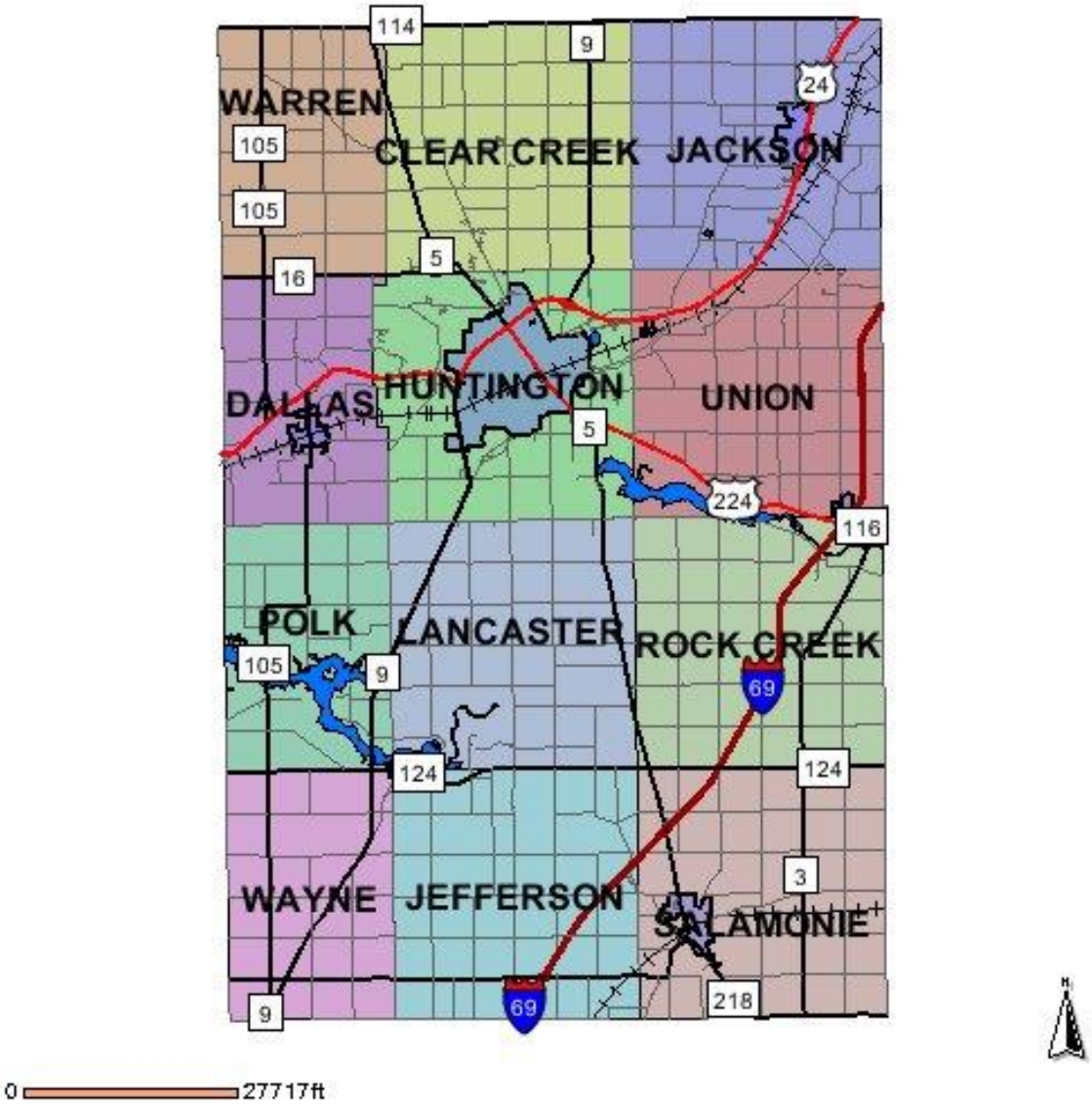
HUNTINGTON COUNTY ZONING ORDINANCE



REFERENCE BOOK

REVISED AUGUST 2020

HUNTINGTON COUNTY, INDIANA
ZONING CODE

REFERENCE FORMAT

The Huntington Countywide Department of Community Development has codified the zoning code and all amendments adopted prior to **2018** into this reference document. Every attempt has been made to ensure the accuracy and correctness of this document. The following amendments have been made since 2018:

Section 201	Amended	8-31-2020
Section 360	Amended	8-3-2020
Section 714	Amended	8-31-2020
Section 715	Amended	8-31-2020
Section 901	Amended	8-3-2020
Section 912	Amended	8-3-2020
Section 913	Amended	8-3-2020
Section 914	Amended	8-3-2020
Section 1050	Amended	8-3-2020

Wherever the requirements of this document are at variance with the officially published Code of Ordinances for Huntington County, Indiana, the provisions of the Code of Ordinances shall govern.

By publication of this document, Huntington County, Indiana and the Huntington Countywide Department of Community Development do not assume any liability for any errors or omissions.

HUNTINGTON COUNTY PLAN COMMISSION
AND
HUNTINGTON COUNTY BOARD OF ZONING APPEALS

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HUNTINGTON COUNTY ZONING CODE

SECTION 100: Title
SECTION 101: Purpose and Intent
SECTION 102: Jurisdiction
SECTION 110: General Provisions
SECTION 120: Severability Clause
SECTION 130: Repeal of Conflicting Ordinance, Effective Date
SECTION 200: Application and Interpretation
SECTION 201: Words and Phrases Defined
SECTION 300: Authority
SECTION 301: Improvement Location Permits Required
SECTION 302: Contents of Application for Improvement Location Permit
SECTION 303: Improvement Location Permit Review Process
SECTION 304: Approval of Improvement Location Permit
SECTION 305: Approval of Subdivision Plat Committee
SECTION 306: Approval by County Highway Department or INDOT
SECTION 307: Approval by County Health Department
SECTION 308: Approval by County Surveyor Office
SECTION 309: Approval by Town
SECTION 310: Expiration of the Improvement Location Permit
SECTION 320: Complaints Regarding Violations
SECTION 330: Enforcement Official
SECTION 340: Access to Property/Inspections
SECTION 360: Schedule of Fees, Charges and Expenses
SECTION 370: Revocation of Approval
SECTION 380: Enforcement, Violations, Remedies and Penalties
SECTION 400: Non-Conformities
SECTION 420: Avoidance of Undue Hardship
SECTION 430: Non-Conforming Lot of Record
SECTION 440: Non-Conforming Use of Land
SECTION 450: Non-Conforming Structures
SECTION 460: Non-Conforming Component of Use
SECTION 470: Repairs and Maintenance
SECTION 480: Approved Special Exception and Variance of Use
SECTION 500: Rules of Procedure
SECTION 501: Exceptions and Uses
SECTION 502: Written Commitment
SECTION 503: Conditions of Approval
SECTION 600: Establishment of Zoning Districts
SECTION 601: Official Zoning Map
SECTION 602: Interpretation of the Zoning Map
SECTION 603: Citizen Participation Plan
SECTION 700: Supplementary Regulations
SECTION 701: Accessory Structures and Uses
SECTION 702: Fences
SECTION 703: Swimming Pools
SECTION 704: Decks
SECTION 705: Parking
SECTION 706: Landscaping

SECTION 707: Signs
SECTION 708: Building Height
SECTION 709: Building Width
SECTION 710: Projections into Setback Area
SECTION 711: Corner Lots
SECTION 712: Average Building Setback
SECTION 713: Temporary Structures and Uses
SECTION 714: Flag Lots
SECTION 715: Number of Principal Structures Allowed Per Lot
SECTION 716: Setbacks from County Streets
SECTION 717: Wireless Communication Towers
SECTION 720: Wind Energy Conversion System Ordinance
SECTION 730: Solar Energy System (SES) Ordinance
SECTION 800: Manufactured Housing
SECTION 901: Agricultural (A) District
SECTION 902: Suburban Residential (SR) District
SECTION 903: Residential Low Density (R-2) District
SECTION 904: Residential Medium Density (R-4) District
SECTION 905: Residential High Density (R-8) District
SECTION 906: Residential Apartment (R-20) District
SECTION 907: Residential Mobile Home Park (RMH) District
SECTION 908: Local Business (LB) District
SECTION 909: General Business (GB) District
SECTION 910: Accommodation Business (AB) District
SECTION 911: Central Business (CB) District
SECTION 912: Light Manufacturing (M-1) District
SECTION 913: Heavy Manufacturing (M-2) District
SECTION 914: Extractive Manufacturing (M-3) District
SECTION 915: Airport (AZ) District
SECTION 916: Open Space (OS) District
SECTION 917: Flood Hazard Area Overlay District (FHA)
SECTION 918: Exclusive Use Overlay District (EUD)
SECTION 919: Professional Office (POD) District
SECTION 936: Exclusive Use Overlay District (EUD) Adult Businesses
SECTION 950: Home Occupations
SECTION 951: Subdivisions
SECTION 994: Airport Height Restrictions Overlay District
SECTION 1010: Planned Unit Development (PUD)
SECTION 1020: Livestock Operations
SECTION 1040: Ponds
SECTION 1050: Development Plan

HUNTINGTON COUNTY ZONING ORDINANCE

SECTION 100: TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance" of the County of Huntington, Indiana.

SECTION 101: PURPOSE AND INTENT

The purposes of the Zoning Ordinance are as provided in IC 36-7-4-201.

SECTION 102: JURISDICTION

The Zoning Ordinance shall apply to the following lands within Huntington County:

A. All unincorporated areas within Huntington County, Indiana excepting those areas in which another Plan Commission has exercised their right to extend their statutory jurisdictional area over contiguous unincorporated land that is outside of the boundaries of their municipality.

SECTION 110: GENERAL PROVISIONS

A. This Zoning Ordinance is adopted pursuant to IC 36-7-4 as amended.

B. In their interpretation and application, the provisions of the Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

C. The provisions of the Zoning Ordinance are not intended to abrogate any easement, covenant or any other private agreement or restriction (hereinafter collectively referred to as private provisions), provided that where the provisions of the Zoning Ordinance are more restrictive or impose higher standards or regulations than such private provisions, the requirements of the Zoning Ordinance shall govern. Where the provisions of the private provisions impose duties and obligations more restrictive, or set forth higher standards than the requirements of the Zoning Ordinance, or the determinations of the Plan Commission in enforcing the provisions of this Zoning Ordinance, and such private provisions are not inconsistent with enforceable zoning ordinance provisions or determinations thereunder, then such private provisions shall be operative and supplemental to the provisions of this Zoning Ordinance and determinations made thereunder. Private provisions may not be enforced by the Plan Commission unless the Plan Commission, with its approval, has been made a party to such private provisions.

SECTION 120: SEVERABILITY CLAUSE

Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 130: REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

All Ordinances or parts of Ordinances in conflict with the Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This Ordinance shall become effective on October 15, 1984.

Passed by the Board of Commissioners of Huntington County, Indiana on this 15th day of October 1984.

BOARD OF COMMISSIONERS
Meredith Helms
Arnold Knecht
Larry A. Whinery

ATTEST: Bonnie S. Ostrow
Auditor

SECTION 200: APPLICATION AND INTERPRETATION

A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted, and defined as set forth in this article.

B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the creation and function of various planning agencies, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

C. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
   1. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
   2. The masculine includes the feminine.
   3. The present tense includes the past and future tense; the singular number includes the plural.
   4. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
   5. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".
   6. The word "lot" includes the words "plot", "parcel", and "tract".
   7. The word "property owner" includes the individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity that owns or holds title to real property. An entity which has the power of eminent domain shall be considered a property owner and have the authority to act as property owner.

SECTION 201: WORDS AND PHRASES DEFINED:

ACCESS: The principal means of ingress and egress to abutting property from a street.

ACCESSORY STRUCTURE: A detached building or structure incidental and accessory to the principal building or structure.

ACCESSORY USE: A use incidental to, and on the same lot as, a principal use.

ACRE: A measurement of land area containing forty three thousand five hundred sixty (43,560) square feet of land or water or combination thereof.

ADDITION: A structure or building added to the original structure or building at some time after the completion or issuance of a certificate of occupancy for the original structure or building.

ADULT ENTERTAINMENT ESTABLISHMENT: A commercial establishment which limits admission to "adult only" owing to the sexual nature of its merchandise or entertainment. Such establishments may include, but not be limited to, adult bookstores, adult theaters, adult lounges, adult restaurants, adult health studios, adult photography studios, or adult novelty stores.

ADVERTISING STRUCTURE: Any structure erected or installed for advertising purposes, with or without any advertising display thereon, situated upon or attached to real property, upon which any sign or other advertisement may be attached, affixed, or displayed.

AGRICULTURAL BUILDING: A structure principally utilized for the storage of machinery used for purposes of crop production or for the shelter and feeding of livestock.

AGRICULTURE: The use of land for crop production and/or the raising of livestock.

AIRPORT: Any location either on land, water or structure which is designed or used for the landing and taking off of aircraft, including all necessary buildings and facilities, if any.

AIRPORT ELEVATION: 806 feet above mean sea level.

ALLEY: A public or private accessway primarily designed to serve as secondary access to the side or rear of a property.

ALTERATION: Any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

AMUSEMENT DEVICE: Any amusement machine or device operated by means of insertion of a coin, token, or similar object for the purpose of amusement or skill, or for the playing of which a fee is charged. This definition does not include vending machines.

ANIMAL SANCTUARY/RESCUE: An accessory structure that provides temporary or permanent safe haven to animals in need. Animals are not bred or exploited for commercial activities. Every effort is made to provide the most natural habitat for the animals and shall not be conducted within nor attached to a Dwelling Unit.

ANIMAL SHELTER: An accessory structure that provides temporary care for animals that need protection, attempts to find homes for homeless animals, and reunites lost pets with their owners. An animal shelter may provide other services such as behavioral evaluations and training. Animals may be euthanized if homes are not found in a certain time frame. An Animal Shelter shall not be conducted within nor attached to a Dwelling Unit.

ANTENNA: Means a device used to receive or transmit electromagnetic waves.

APPROACH, SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 994 (A) of this Ordinance. The perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section 994 (A) of this Ordinance.

ARCADE: Any establishment, room, place or business location in which there are available to the public more than six (6) amusement devices.

ATTACHED WIRELESS COMMUICATION FACILTY (ATTACHED WCF): An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include, but not limited to, utility poles, signs, water towers, with any accompanying pole of device (attachment device) which attaches the antenna array to the existing building or structure, transmission cables and an equipment facility which may be located either inside or outside of the attachment structure.

