to make the affected property owners aware that they exist and need to be complied with in addition to local law.

AR *RR* *RS* *RU* *MF* NC GC HS OB GI PR

A. Existing historic and natural resources which would add value to the development of the county such as trees, streams, vistas, historical landmarks(listed in the Indiana Department of Natural Resources, Indiana Historic Sites and Structural Inventory, Floyd County) and similar irreplaceable assets, when possible, should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water run-off, and conserve the natural cover and soil.

B. All development shall meet the flood hazard requirements set forth in this Ordinance, State and Federal laws.

C. No cut or fill grade shall exceed a slope of 3:1 or 33.3%. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area.

D. No waste material such as garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammable, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot: nor shall such waste be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

E. No alteration of shoreline, bed of river, streams and/or public lake shall be made until written approval and is obtained from the Indiana Department of Natural Resources and Army Corp of Engineers and the provisions of this ordinance are complied.

F. All retention, detention, and pond edges must be maintained with a buffer of natural plantings within 20 feet of peak elevation. The use of engineered hard edges is not permitted except around inlets and outlets. The use of engineered hard edges may not exceed 5 percent of lineal feet of the total edge of any retention facility, detention facility, or pond. Rip-rap is permitted by approval of the County Engineer's Office. (Amended 3)

G. All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.

H. All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution, water pollution control, solid waste management, and other applicable chapters of said Title.

I. No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored except in accordance with the rules established by the State Fire Marshal.

J. All storage tanks, structures, and uses used to store highly flammable or explosive liquids, solids, or gasses shall not be located closer than 50 feet from the adjoining property line.

K. Material used for fill where permitted by this Ordinance and/or by IDEM, IDNR, or other governmental agency, shall be promptly covered and seeded.

L. All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed shall meet the standards set forth in this Ordinance and/or any other applicable State or Federal requirements regarding soil erosion and storm water drainage.

M. All development activities must comply with all applicable State and Federal storm water requirements. All development activities must comply with all applicable Storm-water drainage standards in this Ordinance

5.12 Home Occupation

This Home Occupation Standards section applies to the following districts.

AR RR RS RU MF

Home Occupations shall be allowed as a conditional use consistent with the provisions of this Ordinance.

A. Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Home Occupations shall be permitted as conditional uses, consistent with Accessory Use and Structure Standards, the provisions of this section and the provisions of this Ordinance.

    1. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.

    2. The home occupation must not involve any exterior storage or display of products, equipment or materials.

    3. The home occupation must utilize no more than 25 percent of the total floor area of the structures on that parcel.

    4. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.

    5. Signage must not exceed 6 square feet.

    6. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.

    7. The home occupation shall not create electrical interference, odors, noise, vibration, light, smoke, fumes or any other offensive problems.

    8. No additional parking shall be added to the lot(s) on which the residence is located to accommodate the home occupation.

    9. The home occupation must not require the use of commercial vehicles for pick-up and deliveries other than services from the United States Postal Service, UPS and/or other express couriers.

B. Home occupation uses that meet the above described standards may be permitted through a conditional use. If the Board of Zoning Appeals receives a complaint regarding the operation of the Home Occupation and/or believes the conditions imposed by the condition use permit have not been met, the Board of Zoning Appeals may modify or revoke the conditional use.

Section 5.13 Landscaping Standards

This Landscaping Standards section applies to the following districts:

MF NC GC HS OB GI

Minimum Parking Lot and Perimeter Standards

A. All properties must meet the buffer yard standards requirement of this ordinance; the buffer yard standard takes precedent over landscaping requirement for these portion(s) of the property bordering the subject property and abutting property.

B. Landscaping plans shall be submitted as part of any development plan. These plans shall include a graphic depiction of the parking lot screening and islands as seen from the street.

C. Tree(s) must be provided at a ratio of 1 deciduous tree per 20 lineal feet along public street/front setback area and 1 deciduous tree per 25 lineal feet along a side and rear lot line setback area. Tree(s) may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization. Perimeter landscaping along a street may be located in and should be integrated with, the streetscape in the street right-of-way. Plantings within right-of-way must be approved by the County Engineer's Office.

D. Parking lots with 20 or more spaces must be screened from adjacent uses and the street. Screening must consist of an earthen berm, plant material or a combination of such elements which must have a minimum height of 36 inches. The earthen berm shall be measured at the top of the curb on the subject property side. The screening must extend a minimum of 70 percent along the street frontage and rear and side lots.

E. To eliminate excessive heat build-up and emission from large parking areas, landscape islands must be provided for every 20 parking spaces. All landscape islands must be at least 200 square feet in size contain at least one 6 foot tall tree that will exceed 30 feet when fully mature, and be designed such that any root ball of a tree is not within 4 feet of any edge of the island.

F. Plans submitted shall include a graphic depiction of the parking lot screening and islands as seen from the street.

G. To install, erect, or maintain any outdoor illuminating device which shall not be shielded as follows:

FIXTURE LAMP TYPE	SHIELDING
Low Pressure Sodium	Partially
High Pressure Sodium	Partially*
Quartz	Fully
All Other Lighting Sources	Fully**

* 100 watts or less used for residential security

** Outdoor advertising signs constructed of translucent materials and wholly lighted from within needed not be shielded.

H. To erect, operate, or maintain one or more non-exempt outdoor illuminating devices shall, in aggregate, create a maximum illumination which exceeds 0.1 horizontal foot-candles and 0.1 vertical foot-candles, as measured: (1) at a distance of 5 feet within the property line of an adjacent (occupied) residential parcel, or (2) at a distance of 10 feet from property line of an adjacent (occupied) commercial or industrial parcel, or (3) from the traveled portion of a public street, road, or highway.

I. To erect, operate, or maintain a non-exempt outdoor illuminating device which permits a line of sight to its bulb by an observer who is level with or higher than the ground below the fixture, if

viewed from a distance of 5 feet within the property line of an adjacent (occupied) residential parcel or from the traveled portion of a public street, road, or highway.

J. To illuminate any outdoor advertising sign by means of one or more outdoor illuminating devices which; (1) are not mounted on or at the level of the top of the sign structure, or (2) permit line of sight to its bulb when viewed at the edges of the sign or beyond, or (3) that create, in aggregate, a maximum illumination on the vertical surface of the sign which exceeds 3.0 foot candles.

K. To erect, install, operate, or maintain on any telephone, television, radio, microwave, electrical transmission, or similar tower or structure, any outdoor illuminating device which: (1) is not required by local, state, or federal agency or entity having jurisdiction, or (2) which produces an illumination which exceeds the minimum required by such agency or entity or (3) which is not red in color, unless a color other than red is required by such agency or entity.

L. To create a unified and consistent lighting package for the development. The lighting standards in parking areas shall not exceed 20 feet in height. (*Amended 1)(Amended 10)*

Section 5.14 Loading Standards

This Loading Standards sections applies to the following districts:

NC GC HS OB GI

There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

A. All required off-street loading berths shall be located on the same lot as the use to be served.

   1. No portion of the vehicle shall project into a street right-of-way or alley easement.

   2. No permitted or required loading berth shall be located within 25 feet of the nearest point of intersection of any 2 streets,

   3. No loading berth shall it be located in front of the primary structure, or on the side of the primary structure adjoining a street.

B. Off-street loading berths shall be at least 14 feet in width by at least 60 feet in length with a 60 foot maneuvering apron, and shall have a vertical clearance of at least 15 feet.

C. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alleys in a manner which will least interfere with traffic movements. There shall be no maneuvering in right-of-way.

D. All open off-street loading berths shall be improved with a compacted base of asphalt or concrete.

E. Space allowed to any off-street loading berth shall not, while so allocated be used to satisfy the space requirement of any off-street parking areas or portions thereof.

F. No loading berths may be erected or used fronting on a bordering street. Provisions for loading and unloading operations and any handling of freight or materials outside of buildings shall be located so as not to face bordering street.

G. Off-Street Loading Berth Requirements:

Table 5.14 Loading Requirements

Minimum Loading Berth Required	Gross Floor Area
1	Up to 40,000 Square Feet
2	40,001-80,000 Square Feet
3	80,001 – 120,000 Square Feet
4	120,001-160,000 Square Feet
One (1) additional off-street loading berth shall be required for each additional 80,000 square feet after 160,000 square feet.	

Section 5.15 Mobile/Manufactured Home Standards

This Mobile/Manufactured Home Standards applies to the following district(s).

AR RR RS

A. Each mobile or manufactured home shall meet all requirements set forth in any additional ordinance adopted by the Floyd County Commissioners.

B. All zoning regulations pertaining to the individual site shall be met.

C. Definition deleted by Amendment 5

D. Definition deleted by Amendment 5

E. Definition deleted by Amendment 5

F. Every Mobile Home and Manufactured Home site shall be provide with a stand consisting of either a concrete slab or two concrete ribbons of a size and thickness adequate to support the maximum anticipated load during all seasons. When concreter ribbons are used, the area between the ribbons shall be filled with crushed rock or gravel to a depth of at least 4 inches. Park developers may provide concrete footers, adequate to support the anticipated loads and extending below the local frost line in lieu of pads or ribbons.

G. Every Mobile/Manufactured Home Park shall have permanent type skirting installed. Said skirting shall be tight enough to prevent the use of the area under the Mobile Home as a harbor or den for rodents or other animals.

H. Definition deleted by Amendment 5

I. The entire area between the floor joists of the structure and the under floor grade shall be completely enclosed with a permanent perimeter enclosure constructed in accordance with the

terms of the appropriate building code; the manufacturer's installation specifications; and the requirements set forth by the Indiana code.

J. The structure shall posses all necessary building, water, and sewage disposal permits prior to placement of the structure upon the lot.

K. The wheels, axle and hitches must be removed from a manufactured home.

L. Definition deleted by Amendment 5

M. Definition deleted by Amendment 5

Section 5.16 Mobile/Manufactured Home Park Services Standards vacated by Amendment 5

Section 5.17 Parking Standards

This Parking Standards section applies to the following districts.

AR RR

A. Two (2) off-street are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within carports or garages. Off-street parking spaces may not be fully or partially be in a public right-of-way or utility easement. Each space must be at least 9 feet wide by 18 feet deep and graveled.

Section 5.18 Parking Standards

This Parking Standards section applies to the following districts.

RS RU

A. Two (2) off-street paved with asphalt or concrete, are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within carports or garages. Off-street parking spaces may not be fully or partially be in a public right-of-way or utility easement. Each space must be at least 9 feet wide by 18 feet deep.

Section 5.19 Parking Standards

This Parking Standards section applies to the following districts:

MF

A. Two (2) paved off-street parking spaces with concrete or asphalt are required per dwelling unit. In addition, at least 1 space per 2 dwelling units shall be provided for visitors parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in carports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least 9 feet wide by 18 feet deep.

Section 5.20 Parking Standards

This Parking Standards section applies to the following districts:

NC GC HS OB GI PR

All parking lots for commercial and industrial, institutional, business, public and private employee parking, offices, organizations, and places of assembly must be paved. Expansion of an existing gravel, stone, rock, dirt, sand, or grass lot is not permitted. In addition, parking lots must conform to all the following requirements.

A. All ingress/egress into parking areas must be paved.

B. Parking spaces may extend into any required front and/or side setback requirement up to a maximum of 75 percent of the required setback. (Amended 10)

C. Parking shall not be permitted within any required right-of-way, easement or required buffer yard.

D. Parking spaces shall be a minimum of 9 feet wide by 18 feet deep and be striped so as to show each parking space.

E. Parking aisle widths shall be as follows:
   1. 90 degree angle space – 24 feet wide parking aisle
   2. 60 degree angle space – 18 feet wide parking aisle
   3. 45 degree angle space – 14 feet wide parking aisle

F. Parking areas shall be designed to prevent vehicles from maneuvering in the public right-of-way.

G. Parking areas must be constructed to allow for proper drainage and meet all requirements of this Ordinance.

H. Parking spaces prescribed in this section must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within 600 feet of subject lot and be accessible by a sidewalk and appropriate street crossing measures to ensure pedestrian safety.

I. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and the joint lot provides at least 75 percent of the total spaces required for each use. The Planning Director must approve all joint parking areas. A written reciprocal parking agreement signed by all property owners involved is required and must include provisions concerning at least the following items.

   1. Maintenance
   2. Ownership
   3. Snow Removal
   4. Liability

J. The agreement must be reviewed and approved by the Planning Director and/or the Plan Commission Attorney. The agreement must be recorded in the Office of Recorder, Floyd County. The recorded agreement must also be submitted for recordkeeping to the Floyd County Plan Commission.

K. Parking areas containing more than 100 parking spaces shall provide bicycle-parking facilities at a rate of one space per 20 parking spaces, up to a maximum of 20 bicycle parking facilities. Bicycle racks shall be installed to support the frame of the bicycle.

L. Parking areas containing more than 100 parking spaces shall provide separate interior pedestrian walkways. Such walkways should generally be oriented perpendicular to and between parking bays and buildings.

1. The walkway should be a minimum of 6 feet wide

Section 5.21 Parking Standards

This Parking Standards applies to the following districts:

NC GC HS OB GI PR

A. To reduce traffic congestion and hazards, off-street parking shall be required for commercial and industrial uses. The minimum number of parking spaces shall be the accumulative total of all applicable uses described in Appendix B – Parking Standards.

B. The parking requirements will be determined by the Planning Director for any use not listed in Appendix B. Any decision by the Planning Director can be appealed to the Board of Zoning Appeals.

Section 5.22 Parking Standards

This Parking Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

A. Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings and prohibited in commercial zones unless fully screened, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.

B. No vehicle or tractor/trailer of any type may be use predominantly for the purpose of personal storage.

Section 5.23 Performance Standards

This Performance Standards section applies to all zoning districts within the jurisdiction of the Floyd County Plan Commission. All uses placed into operation after the effective date of this Ordinance should comply with the following general performance standards in the interests of protecting the health, safety, and general welfare and lessening damage to property. No use on a property should exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance should be altered or modified to conflict with these standards. The “Right to Farm” laws may supersede these guidelines as they pertain to farming and agricultural uses.

AR RR RS RU MF NC GC HS OB GI PR

A. No use on a property should release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property or conflict with public air quality.

B. No use on a property should cause electrical disturbance adversely affecting radio, television, and other equipment in the vicinity.

C. Fire fighting equipment and prevention measures acceptable to local Fire Departments should be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

D. No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

E. No use on a property should emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.

F. No use on a property should cause vibrations detectable beyond lot lines without the aid of instruments

G. No use of a property should produce heat and glare in such a matter as to create a hazard to neighboring property. No such heat or glare interferes with the reasonable enjoyment of neighboring property, or the safety of transportation routes.

H. No use on a property should accumulate waste matter within the lot or discharge waste matter beyond the lot lines

I. No use on a property should produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with the public water quality standards.

Section 5.24 Sight Visibility

This Sight Visibility Standards section applies to the following districts.

AR RR RS RU MF NC GC HS OB GI PR

The intent of the Sight Visibility Standards is to provide a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

A. All intersections must maintain an area (Sight Visibility Triangle) where primary or accessory structures, trees, vegetation (other than agricultural crops), or signs (other than road signs) are not allowed to be placed or to project between a height of 3 and 8 feet measured from the nearest top-of-the curb (or edge of pavement where curbs are not present.)

B. The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way at distances from the point of intersection required.

C. Ingress and egress points shall have adequate sight distance as required by the County Engineer. Ingress and egress points that enter onto a major collector road classification or higher shall be required to have a turn-around area to eliminate backing a vehicle onto the road.

Section 5.25 Sign – General Standards

The intent of this section is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the county; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Floyd County.

This General Sign Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Floyd County Plan Commission, or cause the same to be done without first obtaining a sign permit from the Planning Director. The following general sign standards apply to all signs within the jurisdiction of the Floyd County Plan Commission.

A. Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this Article.

B. The Planning Director may order the removal of any sign erected or maintained in violation of this Article consistent with the provisions of Article 15 of this Ordinance.

C. All signs and their components shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Planning Director, a written notice will be given to the owner, business operator or lessee of the property consistent with the provisions of Article 15 of this Ordinance.

D. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within 30 days from the date when the business which it advertises is no longer conducted on the premises. For the purpose of this requirement, the sign shall include all supports, poles, and other structural elements. In no instance shall the removal of only the sign face be considered compliance with this provision.

E. All illuminated signs must meet the standards specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the lighting standards set forth in this Ordinance under Article 13 and the following.

1. All illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.

2. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.

3. The direct or reflected light from a primary light source shall not create a traffic hazard to

operators of motor vehicles on public and/or private roadways.

F. The following signs do not require a permit from all provisions of this Ordinance

1. Signs owned and maintained by government agencies.
2. Signs inside a building, excepting the following:
    a. Strobe lights, and/or floating lights visible from a public right-of-way, private road or other private property.
3. Signs carved into or part of materials that are integral part of the building.
4. A single sign where the display surface does not exceed 6 square feet
5. Incidental signs situated on the inside of a window or door
6. Flags
7. Signs required by law or legal action including but not limited to, signs warning of hazardous or dangerous conditions on a premises and land use application and hearing notice signs.

G. The following types of signs are expressly prohibited in all zoning districts.

1. Signs with animated, rotating or moveable parts or lights or emits an audible sound, odor or visible matter excepting government signs and signs meeting the exception set forth in animated sign definition.

2. Signs that purport to be or are in imitation of, or resemble an official traffic sign or signal or which bear the words “Stop”, “Slow”, “Caution”, “Danger”, “Warning”, or similar words.
3. Signs that may be construed as a light of an emergency or road equipment vehicle.
4. Signs that hide any traffic or roadway sign, signal or device from view.
5. Signs that interfere with the Sight Visibility Area as set forth in Section 5.24.
6. Signs located in any right-of-way.
7. Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.
8. Signs placed on vehicles, trailers, or wheeled platforms parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes, so long as the sign relates to the services and goods provided.

Section 5.26 Temporary Sign Standards

This Temporary Sign Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

A. Temporary sign(s) shall be permitted providing:

1. Any temporary sign(s) permitted shall be located, installed and maintained in accordance with all other provisions of this section and other applicable state and local codes. *(Amended 1)*
2. Total square footage of the temporary sign(s) shall not exceed a total of 36 square feet cumulatively. *(Amended 1)*
3. No temporary sign can exceed 6 feet in height as measured from the ground

4. Temporary sign(s) shall be for temporary use only and shall not exceed a total of 6 months of use during a calendar year.

