

ORDINANCE 2012-28

AN ORDINANCE AMENDING SECTION 714 OF THE OFFICIAL ZONING ORDINANCE OF HUNTINGTON COUNTY, INDIANA

BE IT ORDAINED, by the Board of Commissioners of Huntington County, Indiana ("Commissioners"), in meeting duly assembled;

WHEREAS, the Huntington County Plan Commission considered an application (PC-12-004) filed the Department of Community Development to amend Section 714 of the Huntington County Zoning Ordinance.

WHEREAS, the Huntington County Plan Commission, by a 6-0 vote, issued a favorable recommendation to application PC-12-004 at a meeting duly assembled on October 10, 2012. The Plan Commission Certification of the favorable recommendation is attached hereto and incorporated by reference as Exhibit "A".

WHEREAS, the Commissioners now determined that from time to time it is necessary to revisit land use regulations; and

WHEREAS, it promotes the normal growth and orderly development of the jurisdiction to repeal the existing regulations and adopt new regulations regarding the creation of flag lots; and

WHEREAS, such regulation is designed to assure the promotion of public health, safety, general welfare, efficiency, and economy in the process of development.

NOW, THEREFORE, BE IT ORDAINED, by the Huntington County Board of Commissioners, that Section 714 of the Zoning Ordinance of Huntington County, Indiana (as amended) be repealed in its entirety and replaced with the following:

ORDINANCE 2012-28

“SECTION 714: FLAG LOTS

- A. Flag lots may only be permitted by variance from development standards in all zoning districts where the shape, topographical conditions, or other natural features of the site make a flag lot the more logical choice over a lot meeting the minimum frontage requirements. Furthermore, hardship and practicality shall be clearly distinguished from mere inconvenience when determining if a variance is appropriate. Where flag lots are granted a variance, they shall be subject to the following standards:
1. Structures located on a flag lot shall maintain primary and accessory structure setbacks as required by the applicable zoning district, however the rear-yard setback shall apply to both the front and rear property lines of the ‘flag’ in lieu of a traditional front-yard setback.
 2. Flag lots must have ownership of the ‘pole’, so the lot has actual road frontage.
 3. The ‘pole’ of a flag lot shall not exceed sixty (60) feet in width at any point.
 4. The ‘pole’ shall be a minimum of twenty-five (25) feet for straight poles and fifty (50) feet for poles that change direction between 30 degrees and 90 degrees. A larger minimum pole width may be required for directional changes in excess of those listed above.
 5. The area of the “flag” shall meet the minimum lot area as required by the applicable zoning district. The area of the “pole” shall not be included when calculating minimum lot size.
 6. The “pole” shall not cross a stream, ravine, ditch, watercourse, or similar topographical feature without provisions for an adequate drainage structure or fill and culvert to convey storm water runoff as it currently enters and exits the property.”

ORDINANCE 2012-28

This Ordinance shall be in full force and effect following its adoption and in accordance with applicable law.

Adopted this 5th day of November, 2012.

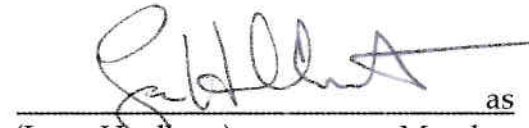
BOARD OF COMMISSIONERS, HUNTINGTON COUNTY, INDIANA



(Tom Wall) as President

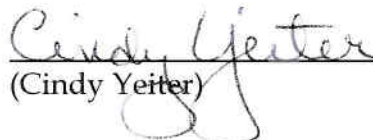


(Kathy Branham) as Member



(Leon Hurlburt) as Member

ATTEST:



(Cindy Yeiter) as County Auditor

PLAN COMMISSION RECOMMENDATION

On October 10, 2012 the Huntington County Plan Commission held a public hearing on the proposed amendment to Section 714: Flag Lots in the Huntington County Zoning Ordinance. After hearing from all interested parties, and paying reasonable regard to the five criteria in IC 36-7-4-603, the Plan Commission, by a 6-0 vote, certified Docket PC-12-004 with a favorable recommendation to the County Commissioners.


Marla J. Stambazze, Acting Secretary

