

ORDINANCE NO 2006-10
AN ORDINANCE TO AMENDING THE HUNTINGTON
COUNTY ZONING ORDINANCE
(Ponds)

WHEREAS, it is in the best interest of the Huntington Community as a whole to amend the Huntington County Zoning Ordinance regarding SECTION 1040: Ponds; and

WHEREAS, the proposed amendment to SECTION 1040: Ponds better serve the citizens of Huntington County by improving the review process for proposed ponds with respect to setback requirements; and

WHEREAS, The Huntington County Plan Commission considered Docket PC-06-004, a petition to amend the text of the Zoning Ordinance. A record of the petition and Plan Commission action recommending a **favorable recommendation** of the Zoning Ordinance text amendment is attached hereto and incorporated by reference as "Exhibit A".

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Huntington County, Indiana that the Zoning Ordinance of Huntington County be, and is hereby, amended to by adding language to SECTION 1040: Ponds as set forth in the following exhibit:

HUNTINGTON COUNTY POND ORDINANCE

Note: The following should all be on one page.

G: Variance Procedure:

1. Variance from the minimum requirements of this section shall be filed in accordance with procedures set forth in Section 6.3 of the "Rules and Procedures of the County BZA" or *the variance from the minimum requirements of this section shall be unanimously agreed to in the field (at the pond site) in writing by all of the following (A) A representative of the Department of Community Development (B) A representative of the County Surveyors Office (C) A representative of the County Highway Department (D) A representative of the landowner for the pond site (E) A representative of the adjoining landowner if and only if the variance is along an adjoining landowners tract.*
2. *If all of the above mentioned representatives listed in (A), (B), (C) & (D) do not unanimously concur on the variance (along with the representative of (E) if necessary [see above]), then a request for a variance from the minimum setback requirements or alteration of the direction of volume of water flow from the property shall be submitted to the Department of Community Development. A filing fee of **sixty dollars (\$60.00)** shall be paid to the Department.*
3. A letter from the County Surveyor stating the Surveyor's recommendation on the proposed variance request shall be filed with the application.
4. Inspections – The Huntington County Surveyor's Office shall be notified by the property owner and/or excavation contractor when work commences on the construction of a pond to insure compliance with the requirements set forth in this section.
5. If any tiles are cut, broken down, or rendered less effective during development activity on a lot, the landowner shall be responsible for the repair, replacement, or relocation of the tile on the lot to maintain the amount of drainage through the lot that existed prior to the development act.

HUNTINGTON COUNTY POND ORDINANCE

FIELD VARIANCE PROCEDURE

Date: _____

The variance is in the form of _____

A) Department of Community Development Representative:

B) Huntington County Surveyor's Office Representative:

C) Huntington County Highway Representative:


D) Landowners Representative:

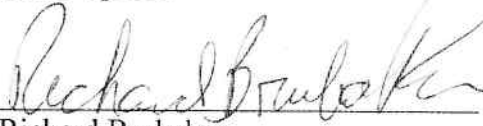
E) Adjoining Landowners Representative:

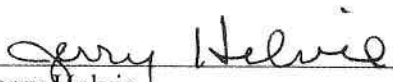
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Approved by the Board of County Commissioners of Huntington, Indiana, this

24th day of July 2006.



Steve Updike


Richard Brubaker


Jerry Helvie

Board of County Commissioners
Huntington County
Huntington, Indiana

ATTEST:


Donald D. Schoeff
Huntington County Auditor