BASEMENT: That portion of a building that is partly or completely below grade.

BLOCK: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights of way, shorelines of waterways or boundary lines of municipalities.

BOARD: The Huntington County Advisory Board of Zoning Appeals.

BOARD OF AVIATION: A board appointed by the City of Huntington as required by IC 8-22-2-1 et. seq.

BUFFER: Land area used to visibly separate one (1) use from another or to shield or block noise, lights, or other nuisances.

BUILDABLE AREA: That portion of a lot or building site remaining for purposes of erecting or constructing a building after required setbacks have been provided.

BUILDING: A structure having a roof supported by columns or walls designed, built, or used for the enclosure, shelter, or protection of persons, animals, or property.

BUILDING, AREA: The area within the outside perimeter of exterior walls of the ground floor of a building.

BUILDING, COMMERCIAL: A building within which a commercial use is conducted.

BUILDING, DETACHED: A building that has no structural connection with another building.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridges for gable, hip and gambrel roofs.

BUILDING, INDUSTRIAL: A building within which an industrial use is conducted.

BUILDING LINE: A line parallel to and equidistant from the relevant lot line (front, rear, and side) and equal to the depth of the applicable setback required for the zoning district in which the lot is located.

BUILDING WIDTH: The dimension of a building or structure from side to side.

BUSINESS OFFICE: The office of a business designed and used primarily to conduct the administrative and clerical affairs of the business.

CEMETERY: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery for which perpetual care and maintenance is provided.

CERTIFICATE OF OCCUPANCY: A document issued by the Department allowing the occupancy or use of a building.

CHILD CARE HOME: A residential structure wherein child care services are provided in accordance with Indiana Code.

CLINIC: A building used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but which building does not provide board, room, or regular hospital care and services.

CLUB: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests, but not including any organization, group or association, the principal activity of which is to render a service usually and ordinarily carried on as a business.

CO-LOCATION: Means the use of common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/
or placement of a WCF on a structure owned or operated by a utility or other public entity.

COMMERCIAL RECREATION AREA: An area designated and used for recreational activities of a commercial nature, including swimming pools, amusement parks, batting cages, miniature golf, go cart racing, and similar activities.

COMMERCIAL USE: Activity involving the sale or offering of goods or services.

COMMISSION: The Huntington County Advisory Plan Commission.

COMMON AREA: The total area which is available for common use by all tenants and their invitees, including but not limited to, such areas as parking lots and their appurtenances, sidewalks, landscaped areas, etc.

COMPONENT OF USE: An element of use of land including but not limited to, off street parking, off street loading, landscaping and signage.

COMPREHENSIVE (DEVELOPMENT) PLAN: A plan, or any portion thereof, adopted by the Plan Commission and the Board of County Commissioners, indicating the general extent of present physical facilities such as housing, industrial and commercial uses, parks, schools, and transportation and other community facilities, and projecting future needs for such facilities.

CONDITIONAL USE: A use which was approved by the Board of Zoning Appeals under Ordinance #1958-1, as amended or Ordinance #1984-2, as amended.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

CONTIGUOUS: Lands which are actually joined, united, or touching each other.

COPY AREA: The entire face of a sign including the advertising surfaces of any framing, trim or molding but not including the supporting structure.

CUL DE SAC: See Street.

DAY CARE HOME: A residential structure wherein day care services are provided in accordance with Indiana Code.

DECK: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent system.

DENSITY: The number of individuals, dwelling units, or housing structures per unit of land.

DEPARTMENT: The Huntington Countywide Department of Community Development.

DEVELOPMENT: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; use or change in use of any buildings or land; or any extension of any use of land or any clearing, grading or other movement of land under the jurisdiction of any local land use authority.

DEVELOPMENT PLAN: A specific plan, as required by the Zoning Code, for the development of real property.

DEVELOPMENT REQUIREMENT: A requirement for development of real property in a zoning district for which a Development Plan is required.

DEVELOPMENT STANDARDS: The minimum development requirements established by the Zoning Ordinance. These requirements include, but are not limited to, setback, building height, ground floor area, lot size, lot width, lot frontage, parking, signage, and landscaping.

DIRECTOR: The Executive Director of the Huntington Countywide Department of Community Development.

DISTRICT: A specifically delineated area within which regulations and requirements uniformly govern the use and development of the land.

DOMESTIC ANIMALS: Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, pot-bellied pigs, guinea pigs, domesticated rabbits, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals. Housing greater than seven (7) Domestic Animals (non-caged) must be in an accessory, non-dwelling unit structure (Kennel, Animal Shelter and/or Animal Sanctuary) and shall not be operated within nor connected to a dwelling unit. **Animals under the age of six (6) months are not counted towards the allowed number of Domesticated Animals.**

DRIVEWAY: Vehicular drive to not more than two (2) lots, which provides access to a parking space, garage, dwelling, or other structure.

DWELLING UNIT: One (1) or more rooms designed exclusively for residential occupancy, which include lawful cooking space and sanitary facilities.

DWELLING, MULTI FAMILY: A building or structure containing three (3) or more dwelling units.

DWELLING, SINGLE FAMILY: A building or structure containing one (1) dwelling unit.

DWELLING, TWO FAMILY: A building or structure containing two (2) dwelling units.

EASEMENT: An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.

EGRESS: An exit from a property.

EQUIPMENT FACILITY: Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, a build out of an existing structure, pedestals and other similar structures.

ESTABLISHMENT: An economic unit, generally at a single physical location, where business is conducted or services are offered.

EXECUTIVE DIRECTOR: The Director of the Huntington Countywide Department of Community Development.

FACTORY BUILT HOUSING: A structure built or constructed in a factory and designed for long term residential use. For the purposes of these regulations, factory built housing consist of four types: modular homes, sectional homes, mobile homes, and manufactured homes.

FACTORY BUILT STRUCTURE: A structure built or constructed in a factory and installed or assembled on a building site.

FARM: A lot utilized for agricultural purposes.

FENCE: Any artificially constructed barrier of any material or combination of materials constructed or erected to enclose or screen areas of land.

FENCE, PRIVACY: Any fence constructed of materials which creates an opaque wall or screen.

FLOOR AREA, GROSS: The sum of the horizontal areas of all floors of a building or structure measured from the exterior face of exterior walls, but not including any space where the floor-to-ceiling height is less than six (6) feet.

FLOOR AREA, GROUND: The sum of the horizontal areas of the ground floor of a building containing a dwelling unit, excluding a mobile home, measured from the exterior face of exterior walls, but not including open porches, decks, terraces, garages, or exterior stairways.

GRADE: The finished surface elevation of land adjacent to a sign, building, or other structure.

GROUND COVER: Low growing living plant material that is planted to form a continuous cover over the ground.

GROUP HOME: A residential structure in which care is provided in accordance with Indiana Code.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEARING OFFICER: The individual appointed by the Plan Commission with the authority granted by the Plan Commission to review and act upon applications for a variance from development standard.

HEIGHT: For the purpose of determining height limits within the Airport Height Restrictions Overlay District, the datum shall be mean sea level elevation unless otherwise specified.

HEIGHT OF TOWER: Means the vertical distance measured in feet from the average existing level of the ground surrounding the tower and within ten feet thereof to the topmost point of the tower including any antenna or other appurtenances. The existing elevation shall mean the actual or approved elevation of the property at the time of application

HEIGHT PERMIT: A permit issued by the City/County Planning Department and required by Section 994 for lands located in the Airport Height Restriction Overlay District, and in addition to any other applicable building permit requirements found elsewhere in this code.

HEIGHT VARIANCE: A variance granted by the Board of Zoning Appeals after a public hearing and required by Section 994 for structures to be built in excess of the applicable height limitations on land located within the Airport Height Restriction Overlay District.

HOME OCCUPATION: An occupation, profession, activity or use carried out by a resident with the intention for economic gain, and which is conducted as an accessory use in the resident's dwelling unit or accessory structure on the premises.

HORIZONTAL SURFACE: A horizontal place which is 956 feet above mean sea level (150 feet above the established airport elevation of 806 feet above mean sea level) the perimeter of which coincides with the perimeter of the horizontal zone.

HOTEL OR MOTEL AND APARTMENT HOTEL: A building in which lodging or boarding are provided and offered to the public for compensation. As such it is open to the public in contrast to a rooming house, boarding house, lodging house, or dormitory which is herein separately defined.

HOUSE OF WORSHIP: A building wherein persons regularly assemble for religious worship, which is used only for such purpose and those accessory activities as are customarily associated therewith.

IMPERVIOUS SURFACE: A surface that has been compacted or covered with any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surface shall include, but is not limited to, buildings, driveways, parking areas, roads, sidewalks, areas of compacted gravel, and any areas of concrete or asphalt

IMPROVEMENT: Any structure or man-made feature which becomes part of, placed upon, or is affixed to land.

IMPROVEMENT LOCATION PERMIT: A permit issued by the Director stating that the proposed erection, construction, enlargement, moving, or locating of the building or structure referred to on the permit application is in compliance with the development and use standards and regulations of the Zoning Ordinance.

INDUSTRIAL USE: Activity involving the manufacturing, assembly, or distribution of goods or products.

INGRESS: Access or entry to a property.

KENNEL: An accessory structure or business that houses animals, particularly Domesticated Animals. A Kennel may provide housing, boarding, grooming, training, and/or breeding for personal or commercial purposes. A Kennel shall not be conducted within nor attached to a Dwelling Unit.

LANDSCAPING: Any combination of living plants (such as grass, ground cover, shrubs or trees) and non-living landscape material (such as rocks, sand or mulch).

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LEGAL ACCESS: A dedicated or recorded street, private drive, or driveway, affording perpetual ingress and egress from a property to a street.

LOADING AREA: The total area devoted to the parking, unloading, and maneuvering of delivery vehicles.

LOADING SPACE, OFF STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space. All off street loading spaces shall be located totally outside of any street or alley right of way.

LOT: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

a. A single lot of record;
b. A portion of lot of record;
c. A combination of complete lots of record, or of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT AREA: The total horizontal area of a lot exclusive of any right of way.

LOT OF RECORD: A lot which exists as shown or described on a plat or deed, in the records of Huntington County.

LOT, FLAG: A lot designed in accordance with specific development standards, which may differ from those for typical lots in the applicable zoning districts, and where access to the public road is by a narrow driveway.

LOT, FRONTAGE: The width of a lot measured along the street or private drive. For lots on a cul-de-sac, the width is measured at the minimum required front building setback line.

LOT COVERAGE: That portion of the area of a lot, expressed as a percentage, occupied by all buildings or structures, which are roofed or otherwise covered.

LOT LINE: A line dividing one lot from another lot or from a street, alley, or other right of way.

LOT LINE, FRONT: The line separating a lot from a street right-of-way or private drive.

LOT LINE, REAR: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT TYPES: Terminology used in this Ordinance with reference to different types of lots is as follows:

a. Corner lot – a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.
b. Interior lot – a lot with only one frontage on a street.
c. Through lot – a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
d. Reversed frontage lot – a lot on which frontage is at right angles to the general pattern of the area. A reversed frontage lot may also be a corner lot.

MANUFACTURING, EXTRACTIVE: Any mining, quarrying, or other forms of extraction, and processing, storing, separating, cleaning or marketing of any mineral, oil, gas, or other natural resource.

MANUFACTURED HOME: A dwelling unit, designed and constructed in a factory, which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction and Safety Standards Law of 1974.

MANUFACTURING: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.

MINIMUM LIVING AREA: The area of the floor or floors of a residential building measured from the inside of exterior walls, excluding the area for garages, carports, open porches, open breezeways, or storage rooms not accessible from the interior of the building.

MOBILE HOME: A transportable, factory built dwelling unit, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

MOBILE HOME PARK: A site with required improvements and utilities for the long-term residential occupancy of three (3) or more mobile homes and manufactured homes.

NON-CONFORMING COMPONENT OF USE: A component of use lawfully existing at the time of enactment of the Zoning Ordinance or amendments thereto, which does not conform to the applicable development standards.

NON-CONFORMING LOT: A lot which was platted or otherwise lawfully created as part of a subdivision plat and recorded in the Huntington County Recorder's Office, or approved as part of an exempt subdivision by the Huntington Countywide Department of Community Development, prior to the date of adoption of the Zoning Ordinance or amendments thereto, which lot now fails to comply with the applicable provisions of the Zoning Ordinance

NON-CONFORMING STRUCTURE: A building or structure lawfully existing at the time of enactment of the Zoning Ordinance or amendment thereto, which does not conform to the applicable development standards of the district in which it is located.

NON-CONFORMING USE: A use lawfully existing at the time of enactment of the Zoning Ordinance or amendments thereto, which does not comply with the use provisions of the zoning district in which it is located.

NON-PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in non-precision instrument approach procedure has been approved or planned.

NURSERY, PLANT MATERIALS: Land, buildings, structures or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening and landscaping.

NURSING HOME: An extended or intermediate care facility licensed or approved to provide full time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness, or infirmity, are unable to care for themselves.

OBSTRUCTION: Any structure or other object, including a mobile object, which exceeds a limiting height, set forth in Section 994 of this Ordinance.

OCCUPANT: The person or persons in actual possession of a building, structure, or lot.

OCCUPIED SPACE: The total area of a lot horizontally covered by a building or structure, excluding accessory structures such as, but not limited to, garages, patios, and porches.

OFF-STREET PARKING SPACE: A parking space which is located entirely upon private property.

OPEN SPACE: An exterior open area, clear from the ground upward, devoid of any structures and impervious surfaces.

ORDINANCE: Any legislative action, however denominated, of the County, which has the force of law, including any amendment or repeal of any Ordinance.

OUTDOOR STORAGE: The keeping of any goods, material merchandise, or vehicles for more than twenty four (24) hours in an area open to the sky and/or visible from adjacent properties or rights-of-way.

PARK: An area designated and used for active and passive recreation, aesthetic, and cultural purposes.

PARKING AREA: The total area devoted to the parking and maneuvering of vehicles.

PARKING SPACE: An area, enclosed or unenclosed, specifically designed for the sole purpose of parking one (1) vehicle.

PARTY WALL: A wall starting from the foundation and extending continuously through all stories to or above the roof which separates one building from another and is in joint use by each building.

PERMITTED USE: A use allowed in a district and subject to the development standards for that district.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PLAN COMMISSION: The Huntington County Advisory Plan Commission.