B. Any temporary sign maintained in excess of the time limit of the permit or otherwise in conflict with any provisions of this ordinance may be declared a nuisance and hazard and is subject to removal by the Planning Director, at the expense of the owner. (Amended 6)

C. Construction project signs shall be permitted on each street frontage of the project subject to the following:
   1. The sign shall not exceed 64 square feet in area.
   2. Be confined to the construction area.
   3. Signs can not be erected until all applicable approvals have been made.
   4. Construction Project Signs shall be removed when 90 percent of development's lots and/or space has been leased or sold.

Section 5.27 Permanent On-Premise Sign Standards

This Permanent Sign Standards section applies to the following districts

NC GC HS OB GI PR

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

A. 2.5 square foot of sign area shall be allowed for every 1 linear foot of the front façade of the building that is occupied by that use or for every 1 linear foot of lot frontage. (For example: If a use occupies a tenant space in a commercial building and that space includes 50 feet of the buildings frontage then 100 square feet of signage would be allowed for the use.) In no instance shall the amount of signage permitted per use exceed 200 square feet. Any combination of the following signs may be used as long as they do not exceed the total area allowed per use or are inconsistent with the other development standards listed in this section: (Amended 10)

   1. Wall signs,
   2. Awning signs,
   3. Projecting signs,
   4. Pole signs, *(Amended 1)*
   5. Ground signs, *(Amended 1)*
   6. Multi-Tenant Joint Entrance Signs
   7. Roof Signs (Amended 3)

B. Wall signs shall be located on the facade of the primary structure. No wall sign shall exceed 50 square feet in area and shall not exceed above the eaves of the façade of the building. Marquee/Reader board signs can not exceed 40 percent of the total square footage of a wall sign. (Amended 5)

C. Awning signs shall be printed on awnings mounted on the facade of the primary structure.

D. No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), be less than 8 feet above grade level. In no case shall it extend more than 4 feet beyond its supporting structure. Permission must be granted by the County Engineer if the proposed sign

extends into the right-of-way. No projecting sign shall exceed 12 square feet in area. No more than 1 projecting sign shall be permitted per use.

E. Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No pole sign may exceed 18 feet in height and 64 square feet in area. No ground signs may exceed 12 feet in height and 75 square feet in total area. Free-standing signs may be double-faced. *(Amended 1)* Marquee/ Reader board signs can not exceed 40 percent of the total square footage of a free-standing sign. (Amended 5) (Amended 10)

F. Structures containing multiple uses shall establish 1 sign at each entrance for the joint use of all tenants for which the facility is designed. The use of individual free-standing signs for each tenant is prohibited. Each sign shall be setback a minimum of 10 feet from all public rights-of-way. No multi-tenant sign may exceed the primary building height for the base zoning district and exceed 32 square feet per tenant in area doubled faced. *(Amended 1)*

G. Commercial and industrial subdivision(s) lots shall establish 1 ground sign per subdivision lot. No pole signs are allowed. Each ground sign shall be setback a minimum 10 feet from all public right-of ways. No ground sign may exceed 12 feet in height and exceed 64 square feet. *(Amended 1)*

H. Non-illuminated window signs not exceeding 25 percent of the window area are permitted. No permit is required and they shall not be counted toward the total area allowed per use. Illuminated window signs, and any exceeding 25 percent of the window area shall be counted toward the total sign area and shall require a sign permit.

I. Directional signs must be no more than 4 feet in height and no more than 6 square feet in area. Directional signs shall be setback a minimum of 2 feet from all public rights-of-way. No permit is required and they shall not be counted toward the total area allowed per use.

J. Roof Signs shall be located as per definition in ordinance. No roof sign shall exceed 50 square feet in sign area. (Amended 3)

K. Time and Temperature signs shall be allowed on wall, ground, pole or freestanding signs. A Time and Temperature sign can not exceed 10 percent of the total square footage for the abovementioned signs as defined in Section 5.27. (Amended 5)

Section 5.27.01 Permanent On-Premise Electronic Variable Message Signs

Electronic Variable Message Signs shall comply with the requirements of this section and all other applicable sign requirements set forth in this ordinance.

This Permanent Sign Standards section applies to the following districts

GC

A. Electronic Variable Message sign shall be allowed only in Integrated Centers.
B. Electronic Variable Message sign shall be located a minimum of two hundred feet from an road intersection
C. 1 (One) Electronic Variable Message sign shall be allowed per Integrated Center
D. Electronic Variable Message sign shall not exceed 60 square feet in area.
E. Electronic Variable Message sign shall be located on a ground, pole, or multi-tenant sign.

F. Electronic Variable Message sign shall not contain or display animated, moving video or scrolling advertising.

G. Electronic Variable Message Signs shall display an image, symbol or combination thereof for a period of time not less than ten (10) seconds, and a change in the image, symbol, or combination shall be accomplished in two (2) seconds and occur simultaneously. Once changed, the image, symbol or combination shall remain static until the next change.

H. Electronic Variable Message Signs must contain a default mechanism that freezes the sign in one position if a malfunction occurs.

I. Electronic Variable Message Sign shall only be allowed to advertise on-premises businesses

J Electronic Variable Message Sign shall operate under the same business hours as the Integrated Center hours of operation.

Section 5.28 Permanent On-Premise Sign Standards

This Permanent Sign Standards section applies to the following districts This Permanent Sign Standards section applies to the following district:

AR RR RS RU MF

The following sign regulations shall apply. All signs require a permit unless otherwise specified.

A. All signs in these districts listed shall comply with the following requirements.

1. Total square footage shall not exceed 36 square feet in sign area. *(Amended 1)*
2. Maximum height shall not exceed 6 feet.
3. Subdivision, Multi-Family and Mobile Home Park entrances shall be a monument sign(s) not exceeding 36 square feet in sign area and not exceeding 6 feet in height. Dual signs can be placed at each entrance. *(Amended 1)*
4. Institutional-Public uses listed in Appendix A shall follow the standards set forth in Section 5.27

Section 5.29 Permanent Off-Premise Signs Standards

NC GC HS OB GI PR

A. All signs in these districts listed shall comply with the following requirements.

1. No off-premise signs are allowed in either the Highlander Point or Edwardsville Gateway District
2. No off-premise signs are allowed in any designated federal/ state scenic roadway or scenic by-way
3. Total square footage shall not exceed 75 square feet in sign area. (Amended 10)
4. Maximum height shall not exceed 6 feet.
5. No off-premise sign shall be placed closer than 1,500 feet from another off-premise sign on the same side of the interstate highway, state highway or any local road
6. Off premise signs may be doubled-faced

Section 5.30 Telecommunication Facilities Standards (Installation)

This Telecommunication Facilities Standards section applies to the following districts

AR RR RS RU MF NC GC HS OB GI PR

The purpose of this section is to allow for the provision of adequate reliable public and private telecommunication service and to maximize the use of any transmission tower and tower site in order to reduce the total number of towers and locations needed to serve the telecommunications needs of the area; to minimize adverse, undesirable visual effects of towers through careful design, siting, and vegetative screening. All telecommunication facilities shall meet the following provisions:

A. The installation of new antenna on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Planning Director subject to conformance with all applicable requirements of this Ordinance.
B. The installation of new accessory structures to support the installation of antenna on existing towers or alternative structures may be approved by the Planning Director subject to conformance with the applicable requirements of this Ordinance.

C. The installation of new towers shall be approved either by the Board of Zoning Appeals as a conditional use consistent with the provisions of this section.

Section 5.31 Telecommunication Facilities Standards (Location)

This Telecommunication Facilities Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or structures within a 3 mile radius of the proposed tower location due to one or more of the following reasons:

A. The antennas would exceed the structural capacity of the existing or approved tower or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.

B. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost must be provided.

C. The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.

D. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower or structure as certified and documented by a qualified and licensed professional engineer.

E. Unable to enter a commonly reasonable lease term with the existing tower owner or land owner.

F. Additional land area is not available.

Section 5.32 Telecommunication Facilities Standards (Siting)

This Telecommunication Facilities Standards section applies to the following districts

AR RR RS RU MF NC GC HS OB GI PR

All telecommunications facilities shall meet the following design requirements:

A. Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

B. Wireless telecommunication service towers less than 131 feet tall should generally be of a monopole design and, when located within or adjacent to an environmentally, aesthetically sensitive area or a residential district, designed in such a way as to architecturally camouflage the wireless telecommunication service tower as much as reasonably practical to blend into the surroundings.

C. The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area. Only if the facility will be 100 percent screened, as determined by the Planning Director, during all seasons may other materials be used.

D. Only when lighting is for safety or security reasons or required by the Federal Aviation Administration or other federal or state authority will it be permitted. All ground level security lighting shall be meet the lighting requirements set forth in this Ordinance.

E. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least 3 telecommunication providers.

F. The proposed compound area surrounding the Monopole must be of sufficient size to accommodate Accessory Equipment for at least 3 telecommunication providers.

G. Stealth Telecommunication Facilities shall be designed to accommodate the Co-location of other Antennas whenever economically and technically feasible or aesthetically appropriate, as determined by the Board of Zoning Appeals.

H. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

I. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights.

Section 5.33 Telecommunication Facilities Standards (Buffer)

This Telecommunication Facilities Standards section applies to the following districts

AR RR RS RU MF NC GC HS OB GI PR

All telecommunications facilities shall meet the following site requirements:

A. All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.

B. Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways.

C. The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users.

D. No part of any wireless telecommunications facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line.

E. An 8 foot high security fence shall completely surround the tower and equipment building site. An area 10 feet in width may remain outside of the fence for the purpose of providing the landscape screening described in (f) below.

F. Evergreen buffer plantings shall be located around the outermost perimeter of the security fence of all wireless telecommunications facilities, including any guy wires and anchors.

G. If evergreen hedges are used they shall be a minimum of 5 feet tall at the time of planting and planted a maximum of 3 feet on center.

H. If evergreen trees are used they shall be a minimum of 6 feet tall at the time of planting and planted a maximum of 10 feet on center.

I. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

Section 5.34 Telecommunication Facilities Standards (Process)

This Telecommunication Facilities Standards section applies to the following districts

AR RR RS RU MF NC GC HS OB GI PR

All antennas, tower and accessory structures constructed within the Floyd County Plan Commission jurisdiction, shall comply with the following construction requirements:

A. Any application for a telecommunication facility, tower or accessory structures shall include the following:

1. Copy of the lease or letter from property owner(s) showing evidence of applicant's authority to pursue conditional use approval.

2. Detailed drawings detailing proposed improvements. Drawings must depict improvements, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.

3. Number and type of proposed Antennas and their height above ground level

4. When locating in a residential area, a written technical and operational analysis of why a Monopole or similar structure at a height of less than 125 feet cannot be used.

5. Line of Sight diagram or photo simulation showing the proposed Support Structure set against the skyline and viewed from at least 4 directions within the surrounding areas.

6. A statement justifying why Co-location is not feasible.

7. A statement that the proposed Support Structure will be made available for Co-location to other service providers at commercially reasonable rates.

8. Any associated fees with application.

B. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.

C. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code.

D. Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

E. Towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.

F. An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.

G. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower, antenna and a structure, or between towers, shall be at least 8 feet above the ground at all points, unless buried underground.

H. Towers and antennas shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice, also accommodating any co-location requirements.

I. Telecommunication Facility shall provide signage to identify ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulations.

Section 5.35 Telecommunication Facilities Standards (Existing)

This Telecommunication Facilities Standards section applies to the following districts

AR RR RS RU MF NC GC HS OB GI PR

The following shall apply to Existing Antennas and Towers:

A. Existing towers may continue in use for their current purpose but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance. Any request submitted to the Floyd County Plan Commission to install an antenna to be located on an existing approved or

"grandfathered" tower will only require an improvement location permit and a copy of the contract between the applicant company and the owner of the tower. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining an improvement location permit.

B. Any tower unused or left abandoned for 12 consecutive months shall be removed by the tower owner at their expense. At the time an improvement location permit is received for the construction of any tower or antenna, both the property owner and tower owner shall provide a bond meeting the requirements of the County in an amount and duration necessary to ensure the tower's and/or antenna's removal.

Section 5.36 Telecommunication Facilities Standards

This Telecommunication Facilities Standards section applies to the following districts

RS RU MF NC

Wireless telecommunications facilities shall require approval as a Conditional Use from the Board of Zoning Appeals and shall meet all the following requirements in addition to the general requirements and all other applicable provisions of this Ordinance:

A. The tower shall be a monopole design, and shall be setback from any property line a distance equal to at least 100 percent the height of the tower.

B. Other support structure shall be governed by the setbacks required in the underlying base zoning district.

C. The maximum height of the tower shall be 150 feet. The maximum height of any accessory structure shall be 15 feet

D. The fence enclosing the facility shall be opaque and of wood, brick, or stone construction. Opaque, 8 foot tall wooden gates, matching any wooden fence, or painted to match a fence of another material shall be provided to access the facility.

E. Monopoles and other support structures shall be setback from all off-site residential dwellings a distance equal to the height of the structure.

Section 5.37 Telecommunication Facilities Standards

This Telecommunication Facilities Standards section applies to the following districts

AR RR GC HS OB GI PR

Wireless telecommunications facilities shall require approval as a Conditional Use from the Board of Zoning Appeals and shall meet all the following requirements in addition to the general requirements and all other applicable provisions of this Ordinance:

A. The minimum setback from the side and rear property line shall be equal to 50 percent of the height of the tower. Towers shall not be permitted in any required front yard.

B. The maximum height of the tower shall be 199 feet. The maximum height of any accessory structure shall be 15 feet

C. Monopoles and other support structures shall be setback from all off-site residential dwellings a distance equal to the height of the structure.

Section 5.38 Temporary Use/Structure Standards

This Temporary Use/Structure Standards section applies to the following districts.

AR RR RS RU MF NC GC HS OB GI PR

A. Any temporary use requires a temporary improvement permit.

B. The Planning Director will approve all temporary improvement permits with or without stipulations. Any decision of the Planning Director is subject to an appeal to the Board of Zoning Appeals.

C. Temporary uses or standards that are intended to transition into a permanent use or structure must meet all standards for a permanent use or structure. In the event, that the intent is not noted upon the application, the transition to a permanent use or structure will not be permitted for 1 year from the application date.

D. The Planning Director may extend the duration of a temporary use or structure 1 time with findings of substantial need. The duration of the extension can not exceed the length of the permitted time without the application for another temporary use or structure permit.

E. All temporary uses or structures must be removed and the original site reverted to its original condition, and completed within the duration of the permit.

F. A Temporary Use Permit may be issued to an applicant whose own health or the health of another necessitates care, and where the facts show that an unnecessary hardship would occur if not permitted to locate a mobile and/or manufactured home adjacent to the residence of one who is able to provide such care or in need of such care. The permit would be for the lifetime of the person needing care and may be renewable every two years from the date of issuance with staff or board consent.

G. At no time may anyone occupy a recreational vehicle or use a parked or stored recreational vehicle for living, sleeping or housekeeping purposes.

Section 5.39 Temporary Use/Structure Standards

This Temporary Use/Structure Standards section applies to the following districts.

NC GC HS OB GI

A. Construction trailers are permitted for up to 12 months.

Section 5.40 – Small Wind Turbine Standards

As alternative energy development increases and expands in usage, the need for land use standards associated with this land use is required.

Section 5.41 Wind Turbine Standards (Installation)

This Small Wind Turbine Facilities Standards section applies to the following districts

AR RR RS OB GI PR

A. The installation of new wind turbine(s) shall be allowed as a permitted by right use if the installation and usage is consistent with the provisions of this ordinance

B. The maximum height of the wind turbine pole shall not exceed 150 feet.

C. Wind Turbine(s) shall be a monopole design, and shall be setback from any property line a distance equal to at least 100 percent the height of the tower. No wind turbine(s) shall be mounted on any primary or accessory structures.

D. Wind Turbine(s) shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice.

E. No signage is allowed on the turbine, pole, blade(s), wires, fencing or accessory structures.

F. Any other support structure shall be governed by the setbacks required in the underlying base zoning district.

G. The rotor blades shall be a minimum 35 feet higher than surrounding obstacles.

H. An 8 foot high security fence shall completely surround the pole and any accessory building or structure necessary for operation. The fence enclosing the facility shall be opaque and be made of compatible material found in surrounding structures.

I. The facility shall be equipped with a manual braking system.

J. No part of the wind turbine facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line except as permitted transmission lines.

Section 5.42 Small Wind Turbine Facilities Standards (Process)

This Small Wind Turbine Facilities Standards section applies to the following districts

AR RR RS OB GI PR

All wind turbine(s) and accessory structure(s) constructed within the Floyd County Plan Commission jurisdiction, shall comply with the following construction requirements:

A. Any application for a wind turbine facility or accessory structures shall include the following:

1. Copy of the deed or letter from property owner(s) showing evidence of applicant's authority to pursue approval.

2. Detailed drawings detailing proposed improvements. Drawings must depict improvements, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.

3. Line of Sight diagram or photo simulation showing the proposed Support Structure set

against the skyline and viewed from at least 4 directions within the surrounding areas.

4. A copy of the manufacturer's electrical drawing

5. Any associated fees with application.

B. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission shall apply.

C. Turbine(s) shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Indiana Building Code.

D. Turbine(s) shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.

E. An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, and strength requirements for natural forces; ice, wind, earth movements, etc.

5.43 Small Wireless Cell Facility (Location)

This Small Wireless Cell Facilities Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

A. All requirements shall be in accordance with most current Indiana Code 8-1-32.3 series. If there is any discrepancies between this section and Indiana code 8-1-32.3 series, the most current Indiana code shall take precedence. The placement of a small wireless cell facility and support structure is considered permitted by right if the following elements are met:
   1. Facility is located in a descriptive public right of way or dedicated easement;
   2. Height of the facility does not exceed fifty (50) feet measured at grade;
   3. Facility is located a minimum five (5) feet from edge of road pavement;
   4. Facility shall consist of a metal structure and be a monopole;
   5. Facility meets Sight Visibility Standards set in 5.24 of Floyd County Zoning Ordinance
   6. Facility located on a Utility Pole;
   7. Applicant can show that facility cannot be located on an existing utility pole or support structure(s) that is within fifty (50) feet of the proposed small wireless cell facility proposed site;

B. A Small Wireless Cell Facility applicant shall submit the following information to the County Commissioners Office as part of FCO 2010-4 as amended.

   1. Plans indicating the facility meets the standards set in 5.43
   2. Written approval from regarding usage of Descriptive Right of Way controlled by the Floyd County Board of Commissioners

C. County Commissioner Office or designate shall review submitted material and provide the applicant a response to request in accordance with in Indiana code 8-1-32.3 series.

D. If an applicant fails to meet the following standards as set forth in 5.43A, then the applicant shall

apply for a development standards variance from the Board of Zoning Appeals.

