

ORDINANCE NO. 2013-04

AN ORDINANCE AMENDING THE OFFICIAL ZONING CODE OF HUNTINGTON COUNTY, INDIANA, ESTABLISHING SECTION 920: EMPLOYMENT ZONING (EZ) OVERLAY DISTRICT

WHEREAS, the Huntington County Plan Commission considered application PC-13-001 filed by the Department of Community Development to amend the Huntington County Zoning Code by establishing Section 920: Employment Zoning (EZ) Overlay District; and

WHEREAS, the Huntington County Plan Commission, by a 6-0 vote, issued a favorable recommendation to application PC-13-001 at a meeting duly conducted on April 10, 2013. WHEREAS, the Board of Commissioners considered the April 10, 2013 favorable recommendation of the Plan Commission at their meeting on April 22, 2013 and remanded Ordinance 2013-04 to the Planning Commission in order to modify Section B: Anticipated Right-of-way; and

WHEREAS, the Huntington County Plan Commission considered language changes at their meetings on June 10, 2013 and August 14, 2013. The Plan Commission issued a favorable recommendation for application PC-13-001 on August 14, 2013. The Plan Commission Certification of the favorable recommendation is attached hereto and incorporated by reference as Exhibit "A"; and

WHEREAS, the Board of Commissioners now determines that from time to time it is necessary to revisit and amend land use regulations in accordance with IC §36-7-4-607; and

WHEREAS, such regulation is designed to promote the public health, safety, general welfare, efficiency, and economy in the process of the normal and orderly development of the land within the jurisdictional area;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA, that the Huntington County Zoning Code be amended to include the following new Section:

“SECTION 920: Employment Zoning (EZ) Overlay District

A. Purpose and Intent

The Employment Zoning (EZ) Overlay District is intended to:

1. Foster economic vitality and employment along the 900 North corridor;
2. Begin to brand a new name, identity, and benchmark for quality development for the corridor;
3. Strictly limit and manage access along the corridor to ensure long-term safety and travel efficiency, and to prevent design challenges for highway designers in pursuit of improving the 900 North corridor as a critical location in improving economic vitality and as an emerging major arterial;
4. Protect environmentally sensitive areas along and near the 900 North corridor, such to provide a filter for increased storm water runoff from the anticipated increase in impervious surfaces;
5. Allow “employment corridor” development per this overlay district prior to, during and after the anticipated improvements and realignment of County Road 900 North;
6. Promote an “employment corridor” that is cohesive, aesthetically pleasing, encourages economic development, and is collectively master planned;
7. Discourage general commercial development (e.g. retail and entertainment) along the corridor, except in a form that is complementary to and integrated with pre-existing employment development (i.e. that primarily serves the employees and companies);
8. Discourage specific development and design features that would compromise the future use of the County Road 900 North corridor as a major arterial;
9. Provide the foundation for concurrent utility expansion to serve areas to the east of Roanoke;
10. Provide the foundation for improved storm water management, specifically helping to drain the core of Roanoke as well as the 900 North corridor;
11. Provide the foundation for pedestrian connection along the corridor, specifically to link downtown Roanoke with employment development and to the proposed pedestrian trail that will follow the floodplain between Aboite Township and the City of Huntington; and
12. Continue in effect as long as progress continues to be made in the redesign, realignment and reconstruction of County Road 900 North. It is the intent of the Plan Commission, Huntington County and the Town of Roanoke that, should Huntington County and the Town Of Roanoke Council ever determine that this corridor is no longer suitable for an employment corridor and as a major arterial, then this Section should be promptly reviewed by the Commission and considered for possible repeal or amendment.

B. Effect on Base (i.e. current underlying Agricultural) Zoning District’s Uses.

1. Permitted Uses: The Employment Zoning (EZ) Overlay District shall only permit single-family residential (up to 2,500 finished square feet) and agricultural uses as prescribed in Section 901: Agricultural (A) District, excluding Livestock Operations, and shall follow all development standards of Section 901: Agricultural (A) District until the property utilizes the Employment Zoning (EZ) Overlay District incentives described in Section 920.D.
2. Other existing uses shall be considered legal, nonconforming uses on their subject lot(s), unless documentation of granted approvals is on file with the Huntington Countywide Department of Community Development.

C. Effect on Base (i.e. current underlying Agricultural) Zoning District's Development Standards: The following standards shall apply to all properties within the Employment Zoning (EZ) Overlay District until the property utilizes the Employment Zoning (EZ) Overlay District Incentives described in Section 920.D.