PLANNED UNIT DEVELOPMENT: A land area under unified control designed and planned to be developed in a single operation or by a series of pre scheduled development phases according to an officially approved master plan which does not necessarily correspond to the property development standards and use regulations of the district in which the development is located.

PLAT COMMITTEE: A committee established under the Rules of Procedure of the Commission responsible for review of subdivisions.

PORCH: A roofed area, which may be screened in or enclosed as permitted by the Zoning Ordinance, attached to and with direct access to or from a building.

PREMISES: One or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures, and improvements.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is set forth in Section 994 of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

PRINCIPAL STRUCTURE: A building or structure in which the principal use of the lot on which the building or structure is located is conducted.

PRINCIPAL USE: The primary or predominate use of any lot, building, or structure.

PRIVATE DRIVE: Vehicular accessway to three (3) or more lots.

PROFESSIONAL OFFICE: The office of a member of a recognized profession maintained for the conduct of business in any of the following related categories: architectural, engineering, planning, law, interior design, accounting, insurance, real estate, medical, dental, optical, or any similar type profession.

RECREATIONAL VEHICLE (RV): A vehicle primarily designed as a temporary living quarters for recreation, camping or travel, either with their own motor power or mounted on or towed by another powered vehicle.

RECYCLING FACILITY: A facility, not operated as a salvage yard, in which recoverable resources, such as newspapers, glass, metal cans, plastic, and other products are recycled, reprocessed, or treated to return such products to a condition in which they may again be used. A recycling facility may include an area set aside for composting.

RESIDENT: An individual whose principal place of living and sleeping is in a particular location and is a resident of that location.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, alley, sidewalk, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SALVAGE YARD: A lot, building, or part thereof which is maintained, operated, or used for storing, keeping, processing, buying or selling of salvage materials, including steel, vehicles, and similar materials.

SANITARY LANDFILL: An area, approved by the Indiana Department of Environmental Management, utilized for the disposal of non-hazardous solid waste.

SCREENING: A method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

SETBACK: That area between any lot line and any required, parallel setback line wherein no structure, building, or portion thereof shall be permitted, erected, or constructed, or placed unless specifically permitted by the Zoning Ordinance.

SETBACKS: When referring to a support structure, setback shall mean the required distance from the support structure to the property line of the parcel on which the WCF is located.

SETBACK LINE: A line parallel to and equidistant from the relevant lot line (front, rear, and side).

SEWERS, CENTRAL OR GROUP: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

SEWER, ON SITE: A septic tank or similar installation on an individual lot, which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health and sanitation official having jurisdiction.

SIDEWALK: That portion of the road right of way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images:

1. Abandoned sign: A building, free-standing, or off-premises sign which is no longer utilized to advertise, identify, display, direct, or attract attention to an object, institution, organization, business, product, service, or event on the premises upon which the sign is located.
2. Awning sign: A building sign, which is mounted, painted, or printed on, or attached to an awning, canopy or marquee. For the purposes of this definition, a canopy sign and a marquee sign shall be construed to be an awning sign.
3. Banner sign: A sign, intended to be suspended for display, either with or without frames, having characters, letters, illustrations, or ornamentations applied to cloth, paper, plastic, balloons, or fabric of any kind with such material acting as a back. Governmental flags and flags which are emblems of religious, charitable, public and nonprofit organizations shall not be considered banners provided that such flags, emblems, and insignia are displayed for noncommercial purposes.
4. Building sign: A sign supported by a building, which may be erected flat against the building, upon or against the roof structure of a building, or projecting from the building. For the purposes of this definition, a wall, window, bulletin board, awning, home occupation, incidental, political, roof, and projecting sign may be construed to be building signs.

5. Bulletin board sign: A building or free-standing sign erected by or for a charitable, educational, governmental, or religious institution, or a public body, which is erected on the same lot as said institution for the purpose of displaying posters, bulletins, or announcements of events to be held by such institution.
6. Construction sign: A free-standing sign erected on the premises on which development is taking place during the period of such development. Such sign may indicate the names of architects, engineers, landscape architects, contractors or similar individuals and the owners, financial supporters, sponsors, or similar individuals or firms having a role or interest with respect to the structure or project.
7. Elevated sign: A free-standing sign supported by one (1) or more column(s), pole(s) or pillar(s) which are set firmly in or below the ground surface, so that there is a minimum of an eight (8) foot clearance between the bottom edge of the sign and the grade of the lot upon which the sign is to be located.
8. Free-standing sign: A sign which is supported by structures or supports set firmly in or below the ground surface, and is independent of any support from any building or any other structures, whether portable or stationary. For the purposes of this definition, a pedestal, construction, bulletin board, home occupation, incidental, political, real estate, ground and elevated sign may be construed to be free-standing signs.
9. Ground sign: A free-standing sign supported by one (1) or more column(s), pole(s), or pillar(s) which are set firmly in or below the ground surface, wherein there is clearance between the bottom edge of the sign and the grade of the lot upon which the sign is to be located.
10. Home occupation sign: A building or free-standing sign, indicating the name of the individual or business operated within the dwelling.
11. Illegal sign: A building, free-standing, or off-premises sign that has been erected and is being maintained in violation of the provisions of this Zoning Ordinance.
12. Illuminated sign: A building or free-standing sign lighted by or exposed to artificial lighting, either by lights on or in the sign or directed towards the sign.
13. Incidental sign: A building or free-standing sign that indicates to the public, goods, facilities, or services available on the premises. For the purposes of this definition, credit card signs, signs indicating hours of operation, help wanted signs, and similar signs shall be construed to be incidental signs.
14. Non-conforming sign: A building, free-standing, or off-premises sign existing at the time of the passage of this Zoning Ordinance or amendment thereto, which does not conform to the regulations of the zoning district in which it is located, or other applicable sections of this Zoning Ordinance.
15. Off-premises sign: A sign which identifies a business, commodity, service, attraction, or other similar use offered or existing elsewhere than upon the same lot where such sign is located. For the purposes of this definition, a billboard or similar advertising structure shall be construed to be an off-premises sign.
16. Pedestal sign: A free-standing sign supported by and affixed to a base so that there is no clearance between the bottom edge of the sign and the top of the base, with such base to be comprised of materials of a permanent nature which is set firmly in or below the finished grade of the lot.
17. Political sign: A building, free-standing or off-premises sign identifying a political candidate, issue or party in a local, state or national election.
18. Portable sign: A free-standing or off-premises sign which is affixed to the ground, building, or other structure, which may be mounted on wheels, and can be transported from place to place.
19. Projecting sign: A building sign which projects outward, either perpendicular or at an angle to the wall or building on which it is mounted.
20. Real estate sign: A free-standing sign that is used to offer for sale, lease, or rent the lot upon which the sign is placed.
21. Roof sign: A building sign that is erected upon or against the roof structure of a building with the top edge of the sign extending no higher than the highest point of the roof structure.
22. Tenant sign: A free-standing sign temporarily erected and maintained upon a lot under a development permit that identifies future tenant(s) or occupant(s) of the site.
23. Wall sign: A building sign that is affixed, painted or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, and which extends no higher than the roof level of the building upon which the sign is placed.
24. Window sign: A building sign which is attached to, placed upon, painted upon, or affixed to a window or door of a building which is intended for viewing from the exterior of such building.

SPECIAL EXCEPTION: A use designated as being permitted within a district provided it complies with all development standards of that district and satisfies the criteria, which the Board of Zoning Appeals utilizes when reviewing the application for special exception approval.

STATE: State of Indiana

STORY: That part of a building between the surface of a floor and the ceiling immediately above; or if there is a floor above, the portion of the building between the surface of any floor and the surface of the floor next above. A basement shall be counted as a story and a cellar shall not be counted as a story.

STREET: A public right-of-way used, or intended to be used, for passage or travel by vehicles.

STRUCTURE: Anything constructed or erected which requires location on the ground or attached to something located on the ground.

SWIMMING POOL: Any artificial basin of water constructed or erected for wading or swimming.

SWIMMING POOL, IN-GROUND: Any pool whose sides rest in partial or full contact with the earth.

SWIMMING POOL, ON-GROUND: Any pool whose sides rest fully above the surrounding earth.

SWIMMING POOL, PERMANENT: Any in-ground pool and any on-ground pool which is greater than thirteen (13) feet in diameter for a round pool, or eight (8) feet by sixteen (16) feet for an oval pool, and more than twenty four (24) inches in wall height.

TEMPORARY WIRELESS COMMUNICATION FACILTY (TEMPORARY WCF: Shall mean a WCF that is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.

TENANT: An occupant of land or a building who occupies and uses real property for a fixed time, usually through a lease agreement with the property owner and with the owner's consent.

TOWER: Means a structure that is intended to support equipment used to receive and/or transmit electromagnetic waves. Design examples of towers include (a) self-supporting lattice, (b) guyed and (c) monopole.

TRANSITIONAL SURFACES: These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

THOROUGHFARE PLAN: An optional element of the Comprehensive Plan adopted by the County Plan Commission indicating the general location recommended for arterial, collector and local streets and roads within the County.

USE: Any purpose for which a building or other structure or a lot may be designed, arranged, maintained, or occupied; or any activity, occupation, business or operation carried on in a building or other structure on a lot.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

UTILITY SERVICE STRUCTURE, STATION OR YARD: A building, structure, or lot utilized for purposes of providing utility service to an area, or for storage of vehicles or materials associated with the provision of utility service.

VARIANCE: A specific approval granted by the Board of Zoning Appeals or Hearing Officer to deviate from a requirement of this Zoning Ordinance.

VEHICLE: A self-propelled device used for transportation of people or goods over land surfaces.

VETERINARY ANIMAL HOSPITAL OR CLINIC: A place used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. It may also include boarding that is incidental to the principal activity or use.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means the relationship of the proposed subdivision or use of other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

WIRELESS COMMUNICATION: Means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial telecommunications service including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

WIRELESS COMMUNICATION ANTENNA ARRAY (ANTENNA ARRAY): One or more whips, parcels, discs, or similar devices used for the transmission of reception of radio frequency signals, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (disc). The antenna array does not include the support structure defined below.

WIRELESS COMMUNICATION FACILITY (WCF): Any unstaffed facility used for the transmission and/or reception of wireless communication services, usually consisting of an antenna array, transmission cables, and equipment facility, and a support structure to achieve the necessary elevation.

WIRELESS COMMUNICATION SUPPORT STRUCTURE (SUPPORT STRUCTURE): Is a structure designed and constructed specifically to support an antenna array, and may include monopole, self-supporting (lattice) tower, guyed wire support tower and other similar structures. Any device (attachment device) which is used to attach an attached WCF to an existing building or structure (attached structure) shall be excluded from the definition of and regulations applicable to support structures.

YARD: An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Ordinance.

YARD, FRONT: A yard across the full width of the lot extending from the front lot line to the front of the building. On corner lots, both frontages must meet front yard specifications.

YARD, REAR: A yard extending the full width of the lot between the building and the rear lot line or lines.

YARD, SIDE: A yard between the buildings and side lot line, and extending from the front yard line to the rear yard line.

ZERO LOT LINE DWELLING: The location of a dwelling on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

ZONING: The division of an area into districts and the public regulations of the character and intensity of the use of the land, and of the buildings and structures, which may be located thereon, in accordance with a Comprehensive Plan.

ZONING, AMENDMENT: Any additions or deletions to the Zoning Ordinance as enacted by the Board of County Commissioners upon the recommendations of the Plan Commission.

ZONING MAP: The official map of Huntington County upon which the boundaries of each district are designated and established as approved and adopted by ordinance, made a part of the official records of Huntington County and which is the final authority as to the zoning classification of land.

ZONING ORDINANCE: The Huntington County Zoning Ordinance.

SECTION 300: AUTHORITY

The Director is hereby authorized to issue Improvement Location Permits within the jurisdiction of the Commission.

SECTION 301: IMPROVEMENT LOCATION PERMITS REQUIRED

No building or structure shall be erected, moved, or increased in size without an improvement location permit (hereinafter referred to as permit) issued by the Department. Permits shall be issued only in conformity with the provisions of the Zoning Ordinance and with all other County Ordinances, unless the Director receives a written order from the Board of Zoning Appeals or Hearing Officer deciding an appeal, special exception, or variance.

SECTION 302: CONTENTS OF APPLICATION FOR IMPROVEMENT LOCATION PERMIT

The application for a permit shall be completed and signed by the owner or applicant attesting to the truth and exactness of all information supplied. The following information shall be submitted to obtain a permit:

A. Completed application form.

B. A site plan of the property upon which, or to which, the building or structure shall constructed, reconstructed, erected, moved, or altered showing all property line dimensions; streets, alleys, and other rights of way; recorded easements; utility and telephone lines (both overhead or underground); legal drains or open ditches; existing and proposed buildings and structures; all setback lines; and height, width, and depth of the proposed building or structure.

C. Legal description of the property.

D. Any additional information requested by the Department that relates to compliance review.

SECTION 303: IMPROVEMENT LOCATION PERMIT REVIEW PROCESS

A. In accordance with Section 305, the Director shall make a determination on whether Plat Committee approval is required prior to issuance of a permit.

B. If approval by the Plat Committee is required, the permit application and documentation shall be submitted to the Committee for its review in accordance with the review schedule established by the Committee.

C. When reviewing the application, the Plat Committee may consider any relevant factors, including but not limited to:
   1. proximity of proposed improvement to other improvements on neighboring properties.
   2. topography of the lot upon which the proposed improvement is to be located.
   3. soil classification of the lot upon which the proposed improvement is to be located.
   4. size of the lot as it relates to storm water runoff and watershed area.
   5. location of the proposed access to the improvement.

D. Based upon the review of the application, the Plat Committee may require the submittal of a drainage plan, which shall include a proposal for the management of storm water runoff from the proposed improvements, before making a decision on the application.

E. The Plat Committee may approve a permit for issuance only upon a determination in writing that:
   1. the permit is in compliance with all applicable County requirements;
   2. adequate water, sewage, and street access facilities can be obtained for the improvement; and
   3. adequate storm water management facilities are provided for the improvement.

F. The Plat Committee may impose reasonable conditions on the issuance of the permit. Reasonable conditions include, but are not limited to:

1. driveway access
2. swales and detention basins to detain storm water runoff
3. protection of an area on the lot from soil disturbance
4. relocation of known field tiles
5. providing a way for the natural flow of water to cross the lot.