E. The following activities associated with small cell wireless facilities are by right and exempt from any permits, charges or applications.

1. Routine Maintenance;
2. Micro-wireless facilities located on existing utility poles or;
3. Micro-wireless facilities meeting the standards set in 5.43 A
4. Replacement of wireless facilities with wireless facilities that are:
    a. Substantially similar to; or
    b. The same size or smaller than; the wireless facilities being replaced
5. The installation, placement, maintenance or replacement of micro wireless facilities that are suspended on messenger cables strung between existing utility poles in compliance with applicable building, fire, electrical, plumbing, or mechanical codes by the a communications service provider.

6.01 Statutory Authorization, Findings of Fact, Purpose, and Objectives. (Amended 11)

This Temporary Use/Structure Standards section applies to the following districts.

AR RR RS RU MF NC GC HS OB GI PR

A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of County Commissioners of Floyd County, Indiana does hereby adopt the following floodplain management regulations.

The flood hazard areas of Floyd County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

6.02 Statement of Purpose.

A. Statement of Purpose

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

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

6. Make federally subsidized flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

Section 6.03 Objectives.

A. Objectives

The objectives of this ordinance are:

1. To protect human life and health.

2. To minimize expenditure of public money for costly flood control projects.

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

4. To minimize prolonged business interruptions.

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.

6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

7. To ensure that potential homebuyers are notified that property is in a flood area.

6.04 General Provisions.

A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Floyd County.

B. Basis for Establishing Regulatory Flood Data. (Amended 12)

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Floyd County shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Floyd County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated December 4, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Floyd County, delineated as an "A Zone" on the Floyd County, Indiana

and Incorporated Areas Flood Insurance Rate Map dated December 4, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review, subsequently approved.

3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

3. If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements.

2. Liberally construed in favor of the governing body.

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance 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 ordinance does not create any liability on the part of Floyd County, the Indiana 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.

I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for Floyd County. All violations shall be punishable by a fine not exceeding $500.00.

A separate offense shall be deemed to occur for each day the violation continues to exist.

1. The Floyd County Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

2. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

J. Increased Cost of Compliance (ICC).

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure”, the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.

6.05 Administration.

A. Designation of Administrator.

The Board of County Commissioners of Floyd County, Indiana hereby appoints the Executive Director of the Floyd County Plan Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

1) Application stage.

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 site.

d) A site development plan showing existing and proposed development locations and existing and proposed land grades.

e) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.

f) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

g) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit

the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.

2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 6.06 E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment).

4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit.

5. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

6. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.

7. Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

8. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

9. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 6.05 B.

10. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Section 6.05 B.

11. Review certified plans and specifications for compliance.

12. Stop Work Orders

    a) Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
    b) Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

13. Revocation of Permits

    a) The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

    b) The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

14. Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.

6.06 Provisions for Flood Hazard Reduction.

A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top

or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

10. Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further extended, or replaced.

B. Specific Standards.

In all SFHAs, the following provisions are required:

1. In addition to the requirements of Section 6.06 A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

   a. Construction or placement of any new structure having a floor area greater than 400 square feet.

   b. Addition or improvement made to any existing structure:

1) Where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

2) With a previous addition or improvement constructed since the community's first floodplain ordinance.

3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.

4) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

6) Reconstruction or repairs made to a repetitive loss structure.

2. Residential Construction. New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 6.06 B (4).

3. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 6.06 B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

a) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in, Section 6.05 C (10).

b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

a) Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

b) The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

d) Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.

e) Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

f) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

g) The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

h) Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

5. Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

    a) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.

    b) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

    c) 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.

    d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

    e) The top of the lowest floor including basements shall be at or above the FPG.

    f) Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

6. 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.

    e) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above

grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. 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 damaged by a flood.

f) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 6.06 B. 4.

g) Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

h) Recreational vehicles placed on a site shall either:

1) be on site for less than 180 days; and,

2) be fully licensed and ready for highway use (defined as being on its wheels or 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" as stated earlier in this section.

C. Standards for Subdivision Proposals.

a) All subdivision proposals shall be consistent with the need to minimize flood damage.

b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

e) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

f) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

D. Critical Facility.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

E. Standards for Identified Floodways.

Located within SFHAs, established in Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of Floyd County subject to inundation by the regulatory flood. The SFHAs of Floyd County are generally identified as such on the Floyd County, Indiana and Incorporated Areas Flood Insurance Rate Maps dated December 4, 2012 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Section 6.06 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot.

For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Section 6.06 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in section 6.06 of this ordinance have been met.

2) Drainage area upstream of the site is less than one square mile:

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

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in section 6.06 of this ordinance have been met.

3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Section 6.06

6.07 Variance Procedures.

A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Floyd County Circuit Court.

C. Variance Procedures.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1) The danger of life and property due to flooding or erosion damage.

2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

3) The importance of the services provided by the proposed facility to the community.

4) The necessity to the facility of a waterfront location, where applicable.

5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.

6) The compatibility of the proposed use with existing and anticipated development,

7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.

10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Conditions for Variances.

1) Variances shall only be issued when there is:

a) A showing of good and sufficient cause.

b) A determination that failure to grant the variance would result in exceptional hardship.

c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

2) No variance for a residential use within a floodway subject to Section 6.06 E or Section G (1) of this ordinance may be granted.

3) Any variance granted in a floodway subject to Section 6.06 E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.

4) Variances to the Provisions for Flood Hazard Reduction of Section 6.06 B, 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.

5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6) Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (Section 6.07 E).

8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section 6.07 E).

E. Variance Notification.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

2) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

G. Special Conditions.

Upon the consideration of the factors listed in Section 6.07, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Section 7.01 Planned Unit Development (PD)

The Planned Unit Development is a designated special district that can be pursued by an applicant. The purpose of a Planned Unit Development is to encourage the flexibility to develop or redevelop land in an effort to promote appropriate uses, maintain unique character features such as natural and historic resources and promote innovative design concepts. It is also designed to facilitate the economies of scale in relationship to infrastructure and public services and encourage in-fill development opportunities.

Section 7.02 Permitted Uses

All uses are subject to the discretion and approval of the Plan Commission. No uses are granted by right.

Uses within the base zone will generally be considered for a planned unit development. Mixed uses will be considered and may be encouraged when appropriate. Mixed use allowances have been developed for each base zone district. All land uses in a proposed planned unit development must not be in conflict with the spirit and intent of the Comprehensive Plan, surrounding land uses, and zoning districts.

Section 7.03 Planned Unit Development District (PD) Development Standards (*Amended 1)*

Planned Unit Development District (PD) Development Standards			
Type of Standard	Development Standards		
Minimum Land Area	2 acres to qualify for any residential base zone (Amended 8) 2 acres to qualify for any commercial/industrial base zone		
Minimum Road Frontage for District	100 Feet		
Location of Mixed Use Allowance	Residential	Commercial	Industrial
Rural Residential	X	X	
Residential Suburban	X	X	
Residential Urban	X	X	
Multi-Family	X	X	
Neighborhood Commercial	X	X	
General Commercial		X	
Highway Service		X	
Office-Business		X	X
General Industrial		X	X
Maximum Lot Coverage Square footage of all primary structures, accessory			

structures and impervious surface shall not exceed:	70 percent
Open Space Requirement	15 percent (See 7.04 (I))

Section 7.04 Planned Unit Development Standards

Planned Unit Development districts can only be created from the following zones:

RR RS RU MF NC GC HS OB GI

A. A Planned Unit Development can be created in any of the above-mentioned districts. A planned unit development can be created once the Detailed Development Plan is approved by the Plan Commission. The designation for a Planned Unit Development will be a two-digit PD designation. The designations for planned unit developments will be as follows: (*Amended 1)*

1. PD-RR Rural Residential will be designated to PD-RR
2. PD-RS Residential Suburban will be designated PD-RS
3. PD-RU Residential Urban will be designated to PD-RU
4. PD-MF Multi-Family will be designated to PD-MF
5. PD-NC Neighborhood Commercial will be designated to PD-NC
6. PD-GC General Commercial will be designated PD-GC
7. PD-HS Highway Service will be designated to PD-HS
8. PD-OB Office Business will be designated to PD-OB
9. PD-GI General Industrial will be designated to PD-GI

B. No other districts can be re-zoned directly to a Planned Unit Development. An applicant may seek that a property not allowed to have a Planned Unit Development be re-zoned to a Zoning District that allows Planned Unit Development District. (*Amended 1)*

C. An applicant seeking a specific mixed use allowance within a Planned Unit Development that is not allowed must obtain a successful re-zoning to a zoning district which the specific use is allowed before applying for a planned unit development. (*Amended 1)*

D. No other districts can be re-zoned directly to a Planned Unit Development District. An applicant may seek that a property not allowed to have a Planned Unit Development be re-zoned to a Zoning District that allows Planned Unit Development Districts.

E. An applicant seeking a Planned Unit Development district based on a different Base Zone must obtain a successful re-zoning request to change the existing Zoning District prior to the submission of a Planned Unit Development petition.

F. Any applicant may propose a Planned Development District in accordance with the procedures hereinafter established. Further, the applicant making such a proposal must intend to act as developer or sponsor of the development. A parcel or site proposed for a Planned Development need not be under single ownership.

G. However, if not under single ownership, the multiple owners must have a contractual agreement not to develop the parcels separately, but in accordance with a single, unified plan, and in which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned to the satisfaction of the Plan Commission. The applicant seeking a Planned Unit Development designation for a proposal must intend to act as developer or sponsor of the development.

H. Planned Unit Developments may contain mixed uses. The Planned Unit Development Standards matrix illustrates allowable mixed uses in each base district.

1. In base residential and/or multi-family zones, a proposed planned unit development may not designate in exceed 25 percent of the total proposed development gross square footage for commercial uses.

2. In base commercial zones, a proposed planned unit development may not designate in exceed 30 percent of the total proposed development gross square footage for residential development.

3. In base industrial zones, a planned unit development may not designate more than 40 percent of the total proposed development gross square footage for commercial development.

I. Planned Unit Developments may contain different densities levels of residential development.

J. Any proposed Planned Unit Development having 25 or more acres and involving residential uses shall provide 15 percent of the total proposed development gross square footage for open space.

K. Planned Unit Development utilizing mixed uses shall calculate the open space requirement using the total proposed residential development gross square footage.

L. Planned Unit Development Open Space shall have the following requirements:

1. The open space must be accessible to all residents and owners within the development by sidewalk and or other finished footpath.

2. No portion of a proposed lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, easements and/or sidewalks can be used to satisfy the open space requirement.

3. No portion of any dedicated, reserved, used or in use lands for cemetery interment unless otherwise noted in this Ordinance can be used to satisfy the open space requirement.

4. No more than 30 percent of the open space requirement can consist of wetlands, floodplain and/or steep slopes.

5. The required open space may be used for drainage which would include:
    a. Detention basins
    b. Underground fields
    c. Ponds
    d. Lakes

6. Open space shall have a minimum contiguous area of 7,000 square feet, and each open space area within a development shall have a minimum dimension of fifty (50) feet in width and length.

7. At least 50 percent of the proposed open space land shall be defined as formal open space. A minimum of fifty (50) percent of the perimeter shall be bounded by right-of-way or fronted by buildings. Formal open spaces are generally planned and structured areas that include formally designed landscaped plantings. Examples include squares, plazas & parks. Formal open spaces shall be centrally located. Adjacent lots and buildings shall be oriented toward formal open spaces.

8. A mechanism for the maintenance of said open space areas shall be provided in the protective covenants for the development.

Section 7.05 Planned Unit Development Conceptual Plan Process

The Planned Unit Development process is a three stage process involving a conceptual sketch plan, a detailed development plan and a secondary review process. Each stage is identified in the following general procedure for establishing a Planned Unit Development. These stages are as follows:

A. Prior to the filing for a re-zone petition, the applicant must submit a conceptual sketch plan to the Planning Director. The Planning Director and/or designate will make a review of the conceptual sketch plan. The Planning Director and/or designate will review the conceptual sketch plan and will provide the applicant with comments within 30 days of conceptual sketch plan submission. No approval is given as part of this step and suggestions made by the Planning Director, County Planner, County Engineer and/or designate are advisory only and meant to assist the applicant.

B. The following items are required as part of the Conceptual Site Plan petition. The scale of the site plan shall not exceed 1"=100'. The Conceptual Site Plan may include any additional graphics which will explain the features of the development. The following shall be included in the Conceptual Site Plan submission.

1. Name and address of applicant
2. Proof of Ownership
3. Statement from multiple owners stating their willingness to abide
4. Proposed name of development
5. Address of the site
6. Legal Description of the real estate
7. Name and address of land surveyor
8. Legend and notes, including a graphic scale, north point and date
9. A separate location map, to scale showing the boundary lines of adjacent land use and existing zoning of the area to be developed as well as the adjacent land.
10. Existing and proposed layout of streets, sidewalks, sanitary sewers, water lines, fire protection, storm water drainage, open space, and other basic elements of the plan.
11. Detailed Narrative of Proposed Uses

a. Residential uses narrative will include total number of residential units, architectural conceptual sketch, and gross development area.
b. Commercial uses narrative will include specific commercial uses, number of commercial buildings, height, gross floor area and gross development area.
c. Industrial uses narrative will include specific industrial uses, number of industrial buildings, height, gross floor area and gross development area.

12. Proposals for handling traffic circulation, pedestrian connectivity, parking, loading, lighting, signage, landscaping, and other pertinent development features.

13. A general statement of the covenants to be made part of the Planned Unit Development as well as the order and estimated time of development.

14. A general statement of the proposed order of development of the major elements of the project. This includes phasing, if applicable, and the order and content of each phase.

15. The land use categories within the development including proposed densities of said uses.

16. A vicinity map showing the use and zoning of all properties within 1,000 feet of the property subject to the re-zoning request.

C. A voluntary conceptual sketch plan conference may be conducted with the Planning Director and/or a designated representative and the applicant. The purpose of the conference shall be to allow the discussion by the applicant of the conceptual elements of the proposed development including characteristics of the development in terms of the relationship to existing community policies, and allow the Planning Director to define aspects of the PD classification, procedure, development standards, and policies with the applicant.

D. The conceptual sketch plan conference is advisory in scope only. Neither the applicant nor the jurisdiction is bounded by any decisions made during the conference.

Section 7.06 Planned Unit Development Detailed Development Plan Process

A. Upon completion of the conceptual sketch plan process, the applicant shall file a rezone petition to the PD classification and file an application for a detailed development plan with the Plan Commission. If a subdivision plat is part of the proposed development it shall filed at this time and shall follow those procedures set forth in the Floyd County Subdivision Control Ordinance. Any subdivision approval shall be conditioned upon the County Commissioners approval of the PD re-zone petition.

B. The applicant will submit an application for a detailed development plan with the Plan Commission.

C. The Detailed Development Plan shall be composed of the following elements:

1. A site plan drawn to scale showing at a minimum of 1”=100’ all existing and showing all proposed structures, setbacks, easements, rights-of way, natural streams, regulated drains, 100-year flood plains, flood ways, water courses, marshes, wooded areas, isolated preserved trees, wetlands, dry wells, utility lines, fire hydrants, historical structures and/or sites listed in the Floyd County Interim Report and any other significant feature(s) that may influence the design of the development.

2. A letter verifying that proper waste disposal will be available to the property.

    a. For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system and will be adequately served.

    b. For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served and the service provider must provide the following:

        1. Present and to date average daily capacity figures
        2. All required IDEM monitoring reports for recent calendar year including any violations noted by IDEM
        3. All proposed developments including estimated amounts of daily usage that the service provider has agreed to service
        4. Estimated daily use for proposed development

3. Existing and proposed easements and their purpose.

4. Preliminary plans for handling water supply, sanitary sewers, storm water drainage system, traffic circulation, pedestrian connectivity, parking, loading, lighting, signage, landscaping, and other pertinent development features.

5. All documents and support information provided in the conceptual site plan including any updates or amendments.

6. Written approvals for roads and storm water drainage from County Engineer and County Surveyor
7. Proposed covenants, conditions and restrictions

8. Any other data or information that may be requested by the planning director and/or designate to supplement the proposal.

D. The Plan Commission will schedule a public hearing for the re-zoning of the property and for review of the detailed development plan. The Plan Commission shall consider the proposed plan on the evaluation criteria, public hearing comments, and other pertinent facts that may apply to the proposed plan.

E. In reviewing the proposed plan, the Plan Commission shall consider the following elements:

1. The extent of in which the proposed plan differs from the zoning and subdivision control regulations that are otherwise applicable. These differences are included but not limited to: density, lot size, height, use, required improvements, construction and design standards.

2. The extent in which the proposed plan meets the spirit and/or intent of the Comprehensive Plan and any other adopted plans, development policies, and development objectives.

3. The Planned Unit Development design and to the extent it which it makes adequate provision for public services, light and air, traffic control, open and/or common space, and recreation.

4. The compatibility of the proposed plan with adjacent properties and surrounding neighborhood.

5. Whether the proposed plan would substantially interfere with the use or diminish the value of adjacent properties and surrounding neighborhood.

6. The proposed plan will not diminish level of service for roadway system in vicinity or providing primary service to the proposed development.

7. The proposed plan can immediately and adequately be served by existing public facilities and services.

8. The proposed plan preserves natural and historic resources to the extent possible.

9. The proposed plan will not be injurious to the public health, safety and general welfare.

F. The Plan Commission may permit or require written commitments concerning the use or development of the property in connection with a favorable recommendation of the re-zoning request or detailed development plan approval of the planned development.

G. The Plan Commission shall certify the proposed petition with a favorable recommendation, an unfavorable recommendation or no recommendation to the County Commissioners to grant or deny the re-zoning request.

H. The applicant may revise the application if the plan commission gives an unfavorable recommendation. The applicant may submit a revised detailed development plan within 30 days to the Plan Commission.

I. The County Commissioners will review the re-zoning petition within 90 days of receipt of the Plan Commission's recommendation certification. The County Commissioners may vote to approve or disapprove the request in accordance with Indiana Code.

J. The County Commissioners shall provide notification of action on the zoning map amendments consistent with Indiana State code.

K. If the County Commissioners disapproves the rezoning, the applicant must wait 1 year before resubmitting another petition.

L. The County Commissioners may either approve or deny the zoning map amendment. If the Commissioners fail to act within the 90 day timeframe specified above, the ordinance shall become effective or be defeated in accordance with the provisions of Indiana Code 36-7-4-608.

M. Upon approval by the County Commissioners, the land is officially rezoned.

N. The official Zoning Map must be amended to reflect the zoning change, date of approval by the County Commissioners and the Plan Commission docket number. Prior to signing of the detailed

development plan surety, the developer shall post surety in an amount that is consistent with the cost of improvements outlined in the approved improvement plans.