1. Building Setbacks Along 900 North: Any new primary structure, accessory structure, sign, parking lot, well, or septic system shall be setback 30 feet from the anticipated right-of-way as determined. Side yard and rear yard setbacks shall be twenty-five (25) feet or the height of the building, whichever is greater. This subsection does not apply to uses permitted under subsection 920.B.1.
2. Building Setbacks Along U.S. 24: Any new primary structure, accessory structure, sign, parking lot, well, septic system shall be setback 30 feet from the anticipated right-of-way as determined. Side yard and rear yard setbacks shall be twenty-five (25) feet or the height of the building, whichever is greater. This subsection does not apply to uses permitted under subsection 920.B.1.
3. Building Improvements: Any existing building may be expanded by 500 square feet or ten percent (10%), whichever is greater, of its overall existing footprint. Said expansion shall not require a development standards variance or use variance, nor shall it be constructed partially or fully within the above described Building Setbacks. Also, all building and structure maintenance shall be permitted. This subsection does not apply to uses permitted under subsection 920.B.1.
4. Curb Cut Restriction: New development or other improvements between U.S. 24 and E. County Line Road shall not have direct access to County Road 900 North under any circumstance due to the need for lane separation, turning lanes, raising the road elevation over the floodway, maintaining and improving drainage out of downtown Roanoke, and grade separation over the railroad tracks. Any new curb cuts along this segment could reduce the opportunity for the 900 North corridor to evolve into a major arterial. A temporary access may be granted with a written, binding agreement applicable in perpetuity that states that, upon any widening or roadway improvement along County Road 900 North, the respective infrastructure agency may provide notice that the owner shall vacate the temporary access point at no expense or penalty, subject to the infrastructure agency's obligation to provide the owner with due access to the owner's property. However, it is the intent of this section that all parcels that already have access to other county roads should continue to utilize such access and not be granted temporary access to County Road 900 North under this subsection.

D. Employment Zoning (EZ) Overlay District Incentives

1. Applicability: Employment Zoning (EZ) Overlay District incentives shall apply when a proposed project meets all of the below described triggers: subsection 920.D.1.a through 920.D.1.f. Qualifying properties shall be regulated by Section 920.E and 920.F, and non-qualifying properties shall be regulated by Section 920.B and 920.C.
 - a. A single lot is ten (10) acres or greater in area, or two (2) or more contiguous lots are assembled, resulting in control over the (10) acres or more of land; and
 - b. The developer shall provide proof of ownership or control and an affidavit, stating that the properties will be used in combination as one in perpetuity; and
 - c. At the time of Development Plan approval, the developer shall reserve, for eventual acquisition by the respective infrastructure agency, the anticipated right-of-way as determined; and
 - d. The developer shall remove any existing curb cuts or reduce the total number of curb cuts down to a single curb cut and vacate and remove the remaining curb cut prior to

highway construction if alternative access is practicable. In the event the project does not come to fruition, the one remaining curb cut would not be required to be removed; and

- e. The developer shall provide a site plan and development design that gains access from a frontage road or toad other than the 900 North corridor, if practicable; and
 - f. The developer shall provide cross-access easements that allow neighboring properties along the corridor to remove curb cuts along the 900 North corridor, if applicable.
2. Affidavit: Upon application for an improvement location permit, proof of ownership, and proof of meeting the prerequisites in subsection 920.D.1.a through 920.D.1.f, the property owner shall prepare and sign an affidavit, stating that the owner understands that by voluntarily pursuing the incentives in this overlay district that entitlement to the base zoning district's uses and development standards and existing legal, nonconforming uses and development standards is lost and that the Employment Zoning (EZ) Overlay District is fully applicable until the expiration date of Section 920. This affidavit shall be recorded at the Huntington County Recorder's Office.

E. Employment Zoning (EZ) Overlay District Permitted and Special Exception Land Uses: Qualifying properties shall be allowed the following uses:

1. Permitted Uses:
 - a. general office
 - b. professional office
 - c. medical office
 - d. hospital or medical clinic
 - e. software development
 - f. call center
 - g. technology or electronics research and development
 - h. bio-medical research and development
 - i. medical device manufacturing
 - j. college, university, vocational school, or business school
 - k. processing center
2. Special Exception Uses:
 - a. restaurant when master planned with and complementary to a permitted use
 - b. small-scale retail when master planned with and complementary to a permitted use
 - c. small-scale service provider when master planned with and complementary to a permitted use
 - d. high-tech assembly
 - e. high-tech manufacturing

F. Employment Zoning (EZ) Overlay District Development Standards:

1. Building Setbacks: Any new primary structure, accessory structure, sign, parking lot, well, or septic system shall be setback 30 feet from the anticipated right-of-way as determined. Side yard and rear yard setbacks shall be twenty-five (25) feet or the height of the building, whichever is greater. Parking lots shall not be more than forty (40) feet closer to the anticipated right-of-way than any primary structure.
2. Building Heights: The maximum height for buildings or structures shall be sixty-five (65) feet.
3. Maximum Stories: The maximum number of stories in a building shall be four (4). A story is an occupiable floor not a height measurement.