G. An applicant may appeal any decision of the Plat Committee to the Commission.

SECTION 304: APPROVAL OF IMPROVEMENT LOCATION PERMIT

A. If the proposed project conforms to applicable law, and upon payment of permit fees as required by this Ordinance, a permit shall be issued in the name of the applicant. The applicant shall then be provided a permit card authorizing the work to commence. The permit card shall be prominently posted at the improvement location site at all times.

B. A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Director.

SECTION 305: APPROVAL OF SUBDIVISION PLAT COMMITTEE

Subdivision Plat Committee approval is necessary prior to the issuance of a permit for a principal structure unless one of the following criteria is met:

A. The lot upon which the structure is proposed was part of a subdivision plat approved by the Commission in accordance with Ordinance 1992-14 (effective date of December 7, 1992)
B. The lot upon which the principal structure is proposed is a lot of record contained in a major subdivision for which secondary plat approval has been granted by the plat committee.
C. Development Plan approval has been granted by the Commission for the structure.

SECTION 306: APPROVAL BY COUNTY HIGHWAY DEPARTMENT OR INDIANA DEPARTMENT OF TRANSPORTATION

Prior to the issuance of any permit that would necessitate or require a new driveway or access road to be installed, a copy of the approved driveway approach permit shall be presented to the Department.

SECTION 307: APPROVAL BY COUNTY HEALTH DEPARTMENT

Prior to the issuance of any permit for an improvement that would be serviced by a septic system and/or well, a copy of the approved septic and well permits, or authorization to utilize an existing septic system shall be presented to the Department.

SECTION 308: APPROVAL BY COUNTY SURVEYOR OFFICE

Prior to the issuance of any permit, verification shall be obtained from the Huntington County Surveyor's Office that the proposed improvement, as shown on the submitted site plan, is to be located outside an established easement for a county drain or ditch, or approval has been granted by the Drainage Board.

SECTION 309: APPROVAL BY TOWN

Prior to the issuance of any permit within the jurisdictional area of the Town of Andrews, Mt. Etna, Roanoke, or Warren, a copy of the driveway permit, water tap permit, and/or sewer tap permit, if required by the Town, shall be submitted to the Department.

SECTION 310: EXPIRATION OF THE IMPROVEMENT LOCATION PERMIT

If the work described in the permit has not been substantially completed within two (2) years from the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

SECTION 320: COMPLAINTS REGARDING VIOLATIONS

Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonably, fully and accurately the particulars thereof, and be filed with the Director. The Director shall investigate and may take action upon such complaint as provided in this Ordinance.

SECTION 330: ENFORCEMENT OFFICIAL

The Director is an enforcement official who is authorized and directed to implement the enforcement of this Ordinance.

SECTION 340: ACCESS TO PROPERTY/INSPECTIONS

A. When reviewing an application for a permit, the Director, Plat Committee, Commission, and designated persons acting on their behalf, may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this Ordinance.

B. By making application for a permit as provided in this Ordinance, an applicant certifies that the applicant is acting for her/him/itself and as an authorized agent for the property owner(s) relating to access to the property for the inspection purposes referred to herein.

SECTION 360: SCHEDULE OF FEES, CHARGES AND EXPENSES

A. All applicants for improvement location permits shall, prior to the issuance of such permit, pay fees to the Department in such amounts as are specified within the Huntington County Building Ordinance.

B. All applicants for pond permits shall, prior to the issuance of such permits, pay fees to the Department in the amount of twenty-five dollars ($25.00).

C. All Applications for sign permits shall, prior to the issuance of such permits, pay fees to the Department in the amounts specified below:

On-premise permanent signs	$10.00
On-premise temporary signs	$10.00
Off-premise permanent signs	$50.00
Off-premise temporary signs	$25.00
Billboards	$100.00
Mobile & temporary billboards	$25.00

D. The filing fees for petitions required to be reviewed by the Huntington County Plan Commission or the Huntington County Board of Zoning Appeals shall, prior to the filing deadline established for the subsequent meeting, pay fees to the Department in such amounts as are specified below:

Board of Zoning Appeals:

Variance of Use Application	$150.00
Variance from Development Standards Application	$150.00
Special Exception Application	$150.00
Appeal Application – decision by Hearing Officer	$25.00
Amendment to previous BZA approval	$150.00

Plan Commission:

Amendment of Official Zoning Map (excluding EUD)	$250.00
Amendment of Official Zoning Map (EUD only)	$500.00
Text Amendment to Zoning Ordinance	$50.00

E. If more than one (1) petition is filed by the applicant for the same property, and if each petition is to be reviewed by the Board of Zoning Appeals on the same hearing date, the filing fee for the second and each additional petition shall be twenty-five dollars ($25.00).

F. For improvements to real property for which a Development Plan is required, the applicant shall pay the following fees to the Department:

Construction of Multi-Family Dwelling	$10.00 per unit Minimum of $150.00
Commercial or Industrial Development Plan Review	$150.00
Parking Lot (new or expansion) not in conjunction with building construction or expansion	$150.00
Solar Energy System (SES)	$500.00 per parcel

G. For amendments to an approved Development Plan, the applicant shall pay the following fees to the Department:

If the amendment constitutes a minor deviation	$25.00
If the amendment constitutes a substantial deviation	$100.00

H. The filing fees for petitions required to be reviewed by the Huntington County Plan Commission or the Huntington County Subdivision Review Committee shall, prior to the filing deadline established for the subsequent meeting, pay fees to the Department in such amounts as are specified below:

Sketch Review	$0.00
Minor Subdivision Review (per lot)	$25.00
Major Subdivision Review (primary plat approval)	$200.00
Major Subdivision Review (secondary plat approval)	$50.00
Vacating Plat – IC 36-7-3-10	$50.00
Vacating Plat – IC 36-7-3-11	$100.00

SECTION 370: REVOCATION OF APPROVAL

A. A variance of use, variance from development standard, or special exception may be revoked by the Board of Zoning Appeals under the following circumstances:
   1. The property is not being used in compliance with the approval granted.
   2. A condition or conditions of approval were not met, or are not continuously being met.
   3. The terms of the commitment of use, if applicable, are not being met.

B. If any of the above listed circumstances are believed to exist, the following process shall be followed by the Director:
   1. The Director shall send written notice to the person believed responsible for the violation(s), and to the property owner of the property involved if different, particularizing the nature of the violation and ordering the action necessary to correct it.
   2. If the alleged violation(s) is not corrected, the Director shall schedule the matter to be reviewed by the Board of Zoning Appeals. Notice shall be provided to the person responsible for the alleged violation(s), and to the property owner of the property involved if different.
   3. If the Board of Zoning Appeals determines that one or more of the circumstances as identified in Section 370 (A) exist, the Board may:
      a. provide additional time for the violation(s) to be corrected; or
      b. revoke the approval of the variance or special exception.

SECTION 380: ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

A. It shall be the duty of the Director to enforce the provisions of this Ordinance.

B. The following shall constitute a violation of this Ordinance and be subject to the enforcement remedies and penalties provided by this Ordinance:
   1. the construction, erection, or location of an improvement without an improvement location permit being issued;
   2. the construction, erection, or location of an improvement other than in accordance with the approved improvement location permit;
   3. the use of any lot or improvement in violation of the specific approval granted by the Board of Zoning Appeals, Hearing Officer, or any provision of this Ordinance;
   4. the construction, erection, or location of any improvement in violation of the provisions of this Ordinance;
   5. use or development of property in a manner which does not conform to the provisions of this Ordinance;
   6. failure to comply with a condition of approval imposed by the Plan Commission, Hearing Officer, or Board of Zoning Appeals;
   7. failure to comply with the terms of a Commitment of Use recorded in accordance with the provisions of this Ordinance;
   8. act contrary to the provisions and requirements of this Ordinance;
   9. altering, damaging, or removing any improvements required by the Commission as part of a development plan approval, by the Board of Zoning Appeals as part of a variance or special exception approval, or by this Ordinance; or
   10. failure to comply with a Stop Work Order issued by the Director.

C. Any activity considered a violation of this Ordinance is declared to be a common nuisance.\

D. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, either individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.

E. Private covenants or agreements imposing standards different than those in this Ordinance shall not impose an enforcement obligation on the Director or Commission.

F. The owner, tenant, or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.

G. The following process shall be followed by the Director when pursuing a violation of this Ordinance:
   1. The Director shall send written notice to the person believed responsible for the violation(s), and to the property owner of the property involved if different, indicating the nature of the alleged violation and ordering the action necessary to correct it.
   2. If the violation(s) is not corrected, the Director shall send a written notice identified as being the final notice, and shall state what action the Director can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the Commission and the procedure for filing an appeal.
   3. In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
   4. If compliance is not achieved by the deadline specified in the final notice, the Director may impose one or more of the remedies listed in Section 380 (H).
   5. The Director working with the County Attorney may file a complaint against the person(s) responsible for and prosecute the alleged violation.

H. The Director may impose any one or all of the following remedies listed below for any violation of this Ordinance:
   1. A STOP WORK ORDER whereby all work on the improvement authorized by the issuance of a permit on the property shall cease at the time of posting. A written STOP WORK ORDER shall be sent to the

property owner, contractor, or other appropriate individual specifying what action is necessary to remove the STOP WORK ORDER. All corrective work or action necessary to release the STOP WORK ORDER shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Ordinance.

2. A revocation of any permit issued for work on the property.
3. The Commission or Director may bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Indiana Code 36-7-4-1018 or its successor provision.
4. Bring action for injunction in the Circuit or Superior Court. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and/or maintaining a common nuisance. This action may also seek to revoke approval that was granted by the Board of Zoning Appeals or Hearing Officer for a variance of use, variance from development standard, or special exception. Further, it may seek the prevention, removal, or abatement of the violation.
5. Any other remedy or penalty provided for herein, or by other applicable authority.

I. Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the Commission or Department in connection with the prosecution of such action.

SECTION 400: NON-CONFORMITIES

Within the districts established by this Zoning Ordinance there exist:

1. Non-conforming lots
2. Non-conforming structures
3. Non-conforming uses of land, and
4. Non-conforming components of use

which were lawful before the Zoning Ordinance, or amendments thereto, was passed but which would be prohibited, regulated or restricted under the terms of the Zoning Ordinance or amendments thereto. It is the intent of the Zoning Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

SECTION 420: AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building or development on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been carried on diligently. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently. Actual construction is hereby defined as work done which is beyond the preparation stage and into the stage where the changes or additions are made permanent.

SECTION 430: NON-CONFORMING LOT OF RECORD

A non-conforming lot may be used for any permitted use in the specific zoning district provided all other development standards and regulations of the Zoning Ordinance are met.

SECTION 440: NON-CONFORMING USE OF LAND

A. A non-conforming use may be continued provided that:
   1. No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance; and
   2. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.

B. If any such non-conforming use of land is discontinued or abandoned for more than one (1) year, any subsequent use of such land shall conform to the regulations specified by the Zoning Ordinance for the district in which such land is located.

SECTION 450: NON-CONFORMING STRUCTURES

A. Should any non-conforming structure be damaged or destroyed by fire, flood, wind, explosion, act of God, or act of a public enemy, said structure may be repaired, replaced, or rebuilt in the same location upon the lot, or in a manner which decreases its non-conformity.

B. Should any non-conforming structure remain damaged or destroyed for a period of one (1) year following the date of damage without the issuance of a building permit, said structure shall not be repaired, replaced, or rebuilt unless it is brought into full compliance with the provisions of the Zoning Ordinance.

C. Should any non-conforming structure be damaged, removed, or destroyed by any other means, it shall not be reconstructed except in conformity with the provisions of the Zoning Ordinance.

D. Should any non-conforming manufactured home be removed from a lot, it shall not be replaced except in conformity with the provisions of the Zoning Ordinance.

E. A non-conforming structure may be enlarged or expanded if all of the following requirements are adhered to:
   1. The addition shall not extend into any required front yard beyond the existing structure.
   2. The addition shall not extend into any required side yard beyond the existing structure.
   3. The addition shall not extend into any required rear yard beyond the existing structure.
   4. The addition shall not extend any closer to an intersection of streets or other rights of way than the existing structure.
   5. The addition may extend beyond the existing structure only when said addition complies with the applicable setbacks.

F. Enclosure of a non-conforming open porch, or a porch constructed in conformance with Section 710 (A)(5), is not permitted.

SECTION 460: NON-CONFORMING COMPONENT OF USE

A. A non-conforming component of use may be continued provided that:
   No such non-conforming component of use shall be enlarged or relocated on the lot unless in full compliance with the provisions of the Zoning Ordinance.

B. If any such non-conforming component of use is discontinued or abandoned for more than one (1) year, any subsequent use of such non-conforming component of use shall conform to the provisions of the Zoning Ordinance.

SECTION 470: REPAIRS AND MAINTENANCE

Routine repairs and maintenance of non-conforming structures or non-conforming components of use necessary to maintain safety are permitted.

SECTION 480: APPROVED SPECIAL EXCEPTION AND VARIANCE OF USE

Any conditional use, special exception or variance of use, which obtained approval from the Board of Zoning Appeals, shall not be considered a non-conforming use, but shall, after approval, be considered a permitted use.

SECTION 500: RULES OF PROCEDURE

All actions of the Plan Commission and Board of Zoning Appeals are governed by their respective Rules of Procedure of the Commission and Board adopted pursuant to IC 36-7-4-401 and IC 36-7-4-916 and Indiana law.

SECTION 501: EXCEPTIONS AND USES

A. The Board of Zoning Appeals may only consider those applications for Special Exception, Special Use, Contingent Use, or Conditional Use (hereinafter collectively referred to as exceptions and uses) listed in the applicable zoning district for the lot upon which the exception or use is proposed.

B. A proposed exception or use can only be granted by the Board of Zoning Appeals upon an affirmative finding on the following criteria:
   1. The proposed exception or use will not be injurious to, or alter the normal and orderly development of, permitted uses of property within the general vicinity;
   2. The proposed exception or use is serviced by adequate access roads, ingress and egress points, and traffic flow and control mechanisms;
   3. The establishment, maintenance, or operation of the proposed exception or use will not be injurious to the public health, safety, or general welfare; and
   4. The proposed exception or use is not inconsistent with the Comprehensive Plan.