O. Detailed development plan approval by the Plan Commission is required prior to the issuance of an Improvement Location Permit. If a subdivision plat is required, the final plat must be approved prior to the issuance of an Improvement Location Permit pursuant to Floyd County Subdivision Control Ordinance.

P. When approved, the detailed development plan shall be stamped and signed by the Plan Commission President and Planning Director.

Q. All written commitments shall be recorded with the Floyd County Recorder and must clearly state that they are enforceable by, as a minimum, the Plan Commission.

Section 7.07 Secondary Approval

Upon adoption of the Planned Unit Development ordinance by the County Commissioners, the Planned Unit Development shall be returned to the Plan Commission for Secondary Review. The purpose of the Secondary Review is to finalize development details of the Planned Unit Development district and accompanying documentation.

A. The application shall consist of the following elements:

1. The detailed development plan submitted as set forth in section 7.06 of this article

2. Covenants and written commitments made as part of the proposal
3. Performance and/or maintenance guarantees

4. Location of all utility lines and easements

5. Detailed plans for handling water supply, sanitary sewers, storm water drainage system, traffic circulation, pedestrian connectivity, parking, loading, lighting, signage, landscaping, and other pertinent development features.

6. Any other supporting documentation as requested by either the County Commissioners and/or Plan Commission

B. The Plan Commission shall conduct a Secondary Approval hearing through a legally advertised meeting of the commission. No public hearing is required as part of the secondary approval process.

C. The detailed site development plan and all supporting documentation shall conform to the Planned Unit Development ordinance as approved by the County Commissioners.

D. Upon determination that the Secondary Review is consistent with the approved Planned Unit Development Ordinance and all supporting materials and documentation are determined to be acceptable, the Plan Commission shall confer Secondary Review status.

E. Two copies of the Secondary approved PD shall be permanently retained in the offices of the Plan Commission.

F. The Secondary Review shall be submitted to the Plan Commission. The timing element for secondary review shall follow the state requirements as set forth in Indiana Code 36-7-4-1109 regarding expiration of approvals. The Secondary Review may be submitted in and approved in phases if such a process is approved in the Planned Unit Development Ordinance. (amended 7)

G. Secondary Review shall be determined expired based on the requirements set forth in Indiana Code 36-7-4-1109 regarding secondary approvals. (amended 7)

H. No permit of any kind shall be issued for any purpose within a Planned Unit Development except in accordance with the Secondary Review.

Section 7.08 Minor Modification

The Planning Director may from time to time in its administration of the Planned Unit Development, approve minor modifications of the Development Plan or Improvement (construction) Plans, without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or change in access points.

An adversely affected party may appeal any decision by the Planning Director to the Plan Commission within 30 days of the determination. The Plan Commission has the authority to establish rules governing the nature of the proceedings and notice required to make a modification under this Section.

Section 7.09 Covenants and Maintenance

Covenants, when required by the Plan Commission, shall be set forth in detail. Covenants required by the Plan Commission shall provide that their benefits can be specifically enforceable by the Plan Commission. An executed recorded copy shall be provided to and maintained in the Plan Commission office.

Adequate provision shall be made for a private organization (i.e. Owners Association) with direct responsibility to and control of the property owners involved to provide for the operation and maintenance of all common facilities if such facilities area a part of the Planned Unit Development, and, in such instance legal assurances shall be provided which show that the private organization is self-perpetuating. Owner's association shall be formed with 12 months of start of construction or when 51 percent of the units have been sold.

All common facilities not dedicated to the public shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at times to vehicular traffic so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

Section 7.10 Recording

All approved covenants, commitments, plats, and modifications thereof shall be recorded in the office of the Floyd County Recorder Office. The developer shall provide 2 copies of the recorded documentation to the Plan Commission for its records.

Section 7.11 Construction

No construction or installation work may commence on any public improvement until satisfactory improvement plans and specifications have been submitted and approved by the Plan Commission and until the applicant provides at least 48 hours notice to the County Engineer in order that inspections may be made as the work progresses.

Section 7.12 Extension, Abandonment and Expiration

Any extension may not exceed 12 months for any matter set forth in this Article. Any extension granted shall follow and be subject to state requirements as described in Indiana Code 36-7-4-1109. The Plan Commission shall grant any extension based on documentation presented by the developer and must show good cause for the need of such extension.

Upon abandonment of a development authorized under this Article, the land will revert back to its original base zone classification. An abandonment shall be deemed to occur when no or minimal improvements have been made upon the expiration of approval requirements set forth in Indiana Code 36-7-4-1109 and no extension beyond the state requirements have been approved by the Plan Commission. (amended 7)

Section 7.13 Rules of Procedure

All proceedings brought under this Section are subject to the Rules of Procedure of the Plan Commission where not described otherwise herein.

Section 8.01 Steep Slope Overlay District

The Steep Slope (SD) Overlay District applies to all zoning districts within the jurisdiction of the Floyd County Plan Commission. The purpose of the Steep Slope Overlay District is to regulate development activities in steep slope areas and mitigate any adverse effects such development might produce on slopes and ridgelines. It is the express purpose of this section to provide qualitative development standards and review process for all lands defined as steep slopes and ridgelines located with the jurisdiction of the Floyd County Plan Commission. The special development standards are provided to mitigate the potentially negative impacts of construction in steep slope areas in the areas of erosion, siltation, excessive removal of vegetation and soil, flooding, soil slippage, water run-off, unique natural land forms, and scenic vistas.

The Steep Slope District is an overlay district that includes all areas in the Floyd County Plan Commission jurisdiction with slopes 20 percent or more. The requirements and regulations of the underlying zoning districts shall continue to apply to the extent they are not inconsistent with the provisions of this section.

A. When there is a dispute regarding the steepness of slope on an application, and the applicant has not provided a plan with slope certification, the Plan Commission shall require the applicant to submit a plan certified by a qualified surveyor or engineer licensed to practice in the State of Indiana.

B. A steep slope is defined as the ratio of elevation change to horizontal distance expressed as a percentage. Slope is computed by dividing the vertical distance (rise) by the horizontal distance (run) and multiplying the ratio by one hundred. A steep slope is a slope of 20 percent or greater over any 100 foot segment prior to cut and fill.

C. Independent consultants may be retained by the Plan Commission to seek assistance in the review of the requirements of the overlay district. If a proposed development requires under this section a geotechnical study, the petitioner shall be advised of the fees associated with the review and may withdraw their request for consideration at that time. All required fees with any applicable Plan Commission must be paid regardless of whether the proposed development is approved, amended, rejected or withdrawn. A fee schedule is included in Appendix D.

D. Ridgelines are defined as occurring in the County where a slope greater than 33 percent changes to less than 33 percent over any 100 foot segment prior to cut and fill at area with an elevation of 775 feet or greater. The determination of the presence of a ridgeline shall be done on a map provided by the applicant with topography depicted at 10 foot contour intervals.

E. Applicants for construction on properties to which section 8.01 (D) applies shall demonstrate to the Plan Commission that a 50 foot non-disturbance buffer zone has been designated. No primary or accessory structures shall be located closer than 50 feet to the ridgeline.

Section 8.02 Slopes 20 percent to 33 percent

The following information shall be provided for any application proposing development on a lot or parcel that includes a slope measuring 20 percent to 33 percent.

A. A detailed site analysis of soil conditions;
B. A detailed site analysis of hydrology;
C. A detailed site analysis of bedrock conditions and;

D. A detailed site analysis of any other engineering and environmental considerations as may be required by the Plan Commission in order to determine whether the proposed development will create a threat to the public health, safety, and general welfare or cause land subsidence, erosion or increases the volume of storm water entering adjoining properties.

E. Upon the submission and review of a report by a certified soil or geotechnical engineer and/or certified geologist indicating that the steep slope may be safely developed, the Plan Commission may approve the development if the developer agrees to hold the Plan Commission and the County harmless from any claims of damage due to the approval of such development.

Section 8.03 Slopes in excess of 33 percent

A. All development activity shall be prohibited within slopes measuring in excess of 33 percent except as noted below.

1. Forestry using best management practices as defined by the Indiana Department of Natural Resources, wildlife conservation areas and nature preserves

2. Parks and passive recreational uses

Section 8.04 Construction Techniques

Construction activities on slopes between 20-33 percent shall comply with the following: (amended 7)

A. All cut and fill slopes shall not exceed a three to one ratio. No construction shall take place until a certification of a certified soil or geotechnical engineer and/or certified geologist stating that the slope will remain stable under foreseeable conditions.

B. Any certification that delineates any specific measures deemed necessary by a certified soil or geotechnical engineer and/or certified geologist must be implemented during the development phase.

C. If development is allowed to proceed under the previous subsection, no more than 30 percent of such areas shall be developed and/or re-graded or stripped of vegetation.

D. Exposed soil that is not under continuous construction shall be re-vegetated with temporary or permanent vegetation so that the soil is not left exposed following issuance of a Certificate of Occupancy, vegetation shall be re-established. If irrigation is not provided, then the exposed soil

shall be planted with species which can survive without irrigation. Vegetative cover or any alternative cover shall be maintained in perpetuity.

Section 8.05 Highlander Point and Edwardsville Gateway Overlay Districts

The purpose of the Highlander Point and Edwardsville Gateway Districts is to promote and protect the public health, safety, comfort, convenience, and general welfare by providing for consistent and coordinated treatment of the properties located along State Road 150 and State Roads 64/62 to Interstate 64. This overlay district is intended to serve as a tool for implementing the development policies and guidelines set forth in the County's Comprehensive Plan. These two corridors are premier commercial and office locations, employment centers, whose viability, quality and character are important to the community as a whole.

Coordinated development and the establishment of high standards for buildings, landscaping, and other improvements are highly encouraged in this area. The Gateway Districts shall also provide a special sense of place that will increase property values, protect real estate investment, spur commercial and employment activities, and attract new businesses. The creation of a special sense of place shall be encouraged by means of a coordinated set of design principles for buildings, site planning, landscaping and signage.

A. The two gateway overlay districts are designated as the following:

    1. HP – Highlander Point –US 150 Gateway
    2. ED – Edwardsville Gateway

B. Location of the districts. The following are description of the two Gateway Districts.

    1. Highlander Point Gateway District

    Beginning at the Interstate 64 exit 119 (Greenville exit), proceeding 2,640 feet west parallel with the Interstate 64 right of way to a point, then proceeding north approximately 18,500 feet parallel with the US 150 right of way to the center point of Little Indian Creek , then proceeding north east 5280 feet following the center point of Little Indian Creek to a point, then proceeding southeast parallel with the US 150 right of way approximately 18,500 feet to a point, the proceeding west 2,640 feet parallel with the Interstate 64 right of way to the point of origin.

    2. Edwardsville Gateway District

    Beginning at the centerline of Oakes Road and proceeding north 2,640 feet north to a point, then proceeding approximately 7,000 feet east parallel with State Road 64 right of way to a point, then proceeding southeast parallel with State Road 62 right of way approximately 5400 feet to a point, then proceeding approximately 2,900 feet west to the centerline of Old Corydon Ridge Road, then proceeding approximately 2500 feet west to centerline of Yenowine Lane, then proceeding north along centerline of Yenowine Lane approximately 2700 feet to the centerline of Old Georgetown Road, then proceeding west along centerline of Old Georgetown Road to the intersection of State Road 64, proceeding northwest 300 feet to the centerline of Oakes Road being the point of origin.

Section 8.06 Development Requirements for Gateway Overlay District(s)

The Development Review has been designed to guide development activities within areas considered unique to the County such as the Highlander Point and Edwardsville Gateway Districts. These development activities should contribute to the unique characteristics of Floyd County and provide for innovative design of

higher intensity developments to ensure compatibility of these uses with existing uses. The site development review process has been developed to minimize negative aspects of commercial development such as strip development, excessive signage, and access points.

A. All proposed commercial, industrial, and multi-family developments in the Highlander Point and Edwardsville Gateway Districts require a development plan review as defined in Article Nine of this Ordinance.

B. All proposed residential development over 25 acres in the overlay districts shall reserve 15 percent of the total gross square footage of the proposed development for open space.

C. The open space shall follow the following requirements.

1. No portion of a proposed lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, easements, buffer yards and/or sidewalks can be used to satisfy the open space requirement.

2. The open space must be accessible to all residents and owners within the development by sidewalk and or other finished footpath.

3. Open space shall have a minimum contiguous area of 7,000 square feet, and each open space area within a development shall be a minimum dimension of 50 feet in width and length.

4. At least 50 percent of the proposed open space land shall be defined as formal open space. A minimum of 50 percent of the perimeter of formal open space shall be bounded by right-of-way or fronted by buildings. Formal open spaces are generally planned and structured areas that include formally designed landscaped plantings. Examples include squares, plazas & parks. Formal open spaces shall be centrally located. Adjacent lots and buildings shall be oriented toward formal open spaces.

5. No portion of any dedicated, reserved, used or in use lands for cemetery interment unless otherwise noted in this Ordinance can be used to satisfy the open space requirement.

6. No more than 10 percent of the open space requirement can consist of wetlands, floodplain and/or steep slopes.

7. The required open space may be used for drainage which would include:
    a. Detention basins
    b. Underground fields
    c. Ponds
    d. Lakes

8. A mechanism for the maintenance of said open space areas shall be provided in the protective covenants for the development.

D. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicyclist. Traffic calming features shall be used to encourage slower traffic speeds in these areas. The following standards apply within the district.

1. A Traffic Impact Study shall be warranted for any proposed development that exceeds 750 annual trips in a 24 hour period as determined by the latest edition of the ITE Trip Generation Manual for the proposed use. The required study shall follow the format set forth in the Floyd County Subdivision Control Ordinance Appendix E.

2. Traffic calming features shall consist of curb extensions, traffic circles, and medians to encourage slower traffic.

3. Parking in commercial areas should be oriented to the rear and side of a building.

4. Access for service vehicles should provide a direct route to service and loading areas while avoiding unnecessary movement through parking areas.

E. Building facades shall consist of a variety of architectural features and building materials to encourage distinct character for a building or group of buildings. The following standards apply within the district. (*Amended 1)(Amended 13)*

1. The primary building facade material shall be brick, natural or cut stone, or a masonry material. The plan commission may consider alternative façade material. Aluminum siding, enameled steel, and non-decorative concrete masonry block are prohibited in commercial and multi-family districts.

2. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street.

3. For commercial buildings, a minimum of 30 percent of the front façade on the ground floor shall be transparent consisting of windows or door openings.

4. Industrial buildings shall provide landscaping planting areas directly in front of all facades facing a public street. The applicant shall prepare a landscape plan which incorporates efforts to enhance appearance of industrial buildings.

5. All utilities in new commercial developments within the Highlander Point and Edwardsville Gateway shall be underground.

F. Landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous plantings areas shall be prefer to smaller disconnected areas. The following standards apply within the overlay districts:

1. A minimum of one deciduous tree per 20 feet shall be placed along street frontage

2. All deciduous trees must be at least 2 inches caliper measured by the American Nursery Institute standards at 6 inches above the root ball

3. Trees shall be encouraged to be located between sidewalk and curbs, within a landscaped median, or tree wells in commercial areas.

4. Landscaping in parking areas shall meet the standards set forth in this ordinance.

G. Pedestrian and bicycle circulation shall be designed to minimize pedestrian-motor vehicle conflicts. The following standards apply for residential and commercial areas in the overlay districts:

1. Sidewalks shall be 6 feet in width

2. Sidewalks shall be place on both sides of the street

3. Sidewalks shall comply with the applicable requirements set forth in the Americans with Disabilities Act.

4. Crosswalks shall be clearly defined and marked.

5. Bicycle lanes should be encouraged and be 4 feet and striped when located on a subdivision street.

H. All uses which are permitted in the underlying base zone district(s) except those that are expressly excluded in section 8.06 (I) are permitted in the Gateway Districts.

I. The following uses are not permitted in the Highlander Point and/or the Edwardsville Gateway District(s).
   1. Adult Business(es)
   2. Confined Feeding Operation(s)
   3. Junk Yard(s)
   4. Mini-Warehouse(s) or self-storage facilities(s)
   5. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety and welfare of the general public as determined by the State Board of Health or by the Floyd County Board of Health
   6. Sand and gravel extraction or sales
   7. Sanitary Landfill(s)
   8. Off-premise signage/billboard(s)
   9. Any other uses excluded by the underlying primary zoning district

Section 9.01 Development Review Standards

The purpose of these regulations is to encourage innovative and creative design within the spirit and intent of the Comprehensive Plan and this Ordinance in areas with special characteristics and opportunities. Through development review standards, the community can ensure and maintain its rural character while allowing for higher intensity uses.

Section 9.02 Zone Districts Requiring a Development Plan

A. A development plan is required if a development is proposed in the following districts:

1. Highlander Point Gateway District (HP)
2. Edwardsville Gateway District (ED)
3. Residential Urban (RU) including condominium as defined under Indiana Code (*Amended 1)*
4. Multi-Family (MF)
5. Neighborhood Commercial (NC)
6. General Commercial (GC)
7. Highway Service (HS)
8. Office-Business (OB)
9. General Industrial (GI)

Section 9.03 Development Plan Requirements

The following Development Plan Requirements are for the following districts.

MF NC GC HS OB GI

A. The applicant must file an application for Development Plan Review. The Plan Commission must review the development plan.

B. All proposed Multi-Family developments over 10 acres shall reserve 10 percent of the total gross square footage of the proposed development for open space.

C. The open space shall follow the following requirements.

1. No portion of a proposed lot's front, side or rear yard(s), right-of-way, roads, streets, median strips, parking area, easements, buffer yards and/or sidewalks can be used to satisfy the open space requirement.

2. The open space must be accessible to all residents and owners within the development by sidewalk and or other finished footpath.

3. Open space shall have a minimum contiguous area of 7,000 square feet, and each open space area within a development shall be a minimum dimension of 50 feet in width and length.

4. No portion of any dedicated, reserved, used or in use lands for cemetery interment unless otherwise noted in this Ordinance can be used to satisfy the open space requirement.

5. No more than 30 percent of the open space requirement can consist of wetlands, floodplain and/or steep slopes.

6. The required open space may be used for drainage which would include:
    a. Detention basins
    b. Underground fields
    c. Ponds
    d. Lakes

7. A mechanism for the maintenance of said open space areas shall be provided in the protective covenants for the development.

D. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicyclist. Traffic calming features shall be used to encourage slower traffic speeds in these areas. The following standards apply.

