

FCR 2008-VI

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

Whereas, the Floyd County Board of Commissioners met on March 18, 2008, on this matter pursuant to IC 36-7-4-608; and

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendations of the proposed text amendments to the Floyd County Zoning Ordinance and Floyd County Subdivision Control Ordinance listed in Exhibit A.

Whereas, the Plan Commission heard from both proponents and opponents of the text amendments to the zoning and subdivision control ordinance in accordance with IC 36-7-4-604


NOW, THEREFORE,


BE IT RESOLVED that Floyd County Zoning Ordinance and Subdivision Control Ordinance is amended as indicated on Exhibit A.


SO RESOLVED this 18th day of March 2008.

*Items 4, 6, 7 & 8
only were approved*

BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD


Stephen A. Bush, President


Mark Seabrook, Commissioner


Charles Freiberger, Commissioner

ATTEST:

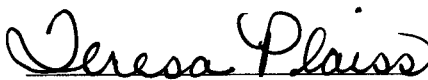

Teresa Plaiss, County Auditor

Exhibit A

(Yellow indicates proposed changes)

Change # 1 (9-0 favorable recommendation from Plan Commission)

(Current 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. Signs that verify customers have placed order and that are incidental are not considered as an animated or moving sign.

(Proposed 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 2 square feet in sign area.

(Yellow indicates proposed changes)

Change # 2 (9-0 favorable recommendation from Plan Commission)

(New definition) SIGN, MARQUEE 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 sign shall contain only static messages only and shall not contain or display animated, moving video or scrolling advertising. Each message on a marquee sign must be displayed for a minimum time of 24 hours. Marquee Signs shall not exceed 12 square feet and shall be allowed only on either ground or pole signs.

Change # 3 (9-0 favorable recommendation from Plan Commission)

(New definition) SIGN, ELECTRONIC 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. Electronic signs shall meet the following requirements:

1. Be located in a multi-tenant structure or commercial subdivision having 100,000 or more gross floor space and not be located within 200 feet of an road intersection.
2. Does not contain or display animated, moving video or scrolling advertising,
3. Display an image, symbol or combination thereof for a period of time less than one hundred twenty (120) 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
4. Must contain a default mechanism that freezes the sign in one position if a malfunction occurs.
5. Shall not exceed 36 square feet and shall be allowed only as a ground sign
6. Shall only be allowed to advertise on-premises businesses and community related events
7. Shall operate between the hours of 6AM and 10PM

Change # 4(8-1 favorable recommendation)

(Current definition) 3.07 Legal Non-Conforming Signs

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

- B. In the event a legal non-conforming sign is damaged, destroyed or removed, by any means, to an extent of more than 50 percent of its structural replacement value, such sign shall not be restored or replaced except in conformance with the applicable regulations of this Ordinance.

(New definition) 3.07 Legal Non-Conforming Signs (B)

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

- 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.

Change # 5 ((9-0 favorable recommendation from Plan Commission)

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. Electronic Message Boards and Marquee Signs (New Change)
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- i. 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 signs shall be counted in the square footage of the sign. **(Amended 1)** (New Change)
 - ii. Structures containing multiple uses shall establish 1 sign at each entrance for the joint use

of all tenants for which the facility is designed. A single (one) electronic message board can be established at 1 (one) entrance only to a development if it meets all of requirements stated in the definition of an electronic sign. An electronic message board shall not exceed 36 square feet and must be mounted on a ground sign. The use of individual free-standing, electronic message boards and electronic marquee 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 shall exceed the primary building height for the base zoning district and exceed 32 square feet per tenant in area doubled faced. **(Amended 1)**

Change # 6 (9-0 favorable recommendation from Plan Commission)

Land Use Matrix changes

1. Health/Fitness Center to permitted use in Highway Service
2. Professional/Office Uses to permitted use in Highway Service
3. Banquet Hall to conditional use in Neighborhood Commercial and permitted use in Highway Service
4. Mini-Storage facilities to permitted use in Office-Business
5. Specialty Trade to permitted use in Office-Business
6. Trade Shop to permitted use in Office-Business
7. Warehousing and Storage to permitted use in Office-Business

Change # 7 (9-0 favorable recommendation from Plan Commission)

Subdivision Control Ordinance

(Current language) Article IV B 1. A traffic study if the proposed development results in more than:

(Proposed language) Article IV B. 1. A traffic study is required if the proposed development meets the following peak hour trips for the specific road classification. The applicant may stipulate to the findings of the Floyd County Major Thoroughfare Study through a letter to the Plan Commission. The letter shall state that the applicant accepts the findings of the level of service and proposed improvements as defined in the Major Thoroughfare Study. The applicant shall also provide a letter from the County Engineer and County Planner Office regarding the development and any recommendations regarding the proposed impact and safety considerations. All letters shall be submitted as part of the initial application and be part of the record in the preliminary plat approval process. The plan commission does reserve the right to request additional information regarding traffic and the proposed site.

Change # 8 (9-0 favorable recommendation from Plan Commission)

Floyd County Subdivision Control Ordinance Article IV Section 16 8

(Current language) Commercial subdivisions shall contain landscaped buffer areas at least 25 feet in depth along all lot line abutting land zoned or used for residential uses. Industrial subdivisions shall contain landscaped buffer areas at least 25 feet along all lot lines zoned or used for residential uses. All truck dock/loading areas shall be buffered from public roadways. The plat shall contain easements for these buffer areas, and a landscape plan showing size, number, and species of plants to be provided.

(Proposed language)

Commercial and Industrial subdivisions shall meet all buffering, landscaping and loading requirements set forth in the Floyd County Zoning Ordinance. Any abutting land that is a legal non-conforming residential use, the subdivision development shall be required to meet buffering yard 1 requirements as defined in the Floyd County Zoning Ordinance.