SECTION 502: WRITTEN COMMITMENT

A. The Commission or County Commissioners may require or permit the owner of real property to make a written commitment concerning the use or development of a property when reviewing a proposal to amend the zone maps.
   1. If the commitment is required by the Commission, or if the owner of the real property permits the written commitment to be made prior to a recommendation being made by the Commission, the commitment shall be included in the certified recommendation to the County Commissioners. The County Commissioners may approve, amend and then approve, or disapprove the recommendation of the Commission. If the recommendation is disapproved, the commitment shall be void.
   2. The written commitment shall be:
      a. prepared by the Commission or County Commissioners;
      b. signed by the property owner(s) in the manner provided on the approved form of commitment;
      c. signed by the President of the Board of County Commissioners; and
      d. recorded in the Huntington County Recorder's Office. The commitment shall be recorded prior to the final decision of the Board of Commissioners.
   3. A written commitment regarding a proposal to amend the zone maps takes effect upon the final approval of the proposal by the Board of Commissioners.

B. The terms of a commitment made as a part of a proposal to amend the zone maps can only be modified as follows:
   1. An application for modification of a commitment may be filed by the owner of the property, which is subject to the commitment. The application shall be signed by the property owner.
   2. The Commission shall hold a public hearing on the request after notice is provided in the same manner as in the initial request to those interested parties who were notified of the initial proposal. At the conclusion of the hearing, the Commission shall make a recommendation on the modified commitment to the County Commissioners. The County Commissioners may approve, amend and then approve, or disapprove the recommendation. If the modified commitment is disapproved, the modified commitment shall be void.
   3. A written modification is effective upon final approval of all necessary administrative or legislative bodies.

C. The Commission may require or permit the owner of real property to make a written commitment concerning the use or development of a property when reviewing a proposal for Development Plan approval.
   1. The commitment shall be:
      a. prepared by the Commission;
      b. signed by the property owner(s) in the manner provided on the approved form of commitment;
      c. signed by the President of the Commission; and
      d. recorded in the Huntington County Recorder's Office. The commitment shall be recorded prior to the final approval of the Commission.
   2. A written commitment made regarding a Development Plan takes effect upon final approval of the Development Plan.

D. The terms of the commitment made as a part of a proposal for Development Plan approval can only be modified as follows:
   1. An application for modification of a commitment may be filed by the owner of the property, which is subject to the commitment.
   2. The Commission shall hold a public hearing on the request after notice is provided in the same manner as in the initial request to those interested parties who were notified of the initial proposal. At the conclusion of the hearing, the Commission approve, amend and then approve, or disapprove the modified commitment. If the modified commitment is disapproved, the modified commitment shall be void.
   3. A written modification is effective upon final approval of the Commission.

E. A commitment made under this Section automatically terminates if:
   1. the proposal to amend the zone map is not approved by the Board of County Commissioners;
   2. the Development Plan is not approved;
   3. the zone map applicable to the parcel upon which the commitment is made is changed; or
   4. the parcel upon which the commitment is made is designated as a planned unit development district.

F. A commitment may be enforced by the Director, Commission, or County Commissioners in any manner provided by law or equity.

SECTION 503: CONDITIONS OF APPROVAL

A. The Board of Zoning Appeals may impose reasonable conditions as a part of its approval.

B. The Board of Zoning Appeals, when reviewing a request for a Special Exception or Variance, may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel. Written commitments shall be prepared and executed in accordance with the Rules of Procedure of the Board.

C. The Board of Zoning Appeals may amend or remove a condition of approval only upon an affirmative finding on the following criteria:
   1. There has been a change in circumstances regarding the subject property, and/or property within the general vicinity, since the date the condition was placed, that makes the condition no longer appropriate or necessary.
   2. There has been a change in circumstances, since the date the condition was placed, regarding the ordinances, rules, or regulations, as they now apply to the subject property.

SECTION 600: ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the purpose and intent of the Zoning Ordinance, the land under the jurisdiction of the Plan Commission is hereby divided into the following districts:

DISTRICT DESIGNATION	PRIMARILY FOR:
A	Agriculture
SR	Suburban Residential
R-2	Residential Low-Density
R-4	Residential Medium Density
R-8	Residential High Density
R-20	Residential Apartment
RMH	Residential Mobile Home Park
LB	Local Business
GB	General Business
AB	Accommodation Business
CB	Central Business
M-1	Light Manufacturing
M-2	Heavy Manufacturing
M-3	Extractive Manufacturing
AZ	Airport
OS	Open Space
FHA	Flood Hazard Area Overlay
EUD	Exclusive Use Overlay
POD	Professional Office
AHR	Airport Height Restriction Overlay

SECTION 601: OFFICIAL ZONING MAP

The location and boundaries of the zoning districts established by the Zoning Ordinance are set forth on the Official Zoning Map of Huntington County which accompanies the Zoning Ordinance, and which map, with all notations, references, and other information as shown thereon, is incorporated herein and made a part of the Zoning Ordinance.

SECTION 602: INTERPRETATION OF THE ZONING MAP

Where, due to the scale, lack of detail or illegibility of the Official Zoning Map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the following rules of interpretation shall apply:

1. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
2. Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated, as approximately following city or town limits shall be construed as following such city or town limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shore lines; and in the event of change in the shore line shall be construed as moving with the actual shoreline.
6. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
7. For District boundaries established as strips of zoning along streets, depth from the Centerlines from county roads and right of way lines for state highways shall be as follows:

Suburban Residential District (SR)	300 feet
Low Density Residential District (R-2)	300 feet
Medium-Low Density Residential District (R-4)	300 feet
High-Density Residential District (R-8)	150 feet
Local Business District (LB)	150 feet
General Business District (GB)	300 feet
Accommodation Business District (AB)	300 feet

SECTION 603: CITIZEN PARTICIPATION PLAN

A. Every application for reclassification of zoning shall include a citizen participation plan which must be implemented and completed prior to the Plan Commission public hearing.

B. For the purpose of this section, interested parties are defined as follows:
   1. All persons with a legal interest in a property, or portion of property thereof, removing streets, alleys or other rights-of-way, located within two-hundred (200) feet of the property included in an application before the Plan Commission.
   2. The President of any homeowners association or neighborhood association of which the property included in an application before the Plan Commission is included, or is adjacent provided the name of the association president is on file in the Department of Community Development.
   3. Staff of the Plan Commission.

C. The purpose of the citizen participation plan is to:
   1. Ensure the applicants pursue early and effective citizen participation in conjunction with their application, giving interested parties opportunity to understand the application, learn about the reclassification of zoning process, and learn about the specific application request.
   2. Ensure that the applicants have an adequate opportunity to resolve any concerns at an early stage in the review process.
   3. Facilitate communication between the applicants and interested parties.
   4. Provide detailed information to interested parties to allow for informed decision making to occur.

D. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors, to respect existing property owners and their interests in the neighborhood, and to allow for informed decision-making.

E. At a minimum, the citizen participation plan shall include the following:
   1. A listing, including name and mailing address, of which interested parties may be affected by the application.
   2. How those interested parties will be notified of the application.
   3. How those interested parties will be provided an opportunity to discuss the application and express any concerns, issues, or ideas they have regarding the application. At least one meeting between the applicants and interested parties is required.

F. The citizen participation plan shall be submitted to, and approved by, staff prior to implementation.

G. The applicant may submit a citizen participation plan prior to submittal of a reclassification of zoning application.

H. The applicant shall submit a report of the results of the citizen participation efforts. The report shall include:
   1. List of those interested parties who participated.
   2. Dates and location of all meetings where interested parties are invited to discuss the application.
   3. Summary of concerns, issues, comments, suggestions, or ideas presented to the applicants.
   4. Summary of how the applicant will address comments provided.
   5. Summary of those comments provided that the applicant is unwilling or unable to address, and why.

SECTION 700: SUPPLEMENTARY REGULATIONS

The development standards set forth in the 700 series of the Zoning Ordinance apply within all zoning districts.

SECTION 701: ACCESSORY STRUCTURES AND USES

A. Accessory structures are permitted in all zoning districts.

B. Accessory structures shall adhere to the minimum front yard setback required for principal structures within the applicable zoning district.

C. Accessory structures shall maintain a minimum side and rear yard setback of five (5) feet. An accessory structure that is one hundred twenty (120) square feet or less in size, and is not installed or constructed on a permanent foundation, may be installed or constructed within (2) feet of the side or rear property line.

D. Accessory structures found within an agriculture-zoning district shall maintain a minimum side and rear yard setback of twenty-five (25) feet. An accessory structure that is one hundred twenty (120) square feet or less in size, and is not installed or constructed on a permanent foundation, may be installed or constructed within two (2) feet of the side or rear property line.

E. Accessory structures shall not be located within seven (7) feet from the intersection of any rights-of-way.

F. Any accessory structure that is attached to the principal structure shall maintain the minimum side and rear yard setback required of a principal structure.

G. Within the R-4, R-8, R-20, or LB Zoning Districts, the total gross floor area of all accessory structures on a lot shall not exceed the total gross floor area of the principal structure on the lot. If no principal structure exists on the lot, the total gross floor area of all accessory structures on a lot shall not exceed one thousand five hundred (1,500) square feet.

H. Any accessory structure that is attached to the principal structure shall maintain the minimum side and rear yard setback required of a principal structure.

I. No accessory structure shall be constructed or erected within a recorded easement without written approval from the easement holder(s).

SECTION 702: FENCES

A. All fences shall adhere to the following requirements:
   1. All fences and parts thereof shall be constructed or erected within the lot lines.
   2. Privacy fences in excess of three (3) feet in height shall adhere to the minimum front yard setback required for principal structures within the applicable zoning district.
   3. Privacy fences shall not be located within seven (7) feet from the intersection of any rights of way.
   4. All fences shall maintain a minimum two (2) foot setback from the improved portion of any alley and shall be located within the lot line.

B. Within the R 2, R 4, R 8, R 20, LB, GB, AB, CB, and POD zoning districts, all fences shall adhere to the following additional requirements:
   1. No fences shall be constructed of or be equipped with spikes, electrically charged material, or any similar device.
   2. No fence shall be equipped with barbed wire.
   3. No fence shall exceed eight (8) feet in height.

SECTION 703: SWIMMING POOLS

Swimming pools shall adhere to the requirements of Section 701 of the Zoning Ordinance.

Access to swimming pools shall be restricted as required by 675 IAC 20 4 27, as amended.

SECTION 704: DECKS

All decks and parts thereof shall adhere to the minimum front, side, and rear yard setback requirement, established for a principal structure, within the applicable zoning district.

SECTION 705: PARKING

A. The provisions of this Section shall apply to the following improvements:
   1. Construction of any new principal structure
   2. Construction of any addition to a principal structure
   3. Construction or expansion of a parking area
   4. Change of use

B. Parking areas shall be maintained and continued as a component of use on the same lot or an adjacent lot as the principal use.

C. No parking space required for a principal use shall be utilized or included as satisfying the requirements for another principal use.

D. When more than one (1) use occupies a building, the total number of required parking spaces shall be the sum of all uses.

E. When the calculation of the required number of parking spaces is based upon the number of seats, an area of twenty four (24) inches of space on a bench, pew, or similar seating facility shall be considered to be one (1) seat.

F. When the calculation of the required number of parking spaces results in a fractional number, a fraction of one half (1/2) or greater shall require one (1) additional parking space.

G. Required parking areas shall not be reduced in area or changed to any other use unless the principal use which it serves is discontinued or modified; except, where equivalent parking spaces are provided.

H. Parking space requirements for uses not identified in this Section shall be established by the Director by reasonably applying the parking space requirements of a similar use to the intended use.

I. All parking areas shall be constructed with a hard surface utilizing concrete or asphalt with the following exceptions:
   1. Within the M 1 district, truck loading and turn around areas may be maintained in a stoned surface.
   2. Within the A, SR, and R 2 districts, driveways and parking areas for permitted uses may be maintained in a stoned surface.
   3. Within the M 2 and M 3 district, parking areas may be maintained in a stoned surface.

J. Parking areas shall be continually maintained in satisfactory condition so as to be free of any hazard, nuisance, and accumulation of debris or other unsafe condition.

K. Handicapped parking spaces shall be provided as required by the Indiana Handicapped Accessibility Code.

L. Access directly from a street into a parking space shall only be permitted for a single family or two family residence.

M. Each parking space shall be accessible without having to drive over any other parking space, except for single family or two family residences.

N. Loading areas shall be located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from the street without blocking or interfering with the traffic flow on the street or within the parking area.

O. Safe and direct pedestrian access shall be provided between a building and its required parking area.

P. Parking areas shall be designed to provide internal circulation so that each parking space within a parking area is accessible to all other parking spaces without utilizing a street.

Q. Parking areas shall be designed so that public safety vehicles can serve the parking area and building(s) on the lot without having to make hazardous or difficult turning movements.

R. Parking areas shall be designed so as not to interfere with traffic circulation or queuing movements.

S. No required parking space shall be located within a right-of-way.

T. Lighting of parking areas shall be arranged so that no source of lighting is directed toward any adjoining property or street.

U. Striping shall be utilized on parking areas to demarcate the location of parking spaces.

V. The minimum size of any parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

W. Drive thru establishments shall adhere to the following additional requirements:
1. Each queuing lane shall be clearly designed and marked so as not to conflict or interfere with internal circulation or ingress or egress from the site.
2. If a one way traffic flow pattern is provided for the parking area, a twelve (12) foot wide bypass lane shall be provided.
3. Each queuing space shall be a minimum of nine (9) feet by eighteen (18) feet.
4. The minimum number of queuing spaces, including the vehicle being served, shall be provided as follows:

USE	**SPACES REQUIRED**
Financial Institution	4
Restaurant (before menu board)	4
Car Wash/Oil Change Facility	3

X. The minimum parking aisle width shall be as follows:

ANGLE OF PARKING	**AISLE WIDTH**	
	ONE – WAY	TWO-WAY
Parallel	**12**	24
45	**14**	24
60	**16**	24
90	**24**	24

Y. The following parking spaces shall be provided for the uses indicated:
1. Dwelling unit: Two (2) spaces per unit
2. House of Worship: One (1) space per every three (3) seats. If no fixed seating is provided, one (1) space per every twenty five (25) square feet of floor area within the main auditorium
3. Club, lodge, community center: One (1) space per every one hundred (100) square feet of gross floor area
4. Elementary: One (1) space per classroom plus one (1) space per 200 square feet of office space; or one (1) space per four (4) seats in auditorium and /or gymnasium area plus one space per two hundred (200) square feet of office space, whichever is greatest.
5. Middle Schools: One (1) space per classroom, plus one (1) space per two hundred (200) square feet of office space, plus one (1) space per four (4) seats in auditorium and / or gymnasium area.
6. High School: One (1) space per six (6) students based on maximum enrollment, plus one space per two hundred (200) square feet of office space, plus one(1) space per four (4) seats in auditorium and/or gymnasium area.
7. Child care center: One (1) space per every two hundred (200) square feet of gross floor area, plus two (2) drop off zone spaces.
8. Nursing Home: One (1) space per every three (3) patient beds.