1. A Traffic Impact Study shall be warranted for any proposed development that exceeds 750 annual trips in a 24 hour period as determined by the latest edition of the ITE Trip Generation Manual for the proposed use(s). The required study shall follow the format set forth in the Floyd County Subdivision Control Ordinance Appendix E.

2. Traffic calming features shall consist of curb extensions, traffic circles, and medians to encourage slower traffic.

3. Access for service vehicles should provide a direct route to service and loading areas while avoiding unnecessary movement through parking areas.

E. Landscaping shall complement the scale of the development and its surroundings. In general, larger well-placed contiguous plantings areas shall be prefer to smaller disconnected areas. The following standards apply within the district.

1. Trees shall be encouraged to be located between sidewalk and curbs, within a landscaped median, or tree wells in commercial areas.

2. Landscaping in parking areas shall meet the standards set forth in this ordinance.

F. Pedestrian and bicycle circulation shall be designed to minimize pedestrian-motor vehicle conflicts. The following standards apply:

1. Sidewalks shall be 6 feet in width

2. Sidewalks shall comply with the applicable requirements set forth in the Americans with Disabilities Act.

3. Crosswalks shall be clearly defined and marked.

4. Sidewalks within parking areas shall conform to the requirements set forth in this Ordinance

G. Building facades shall consist of a variety of architectural features and building materials to encourage distinct character for a building or group of buildings. The following standards apply within the district. (*Amended 1)*

1. The primary building facade material shall be brick, natural or cut stone, or a masonry material. The plan commission may consider alternative façade material. Aluminum siding, enameled steel, and non-decorative concrete masonry block are prohibited in commercial and multi-family districts.

2. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street.

Section 9.04 Highlander Point and Edwardsville Gateway District Development Plan Requirements

A. All proposed multi-family, commercial, and industrial developments as defined in this Ordinance in the Highlander Point and Edwardsville Gateway Districts requires the submission of a development plan review.

B. The applicant is required to provide the following information at the time of application for a development plan approval in these districts.

1. Site Plan
2. Sign Plan
3. Lighting Plan
4. Landscape/Buffer Yard Plan

C. In order to receive development plan approval, the applicant must satisfy all of the development standards of the district. In addition, the following development standards apply.

1. All signage must be designed to create a unified and consistent sign package for the development.

2. The design and location of street access points must minimize congestion. The entrances, streets, and internal traffic facilities must be compatible with existing and planned streets in adjacent developments.

3. The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features.

4. The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land uses. This includes sidewalk(s) along an adjacent street(s). The Plan Commission may determine that an alternative to sidewalk(s) along adjacent street(s) better serves the purpose of connecting commercial destinations.

5. All lighting must be designed to create a unified and consistent lighting package for the development. The lighting standards in parking areas shall not exceed 20 feet in height. All lighting shall follow the requirements set forth in Article 13 of this Ordinance.

D. The applicant may request a wavier of development requirements. The applicant must show a preponderance of evidence that the wavier of the requirements meets the spirit and intent of the Comprehensive Plan and is consistent with the intent of the Gateway Districts.

E. The Plan Commission must make written findings concerning each decision to approve or disapprove a development plan, To approve a development plan in this district, the Plan Commission must find that the proposed development plan:

1. Is consistent with the Comprehensive Plan
2. Is consistent with the intent of the Highlander Point or Edwardsville Gateway District;
3. Satisfies the development requirements specified in this Article.

Section 9.05 Development Plan Process

A. The applicant is required to provide the following information at the time of application for a development plan approval in these districts.

1. Site Plan
2. Sign Plan
3. Lighting Plan
4. Landscape/Buffer Yard Plan

B. In order to receive development plan approval, the applicant must satisfy all of the development standards
of the district. In addition, the following development standards apply.

1. The proposed development must be compatible with surrounding land uses and is not in conflict with surrounding uses. The availability and coordination of water, sanitary sewer, storm water drainage and other utilities has been established by the applicant.(*Amended 1)*

2. All signage must be designed to create a unified and consistent sign package for the development. *(Amended 1)*

3. The design and location of street access points must minimize congestion. The entrances, streets, and internal traffic facilities must be compatible with existing and planned streets in adjacent developments. The capacity of adjacent streets and highways must be sufficient to safely and effectively accept traffic that will be generated by the new development. (*Amended 1)*

4. The design and layout of the development must have a clear circulation pattern that is sensitive to topography and other natural features. (*Amended 1)*

5. The design of the proposed development plan must provide adequate pedestrian connections within the development and safe street crossings to adjacent land uses. This includes sidewalk(s) along an adjacent street(s). The Plan Commission may determine that an alternative to sidewalk(s) along adjacent street(s) better serves the purpose of connecting commercial destinations. *(Amended 1)*

6. All lighting must be designed to create a unified and consistent lighting package for the development. The lighting standards in parking areas shall not exceed 20 feet in height. All lighting shall follow the requirements set forth in Article 13 of this Ordinance. (*Amended 1)*

7. All parking must be designed to create a unified and consistent parking package for the development and surrounding area. Shared parking facilities with commercial centers shall be considered if appropriate. (*Amended 1)*

C. The Plan Commission must make written findings concerning the decisions to approve or disapprove a development plan. In order to approve a development plan in these districts, the plan commission must find that the proposed development plan:

1. Is consistent with the Comprehensive Plan
2. Is consistent with the intent of the District as set forth in this ordinance
3. Satisfies the development requirements specified in this Article.

Section 9.06 Development Plan Approval Process

Each proposed development that requires the filing of a development plan will follow this approval process. The following Development Plan Requirements are for the following districts and overlay districts.

RU MF MH NC GC HS OB GI HP ED

A. The applicant is encouraged to submit a conceptual site plan to the Planning Director and/or designate for an informal conference to discuss the existing conditions of the site and the proposed development. No approval is given as part of this step and suggestions made by the Planning Director, County Planner, County Engineer and/or designate are advisory only and meant to assist the applicant.

B. No later than 15 days after the Planning Director and/or designate has received the conceptual site plan and other data, the Planning Director and/or designate will return a copy of plan to the applicant with recommendations.

C. All Primary Development Plan application shall:

1. Be filed at least 30 days prior to the initial public hearing at which they are to be considered by the Plan Commission.
2. Include all relevant plan and documentation as set forth below

D. Description of Ownership

1. Name and Address of Applicant
2. Proof of Ownership
3. Proposed Name of Development
4. Address of Site
5. Legal Description of the real estate
6. Name and Address of land surveyor
7. Legend and notes, including a graphic scale, north point, and date.

E. Existing and Proposed Conditions

1. Boundary line of site indicated by a solid heavy line including all dimensions of the site.
2. Layout, number and dimension of lots.
3. Building setback lines.
4. Location and dimension of all existing structures including paved areas.
5. Location and dimension of all proposed structures including paved areas indicated by crosshatching.
6. Layout of existing and proposed streets, alleys, and access easements; including their names within 200 feet of the development.
7. Location of any proposed and existing driveway and its width at the lot line.
8. All proposed improvements to the street system both on and off site.
9. Parcels of land proposed to be dedicated or temporarily reserved for public use or set aside for use in the development such as parks, recreation, conservation areas, wetlands, etc., which shall be labeled as such including dimensions.
10. Location of natural streams, regulated drains, 100 year floodplains, floodways, water courses, marshes, wooded areas, wetlands, historic structures, sites and buildings, utility lines, existing structures, fire hydrants, and any other significant feature(s) that may influence the design of the development.
11. Location, width and purpose of existing and proposed easements.
12. Use of each structure including parking labeled with approximate density or size.
13. Structures designated to be razed shall be included and noted.
14. Distance of all structures including parking from front, rear and side lot lines. This distance is measured from the point where the structure is closest to the lot line.

15. Proposed Sign Plan shall include:

    a. A site plan indicating the location of any existing and proposed freestanding or ground sign.
    b. Elevations of proposed signs including size, materials, color and illumination details.
    c. Placement, size, color, and illumination of any existing or proposed wall, projecting or window sign.
    d. Any other information requested in writing by the Plan Commission or the Planning Director.

16. Proposed Lighting Plan submitted in pursuit of development plan approval shall include the following information.

    a. Location and dimensions of all existing and proposed structures, parking areas, etc...
    b. Type and location of all exterior lighting fixtures, including wattage and type of light

c. Intensity of lighting at base of light structure and at the lot line measured in foot candles. Measurements shall be given as if the light meter were facing the center of the property at a height of 6 feet.

17. Proposed Landscape/Buffer Yard Plan submitted in pursuit of development plan approval shall include the following information.

    a. Location and dimension of all existing and proposed structures, parking areas, etc.
    b. Location of floodway and all floodway fringe areas within the site.
    c. Existing elevations and proposed contour lines at 2 foot intervals
    d. Proposed sidewalk or pedestrian ways
    e. Size, species and spacing(or center) of all proposed landscape and Buffer Yard materials
    f. Location of any existing and proposed freestanding or ground signs
    g. Estimated cost of proposed landscaping berms, walls, acceleration-deceleration lanes, bypass lanes, other public improvements or any other site improvement required by the Plan Commission
    h. Any other information requested in writing by the Plan Commission or Planning Director

F. Development plan petitions shall undergo drainage review through the County Engineer and County Surveyor's Office prior to the development plan approval and the Plat Review Committee shall review petition regarding compliance aspects of this article.

G. Any development plan approval the Plan Commission approves shall comply with requirements set forth in Indiana Code for public hearing.

H. The Plan Commission shall either approve or disapprove the proposed development plan.

I. The applicant may amend the development prior to the vote of the Plan Commission. If the Plan Commission feels the proposed amendment needs additional time for review; the Plan Commission may continue the consideration until the next Plan Commission Meeting. If the Planning Director and/or designate feels that the proposed amendments needs additional time for review; the amended development plan may be considered a new filing and reviewed within the time frame set forth above for review of the development plans by the Planning Director.

J. The Plan Commission may impose conditions or require written commitments as a condition of approval if they are reasonably necessary to satisfy the development requirements specified in this Article.

K. The Plan Commission may provide that an approval of a development petition is conditional on the applicant/developer furnishing a surety that guarantees the timely completion of a proposed public improvement in the development plan petition.

L. The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. The Planning Director is responsible for signing written findings of the Plan Commission.

Section 9.07 Modifications

A. Minor modifications to an approved development plan may be approved by the Planning Director if the modification is in the spirit and intent of the overall development and does not involve:

1. An increase in height, area, bulk, or intensity of land uses
2. the designation of additional land uses
3. the reduction of buffer yards
4. the addition of driveways or access points
5. the reduction of parking for any use

B. The Planning Director shall report in writing to the Plan Commission the authorized minor modifications. Any interested party may appeal a decision of the Planning Director regarding the minor modifications of an approved development plan to the Plan Commission within 30 days of the decision.

Section 10.01 Miscellaneous Development Standards

The following miscellaneous development standards are designed for the following uses. Following the intended purpose of the county's comprehensive plan that "development, redevelopment or changes in the use of land within Floyd County shall be considered on its immediate and future impact on the public health, safety, welfare, population density, and whether the proposed development furthers the interests of the Comprehensive Plan, this section sets forth the requirements for the below listed uses.

For uses not listed in this section, or not listed in the land use matrix for this Ordinance, the development standards of the District which the use is located shall apply.

A. Minimum Lot Area for Restricted Uses. A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use on the following table. For uses not listed, the requirements of the District in which the uses are located shall apply.

Use	Minimum Lot Area
Cemetery	5
Commercial Kennel	5
Confined Feed Operation	40
Golf Driving Range	3
Junk Yard	20
Liquefied Petroleum Gas, Bottled Gas Dealers	3
Sanitary Landfill (Private or Publicly Owned)	80
Warehouse	5

B. Setbacks for Restricted Uses. The following uses are subject to special setbacks, which shall include the necessary buffer yards, prescribed by the following table (in feet). If a use does not appear, or if a figure does not appear for a particular use, the standard setback and buffer yard for the District shall apply.

Use	Front Yard	Side Yard	Rear Yard
Commercial Kennel	50	50	50
Junk Yard	300	300	300
Liquefied Petroleum Gas, Bottled Gas Dealers	100	100	100
Sanitary Landfill (Private or Publicly Owned)	300	300	300

Warehouse	100	100	100

C. Minimum Distance between Restricted Use and Residential Dwelling. The following use may not be located closer to residential dwelling as defined by this Ordinance than 1,320 feet which will include all necessary buffer yards. This distance shall be measured from the property line of the following use to the residential dwelling. Similarly, residential development shall not be placed closer than the distance listed in the table below.

Restricted Use	Distance Separation from Residential Districts
Junk Yard	1,320 Feet

D. Residential Facilities for the developmentally Disabled (A) defined in this ordinance shall have the following conditions set forth. No two residential facilities shall be within 3,000 feet of one another in the Floyd County Plan Jurisdiction as stated in Indiana Code.

E. Outdoor seating for restaurants shall be considered a permitted use in all commercial districts if the seating area meets the following setback requirement from residential zoning district. Seating shall not be closer than 150 feet from a residential zoning district. Any outdoor seating not meeting this requirement shall be considered a conditional use under this ordinance. (Amended 10)

F. Subdivision lots shall be controlled by the provisions stated within the ordinance except to the extent that a subdivision qualifies for density bonuses as defined in the Subdivision Control Ordinance. Density bonuses may alter the depth of a lot, but shall not alter the minimum road frontage required by the base district. (*Amended 1)*

G. Confined Feed Operation (CFO) or Concentrated Animal Feeding Operation (CAFO) shall have the same definition as the one defined in Indiana Administrative Code. An applicant shall meet the following conditions as set forth in this section below:

a. A proposed CFO or CAFO conditional application shall provide from the appropriate State or County agency all pertinent permitting information.

b. A CFO or CAFO must meet the following setbacks:

i. The CFO or CAFO waste management system shall not be within 300 feet from any county right of way.

ii. The CFO or CAFO waste management system shall not be within 200 feet from any property line.

iii. Maximum required separation distance for a CFO and CAFO will be 1000 feet from an existing residence excepting when the residence is related to the farm operation. The separation distance from a residence is measured from closest residential exterior wall to the closest exterior wall of the livestock housing structure.

iv. A reduction of the maximum separation distance for existing residences shall be

allowed up to and not to exceed 250 feet of the following odor technologies are employed.

1. Diet formulation
2. Shelterbelts
3. Windbreaks Walls
4. Reducing manure loading rates for lagoon
5. Other strategies approved by the Purdue Agricultural Air Quality Laboratory

c. No conditional use permit shall be issued if the applicant has a current interest , or owned an interest at the time of violation, of a CFO or CAFO that incurred a final judgment in an administrative, civil, or criminal enforcement action if that violation:

i. Result in a discharge and release of manure that crossed a property;

ii. was not corrected immediately or within a reasonable time frame as specified in a written notification of the violation by an Indiana Department of Environmental Management (IDEM) representative or comparable local, state, or federal regulatory agency; and iii occurred within the five years prior to the conditional application submittal

H. Motels and Hotels shall be considered a permitted use in all commercial districts if the exterior wall of the primary structure meets the following setback requirement from a residential zoning district. Exterior walls of primary structures shall not be closer than 150 feet from a residential zoning district. Any hotel or motel not meeting this requirement shall be considered a conditional use under this ordinance.

10.02 Wastewater Treatment Plant

In considering an application for a Conditional Use for the location of a Wastewater Treatment Plant, the Plan Commission shall consider and be guided by the following:

A. The safe and sanitary collection, treatment, and disposal of sewage, as by a properly designed, constructed, and maintained Sewage Treatment Plant of appropriate size, in a manner so as not to pollute the ground, air, or water with improperly or inadequately treated sewage or with noxious or offensive gases or odors is deemed to substantially serve the public convenience and welfare. A proposed plant which is of the latest design generally accepted and approved by those governmental entities having jurisdiction as of the commencement of construction, which is in conformity with the terms and provisions of this ordinances and the Floyd County Subdivision Control Ordinance, is deemed to satisfy this guideline.

B. A proposed plant having the minimum capacity specified by this ordinance; which is designed so as to be expanded as herein provided; and, which is to be located not closer than ½ mile to an existing wastewater treatment plant (whether privately or publicly owned and/or operated), is deemed to satisfy this guideline, even though only a single subdivision or development will be initially served. The proliferation of Wastewater Treatment Plants of small capacity or which are intended to serve but a single subdivision is found to be inconsistent with the achievement of the most cost efficient and environmentally sound waste disposal system for Floyd County, and is in contravention of the goals and policies of the Comprehensive Plan for Floyd County.

C. Determination: In determining whether to approve or disapprove an application for a conditional use permit for a wastewater treatment plant, the Board shall be governed by the following:

1. The capacity of the proposed Plant shall not be less than 40,000 gallons per day, and the tract upon which the treatment plant is to be located shall be of sufficient size to permit reasonable expansion of the facility and the replacement of same, or its major components, without interrupting operations. Unless otherwise demonstrated by the applicant, it shall be presumed that the capacity of the plant and its footprint shall be increased to a minimum 100,000 gallon per day capacity (hereinafter "Expanded Plant").

2. If a proposed Plant has an initial planned capacity of 100,000 gallons per day or more, the Plant shall have the capacity to expand by 100 percent from the initial planned capacity.

D. The applicant shall file with the Board of Zoning Appeals a site/development plan disclosing the location of the following:

1. Any new or expanded Plant and all associated structures and improvements on the tract with setback from the front, rear, and side lines of not less than 500 feet, utility services and easement, and the entrance to the tract and the access roadway. This plan shall be accompanied by a narrative describing each structure to be located on the tract and its function; the Services to be provided; the area included or to be included in the CTA and the number of lots to be served; the excess capacity of the treatment plant, if any; the suitability of the proposed site for providing safe and efficient Services; potential environmental hazards and adverse impacts, if any; and, a statement as to why the applicant believes the approval of the permit is (consistent with the spirit, purpose, and intent of the Zoning Ordinance, will not permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare. The legal description of the site for which the conditional use is requested, as well as plans and specifications for all improvements to be located thereon, shall be furnished the Board of Zoning Appeals. (Amended 8)

2. To the extent practicable, the Plant shall be located and/or adequately screened so as not to be visible from any public street or way, lots in the subdivision to be served or occupied structures on adjoining property. The Plant site shall be landscaped in a manner consistent with residential tracts in its immediate vicinity, and all natural screening, approved plantings, or screening structures shall be continually maintained and replaced by the Company as necessary during the term of use of the Plant. In reviewing the proposed plant location, the Board of Zoning Appeals shall consider the possibility of objectionable odors, the direction of prevailing winds, and the effect of the combination of same on occupied lands.