4. Open Space: Each new development shall provide a minimum of ten percent (10%) for planting area. Impervious surfaces and areas used for interior parking lot landscaping and retention ponds shall not qualify as open space.
5. Perimeter Landscaping
 - a. Quantity: When a new development has frontage on County road 900 North, one (1) deciduous canopy tree shall be planted for every fifty (50) feet of frontage.
 - b. Size: Each deciduous canopy tree shall be at least a one and one-half (1 ½) inch caliper tree measured three (3) feet above the root flare.
 - c. Placement: Each required canopy tree shall be planted within fifty (50) feet of the anticipated right-of-way. Irregular placement is encouraged to replicate a natural planting pattern.
6. Off-street Parking: Off-street parking shall be as required and consistent with Section 919: Professional Office District (POD).
7. Interior Landscaping: Interior landscaping shall be as required and consistent with Section 919: Professional Office District (POD).
8. Light: On-site lighting shall be as required and consistent with Section 919: Professional Office District (POD).
9. Outdoor Furniture/Dumpster Location: Outdoor furniture and dumpster locations shall be as required and consistent with Section 919: Professional Office District (POD).
10. Signage: The following regulations identify the number, type and size of signs permitted in the Employment Zoning (EZ) Overlay District:
 - a. Pedestal: One (1) pedestal sign is permitted with a maximum height as measured from finished grade to the top of the sign of six (6) feet. The maximum copy area of the sign shall be sixty (60) square feet for developments with less than 100,000 square feet or eighty (80) square feet for developments with over 100,000 square feet or more. The signs may be double-sided. No use of dynamic signs shall be permitted.
 - b. Wall: Three (3) wall signs are permitted per primary structure. However, only one (1) wall sign is permitted on any one (1) façade. The maximum copy area of the sign shall be sixty (60) square feet. Each wall sign shall be affixed directly to and be fully within twelve (12) inches of the wall of the building and be complementary to the architectural design of the building. Buildings with three (3) stories or more may have two (2) wall signs on the front façade, in replacement of one of the above granted wall signs; however, the two (2) signs shall be at least 200 feet from one another and shall not exceed forty (40) square feet in copy area each.
 - c. Other Sign Restrictions: No pedestal sign shall be located within twenty (20) feet of any right-of-way line or within any easement. No pedestal sign shall be within sixty (60) feet from a residentially zoned property or within 100 feet of an existing residential dwelling.
11. Underground Utilities: The development shall be required to meet the underground utilities standards within and applicable to Section 919: Professional Office District (POD).
12. Curb Cut Restriction:
 - a. New development or other improvements between U.S. 24 and a point 800 feet east of the Norfolk and Southern railroad tracks shall not have direct access to County Road 900 North under any circumstance due to the need for lane separation, turning lanes, raising the road elevation over the floodway, maintaining and improving drainage out of downtown Roanoke and grade separation over the railroad tracks. A temporary access may be approved with a written, binding agreement applicable in perpetuity that states that upon any widening or roadway improvement along County Road 900

North, the respective infrastructure agency may provide notice that the owner shall vacate the temporary access point at no expense or penalty subject to the infrastructure agency's obligation to provide the owner with access to the owner's property.

- b. New development or other improvements between a point 800 feet east of the Norfolk and Southern railroad tracks and E. County Line Road shall not have new direct access or an improved access to County Road 900 North unless the curb cut is for a development with at least 100,000 square feet of occupiable space and when the curb cut is at least 1,320 feet from another cross street. If within 1,320 feet, an access road or frontage from Gundy Road, Mayne Road, E. County Line Road, or other established access shall be utilized. A temporary access may be approved with a written, binding agreement applicable in perpetuity that states that upon any widening or roadway improvement along County Road 900 North, the respective infrastructure agency may provide notice that the owner shall vacate the temporary access point at no expense or penalty subject to the infrastructure agency's obligation to provide the owner with access to the owner's property.

- 13. Pedestrian Facility Easement: New development shall provide twenty (20) feet of pedestrian easement along the anticipated right-of-way line as described in Section 920.B, granting rights to the respective infrastructure agency to install a side path, sidewalk or improved trail for pedestrians. This easement shall be free from structures, buildings, landscaping, signs, parking lots, wells, and septic systems. However, underground utilities may share the pedestrian facility easement.

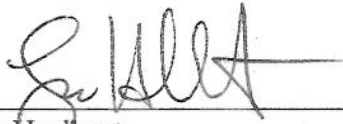
- G. Geographic Applicability: The Employment Zoning (EZ) Overlay District shall apply to areas as shown on the official zoning map and labeled as the Employment Zoning (EZ) Overlay District in the legend.

- H. Nothing in Section 920 shall preempt or supersede the authority of the Board of Zoning Appeals."

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

Adopted by the Board of Commissioners of Huntington County, Indiana, on the 23rd day of September, 2013.

BOARD OF COMMISSIONERS OF HUNTINGTON COUNTY, INDIANA



Leon Hurlburt as President

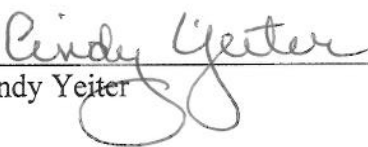


Larry Buzzard as Member



Tom Wall as Member

ATTEST:




Cindy Yeiter as Auditor

Exhibit "A"

Plan Commission Certification

On August 14, 2013, the Huntington County Plan Commission, by a 7-0 vote, certified a favorable recommendation on application PC-13-002.


Miranda Snelling, Secretary
Huntington County Plan Commission