9. Funeral Home: One (1) space per every four (4) seats in the chapel area, plus one (1) space per every one thousand (1,000) square feet of gross floor area.
10. Vocational or trade school: One (1) space per every one hundred (100) square feet of gross floor area.
11. Library: One (1) space per every three hundred (300) square feet of gross floor area.
12. Hospital: Two (2) spaces per patient bed.
13. Convenience Store: One (1) space per every one hundred eighty (180) square feet of gross floor area.
14. Restaurant/bar: One (1) space per every sixty (60) square feet of gross floor area.
15. Motel/Hotel: One and one fourth (1 1/4) spaces per guest room. Ancillary uses shall have parking provided in accordance with the requirements for the specific use.
16. Movie Theaters: One (1) space per every three (3) seats.
17. Motor Vehicle dealers: One (1) space per every two hundred (200) square feet of gross floor area devoted to offices, display area and customer service area, plus one (1) space per every one thousand (1,000) square feet of gross floor area devoted to vehicle servicing and repair, body shop, parts, and similar uses.
18. Manufacturing: One (1) space per every one thousand (1,000) square feet of gross floor area.
19. Golf Course: 30 spaces per nine holes.
20. Miniature Golf: 1.5 spaces per hole.
21. Swimming Pools: One (1) space per four (4) persons based on maximum design capacity.
22. Racetrack: One (1) space per four sitting spaces.
23. Amusement Park: One (1) square foot of parking area for every one (1) square foot of activity area.
24. Shooting Range: Two (2) spaces per shooting station, plus one (1) space per every 200 square feet of clubhouse/office area.
25. The following uses shall provide one (1) space per every two hundred (200) square feet of gross floor area:
    a. Service establishments, including beauty shops, shoe, repair, laundromats, appliance repair
    b. Retail store
    c. Bakery
    d. Business office
    e. Financial office
    f. Real Estate office
    g. Insurance office
    h. Medical and Dental office
    i. Travel office
    j. Florist
    k. Auto repair establishment
    l. Adult entertainment establishment
    m. Indoor recreational amusement
    n. Grocery store
    o. Professional office

Z. Certificate of Occupancy
1. No Certificate of Occupancy shall be issued for a building until a final inspection of the parking area has been performed and all parking requirements have been met.
2. Should circumstances prevent the completion of the parking area prior to the time a Certificate of Occupancy is requested; the Director may authorize an extension of time to complete the parking area and allow a temporary Certificate of Occupancy to be issued conditioned upon the completion of the parking area.

AA. Additional Requirements: All commercial, industrial, and institutional uses shall be required to designate areas as being “staff”, “visitor/customer”, and “handicapped” for review by the Development Plan Review Board.

SECTION 706: LANDSCAPING

A. The provisions of this Section shall apply to all improvements, which require Development Plan approval by the Commission.

B. A landscape plan shall be submitted at the time the development plan is submitted. The landscape plan shall include the following:
   1. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
   2. The location of required landscaping areas, including required trees.
   3. Notation on type and size of required trees and type of ground cover to be utilized.

C. At least ten (10) percent of the area devoted to ground floor area of the building(s) and to parking or other vehicular use shall be landscaped.
   1. Each separate landscaped area shall contain a minimum of fifty (50) square feet of planting area, with a minimum dimension of seven (7) feet.
   2. Buffering from residential districts and uses:
      a. A landscaped buffer with a minimum width of ten (10) feet shall be provided adjacent to any SR, R-2, R-4, R-8, or R-20 zoning district.
      b. A six (6) foot high privacy fence, masonry wall and/or living evergreen hedge with a minimum height of thirty (30) inches (measured from finished grade) immediately upon planting and spaced at a maximum of twenty four (24) inches on center, shall be placed within the landscaped buffer to screen the view from residential properties.
   3. A landscaped buffer with a minimum width of seven (7) feet shall be provided parallel to all streets.
   4. All required landscaped areas shall maintain living landscaping.

D. One (1) tree shall be planted for each seven hundred (700) square feet of required landscaped area. Trees shall be a minimum of ten (10) feet in height, with a minimum trunk diameter of two (2) inches at a point, which is at least four (4) feet above, finished grade immediately after planting.
   1. Credit may be granted against the provisions of this section for the preservation of existing trees provided that the following criteria are met:
      a. A protective barrier shall be provided around the tree(s).
      b. The protective barrier shall be installed and maintained for the period of time beginning with the commencement of any development and ending with the completion of any development.
      c. The protective barrier shall be located outside of the drip line of the tree(s).
      d. During the development of the site, no excess soil, additional fill, equipment, liquids, construction debris or material foreign to the preservation area shall be located within the protective barrier.
   2. Each tree preserved shall be credited against one (1) required tree.
   3. Should the provisions of Section 706 (D)(1) regarding protective barriers not be adhered to, a replacement tree(s) shall be planted prior to issuance of a Certificate of Occupancy.

E. No required landscaping, except ground cover, shall be planted within any dedicated easement without submitting a written consent form from the appropriate utility or easement holder authorizing the planting of landscaping within the easement.

F. All landscaping within the sight visibility triangle areas described below shall provide unobstructed cross visibility at a level between two and one half (2 1/2) feet and eight (8) feet. The triangle areas referred to are:
   1. The area of property located at a corner formed by the intersection of two (2) streets with two (2) sides of the triangular area being a minimum of thirty (30) feet in length along the abutting street right of ways measured from their point of intersection; and the third side being a line connecting the ends of the other two (2) lines.
   2. The area of property located at a corner formed by the intersection of an alley and a street, with one (1) side of the triangular area being thirty (30) feet in length along the street right of way line measured from the alley right of way and one (1) side of the triangle being fifteen (15) feet along the alley measured from the street right of way line; and the third side being a line connecting the ends of the other two (2) sides.

G. Curbing or wheel stops shall be provided in each parking space, which is abutting a required landscaped area.

H. The required amount of landscaping, including trees, shall be maintained on the lot at all times. Landscaping which is required shall remain living. If required landscaping should perish, it shall be replaced within thirty (30) days after notice is provided from the Department.

I. Certificate of Occupancy
   1. No Certificate of Occupancy shall be issued for a building or structure until a final inspection of the landscaping has been performed and all landscaping requirements have been met.
   2. Should circumstances prevent the planting of required landscaping prior to the time a Certificate of Occupancy is requested, the Director may authorize an extension of time to complete the landscaping and allow a temporary Certificate of Occupancy to be issued conditioned upon the completion of the landscaping.

SECTION 707: SIGNS

A. All signs or other advertising structures shall be constructed and maintained in conformance with this section, the Building Code, and all other applicable codes and ordinances.

B. In determining the copy area of a sign, the entire face of the sign, including the advertising surface of any framing, trim or molding, shall be included. Should the sign structure or supports become part of the sign due to the design of the structure or supports in relation to the sign, such structure or supports shall be included in the determination of copy area.

C. In the instance where a sign is composed of letters only with no connection by the advertising structure between the letters, the copy area shall be determined by measuring the distance from the outside edges of the outside letters and from the top of the highest letter to the bottom of the lowest letter.

D. The minimum clearance of a sign shall be based upon the lowest point of the sign and the established grade at the sign.

E. The utilization of natural berming, in order to increase the height of a pedestal sign, is permitted so long as such berming does not exceed two (2) feet in height above the grade at the sign and the overall height of the sign, measured from the top of the berm, does not exceed the maximum height permitted for a pedestal sign in the applicable zoning district.

F. Except as provided in Section 707 (G), no person shall erect, install, place, relocate, or alter any sign or advertising structure without first obtaining a sign permit from the Department.

G. The following signs and advertising structures may be erected without a permit, subject, however to all requirements of the zoning district in which they are located and all other applicable requirements:
   1. Awning
   2. Banner
   3. Bulletin Board
   4. Construction
   5. Home Occupation
   6. Incidental
   7. Political
   8. Real Estate
   9. Tenant
   10. Window

H. Applications for sign permits shall be submitted to the Department in accordance with Section 302 and contain the following information:
   1. For a free standing sign, a site plan of the lot indicating the location of the proposed sign, location of any existing free standing signs, location of any building(s) on the lot, and dimensions of the proposed sign including the supporting structure.
   2. For a building sign, a building elevation which indicates the location of the sign upon the building. The building elevation shall include the width of the building or tenant space for the business for which the sign is advertising. A photograph will suffice for the drawing provided the building width information is provided. The exact size of the proposed sign shall be provided, as well as the size of all existing building signs.

I. Sign permits shall be reviewed and issued in accordance with Section 303.

J. No sign or advertising structure where the bottom of the sign is less than eight (8) feet above grade shall be placed, erected, or maintained upon a lot in any sight visibility triangle area as described below:
   1. The area of property located at a corner formed by the intersection of two (2) streets with two (2) sides of the triangular area being a minimum of thirty (30) feet in length along the abutting streets, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

2. The area of property located at a corner formed by the intersection of an alley and a street, with one (1) side of the triangular area being thirty (30) feet in length along the street right-of-way line measured from the alley right-of-way and one (1) side of the triangle being fifteen (15) feet along the alley measured from the street right-of-way line, and the third side being a line connecting the ends of the other two (2) sides.

K. In the instance where a variance of use is approved, the signage requirements may be established by the Board as a condition of approval. If no signage requirements are established by the Board, the requirements established within the district where the use is located shall apply.

L. It shall be a violation of this Section to erect, install, place, or maintain the following signs or advertising structures:
   1. Any sign or advertising structure which is not specifically permitted under the applicable zoning district.
   2. Any sign or advertising structure, which constitutes a traffic hazard or is a detriment to traffic safety by reason of its size, location, movement, or method of illumination, or by obstructing the vision of drivers, or signs that obstruct or detract from the visibility of traffic control devices or emergency vehicles. The use of flashing lights or revolving lights is prohibited in any sign as constituting a hazard to traffic.
   3. Any sign or advertising structure (other than those erected by a governmental agency or required to be erected by a governmental agency for a public purpose) erected, installed, or placed on the right of way of any street except as specifically permitted by this section.
   4. Any sign or advertising structure erected on county, town, or other governmental property other than signs erected by the governmental entity for public purposes.
   5. Any sign or advertising structure which is erected, installed, or maintained that obstructs any fire escape, required exit, window or door opening intended as a means of ingress or egress.
   6. Any sign or advertising structure which is erected, installed or maintained upon the rear of a building, however, with the exception of allowing a tenant to identify the business name and/or address on a rear exit door with no greater than six (6) inch non-illuminated letters painted, printed, or attached to the face of the rear door and covering no greater than twenty (20) percent of that door. The rear of a building is that side of a building opposite from the principal or main entrance to a building.
   7. Abandoned sign, provided the sign has been abandoned for a minimum of one hundred twenty (120) days.
   8. Illegal sign.
   9. Any sign not specifically or by reasonable implication permitted herein.

M. Except as identified below, all permitted signs shall be erected or installed in accordance with the applicable zoning district regulations.
   1. Awning sign:
      a. Maximum square footage is that established for building signs in the applicable district.
   2. Banner sign:
      a. Maximum of two (2) signs per lot
      b. Limited to a thirty (30) day time period, with a minimum of sixty (60) days before a banner sign is re-installed
   3. Bulletin board sign:
      a. Maximum of one (1) sign per lot
      b. Maximum copy area – twelve (12) square feet
      c. Maximum height – six (6) feet
      d. Minimum setback from street – (10) feet
   4. Construction sign:
      a. Maximum of one (1) sign per lot
      b. Minimum setback from street – ten (10) feet
      c. In residential zoning districts, maximum copy area is thirty-two (32) square feet and maximum height allowed is eight (8) feet
      d. In all other zoning districts, maximum copy area is fifty (50) square feet and maximum height allowed is ten (10) feet
   5. Incidental sign:
      a. Maximum copy – area sum of all signs shall not exceed twelve (12) square feet

6. Political sign:
    a. In residential zoning districts, maximum copy area is sixteen (16) square feet
    b. In all other zoning districts, maximum copy area is sixty-four (64) square feet
    c. Sign shall be removed within ten (10) days following the election. A sign identifying a winning candidate in a primary election may remain until ten (10) days following the general election.
7. Portable sign:
    a. Maximum of one (1) per lot
    b. Minimum setback from street – five (5) feet
8. Projecting sign:
    a. Maximum square footage is that established for building signs in the applicable district
9. Real Estate sign:
    a. Maximum of two (2) signs per lot
    b. In residential zoning districts, maximum copy area is eight (8) square feet
    c. In all other zoning districts, maximum copy area is thirty-two (32) square feet
10. Roof sign:
    a. Maximum square footage is that established for building signs in the applicable district
11. Tenant sign:
    a. Maximum of two (2) signs per lot
    b. Maximum copy area – thirty-two (32) square feet
    c. Minimum setback from street – ten (10) feet
12. Window sign:
    a. Maximum coverage of window area is fifty (50) percent

SECTION 708: BUILDING HEIGHT

A. Within the SR, R-2, R-4, R-8, R-20, RMH, LB, GB, AB, CB, AZ, EUD, OS, and POD zoning districts, no building or structure shall exceed a height of thirty five (35) feet.

B. The maximum height limitation shall not apply to church spires; flagpoles; antennas; chimneys; and water tanks. However, such features shall not exceed a height of one hundred fifty (150) feet and shall comply with Section 994.

SECTION 709: BUILDING WIDTH

A. The minimum width of a building or structure utilized as a dwelling unit(s) shall be twenty three (23) feet.

B. Width shall be measured for all sides of a building or structure.

C. Width shall be measured from the outside edge of exterior walls.

SECTION 710: PROJECTIONS INTO SETBACK AREA

No portion of a building or structure shall extend or project into any required front, side, or rear yard setback area with the following exceptions:

1. Roof overhang not exceeding twenty four (24) inches
2. Window awning
3. Air Conditioner/heat pump

SECTION 711: CORNER LOTS

Corner lots shall provide the required front yard setback area along both streets and provide the required side yard setback area along the remaining lot lines.

SECTION 712: AVERAGE BUILDING SETBACK

A. In any zoning district the minimum depth of a front yard setback may be the average of the front yard setback of existing conforming and non-conforming structures. The existing conforming and non-conforming structures shall be located on the same side of the street and between the two (2) closest intersecting streets.