3. The Plant and related equipment shall be fenced to prevent unauthorized access, and admittance to the site shall be gained by a private road which shall be surfaced with concrete or blacktop and properly maintained by the Company at all times. Use of the roadway and access to the Plant shall be controlled, but, by express recorded covenant, representatives of the Floyd County Plan Commission, Floyd County Health Department, Indiana State Board of Health,. IDEM, DNR, and other entities or agencies having jurisdiction shall have the use of said road and access to the site and Plant at all reasonable times upon reasonable notice.

E. In addition to the requirements of this Section and those conditions which may be imposed by the

Board of Zoning Appeals, the approval of a permit hereunder shall be further conditioned upon the requirement that the plant and all related structures and equipment shall be constructed and installed in accordance with the plans and specifications approved by those governmental entities having jurisdiction, and that the applicant shall have and/or acquire all federal, state, and local permits, licenses and franchises, if any be required, authorizing and permitting the construction and operation of the plant and the rendering of Services.

F. If it is the intent of the Company to provide Services to a proposed or existing subdivision, the conclusion of a sewage disposal agreement by and between the Company and the Owner, in accordance with the terms and provisions of the Floyd County Subdivision Regulations shall be a condition of a permit approved hereunder, and those terms and provisions of such agreement as are applicable to, binding upon, and which set forth the duties and obligations of the Company, either concerning the use or development of the permitted site or the rendering of Services, shall be, if so directed and required by the Board of Zoning Appeals, the written commitment of the Company, as the same is permitted by the provisions of IC 36-7-4-921, and with the same to be enforced by the Floyd County Plan Commission and those persons or entities specified by said Regulations.

Section11.01 – Drainage and Storm Water Controls (amended 7)(amended 13)

All storm water drainage design shall follow all requirements as set forth in the most current accepted Floyd County Storm Water Design Manual.

Section 12.01 Vacate Section -(Amended 7)

Section 13.01 Vacated Moved to Development Standards Landscaping – (Amended 10)

Section 14.01 Sexually Oriented Businesses Purpose

It is the purpose of this section of the Floyd County Zoning Ordinance to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Floyd County and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the County. The provisions of this section do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

Section 14.02 Findings

The Floyd County Plan Commission and Floyd County Commissioners has received substantial evidence concerning the association of negative secondary effects with sexually oriented businesses in the cases of City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986), Young v. American Mini Theatres, 426 U.S. 50 (1976), and Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), and on studies in other communities including, but not limited to, Phoenix, Arizona; Tucson, Arizona: Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; St. Paul, Minnesota; New York, New York; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; and Seattle, Washington.

Section 14.03 Sexually Oriented Business Classifications

A. Sexually Oriented Businesses are classified as follows and/or any combination of classifications set forth in subsection (1) through (5) above:

1. adult cabarets;
2. adult media stores;
3. adult novelty stores;
4. adult motion picture theaters;
5. adult theaters;

B. The following Sexually Oriented Businesses are prohibited.

1. adult arcades;

2. adult motels;
3. sexual encounter places;

Section 14.04 Permitted Zoning District(s)

Sexually Oriented Business shall be permitted in the following zoning districts: (GI) – General Industrial. All sexually oriented businesses shall comply with the restrictions contained within this Ordinance.

A. No sexually oriented business may be established or operated within 1500 feet of the following uses/activities. For the purpose of this subsection, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of any of the following activities/use listed below and following the routes of property lines along public rights-of-way (to approximate pedestrian distances). (Amended 3)

1. A church, synagogue, mosque, temple or other houses of worship building(s) which is used primarily for religious worship and related religious activities.

2. A public or private educational facility that serves persons younger than 18 years of age, including but not limited to nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

3. Any property containing a day-care facility as defined in Indiana Code.

4. Any private property containing a community/recreation center that regularly serves persons younger than 18 years of age;

5. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the County which is under the control, operation, or management of the County Parks Department, the Board of Education, or another public entity;

B. No sexually oriented businesses may be established or operated on any lot within the defined boundaries of the County's Gateway Overlay Districts as set forth in this Ordinance.

C. No sexually oriented businesses may be established or operated within 200 feet of a boundary of a residential district as defined in this Ordinance and any structure that contains a permitted or conditionally permitted residential use or a legally non-conforming residential use as defined in the Ordinance. For the purpose of this subsection, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of any sexually oriented businesses defined in 14.03 and following the routes of property lines along public rights-of-way (to approximate pedestrian distances).

D. No sexually oriented businesses may be established, operated or enlarged within 1,500 feet of other sexually oriented businesses. For the purpose of this subsection, measurement shall be made from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of any sexually oriented businesses defined in 14.03 and following the routes of property lines along public rights-of-way (to approximate pedestrian distances).

E. Not more than 1 sexually oriented business shall be established or operated in the same building, structure, or portion thereof and the floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business may not be increased. For purposes of this subsection of this Section, the distance between any 2 sexually oriented businesses shall be measured from the closest exterior wall of the structure in which each business is located, following the routes of property lines along public rights-of-way (to approximate pedestrian distances).

Section 14.05 Site Design Guidelines for Sexually Oriented Businesses

A. Parking for a sexually oriented business(es) shall be configured so as to prevent vehicular headlights from shining into adjacent residentially zoned and/or used property. Parking areas configured such that vehicular headlights are directed toward public rights-of-way across from residentially zoned and/or used property shall provide continuous screening and shall conform to the design requirements Landscaping and screening shall be continuously maintained and promptly restored, if necessary, pursuant to the landscaping requirement set out in this Ordinance.

B. Ingress and egress drives and primary circulation lanes shall be located away from residential areas where practical; to minimize vehicular traffic and noise which may become a nuisance to adjacent residential areas.

C. All building entrances intended to be utilized by patrons shall be located on the side(s) of the building which does not abut residentially zoned and/or used property, whenever possible, to minimize the potential for patrons to congregate and create noise which may become a nuisance to adjacent residential areas.

D. All exterior site and building lighting shall comply with the lighting standards as set forth in this Ordinance.

E. No person(s) shall perform live entertainment for patrons of an sexually oriented business(es) except upon a stage at least 18 inches above the floor which is separated by a distance of at least 6 feet from the nearest area occupied by patrons, and no patron shall be permitted within 6 feet of the stage while the stage is occupied by an entertainer.

F. Separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

G. A separate entrance shall be provided for entertainers which can not be used by patrons.

H. Delivery trucks shall only be permitted between the hours of 8:00 a.m. and 9:00 p.m.

I. No merchandise or pictures of the products or entertainment on the premises of a sexually oriented business shall be displayed on signs and/or in window areas.

J. Window areas of a sexually oriented business shall not be covered or made opaque in any way. No signs shall be placed in any window. A 1 square foot sign shall be placed on the door to state hours of operation and admittance to adults only.

K. All restrooms in sexually oriented businesses shall be equipped with standard toilets, sinks and other traditional lavatory facilities. No live performances shall be provided or allowed at any time in the restrooms of a sexually oriented business. Separate male and female restrooms shall be provided. (*Amended 1)*

L. The premises of every sexually oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, including restrooms, at an illumination level not less than five (5.0) foot-candles as measured at floor level. The illumination described in this ordinance shall be maintained at all times that any patron is present in the premises. (*Amended 1)*

Section 14.06 Licensing Sexually Oriented Businesses

Sexually oriented businesses as described in the Ordinance herein shall be licensed pursuant to the Floyd County Licensing Ordinance.

Section 15.01 Authority

The Plan Commission, Board of Zoning Appeals, Planning Director, and/or their designees are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in Indiana Code 36-7-4-1000 et al. and all other applicable state laws.

Section 15.02 Violations

Complaints made pertaining to this Ordinance shall be investigated by the Planning Director. Also, any violations suspected by the Plan Commission, Board of Zoning Appeals, or Planning Director shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the Planning Director and/or Board of Zoning Appeals and should reflect what is warranted by the violation.

Section 15.03 Types of Violations

The following items in addition to any other violation(s) of other local ordinances shall be deemed zoning violations. These violations shall be enforceable by the Plan Commission, Board of Zoning Appeals, and/or the Planning Director. Penalties may be imposed based on the provisions set forth in this section.

A. The maintenance of a primary structure, accessory structure, sign, or any other element determined by the Planning Director that does not conform to the provisions or explicit intent of the Zoning Ordinance.

B. Failure to Obtain an Improvement Location Permit when required by Ordinance;

C. Conducting a use or uses that do not comply with the provisions or explicit intent of the Ordinance.

D. Any failure to comply with the development standards and/or regulations of this Ordinance.

E. Proceeding with Work under a Stop Work Order or a violation of a memorandum of Agreement; and any failure to comply with the commitments or conditions made in connection with a re-zoning, special use, variance or other similar or documented commitment, including verbal agreements during official Plan Commission, Board of Zoning Appeals, and/or County Commissioners' meetings.

Section 15.04 Liability

A Structure that is raised or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance, and the owner or possessor of the structure or land is liable for the nuisance.

Section 15.05 Procedure for Violations

There shall be a two step procedure for violations of this Ordinance. These steps are as follows:

A. The Planning Director and/or Building Commissioner shall issue a Notice of Violation to the person(s) who has committed in whole or part a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within 15 calendar days of the mailing date or posting of notice. The Plan Commission Office will only investigate zoning violation issues once the office has received a signed official written complaint form regarding alleged violations. (Amended 6)

B. If the person(s) in violation refuses to pay, comply with the penalties, or correct the violation, after the notice has been given, the Board of Zoning Appeals may pursue court action. Fines and liens against the property may also be pursued until the matter is resolved. (Amended 3)

C. In the opinion of the Planning Director and/or Building Commissioner, if an emergency situation arises with a structure or use that is an immediate risk to the public health, safety or welfare, the Planning Director and/or Building Commissioner shall have the right to seek immediate relief to remedy the situation.

Section 15.06 Types of Petitions and Permit Applications

All applications shall be obtained through the Plan Commission Office. Fees shall be paid at the Plan Commission Office at the time petition and permit applications are submitted.

A. All applications shall be made on forms provided by the Planning Director. All petitioners and permit applicants shall submit original applications which are completed in their entirely either in ink or typed. All applications shall be signed.

B. All petitioners and applicants shall submit copies of the applications and necessary attachments as required by the Planning Director and the applicable Rules and Procedures of the Plan Commission and Board of Zoning Appeals.

C All petitions and permit applications shall be assigned reference and/or docket numbers by the Planning Director. Petition applications shall be scheduled by the Planning Director for appropriate public hearings based on a properly completed application consistent with the requirements of this Section and the appropriate calendars of filing and meeting dates for the Board of Zoning Appeals, Plan Commission and County Commissioners.

Section 15.07 Schedule of Fees

The Plan Commission shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. The Fees Schedule shall be available to the public in the Plan Commission Office. The Fees Schedule may be amended by a recommendation submitted to the County Commissioners by the Plan Commission. The County Commissioners may approve, reject or amend recommendations.

All applicable fees are attached to this Ordinance in Appendix D.

A. No action will be taken on any petition, appeal or permit application until all applicable fees, charges, and expenses must be paid in full.

Section 15.08 Administrative Appeal Process

This following procedure shall apply to all appeals of administrative decisions.

A. The petitioner shall submit an administrative appeal application and required supportive information in accordance with Indiana Code 36-7-4-918.1. Supportive information shall include, but, not be limited to the following:

    1. Copies of materials submitted to the staff members or administrative board upon which the decision being appealed was based.

    2. Copies of any written decisions which are subject to the appeal.

    3. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Floyd County upon which the appeal is based.

B. Notification for the scheduled public hearing regarding the administrative appeals request shall be completed consistent with the Rules and Procedures of the Floyd County BZA and Indiana Code.

C. The Board of Zoning Appeals will act in accordance with the requirements set forth in Indiana State Code 36-7-4-919 and 36-7-4-920.

    1. The appeal shall be approved if the findings of fact fail to support the administrative decision.

    2. The appeal shall be denied if findings of fact are made supporting the administrative decision.

    3. The appeal shall be tabled consistent with the Rules and Procedures of the Board of Zoning Appeals.

Section 15.09 Conditional Use Petition

The following procedure applies to conditional use petitions. The following procedure for a conditional use shall follow the Indiana Code 36-7-4-918.2

A. The petitioner shall submit a conditional use application, affidavit and consent of property owner if the owner is someone other than the petitioner, a deed for the property involved, the required filing fee, and supportive information. Supportive information shall include, but not be limited to the following.

    1. A site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.

2. The applicant shall describe the details of the conditional use being requested and state how the request is consistent with the required findings of fact described in this Ordinance. The applicant should include any written commitments being made by the petitioner.

3. For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system.

4. For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served and the service provider must provide the following:

    a. Present and to date average daily capacity figures

    b. All required IDEM monitoring reports for last twelve months including any violations noted by IDEM

    c. All proposed developments including estimated amounts of daily usage that the service provider has agreed to service.

    d. Estimated daily use for proposed development

B. Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with the Rules and Procedures of the Floyd County Board of Zoning Appeals and the Indiana Code

C. The BZA may take action on the petition in accordance to IC 36-7-4-918.2 and the Rules of Procedure of the Board of Zoning Appeals.

1. The petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code. Those requirements are stated below.

    a. The conditional use will not be injurious to the public health, safety, moral, and general welfare of the community.

    b. The use and value of area adjacent to the property will not be adversely affected.

    c. The need for the conditional use does not result from any conditions, unusual or peculiar to the subject property itself.

    d. The strict application of the terms of the Floyd County Zoning Ordinance would result in an unnecessary hardship in the use of the property.

    e. The approval of the conditional use will not contradict the goals and objectives of the Floyd County Comprehensive Plan.

2. The petition may be approved with conditions if the BZA determines that the required findings of fact may be made if such conditions shall necesiated the compliance with the spirit and intent of the ordinance are applied to the petition. The BZA may make

reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.

3. The board may accept written commitments regarding the application for a conditional use.

4. The petition shall be denied if findings of fact consistent with the requirements of this Ordinance and Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the BZA for a period of 1 year from the date of denial.

5. The petition may be tabled when necessary if consistent with the Rules and Procedures of the Board of Zoning Appeals.

6. Applicants and/or interested parties are encouraged to tender proposed findings of facts for the establishing compliance or non-compliance of the Ordinance

15.10 Development Standards Variance Process

The following procedure for a variance of Development Standards shall follow the requirements set forth Indiana Code 36-7-4-918.5.

A. The petitioner shall submit a variance application, affidavit and consent of property owner if the owner is someone other than the petitioner, a deed for the property involved, the required filing fee, and any exhibit(s) in support of the variance.

B. A site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.

C. The applicant shall describe the details of the variance being requested and stating how the request is consistent with the required findings of fact described in this Ordinance. The applicant should include any written commitments being made by the petitioner.

D. A letter from the Floyd County Board of Health indicating that the variance will not negatively affect the operation of a septic system.

E. Notification for the scheduled public hearing regarding the variance request shall be completed consistent with the Rules and Procedures of the Floyd County Board of Zoning Appeals and Indiana Code.

F. The BZA may take action on the petition in accordance to IC 36-7-4-918.5

    a. The petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code standards as follows:

        a. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

        b. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

        c. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

d. Any structure involving a structure regulated under Indiana Code 8-21-10 must meet the requirements set forth in Indiana Code 36-7-4-918.5 (b).

2. The petition shall be approved with modifications if the BZA determines that the required finding of fact may be made if certain conditions are applied to the petition. The BZA may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.

3. The petition shall be denied if findings of fact consistent with the requirements of this Ordinance and Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the BZA for a period of 1 year from the date of denial.

4. The petition may be tabled when necessary if consistent with the Rules and Procedures of the Board of Zoning Appeals.

5. Applicants and/or interested parties are encouraged to tender proposed findings of facts for the establishing compliance or non-compliance of the Ordinance

Section 15.11 Special Exception (Use Variance)

The following procedure shall apply to all special exception petitions. The following procedure for a variance of use (Special Exception) shall follow the requirements set forth Indiana Code 36-7-4-918.4. *(Amended 1)*

A. The petitioner shall submit a special exception application, affidavit and consent of property owner if the owner is someone other than the petitioner, a deed for the property involved, the required filing fee, and supportive information. Supportive information shall include, but not be limited to the following.

1. A site plan drawn to scale, signed, and dated which clearly shows the entire layout of the property and all features relevant to the variance request.

2. The applicant shall describe the details of the special exception use being requested and state how the request is consistent with the required findings of fact described in this Ordinance. The applicant should include any written commitments being made by the petitioner.

3. For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system.

4. For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served and the service provider must provide the following:

a. Present and to date average daily capacity figures

b. All required IDEM monitoring reports for last twelve months including any violations noted by IDEM

c. All proposed developments including estimated amounts of daily usage that the service provider has agreed to service.

d. Estimated daily use for proposed development

B. Notification for the scheduled public hearing regarding the special exception use request shall be completed consistent with the Rules and Procedures of the Floyd County Board of Zoning Appeals and the Indiana Code

C. The BZA may take action on the petition in accordance to IC 36-7-4-918.2(4) (Amended 1)

1. The petition shall be approved if the findings of fact are made consistent with the requirements of this Ordinance and Indiana State Code. Those requirements are stated below.

    a. The special exception will not be injurious to the public health, safety, moral, and general welfare of the community.

    b. The use and value of the area adjacent to the property included in the special exception (variance of use) will not be affected in a substantially adverse manner.

    c. The need for the special exception (variance of use) arises from some condition peculiar to the property involved.

    d. The strict application of the terms of the Floyd County Zoning Ordinance would result in an unnecessary hardship in the use of the property.

    e. The approval of the special exception use will not contradict the goals and objectives of the Floyd County Comprehensive Plan.

2. The petition shall be approved with modifications if the BZA determines that the required findings of fact may be made if certain conditions are applied to the petition. The BZA may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.

3. The petition shall be denied if findings of fact consistent with the requirements of this Ordinance and Indiana State Code are not made. Petitions which are denied shall not be eligible for consideration again by the BZA for a period of 1 year from the date of denial.

4. The petition may be tabled when necessary if consistent with the Rules and Procedures of the Board of Zoning Appeals.

5. Applicants and/or interested parties are encouraged to tender proposed findings of facts for the establishing compliance or non-compliance of the Ordinance

Section 15.12 Zoning Map Amendments

The following procedure shall apply to all zoning map amendment (re-zoning) petitions:

A. The following procedure for an amendment to zoning map shall follow the Indiana Code 36-7-4-600 series. Proposals for zoning map amendments may be initiated by either the Plan Commission, the County Commissioners, or through a petition signed by property owners of at least 50 percent of the land involved.

1. Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing the application materials.

B. The petitioner shall submit a re-zoning application, affidavit and consent of the property owners (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:

1. A conceptual site plan drawn to scale showing all existing and any proposed structures, setbacks, easements, rights-of way, floodplains, and any other feature relevant to the petition.

