

FCR 2008 - XVI

**Floyd County Board of Commissioners
Resolution Pertaining to Text Amendments to the Floyd County Zoning Ordinance 2006-6**

Whereas, the Floyd County Board of Commissioners met on August 18, 2208 on this matter pursuant to IC 36-7-4-607;

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed text amendments listed in Exhibit A (9-0 favorable), Exhibit B (9-0 favorable), Exhibit C (8-1 favorable) and Exhibit D as amended by County Commissioners (6-2 favorable).

Whereas, the Plan Commission held a public hearing on the matter and heard from both proponents and opponents of the text amendments to the zoning ordinance.

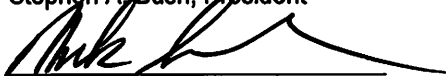
NOW, THEREFORE,

BE IT RESOLVED that Floyd County Zoning Ordinance is amended.

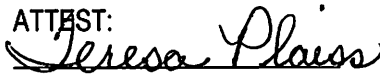
SO RESOLVED this 18th day of November 2008.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD


Stephen A. Bush, President


Mark Seabrook, Commissioner


Charles Freiburger, Commissioner

ATTEST:

Teresa Plaiss, County Auditor

DEFINITIONS SECTION 2.0

Exhibit A

COMPACT HOME means a single dwelling unit, site assembled, using two or more Mobile Home units or Modular units built for this purpose

Proposed Change – delete compact home definition.

DWELLING, MOBILE HOME means a transportable dwelling unit which is a minimum of 8 feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, electrical system contained therein, and which was manufactured either: (1) prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council or (2) Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

Proposed change – delete Dwelling, Mobile Home

(New definition) 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.

(New definition) 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.

(New definition) 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 messages. Any display that contains or displays animated, variable, moving video or scrolling advertising shall be considered an Electronic Variable Message Sign. Each message on a marquee sign must be displayed for a minimum time of 24 hours.

(New definition) 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.

(New definition) 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

Exhibit B

Section 4.09 Agricultural-Residential

Decrease Minimum Ground Floor from 1000 square feet to 950 square feet

Section 4.14 Rural Residential

Decrease Minimum Ground Floor from 1000 square feet to 950 square feet

Section 4.19 Residential Suburban

Decrease Minimum Ground Floor from 1000 square feet to 950 square feet

Section 4.21 Residential Urban

Decrease Minimum Ground Floor from 1000 square feet to 950 square feet

Section 4.31-4.35 Manufactured Home Park District

Delete Zoning District

Exhibit C

Section 5.03 Height Standards (add italicized)

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: (change from 75 feet to 70 feet)
 - a. Church Steeples
 - b. Water Towers, and
 - c. **Public** utility transmission towers (add public for clarification)
 - d. **Athletic field lighting standards (add structure)**

Section 5.04 Accessory Use/Structure Standards

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

AR RR RS

I Accessory structure(s) shall be located to the rear or side of the primary structure unless otherwise permitted in this Ordinance. (**addition - 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.**)

Section 5.15 Mobile/Manufactured Home Standards

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

AR RR RS MH

Delete the following subsections C, D, E, H, L, and M

- C. Each Mobile/ Manufactured Home Park shall provide a Public Recreation area or areas for the use of Park occupants, equal in size to at least 10 percent of the total gross proposed park area. Streets, parking areas, and park service areas shall not be included in the required recreational areas. **(delete)**
- D. No mobile or manufactured home site shall be rented in any Mobile Home Park, except for periods of 30 days or longer. **(delete)**
- E. The distance between a Mobile Home and/or Manufactured Home and another Mobile and/ or Manufactured Home or any structure in a Mobile Home Park shall not be less than 20 feet. **(delete)**
- H. Fuel storage tanks in a Mobile Home Park shall meet the requirements of the Indiana State Fire Marshall's Office. **(delete)**
- M. Outside of a Mobile/Manufactured Home Park, manufactured homes shall have a width no less than 18 feet to be considered compatible with the surrounding conventional construction. **(delete)**

Section 5.16 Mobile/Manufactured Home Park Services Standards (delete)

Exhibit D

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. 2.0 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:

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)**
8. Marquee/ Reader board Signs
9. Time and Temperature Signs

- B. Wall Signs shall be located on the façade 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.**

- 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 75 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. **Marquee/Reader board signs can not exceed 40 percent of the total square footage of a free-standing sign.**

- 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.**

**Section 5.27.01 Permanent On-Premise Electronic Variable Message Signs
(Proposed New)**

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.