B. The maximum distance from the subject property for measuring existing structures shall be two thousand six hundred forty (2,640) feet.

SECTION 713: TEMPORARY STRUCTURES AND USES

A. The following uses are identified as temporary uses:
Fireworks sales

1. Christmas tree sales
2. Flower sales
3. Fruit stands
4. Product sales promotion
5. Food vendor
6. Fair or carnival
7. Other uses similar and temporary in nature

B. Temporary uses are permitted as follows:

1. Use shall not be maintained on the same lot for more than sixty (60) days within any one (1) calendar year.
2. Use shall not obstruct a right of way, sidewalk, or required vehicular parking area.
3. One (1) free standing sign not exceeding thirty two (32) square feet is permitted.
4. Off street parking spaces shall be provided in accordance with Section 705(Y).

C. The following structures are identified as temporary structures:
   1. Construction office trailer
   2. Structure used in conjunction with a temporary use
   3. Other structures similar and temporary in nature

D. Temporary structures are permitted as follows:
   1. Structure shall not be maintained on the same lot for more than one hundred eighty (180) days.
   2. Structure shall be a minimum of twenty (20) feet from the street right of way line.
   3. Structure shall not obstruct a required vehicular parking area.
   4. Written approval shall be obtained from the Director prior to constructing, erecting, or locating a structure on a lot.

E. Two homes on one lot temporarily for construction of a new home
   1. Completion of the new home must occur within one (1) year from the date issuance of a building permit, which may be renewable for an additional six (6) months if an undue hardship can be illustrated;
   2. Once the new home is completed, the old home must be removed within sixty (60) days from new home completion;
   3. No final Certificate of Occupancy will be given until the old home has been removed from the subject property.

SECTION 715: NUMBER OF PRINCIPAL STRUCTURES ALLOWED PER LOT

No more than two (2) principal structure are allowed per lot. The second dwelling shall either be a mobile home (if the mobile home receives a Special Exception), apartment located within an accessory structure, or a similar structure approved by the Executive Director. A traditional, stick-built home shall not be allowed as a second dwelling. If there is a second, approved dwelling, neither home shall be used as a rental.

SECTION 716: SETBACKS FROM COUNTY STREETS

In zoning districts wherein the front yard setback is measured from the centerline of the county street, any county street with four or more traffic lanes shall instead be treated as a state or federal street in that the front yard setback shall be measured from the right-of-way line, not the centerline.

SECTION 717: WIRELESS COMMUNICATION TOWERS

A. Purpose:
This ordinance establishes needed criteria for the location of wireless telecommunication facilities throughout Huntington County.

B. Applicability:
This ordinance applies to wireless telecommunication facilities covered under the Telecommunications Act of 1996 and which require Special Exception approval. It does not apply to personal television antennas, ham radio or short wave radio antennas, or other communication equipment accessory to residential uses.

C. Goals:
1. Furnish guidance to wireless telecommunication service providers when looking for a transmission facility site within Huntington County.
2. Demonstrate that maintaining a high community quality of life is of prime importance when determining the appropriateness of a particular location.

D. Location Preferences:
1. Locating on existing structures is preferred to construction standalone towers, even if the alternative site is considered to be less advantageous to the service provider.
2. If co-location is not possible, then any new towers that are constructed need to be constructed in a manner to allow for co-location to occur.
3. Proposed tower location may be changed by the Board of Zoning Appeals if the change benefits neighbors, reduces visual clutter, decreases aesthetic blight, and does not interfere with the navigable airspace.
4. If necessary for making an informed decision, additional technical information may be requested by the Board of Zoning Appeals from a consulting engineer or other specialist.

E. Permitted Uses:
The following tower types are permitted in all districts without the requirement of a Special Exception from the Huntington County Board of Zoning Appeals:
1. Television or radio antenna/antennae located on the roof, or adjacent to, a home or other structure that uses said antenna/antennae as a means to provide radio and/or television reception to the structures located on the property. These towers stand no taller than sixty (60) feet from the ground or extend beyond a roofline by twenty-five (25) feet, whichever is greater.
2. Towers attached to, or adjacent to, commercial/industrial structures with the purpose of receiving transmissions associated with site operation. These towers stand no taller than sixty (60) feet from the ground or extend beyond a roofline by twenty-five (25) feet, whichever is greater.

F. Uses Allowed Only by Special Exception:
Wireless communication towers are only permitted within non-residential zoning classifications with the approval of a Special Exception by the Huntington County Board of Zoning Appeals. These towers are classified as being all towers not mentioned in the Permitted Uses section of these ordinances.

G. Site Plan Requirements:
A site plan must be submitted with the Special Exception application showing all structures to be placed on subject site. The site plan must also show the ingress/egress point for the property as well as the screening mechanism for safety purposes.

There also needs to be an illustration that shows all wireless communication towers within a ten (10) mile radius of existing towers. The Department of Community Development should be able to provide information with sites that have been given recent approval but not yet built to the petitioner.

H. Height and Area Requirements:
Lot Size – Not applicable since most facilities rent the land from a larger tract of ground.
Height – The FAA and the Huntington Airport Authority must approve height of towers.

Setbacks – Setbacks must meet the minimum building requirements for that specific district.

Setbacks are measured to the nearest portion of structure (pole or guyed wires) to property lines.

I. General Requirements:
   1. New towers shall be constructed in a manner as to allow for the availability of co-location.
   2. Prior to hearing a request before the Huntington Board of Zoning Appeals for construction of any new towers, a written letter from the Huntington Board of Aviation has to be on record stating that this site will not interfere with navigable airspace.
   3. No lights shall be mounted on the proposed tower unless otherwise required by the FAA.
   4. Towers may not be used to exhibit any signage or other advertising.
   5. No proposed wireless telecommunication site shall be designed, located or operated as to interfere with existing or proposed public safety communications.
   6. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
   7. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the Commission.
   8. The design of all wireless telecommunication sites shall comply with the requirements from INDOT with regards to tall structures.

J. Factors that the Board of Zoning Appeals will consider when hearing a Special Exception:
   While the Telecommunications Act of 1996 does not limit or affect the authority of local governments over decisions regarding the placement of personal wireless placement, it does have specific limitations on regulatory actions of the local government when dealing with personal wireless services.
   1. Cannot prohibit or have the effect of prohibiting the provision of personal wireless services;
   2. Cannot discriminate among providers of functionally equivalent services (i.e. do the services create different visual, aesthetic, or safety concerns?)
   3. Must act on any reasonable request to place, construct, or modify personal wireless services within a reasonable period of time after a request is made;
   4. Must reduce to writing any decision to deny a personal wireless facility, and such decision must be supported by substantial evidence contained in the record of the proceedings; and
   5. Cannot regulate personal wireless facilities on the basis of environmental effects of radio frequency emissions if those emissions comply with FCC guidelines.

K. Abandonment:
   The service facility owner shall remove a wireless telecommunication site not in use for twelve (12) consecutive months. This removal shall occur within 90 days of the end of such 12- month period. Upon removal the site shall be restored to its previous appearance and where appropriate re-vegetated to blend with the surrounding area. An appropriate Bond shall be submitted as surety.

L. Expiration of Permit:
   The approval of an application for Special Exception shall be void and of no effect unless construction of the project commences within one year and is completed within two years from the date of the approval granted by the Board of Zoning Appeals. For purposes of this regulation the term start of construction shall be defined as the installation of a permanent building foundation. The Board of Zoning Appeals may grant up to two six-month extensions of the period to start construction upon written request by the applicant. The Board of Zoning Appeals shall not approve an extension unless the development plan is brought into conformance with any relevant zoning regulations, which have been amended subsequent to the original approval and unless the applicant provides adequate evidence that construction is able to begin within the extended time period sought. This evidence shall include, but not be limited to, the acquisition of any or all required government approvals and project financing. Any appeals of such Special Exception, site plan, or subdivision approval shall extend the aforementioned one-year period the length of such appeal. The Board of Zoning Appeals may as conditions of approval of a Special Exception establish a time period such Special Exception shall remain in effect.

SECTION 720: WIND ENERGY CONVERSION SYSTEM ORDINANCE

A. Purpose and Intent:
   1. Purpose:
      The Purposes of this ordinance are:
      a. To ensure that the development and production of wind-generated electricity in Huntington County is safe and effective;
      b. To support and facilitate economic opportunities for local residents that are consistent with public health, safety and general welfare; and
      c. To promote the effective and efficient use of alternative energy production.
   2. Intent:
      It is the intent of the Wind Energy Conversion Systems (WECS) chapter to provide basic siting regulations to properly allow commercial and private WECS placement throughout Huntington County. Siting is subject to reasonable restrictions. These regulations are intended to preserve the health and safety of the citizens of Huntington County, Indiana.

B. Applicability:
   The provisions of this ordinance are applicable to those zoning districts that allow Wind Energy Conversion Systems (WECS) as permitted uses or as uses requiring Board of Zoning Appeals approval and governs the siting of WECS that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use.

C. Compliance Required:
   No applicant shall construct, operate, locate, or enlarge a Wind Energy Conversion System (WECS) within Huntington County without having fully complied with the provisions of this chapter.

D. Conflict with Other Ordinances:
   Nothing of this chapter shall preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (FAA) rules and regulations. All WECS shall comply with the notification requirements of the FAA. This chapter and the regulations contained within shall not interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. In the event that any provision of the regulations contained within this chapter impose restrictions different from any other ordinance, rule of regulation, statute or other provision of law, then the provisions that are more restrictive and/or impose a higher standard shall govern WECS.

E. Severability Clause:
   Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

F. District Regulations:
   1. Open Space Districts

Non-Commercial WECS allowed by Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from conservation lands, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet

Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

Commercial WECS allowed by Variance of Use only

Distance from Participating Property Owner's property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from conservation lands, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie and Wabash River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located invited to participate in the citizen participation plan process.

2. Agricultural Districts

Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district

Distance from Open Space Zoning measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

3. Residential Districts

Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height

Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

Commercial WECS allowed by Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from, Open Space Zoning measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

4. Commercial Districts

Non-Commercial WECS allowed by Special Exception only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating landowners Property Owners.

Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the total height, provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

Commercial WECS allowed by a Variance of Use only

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

5. Industrial Districts

Non-Commercial WECS is a Special Exception

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height for Non-Participating Property Owners.
Distance from a residential dwelling unit, measured from the center of the Turbine to the nearest corner of the structure	1.1 times the Total Height
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height (where the blade tip is at its highest point), provided that the distance is not less than the required yard setback prescribed for that district
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	One thousand (1,000) feet
Distance to the Little River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet

Commercial WECS is a Special Exception

Distance from a property line, measured from the center of the Turbine to the property line	1.1 times the Total Height from all property lines.
Distance from Non-participating Property Owner's property line.	One thousand (1,000) feet
Distance from any rights-of-way, measured from the center of the Turbine to the edge of the rights-of-way	1.1 times the Total Height, provided that the distance is no less than three hundred and fifty (350) feet
Distance from Open Space Zoning, measured from the center of the Turbine to the nearest point of the conservation land in question	Two thousand six hundred forty (2,640) feet
Distance to the Little River, measured from the center of the WECS to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Wabash and Salamonie River, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Huntington Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance to the Salamonie Reservoir, measured from the center of the Turbine to the shoreline	Two thousand six hundred forty (2,640) feet
Distance from incorporated limits of a municipality, measured from the center of the Turbine to the corporate limits	Two thousand six hundred forty (2640) feet

Property Owners who own property adjoining the site where a Turbine may be located shall be invited to participate in the citizen participation plan process.

G. Safety Design and Installation Standards:

1. Equipment Type
   a. All turbines shall be constructed of commercially available equipment specifically designed for WECS construction and operation.
   b. Meteorological towers may be guyed.
   c. Experimental or proto-type equipment still in testing which does not fully comply with industrial standards, may be utilized if a variance or special exception, as applicable, is obtained by the Board of Zoning Appeals.

2. Industrial Standards and Other Regulations
   All WECS shall conform to applicable industrial designs and standards, as well as all local, state and federal regulations. An Applicant shall submit certificates of design compliance to the Department prior to the issuance of a Location Improvement Permit or Building Permit.

3. Controls and Brakes
   a. All WECS shall be equipped with a redundant breaking system. This includes both aerodynamic over speed controls and mechanical breaks. Stall regulations shall not be considered as a sufficient braking system for over speed protection.
   b. All mechanical brakes shall be operated in a fail-safe mode.

4. Electrical Components
   a. All electrical components of the WECS shall conform to applicable local, state and federal electrical codes.
   b. All electrical collection cables between each WECS shall be located underground wherever possible.
   c. All transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication underground lines standards or as negotiated with the Property Owner or the Property Owner's designee until the collection or transmission lines reach the property line or a substation adjacent to the property line.
   d. All buried electrical and service lines shall be properly marked, located and/or mapped.

5. Color and Finish
   a. All wind Turbines and towers that are part of a WECS shall be white, grey, or another non-obtrusive color.
   b. All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.
   c. All finishes shall be matte or non-reflective.

6. Warnings
   a. For all Commercial WECS, signage shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted on the Turbine or at other suitable points.
   b. For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:
      1. Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the anchor points of guy wires and along the innermost guy wires up to eight (8) feet above the ground.
      2. Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.
   c. The following notices shall be clearly visible on all non-commercial WECS and Micro-WECS towers and accessory facilities/structures:
      1. "No Trespassing" signs shall be attached to any perimeter fence.
      2. "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures.
      3. A sign shall be posted on the tower showing an emergency telephone number.
      4. The manual electrical and/or over speed shutdown disconnect switch shall be clearly labeled.
   d. Consideration shall be given to painted aviation warnings on all Meteorological Towers.

e. Locations of all WECS shall provide GPS locations to the Department and the Huntington Municipal Airport.

7. Climb Prevention
All commercial WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:
   a. Fences with locking portals at least six (6) feet in height; or
   b. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
   c. Locked WECS tower doors.

8. Blade Clearance
The minimum distance between the ground and any protruding blades utilized on all commercial WECS shall be twenty-five (25) feet, as measured at the lowest point of the arc of the blades. The minimum distance between the ground and any protruding blades utilized on any other WECS shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed twenty (20) feet in diameter. In either instance, the minimum distance shall be increased if necessary to provide for vehicular clearance in locations where over-sized vehicles might travel.