2. A vicinity map showing the use and zoning of all properties within 1,000 feet of the property subject to the re-zoning request.

3. A letter of intent to the Plan Commission stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the re-zoning is sought. The letter should include any written commitments being made by the petitioner.

4. A letter verifying that proper waste disposal will be available to the property.

5. For proposals using septic systems, a letter from the Floyd County Health Department shall be provided verifying that any proposed development makes appropriate use of the septic system.

6. For proposals using sanitary sewer systems, a letter from the service provider shall be included verifying that any proposed new development will be served and the service provider must provide the following:

a. Present and to date average daily capacity figures

b. All required IDEM monitoring reports for last twelve months including any violations noted by IDEM

c. All proposed developments including estimated amounts of daily usage that the service provider has agreed to service.

d. Estimated daily use for proposed development

C. The application materials shall be reviewed by the Floyd County Plan Commission Office and Floyd County Planner's Office to determine the consistency with the provisions of the Ordinance.

1. The Plan Commission shall conduct a meeting with the petitioner and a representative from pertinent county department's to review the proposed petition.

2. Either the petitioner(s) or a representative of the petitioner(s) shall be present during the review to answer questions regarding the petition.

3. Any revisions to the application materials or the proposal requested through this review process shall either be addressed during the review meeting or through revised application materials submitted prior to the Plan Commission hearing. All revised submittals shall be submitted to the Planning Director in a timely manner as specified in the Plan Commission Rules and Procedures.

D. Notification for the scheduled public hearing regarding the zoning map amendment request shall be completed consistent with the Rules and Procedures of the Floyd County Plan Commission and Indiana Code.

E. The Plan Commission shall certify its recommendation by resolution to the County Commissioners. The Plan Commission staff shall forward to the County Commissioners appropriate copies of the Plan Commission resolution, the original application and all supportive information, any staff reports regarding the petition, and a zoning map amendment for the County Commissioner's consideration.

F. The County Commissioners shall hold a public meeting and vote on the proposed on the proposed zoning map amendment ordinance within 90 days of its certification by the Plan Commission.

1. The County Commissioners shall provide notification of action on the zoning map amendments consistent with Indiana State code.

2. The County Commissioners may either approve or deny the zoning map amendment. If the Commissioners fail to act within the 90 day timeframe specified above, the ordinance shall become effective or be defeated in accordance with the provisions of Indiana Code 36-7-4-608.

G. In reviewing the re-zoning petition, the Plan Commission and County Commissioners shall pay reasonable regard to the following:

1. The Floyd County Comprehensive Plan and any other applicable, adopted planning studies or reports.

2. The current conditions and the character of current structures and uses in each district.

3. The most desirable use of which the land in each district is adapted.

4. The conservation of property values throughout Floyd County

5. Responsible growth and development

H. The petitioner in any re-zoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence of the subject property consistent with Indiana Code 36-7-4-615.

1. Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made through the review

process, or in response to any modifications requested by the Plan Commission during the public hearing.

2. All commitments shall be considered by the Plan Commission in its review of the petition. Commitments shall be included as an element of the zoning map amendment prepared by the Plan Commission following action taken at the public hearing.

3. The County Commissioners shall consider the written commitments in its review of the re-zoning application. Any deletions, addition, or alteration of the written commitments proposed by the County Commissioners shall be referred back to the Plan Commission for consideration and inclusion in a revised or affirmed recommendation regarding the application.

4. Following final action being taken on the re-zoning application, the zoning map amendment, written commitments included, shall be recorded in the Office of the Floyd County Recorder.

5. Written commitments shall be considered part of the zoning map amendment binding the subject property.

6. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property thereof.

7. The written commitments shall be enforceable by the Floyd County Plan Commission consistent with the adopted provisions for the enforcement of any aspects of the Ordinance.

8. The written commitments may be modified only through the Zoning Map Amendment process described by this section. Any written commitments shall be terminated if the Official Zoning Map applicable to the subject property is amended or it a zoning text amendment contradictory to the written commitments is adopted.

Section 15.13 Improvement Location Provisions and Standards

The following procedure applies to County Building Commissioner. The County Building Commissioner is hereby designated and authorized to issue Improvement Location Permits consistent with the terms of these articles.

A. Any person, persons, firms or corporations which shall make application for an improvement location permit shall, at the time of making such application, furnish the building commissioner with a site plan of the real estate upon which said application for an improvement location permit is made at least 5 days prior to the issuance of said improvement location permit, by drawn to scale showing the following items:

    1. Legal description of the real estate involved.
    2. Location of size of all buildings and structures.
    3. All adjacent and adjoining roads or highways.

B. The building commissioner shall review all applications for improvement location permits for the purpose of determining whether the proposed construction, other improvements, and development

is located in or proposed for the flood plain district and whether said proposal shall be submitted to the Department of Natural Resources for review and/or permits. In the event that upon such review the building commissioner determines that the proposal is located within a floodway area of the flood plain, or in the event that the building commissioner determines that the proposal is not located within a floodway area of the flood plain, he shall require issuance of a permit by the Department of Natural Resources or forward the application to such department for its review, consideration and determination. At such time as the floodway area of the flood plain has been determined in its entirety for the unincorporated area of Floyd County, Indiana, by the Department of Natural Resources, except as otherwise specifically directed by the Floyd County Plan Commission.

C. Any feature of a proposed development (including principal buildings and other structures, accessory buildings, landscaping, etc.) shall be designed and constructed so as to be reasonably safe from flooding. All construction, other improvements and developments shall be so constructed as to prevent flotation, collapse or lateral movement of the structure

D. Prior to any alteration or relocation of a river water course in connection with a proposed development, notification shall be tendered to the Indiana Department of Natural Resources and a copy of such notification shall be submitted to the U.S. Department of Housing and Urban Development's Flood Insurance Administrator. The flood carrying capacity within any altered or relocated portion of a river water course shall be maintained.

E. The Plan Commission shall keep and maintain all records, including all lowest floor elevation, certificates, plans, and other materials associated with any permit, or variance issued within the flood plain district.

1. Legal description or the real estate involved
2. Location and size of all buildings and structures.
3. Width and length of all entrances and exits to and from said real estate
4. All adjacent and adjoining roads or highways.

F. Site plans so furnished to the Commissioner shall be filed by the Commissioner and shall become a permanent record.

G. The Commissioner may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances now shown on said site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of this ordinance.

H. The Commissioner shall issue an Improvement Location Permit for a Conditional use only following receipt of notice from the BZA that the application therefore has been approved by the BZA.

I. No more than 2 Improvement Location Permits for the same piece of property may be issued and outstanding at any one time unless with written approval from Building Commissioner.

J. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all of the provisions of this ordinance applicable, to the building or premises or the use in the district in which it is to be located.

K. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Commissioner, and such permit shall not be issued to make such change unless it is in conformity with the provisions of this ordinance.

L. A Certificate of Occupancy shall be applied for simultaneously with the application for an Improvement Location Permit and shall be issued within 10 days after the lawful erection, reconstruction or structural alteration of such building shall have been completed and all pertinent conditions or ordinance standards have been meet.

M. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

N. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration, of any building, before application has been made for a Certificate of Occupancy.

O. Prior to the issuance of a building permit or Improvement Location Permit, the Building Commissioner in conjunction with the county engineer may make a determination as to whether the proposed building site presents a dangerous situation insofar as ingress and egress to said county road before said permit will issue. If said decision is that the proposed site presents a dangerous situation, then said application must be presented to the Floyd County Plan Commission to pass or reject said application.

P. The building commissioner shall review all applications for improvement locations permit for new construction or additions to existing construction. If the proposed construction or addition is found to lie in a flood hazard area, the building commissioner may require such modifications to the design and materials as the building commissioner may deem appropriate to prevent flotation, collapse or lateral movement of the structure and minimize potential future flood damage. Any action undertaken by the building commissioner pursuant to the terms and provisions of this Paragraph shall be subject to the review of the Floyd County Board of Zoning Appeals upon appropriate request by the applicant for an improvement location permit.

Section 15.14 Board of Zoning Appeals

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance Indiana Code.

A. At the first meeting of each year, the BZA shall elect a President and a Vice-President from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.

B. The BZA shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.

C. All meetings of the BZA shall be open to the public. The BZA shall keep minutes of its proceedings, keep records and other official actions. All minutes and records shall be filed in the office of the

BZA and shall be a public record.

D. Any decision of the County Building Commissioner and/or Planning Director in enforcement of this ordinance may be appealed to the BZA by any person claiming to be adversely affected by such decision in accordance with Indiana Code 36-7-4.918.1.

E. The BZA shall have the following powers and it shall be its duty to: (Amended 3)

1. Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner and/or Planning Director in the enforcement of this ordinance.

2. Hear and decide on permits for conditional uses, special exceptions, variances or other uses upon which the BZA is required to act under this ordinance.

3. Authorize upon appeal in specific cases such variances from the terms of this ordinance shall be in accordance with the variance process set forth in this Ordinance.

4. Revoke any conditional use or special exception if such evidence is presented to the Board at a public meeting that condition(s) placed on the approval of the docket have not been meet. Such revocation shall occur after the applicant has been notified by certified mail of the meeting date and has received notification through the violation process established in Section 15.05

F. In exercising its powers, the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the County Building Commissioner from whom the appeal is taken.

G. Every decision of the BZA shall be subject to review by certiorari.

H. The BZA shall not grant a variance in the application of the provisions of this ordinance relating to buildings, land or uses now existing or to be constructed until after a public hearing conforming to Indiana Code.

Section 16.01 Official Zoning Map

The Zoning Map for Floyd County is hereby included as part of this ordinance. The Zoning Map shall be formally known as the "Floyd County Zoning Map" and it may be cited as "Official Zoning Map" or "Zoning Map or "Official Zoning Atlas".

Section 16.02 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested parties. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.

Section 16.03 Location of the Official Zoning Map

The location of the Official Zoning Map shall be located in the office of the Floyd County Plan Commission and the office of the Floyd County Planner.

Section 16.04 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations and a color based scheme for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map. Planned Unit Development shall be shown on the map by abbreviations as noted in this Ordinance and shall also be identified by the number and date of passage of the Ordinance approving the Planned Unit Development.

The Official Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with "date last changed" noted on the map. Other revisions may be made to correct drafting or other errors and omission in the prior map, but shall not have the effect of amending the Official Zoning Map except as adopted by the Plan Commission and County Commissioners.

Section 16.05 Damaged, Destroyed or Lost Official Zoning Map

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to the nature or number of changes, the County Commissioners may by resolution, adopt a new Official Zoning Map which shall to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

Section 16.06 Official Zoning Map Standards

District boundaries on the Official Zoning Map shall be interpreted as follows:

A. District boundaries shown within or parallel to the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center line of the affected road, easement, or right-of-way.

B. District boundaries indicated as following the section or fractional section line, platted lot lines, or county or municipality corporation lines shall be construed as following such lines.

C. District boundaries indicated as parallel to a section or fractional section line, platted lot lines, or municipality corporation lines shall be construed as parallel to the affected line.

D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center line.

E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 25 feet into the more restricted portion, provided the lot has frontage on the street in the less restricted district. Further, the exact location of where lines cross the property shall be determined by the Planning Director.

F. The vacation of streets shall not affect the location of the district boundaries.

G. When the Planning Director cannot definitely determine the location of a district boundary by the center lines, by scale or dimensions stated on the Official Zoning Map, because the boundary does not clearly coincide with a property line, the Director may refuse action and the Plan Commission may interpret the location of the district boundary with the references to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

Appendix A

Floyd County Land Use Matrix

P=Permitted C= Conditional Use

Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Agricultural Uses											
Agriculture, Home	P	P	P	P	P	P	P	P	P	P	P
Agriculture, Primary (Amended 13)	P	P	C	C	C						
Agricultural, Service	C	C									
Commercial Greenhouse (Amended 13)	C					C	P	P	P	P	
Commercial Kennel	C	C									
Confined Feed Operations	C										
Farm Stand	P	P	P	P	P	P	P	P	P	P	P
Farmer's Market (Amended 13)	C	C	C	C	C	P	P	P	P	P	
Mineral Extraction	C										
Retail Nursery (*Amended 1, 6, 13)*	C	C				P	P	P	P	P	
Wholesale Nursery (Amended 6)	C	C							P	P	
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Residential Uses											
Assisted Living Facility					C	P	P	P	P		
Bed and Breakfast/Tourist Home (Amended 13)	C	C	C	C	C						
Boarding House	C										

Child-Care Facility (Owner Occupied)	P	P	P	P	P	P	P	P	P	P	
Child Care Institution					C		C				
Dwelling, Manufactured Home	P	P	P								
Dwelling, Multi-Family					P						
Dwelling, Single Family Attached				P	C						
Dwelling, Single Family Detached (Amended 6)	P	P	P	P							
Dwelling, Townhouse				P	P						
Dwelling, Two-Family				P	P						
Residential Facility for the developmentally disabled (A)	C	C	C	C	C						
Residential Facility for the developmentally disabled (B)	P	P	P	P	P						
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Adult-Oriented Businesses											
Adult Cabaret										P	
Adult Media Store										P	
Adult Novelty Store										P	
Adult Motion Picture Theater										P	
Adult Theater										P	
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Auto Sales and Services											
Automotive Repair and Services (Amended 6)						P	P	P	P	P	
Automotive Sales and Services (New and Used) (Amended 6)						C	P	P	P		
Automobile, Car Wash Automatic/Self						P	P	P	P		
Hotel/Motel Lodging (Amended 13)						C	P	P			
Hotel/Motel Lodging Less than 150 feet from Residential Zoning District						C	C	C			
Indoor Automotive Sales and Services (Amended 6)							P	P	P		
Oil Change Facility						P	P	P	P		
Travel Center (*Amended1)*								C			
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR

Commercial: Food Sales/Services											
Bakery, Retail (Amended 6)						P	P	P			
Convenience Store with Gas Pumps (*Amended 1)*						C	C	C			
Delicatessen (Amended 6)						P	P	P			
Grocery						P	P	P			
Ice Cream Shop (Amended 6)						P	P	P			
Restaurant, Drive-Thru						C	P	P			
Restaurant, Outdoor more than 150 feet from Residential Districts						P	P	P			
Restaurant, Outdoor less than 150 feet from Residential Districts						C	C	C			
Restaurant, Full Service						P	P	P	P		
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Personal Services											
Barber/Beauty Shop						P	P	P			
Child Care Center (Day Care) Amended 13						P	P	P			
Dry Cleaners						P	P	P			
Health/Fitness Center						P	P	P	C		
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Health/Spa Treatment (Non-Adult Business)						P	P	P			
Laundry Services (Amended 6)						P	P	P			
Pharmacy						P	P	P			
Shoe Repair (Amended 6)						P	P	P			
Tailor/Dressmaker/ Alterations Shop (Amended 6)						P	P	P			
Tanning Salon						P	P	P			
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Professional/Office Uses (amended 4)											
Accounting /Tax Services						P	P	P	P		
Advertising Services						P	P	P	P		
Ambulatory Care Facility							P	P			
Architectural/						P	P	P	P		

Engineering Services											
Attorney/Legal Services						P	P	P	P		
Banks/Credit Unions						P	P	P	P		
Computer System Design and Services						P	P	P	P		
Dentist Office						P	P	P	P		
Employment Services (Amended 6)						P	P	P	P		
Educational Support Services						P	P	P	P		
Health Care Practitioners Office						P	P	P	P		
Insurance Agency Office						P	P	P	P		
Investment Firms Office						P	P	P	P		
Photography Studio						P	P	P	P		
Physicians Office						P	P	P	P		
Professional Consulting Services Office						P	P	P	P		
Real Estate Office						P	P	P	P		
Service Organization Office						P	P	P	P		
Travel Agency						P	P	P	P		
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Retail Small Scale Uses (Amended 6)											
Antique Shop						P	P	P			
Apparel Shop						P	P	P			
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Art and Craft Shop						P	P	P			
Consignment Shop						P	P	P			
Department Store						P	P	P			
Electronic and Home Appliance Store						P	P	P			
Fabric Store						P	P	P			
Floor Coverings						P	P	P			
Florist/Flower Shop						P	P	P			
Furniture Store						P	P	P			
Garden Shop						P	P	P			
Gift Store						P	P	P			
Grocery						C	P	P			
Hardware Store						P	P	P			
Hobby Store						P	P	P			
Jewelry Store						P	P	P			
Media Store (Non-Adult)						P	P	P			
Office Supplies Store						P	P	P			
Paint Store						P	P	P			
Pet Store						P	P	P			
Photography Studio						P	P	P			
Print/Mail Shop						P	P	P			
Shoe Store						P	P	P			

Sporting Goods Store						P	P	P			
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Large Scale Uses (Amended 13)											
Auction House							C	C			
Department Store							C	C			
Electronic and Home Appliance Store							C	C			
Fabric Store							C	C			
Floor Coverings							C	C			
Furniture Store							C	C			
Funeral Home or Mortuary							C	C			
Garden Shop							C	C			
Hardware Store							C	C			
Hobby Store							C	C			
Home Furnishing Store							C	C			
Jewelry Store							C	C			
Music Store							C	C			
Office Supplies Store							C	C			
Paint Store							C	C			
Pet Store							C	C			
Print/Mail Shop							C	C			
Shoe Store							C	C			
Sporting Goods Store							C	C			
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Commercial: Recreational Uses											
Banquet Hall (Amended 4)						P	P	P	P		
Bar/Tavern						P	P	P	P		
Billiard/Arcade Room (*Amended 1)* (Amended 6)						P	P	P	P		
Bowling Alley (*Amended 1)* (Amended 6)						P	P	P	P		
Dance/Aerobic/ Gymnastics Studio (Amended 6)						P	P	P	P		
Golf Course/Driving Range	C	C				P	P	P	P		C
Indoor Theater (*Amended)*						P	P	P	P		
Martial Arts Studio						P	P	P	P		
Miniature Golf						P	P	P	P		
Lodge or Private Club	C	C	C	C	C	P	P	P	P	C	C

(Amended 6)											
Skating Rink						P	P	P	P		
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Industrial: General Uses											
Boats, Motorcycles, Recreational Vehicles Sales and Services (Amended 13)							P	P		P	
Bottled Gas Storage/Distribution										C	
Clay Building Material and Refractory Manufacturing										P	
Computer and Electronic Products									P	P	
Furniture and Related Products										P	
Junk Yard										C	
Medical and Diagnostic Laboratories									P	P	
Medical Equipment and Supplies									P	P	
Mini-Storage Facilities (Amended 4)								C	P	P	
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Sanitary Landfill (Private or Publicly Owned)										C	
Scientific Research and Development Services (Amended 13)							C		P	P	
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Specialty Trade Office/Workshop (Amended 4)	C	C							P	P	
Trade Shop (Amended 4)									P	P	
Warehousing and Storage (Amended 4)									P	P	
Wood Products Mfg.	C									P	
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Institutional-Public Uses (Amended 6)											
Cemetery	C	C	C	C	C	P	P	P	P	P	C
Church or House of Worship	C	C	C	C	C	P	P	P	P	P	C
Government Office/ Building	C	C	C	C	C	P	P	P	P	P	C
Hospital	C	C	C	C	C	P	P	P	P	P	C
Library	C	C	C	C	C	P	P	P	P	P	C
Museum	C	C	C	C	C	P	P	P	P	P	C

Police/Fire Station	C	C	C	C	C	P	P	P	P	P	C
Post Office	C	C	C	C	C	P	P	P	P	P	C
School, Public/Private	C	C	C	C	C	P	P	P	P	P	C
School, University/College	C	C	C	C	C	P	P	P	P	P	C
Trade or Business School	C	C	C	C	C	P	P	P	P	P	C
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Recreational Uses											
Athletic Fields/Courts (*Amended 2)*	C	C	C	C	C	C	C	C	C	C	P
Campground (Public)											C
Community-Recreational Center (Amended 6, 13)	C	C	C	C	C	C	C	C	C	C	P
Community Swimming Facility (Amended 6, 13)	C	C	C	C	C	C	C	C	C	C	P
Shelter House											P
Trails, Walking/Biking	P	P	P	P	P	P	P	P	P	P	P
Land Use	AR	RR	RS	RU	MF	NC	GC	HS	OB	GI	PR
Utilities:											
Public Well/Pumping Station	C	C	C	C	C	C	C	C	C	C	C
Sanitary Sewage Treatment Plant			C							C	
Telecommunication Facilities	C	C	C	C	C	C	C	C	C	C	C
Utility Substation	C	C	C	C	C	C	C	C	C	C	C

APPENDIX B – PARKING STANDARDS MATRIX

Examples:
An elementary school would use the appropriate employee parking standard + any specific land uses (gymnasium, theater, and school) to obtain a total. Convenient store with gas pumps would use the appropriate employee parking standard + 1 space per 200 Gross Floor Area + 2 spaces per gas pump to obtain a cumulative total.

Floyd County Land Use Parking Standards	
Use	Parking Standards
Employee Parking Standards	
Commercial Auto Sales and Services Uses	1 space per employee for largest shift
Commercial Food Sales and Services Uses	1 space per employee for largest shift
Commercial Personal Service Uses	1 space per employee for largest shift
Commercial Professional Office Uses	1 space per employee for largest shift
Commercial – Recreational Uses	1 space per employee for largest shift
Commercial Retail Small Scale Uses	1 space per employee for largest shift
General Industrial – Retail Outdoor Sales Uses	1 space per employee for largest shift
Institutional-Public-Utility-Communications Uses	1 space per employee for largest shift
Parking Standards for Appropriate Land Use	
Use	Parking Standards
Commercial Auto Sales and Services Uses	1 space per 225 Gross Floor Area
Commercial Food Sales and Services Uses	1 space per 225 Gross Floor Area
Commercial Personal Service Uses	1 space per 225 Gross Floor Area
Commercial Professional Office Uses	1 space per 225 Gross Floor Area
Commercial – Recreational Uses	1 space per 225 Gross Floor Area
Commercial Retail Small Scale Uses	1 space per 225 Gross Floor Area
General Industrial – Retail Outdoor Sales Uses	1 space per 250 Gross Floor Area

Institutional-Public-Utility-Communications Uses	1 space per 200 Gross Floor Area
Specific Land Use Parking Standards	
Use	Parking Standards
Assisted Living Facilities	1 space per 3 beds/dwelling units
Automotive Repair/ Body Shop	2 spaces per each service bay
Banquet-Reception Hall	12 spaces per 1,000 Gross Floor Area
Bar, tavern, saloon	5 space per 1,000 Gross Floor Area
Bed and Breakfast	1 space per each rented room
Billiard Hall/Arcade	3 spaces per billiard table/gaming device
Bowling Alley	3 spaces per lane
Child Care Facility	1 space per 4 children
Church or House of Worship	7 spaces per 1,000 Gross Floor Area
Commercial Kennel	1 space per 1,000 square feet of operations*
Commercial Greenhouse	1 space per 1,000 square feet of operations*
Convenient Store with Gas Pumps	1 space per 200 Gross Floor Area and 2 spaces per gas pump
Driving Range	2 space per Tee area
Fraternal, Social Organizations	1 space per 250 Gross Floor Area
Gas Station without Convenient Store	2 spaces per gas pump
Golf Course	11 spaces per hole
Governmental Facilities	3.5 spaces per 1000 Gross Floor Area
Health Care Facilities	2 spaces per Procedure/Operating Room
Health-Fitness Center, Gyms, etc.	1 space per 200 Gross Floor Area
Hospital	1 space per 4 beds
Hotel, Motel, Boarding House	1 space per each rented room
Library	1 space per 250 Gross Floor Area
Mini-Warehouse/Storage	1 space per 100 storage units
Museum	1 space per 250 Gross Floor Area
Multi-recreation center, Community Center, Recreational Center	8 spaces per 1,000 Gross Floor Area
Park	5 spaces per acre
Restaurants	15 spaces per 1000 Gross Floor Area
Schools (Private/Public K-12)	1 space per 4 students
Skating Rink	4.5 spaces per 1,000 Gross Floor Area
Swimming Pool	4.5 spaces per 1,000 Gross Floor Area
Theater Uses - Movie Theater, Auditorium, Live Theater Uses	3 spaces per theater seat
Trade/Technical School	1 space per 3 students
* Square footage used for the operation of use is calculated as either enclosed or open sections.	

APPENDIX C – Vacated (Amended 10)

Appendix D Fee Schedule

Petitions	Fee
Administrative Appeal	$100.00
Conditional Use (All except those listed below:)	$300.00
Conditional Use Confined Feed Operation	$750.00
Conditional Use Home Occupation	$ 25.00
Conditional Use Junk Yard	$750.00
Conditional Use Sanitary Land Fill	$750.00
Conditional Use Sanitary Sewer Treatment Plant	$750.00
Development Plan	$100.00
Planned Unit Development (Conceptual Plan)	$100.00
Planned Unit Development (Detailed Development Plan)	$500.00

Sign Permit	$ 25.00
Temporary Sign Permit	$ 25.00
Temporary Use Permit	$ 25.00
Variance (Development Standards)	$300.00
Variance (Use Standards)	$500.00
Zoning Map Change (Re-Zoning)	$500.00
Residential	
Single Family or Two Family Dwelling (excluding garage, attic areas, etc.)	$200 Base Fee plus $.10 per square foot of floor area
Multi-Family Dwelling	$300 per unit
Accessory Structures Detached Garage	$40 minimum or $.10 per square foot of floor area
Accessory Structures Attached Garage	$100 minimum or $.10 per square foot of floor area
Additions	$55 Base Fee plus $.10 per square foot of floor area
Interior Remodel	$40 Base Fee plus $.10 per square foot of floor area
Swimming Pool	$175
Temporary Mobile Home	$155 first two years $300 per year after first two years
Commercial and Industrial	
Commercial and Industrial Structures	$350 Base Fee plus $.10 per square foot of floor area
Interior Remodel	$75 Base Fee plus $.10 per square foot of floor area
Accessory Structures and Additions	$100 Minimum plus $.10 per square foot of floor area
Other Structures Fees and Fines	
Change in Electrical Service	$40
Parking Structure	$10 per parking space
Re-Inspection	$50 Residential $120 Commercial/Industrial
Early Bird Fine (Start of Construction prior to permit issuance)	Twice the amount of permit

Variance Fine (Variance required because construction did not occur as per approved site plan)	Five times the cost of the permit plus the cost of the variance
Zoning Code Violations	$50 per day per violation

Appendix A

Floyd County Land Use Matrix

P=Permitted C= Conditional Use

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Agricultural Uses												
Agriculture, Primary	P	P										
Agriculture, Home	P	P	P									
Agricultural, Service	P	P										
Commercial Greenhouse	P											
Commercial Kennel	C	C										
Confined Feed Operations	C											
Farm Stand	P	P	P									
Farmer's Market	C						C					
Mineral Extraction	C											
Residential Kennel	P	P										
Retail Nursery	P						C	P	C			
Wholesale Nursery	P									P	P	
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Residential Uses												
Assisted Living Facility					C			C				
Bed and Breakfast/Tourist Home	C	C										
Boarding House	C											
Child-Care Facility (Owner Occupied)	P	P	P	P	P	P						
Child Care Institution					C			C				
Dwelling, Manufactured Home	P	P	P			P						
Dwelling, Mobile Home						C						
Dwelling, Multi-Family					P							
Dwelling, Single Family Attached				P								
Dwelling, Single Family Detached	P	P	P									
Dwelling, Two-Family				P	P							
Residential Facility for the developmentally disabled (A)	C	C	C	C	C							
Residential Facility for the developmentally disabled (B)	P	P	P	P	P	P						

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Adult-Oriented Businesses												
Adult Cabaret									P		P	
Adult Media Store									P		P	
Adult Novelty Store									P		P	
Adult Motion Picture Theater									P		P	
Adult Theater									P		P	
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Auto Sales and Services												
Automotive Repair and Services								C	P			
Automotive Sales and Services (New and Used)									P			
Automobile, Car Wash Automatic/Self								P	P			
Gas Station							C	P	P			
Hotel/Motel Lodging									P			
Oil Change Facility									P			
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Food Sales/Services												
Bakery, Retail							C	P	P			
Convenience Store with Gas Pumps							C	P	P			
Delicatessen							C	P	P			
Grocery								P	P			
Ice Cream Shop							C	P	P			
Restaurant, Drive-Thru							C	P	P			
Restaurant, Full Service							C	P	P			
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Personal Services												
Barber/Beauty Shop							P	P	P			
Child Care Center (Day Care)							P	P	C			
Dry Cleaners							P	P	P			
Health/Fitness Center							P	P		C		
Health/Spa Treatment (Non-Adult Business)							P	P	P			
Laundry Services						C	P	P				
Pharmacy							P	P	P			
Shoe Repair							P	P				
Tailor/Dressmaker/ Alterations Shop							P	P				
Tanning Salon							P	P	P			

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Professional/Office Uses												
Accounting /Tax Services							P	P		P		
Advertising Services							P	P		P		
Ambulatory Care Facility								P	P			
Architectural/ Engineering Services							P	P		P		
Attorney/Legal Services							P	P		P		
Banks/Credit Unions							P	P	P	P		
Computer System Design and Services							P	P		P		
Dentist Office							P	P				
Employment Services								P		P		
Educational Support Services								P		P		
Health Care Practitioners Office							P	P				
Insurance Agency Office							P	P				
Investment Firms Office							P	P		P		
Photography Studio							P	P				
Physicians Office							P	P				
Professional Consulting Services Office							P	P		P		
Real Estate Office							P	P		P		
Service Organization Office							P	P		P		
Travel Agency							P	P				
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Retail Small Scale Uses												
Antique Shop							P	P				
Apparel Shop							P	P				
Art and Craft Shop							P	P				
Consignment Shop							P	P				
Department Store							P	P				
Electronic and Home Appliance Store							P	P				
Fabric Store							P	P				
Floor Coverings							P	P				
Florist/Flower Shop							P	P				
Furniture Store							P	P				
Garden Shop							P	P				
Gift Store							P	P				
Grocery							P					
Hardware Store							P	P				
Hobby Store							P	P				
Jewelry Store							P	P				

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Media Store (Non-Adult)							P	P	P			
Office Supplies Store							P	P				
Paint Store							P	P				
Pet Store							P	P				
Photography Studio							P	P				
Print/Mail Shop							P	P				
Shoe Store							P	P				
Sporting Goods Store							P	P				
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Large Scale Uses												
Auction House								P				
Department Store								P				
Electronic and Home Appliance Store								P				
Fabric Store								P				
Floor Coverings								P				
Furniture Store								P				
Funeral Home or Mortuary								P	C			
Garden Shop								P	C			
Hardware Store								P				
Hobby Store								P				
Home Furnishing Store								P				
Jewelry Store								P				
Music Store								P				
Office Supplies Store								P				
Paint Store								P				
Pet Store								P				
Print/Mail Shop								P				
Shoe Store								P				
Sporting Goods Store								P				
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Commercial: Recreational Uses												
Banquet Hall								P		C		
Bar/Tavern							C	C				
Billiard/Arcade Room								P	C			
Bowling Alley								P				
Dance/Aerobic/ Gymnastics Studio							C	P		C		
Golf Course/Driving Range	C	C										C
Indoor Theater								P	C			
Martial Arts Studio							C	P		C		
Miniature Golf								P				
Lodge or Private Club	C						C	P				
Skating Rink								P				

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Industrial: General Uses												
Boats, Motorcycles, Recreational Vehicles Sales and Services											P	
Bottled Gas Storage/Distribution											C	
Clay Building Material and Refractory Manufacturing											P	
Computer and Electronic Products										P	P	
Furniture and Related Products											P	
Junk Yard											C	
Medical and Diagnostic Laboratories										P	P	
Medical Equipment and Supplies										P	P	
Mini-Storage Facilities									C		P	
Research –Business Incubator Center										C	P	
Sanitary Landfill (Private or Publicly Owned)											C	
Scientific Research and Development Services										C	C	
Specialty Trade Office/Workshop	C	C									P	
Trade Shop											P	
Warehousing and Storage											P	
Wood Products Mfg.	C										P	
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Institutional-Public Uses												
Cemetery	C	C	C									
Church or House of Worship	C	C	C	C	C	C	C	C	C	C		
Government Office/ Building	C	C	C	C	C	C	C	C	C	C		
Hospital								C				
Library							C	C				
Museum								C				
Police/Fire Station	C	C	C	C	C	C	C	C	C	C		
Post Office							C	C	C			
School, Public/Private	C	C	C	C	C		C	C				
School, University/College								C				
Trade or Business School							C	C				

Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Recreational Uses												
Athletic Fields/Courts												P
Campground (Public)												C
Community-Recreational Center												C
Community Swimming Facility												C
Shelter House												P
Trails, Walking/Biking	P	P	P	P	P	P	P	P	P	P	P	P
Land Use	AR	RR	RS	RU	MF	MH	NC	GC	HS	OB	GI	PR
Utilities:												
Public Well/Pumping Station	C	C	C	C	C	C	C	C	C	C	C	C
Sanitary Sewage Treatment Plant			C								C	
Telecommunication Facilities	C	C	C	C	C	C	C	C	C	C	C	C
Utility Substation	C	C	C	C	C	C	C	C	C	C	C	C

APPENDIX B – PARKING STANDARDS MATRIX

Examples:
An elementary school would use the appropriate employee parking standard + any specific land uses (gymnasium, theater, and school) to obtain a total. Convenient store with gas pumps would use the appropriate employee parking standard + 1 space per 200 Gross Floor Area + 2 spaces per gas pump to obtain a cumulative total.

Floyd County Land Use Parking Standards	
Use	Parking Standards
Employee Parking Standards	
Commercial Auto Sales and Services Uses	1 space per employee for largest shift
Commercial Food Sales and Services Uses	1 space per employee for largest shift
Commercial Personal Service Uses	1 space per employee for largest shift
Commercial Professional Office Uses	1 space per employee for largest shift
Commercial – Recreational Uses	1 space per employee for largest shift
Commercial Retail Small Scale Uses	1 space per employee for largest shift
General Industrial – Retail Outdoor Sales Uses	1 space per employee for largest shift
Institutional-Public-Utility-Communications Uses	1 space per employee for largest shift
Parking Standards for Appropriate Land Use	
Use	Parking Standards
Commercial Auto Sales and Services Uses	1 space per 225 Gross Floor Area
Commercial Food Sales and Services Uses	1 space per 225 Gross Floor Area
Commercial Personal Service Uses	1 space per 225 Gross Floor Area
Commercial Professional Office Uses	1 space per 225 Gross Floor Area
Commercial – Recreational Uses	1 space per 225 Gross Floor Area
Commercial Retail Small Scale Uses	1 space per 225 Gross Floor Area
General Industrial – Retail Outdoor Sales Uses	1 space per 250 Gross Floor Area
Institutional-Public-Utility-Communications Uses	1 space per 200 Gross Floor Area
Specific Land Use Parking Standards	
Use	Parking Standards
Assisted Living Facilities	1 space per 3 beds/dwelling units
Automotive Body Shop	2 spaces per each service bay
Banquet-Reception Hall	12 spaces per 1,000 Gross Floor Area
Bar, tavern, saloon	5 space per 1,000 Gross Floor Area
Bed and Breakfast	1 space per each rented room
Billiard Hall/Arcade	3 spaces per billiard table/gaming device
Bowling Alley	3 spaces per lane
Child Care Facility	1 space per 4 children
Church or House of Worship	7 spaces per 1,000 Gross Floor Area
Commercial Kennel	1 space per 1,000 square feet of operations*
Commercial Greenhouse	1 space per 1,000 square feet of operations*

Convenient Store with Gas Pumps	1 space per 200 Gross Floor Area and 2 spaces per gas pump
Driving Range	2 space per Tee area
Fraternal, Social Organizations	1 space per 250 Gross Floor Area
Gas Station without Convenient Store	2 spaces per gas pump
Golf Course	11 spaces per hole
Governmental Facilities	3.5 spaces per 1000 Gross Floor Area
Health Care Facilities	2 spaces per Procedure/Operating Room
Health-Fitness Center, Gyms, etc.	1 space per 200 Gross Floor Area
Hospital	1 space per 4 beds
Hotel, Motel, Boarding House	1 space per each rented room
Library	1 space per 250 Gross Floor Area
Mini-Warehouse/Storage	1 space per 100 storage units
Museum	1 space per 250 Gross Floor Area
Multi-recreation center, Community Center, Recreational Center	8 spaces per 1,000 Gross Floor Area
Park	5 spaces per acre
Restaurants	15 spaces per 1000 Gross Floor Area
Schools (Private/Public K-12)	1 space per 4 students
Skating Rink	4.5 spaces per 1,000 Gross Floor Area
Swimming Pool	4.5 spaces per 1,000 Gross Floor Area
Theater Uses - Movie Theater, Auditorium, Live Theater Uses	3 spaces per theater seat
Trade/Technical School	1 space per 3 students
* Square footage used for the operation of use is calculated as either enclosed or open sections.	