9. Lighting
   a. All lighting, including lighting intensity and frequency of strobes, shall adhere to but not exceed requirements established by the Federal Aviation Administration permits and regulations.
   b. Except with respect to lighting required by the Federal Aviation Administration, lighting will require shielding so that no glare extends substantially beyond any WECS structure.

10. Materials Handling, Storage and Disposal
   a. All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS shall be removed from the site properly and disposed of in accordance with all local, state and federal laws.
   b. All hazardous materials or waste related to the construction, operation or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state and federal laws.

11. Vibration Control
   a. Non-commercial WECS shall not cause vibrations through the ground which are perceptible beyond the property lines of the parcel in which the WECS is located.
   b. Commercial WECS shall not cause vibration through the ground which is perceptible beyond one thousand (1,000) feet from the base of the WECS.

12. Shadow Flicker and Blade Glint Zone
Shadow Flicker and Blade Glint Zones for both non-commercial and commercial WECS shall not encroach into public road rights-of-way causing potential traffic safety concerns as reasonably determined by the Plan Commission. These zones will be determined as the area in which shadow flicker and blade glint occur during day light hours.

H. Other Applicable Standards
1. Guyed Wire Anchors
No guyed wire anchors shall be allowed within any required road right-of-way setback.

2. Sewer and Water
All WECS facilities shall comply with the existing septic and well regulations as required by the Huntington County Health Department and/or State of Indiana Department of Public Health.

3. Sound Levels
The Sound Level limits contained in this section shall apply to the WECS project area only.

a. The Sound Levels of each Turbine or the combination of multiple Turbines, resulting from routine operation, as measured in accordance with the procedures described in this section, shall not exceed 50 dBA as measured four (4) above grade at the exterior of a Non-participating Property Owner's residence closest to the Turbine(s).
b. All Turbines shall be maintained at the Sound Levels indicated above for the duration of their operation until they are decommissioned.
c. In the event the Sound Levels outlined in this section exceed the operation limits set forth above, the Turbine or Turbines shall cease production until such time they are in compliance with this section.
d. All associated costs, including but not necessarily limited to assisting in investigation of Turbine sound complaint and any required sound measuring devices, incurred by the Department shall be paid by the Applicant, Owner or operator of the WECS. If, after an investigation of a sound compliant, it is deemed the Turbine or Turbines are operating within the Sound Levels set forth in this section, the complainant may be responsible for all associated cost of the investigation if the complaint was unreasonable.
e. Community Sound Complaints
    i. All sound complaints shall be submitted to the Department on a form supplied by the Department. The complaint form shall include the following:
        1. Name, address and contact information of the complainant;
        2. The nature of the complaint, including any supporting documentation;
    ii. Once a complaint has been submitted, the Department will investigate the complaint and take appropriate action, including but not necessarily limited to engaging the assistance of a qualified professional Acoustician to verify whether the Turbine(s) in question are operating in compliance with the above referenced Sound Levels.
    iii. Sound measurements taken during the investigation of a sound related complaint of a wind Turbine(s) shall be carried out in the following manner:
        1. Measurements shall be obtained during representative weather conditions when the sound of the subject Turbine(s) is most clearly noticeable, including overcast days and times of temperature inversion periods.
        2. Sound Levels shall be measured at least four (4) feet above ground level by an approved meter set on the A-weighted response scale, fast response.
        3. 5 dBA shall be added to all Sound Levels of any short duration repetitive sound measured as outline above.
    iv. The Owner/Operator shall operate the WECS facility in conformance with the Sound Levels outlined in this section. If, based on pre-production measurements or the investigation of a complaint, it is determined the actual Sound Level limits are in excess of the prescribed limits, the Owner/Operator shall, at their expense, take remedial action deemed necessary to ensure compliance with the required sound limits. Remedial action may include, but shall not be limited to the following actions:
        1. Modification or limitation of operations during certain hours, weather conditions or wind conditions;
        2. Maintenance, repair, modification, or replacement of the Turbine(s) out of compliance;
        3. If Sound Levels cannot be at or below the prescribed levels, the turbine(s) shall be decommissioned;
        4. Decommissioning will only be required if there are no practicable alternatives to bring the Turbine(s) into compliance.
f. Prior to the issuance of a Certificate of Occupancy, or allowing the Turbine(s) to begin electricity production, the Applicant, Owner or Operator shall submit documentation from a licensed professional engineer or other qualified professional that the Sound Level of the Turbine(s) meet the minimum requirements as outlined in this section.

4. Utility Interconnection
The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

5. Signage

With the exception of the required warning signage, all other signage shall comply with all signage regulations and standards contained within the Huntington County Zoning Ordinance.

6. Feeder Lines
With the exception of minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. All communications and feeder lines installed as part of any WECS shall be buried underground wherever possible. The placement of all electric lines shall be subject to Development Plan approval. All underground lines shall be properly recorded and shall be properly marked, located and mapped.

7. Other Appurtenances
No appurtenances other than those associated with the Turbine operations shall be connected to any wind tower except with express written permission by the Board of Zoning Appeals.

I. Operation and Maintenance
1. Physical Modifications
Any substantial physical modification proposed made to any WECS shall require a variance or special exception, as applicable, from the Board of Zoning Appeals, Development Plan approval from the Plan Commission and an approved Location Improvement Permit or Building Permit and a Certificate of Occupancy upon completion. Like-kind replacements shall require receipt of a Certificate of Occupancy. Prior to making any physical modification or structural changes or improvements, the Owner or Operator shall confer with the Department to determine whether the physical modification or structural changes or improvements require additional approvals or permits or a Certificate of Occupancy.

2. Interference
Prior to any construction of a WECS in Huntington County, a communications equipment study to minimize the interference of public serving utilities shall be completed. If necessary, the Applicant, Owner or Operator shall mitigate any interference to these public serving utilities or interference reported by a a Property Owner who owns property within two (2) miles of the nearest Turbine and determined to be caused by any WECS. If a written complaint is received by the Department or Owner/Operator indicating signal interference is occurring, the Owner/Operator shall take reasonable steps to mitigate said interference. If a complaint is not mitigated for a known signal interference within ninety (90) days, appropriate action may be taken from the Department which could result in requiring the WECS to become inactive or decommissioned.

3. Declaration of Unsafe Structure and Public Nuisance
Any WECS structure declared to be unsafe by the Huntington County Building Commissioner or by the Department by reasons of inadequate maintenance, inadequate structural components, dilapidation, obsolescence, fire hazard, damage or abandonment shall be declared a Public Nuisance and shall be repaired, rehabilitated, razed or removed in accordance with the approved decommissioning plan.
   a. Designation and Notice of an Unsafe Structure
      i. If, upon inspection, the Huntington County Building Commissioner or his or her designee, determines a wind Turbine is unsafe, the Building Commissioner or his or her designee shall give notice of the unsafe determination. Such notice shall:
         1. Be in writing and in compliance with the Huntington County Unsafe Building Ordinance;
         2. Include a statement and reasons why the notice is being issued, including the reasons why the structure is unsafe;
         3. Outline what actions are required to render the structure safe and designate a reasonable amount of time for the Owner or Operator to remedy the unsafe situation;
         4. Also contain the procedures to appeal the designation of an Unsafe Structure.

J. Decommissioning Plan:
Prior to receiving an Improvement Location Permit or Building Permit, the County and the Applicant, Owner or Operator shall prepare a decommissioning plan for Commercial grade WECS. The plan will outline the anticipated costs and means of removing a WECS at the end of its serviceable lifespan or upon becoming a discontinued or abandoned structure to ensure that the WECS is properly decommissioned

and removed. The final plan shall be approved and signed by the Huntington County Commissioners prior to receiving an Improvement Location Permit or Building Permit.

1. Content of Decommissioning Plan:
   A decommission plan shall include the following:
   a. Assurance
      A written assurance from the Owner or Operator stating the WECS facility will be properly decommissioned upon the project life, discontinuation of use, or in the event that the facility is abandoned shall be on file with Huntington County.
   b. Cost Estimates
      At the expense of the Applicant, Owner, or Operator, Huntington County shall obtain at least two (2) cost estimates from independent engineers licensed by the State of Indiana or qualified contractors who have experience in the decommissioning of WECS facilities, for the demolition and removal of a WECS facility in the event the WECS should become discontinued or abandoned. Every five (5) years thereafter for the life of the WECS project, Huntington County, with the assistance from independent engineers licensed by the State of Indiana or qualified contractors who have experience in the decommissioning of WECS facilities, shall update the estimates at the expense of the Owner or Operator. This will allow for the financial assurance for the decommissioning to be altered to adjust for inflation and other applicable economic adjustments. Scrap value will not be used in the calculation of the decommissioning costs.
   c. Financial Assurance:
      Financial assurances shall be given to Huntington County that are one hundred twenty-five percent (125%) of the approved estimated cost of demolition and removal of all structures and equipment, including Turbines, associated with the WECS. The financial assurance may consist of cash, an appropriate bond, a letter of credit, or any other suitable financial assurance approved by the Huntington County Board of Commissioners.
      i. The bond or bank letter of credit shall be from an A-rated bonding company or an A-rated bank and shall be a new bond or letter of credit annually.
      ii. If bonds are utilized as part of the financial assurance, the surety shall be a company listed "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reimbursing Companies," Department Circular 570, latest revision, Department of the Treasury. Underwriting limitations for the acceptable companies are also contained in Circular 570. The bond shall be executed by an acceptable surety company licensed to do business in the State of Indiana.
      iii. All subsequent bonds or letters of credit shall be received by Huntington County no less than 90 days before the previous bond or letter of credit expires. If the required bond or letter of credit is not received ninety (90) days before the expiration of the current bond or letter of credit, decommissioning of the entire WECS will begin immediately.
      iv. The extent to which salvage value may be considered in determining the estimated cost of demolition and removal shall be determined by the Huntington County Commissioners.

      The bond, letter of credit, or excess cash will only be released at the time the WECS is properly decommissioned as determined by a professional engineer licensed in the State of Indiana and the Department.

2. Discontinuation and Abandonment:
   a. Discontinuation
      WECS shall be considered as being discontinued after six (6) consecutive months without Energy Production occurring. An Owner or Operator may submit a plan extending the period that a WECS is not producing energy that provides the steps and timeline to bring the WECS back into Energy Production. The operation of a Turbine or Turbines for 72 consecutive hours or less shall not be considered as operating or producing energy and will be considered a discontinuation.
   b. Abandonment by Owner or Operator
      At the time that an Owner or Operator decides to abandon a WECS, an affidavit will be provided to Huntington County that ensures the property will be properly decommissioned within six (6) months

of the time of abandonment. The affidavit shall also include the necessary financial assurances and access to salvage values of tower, structures and/or equipment.

3. Removal
   The Applicant, Owner or Operator's obligations for decommissioning a site or operation shall include the removal of all physical material, excluding underground collection lines, to a minimum depth of four (4) feet and provide appropriate backfill to the site. Other physical material to be removed may include, but is not necessary limited to, stone drives, asphalt, fences, and above ground wires. This removal shall occur within six (6) months from the date that the site or operation is discontinued or abandoned with restoration of the ground to as near as practicable to pre-construction condition. The removal process shall occur by the Applicant, Owner or Operator or by Huntington County at the Applicant, Owner or Operator's expense.

4. Written Notices
   Huntington County shall, prior to implementation of the decommissioning regulations contained within this ordinance, provide a written notice to the Owner or Operator that sets forth the concerns or violations occurring on the property. The written notice shall provide the Owner and/or Operator a reasonable time period not exceeding sixty (60) days to resolve any violations or to provide a plan which includes a timeline to bring the property and operation into compliance with this ordinance.

5. Access
   By obtaining approval of an Improvement Location Permit or Building Permit, the Applicant, Owner, Operator and Property Owner grants approval to Huntington County to enter the property and remove a tower or structures in accordance with the terms contained within the decommissioning plan and the provisions of this ordinance.

K. Wind Energy Development Agreement(s)
   Huntington County may enter into any number of negotiated agreements with the Owner or Operator of a WECS project. These agreements may include, but are not necessarily limited to, an economic development agreement, the decommissioning escrow letter of credit or bond agreement, payment in lieu of development, payment in lieu of taxes, roadway use, tile, bridge, small structure repair or replacement agreement, section corner perpetuation, performance bonds, warranty bonds, construction inspections, sound compliant investigation, transmission line agreement, and tree removal agreement. Other agreements such as tax abatements will be negotiated by the Owner or Operator and the Huntington County Council.
   1. Section Corner Perpetuation
      Section cornerstones within roads scheduled for upgrades shall be located and monumented with Harrison monuments after the roadway has been rebuilt. The review of the draft Road Use and Maintenance during Development Plan review will determine the extent of the road improvements required and the number of Section Corners that will be required to be located, monumented, and replaced.
   2. Other agreements between Huntington County and the Owner or Operator of a WECS project may need to be negotiated or may be included within the required agreements such as the Road Use, Repair and Maintenance Agreement, Avoidance and Mitigation of Damages to Public Infrastructure.

L. Liability Insurance:
   The Owner or Operator of any WECS shall maintain a current commercial general liability policy covering bodily injury and property damage and shall name Huntington County as an additional insured with dollar amount limits per occurrence, in the aggregate, and a deductible, which are acceptable to Huntington County.

M. Application Procedures:
   Prior to the start of construction of a WECS facility, a variance or special exception, as applicable, from the Board of Zoning Appeals, Development Plan approval from the Plan Commission, and Improvement Location/Building Permit from the Department are required. The following information shall be submitted with the Board of Zoning Appeals application:
   1. Contact Information
      Contact information which includes the names, addresses, and phone numbers of the Applicants, Owners, and Operators shall be submitted with the application to the Department. Any changes to ownership will

be submitted to the Department in order to maintain proper contact and property information with respect to the operation of the WECS.

2. Legal Description
   The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Department.
3. Project Description
   A WECS project description shall include the following information on each proposed Turbine:
   a. Number of Turbines;
   b. Type;
   c. Name plate generating capacity;
   d. Tower height;
   e. Rotor diameter;
   f. Total height;
   g. Anchor base;
   h. The means of interconnecting with the electrical grid;
   i. The potential Turbine manufacturers; and
   j. All related accessory structures
4. Site Plan, Preliminary
   A site plan for the proposed WECS project shall be drawn. All drawings shall be at a scale not smaller than one inch equals fifty feet (1”=50’) with a scale of one inch equals thirty feet (1”=30’) being preferred. Any other scale must be approved by the Executive Director of Department. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24” x 36”). The site plan shall include the approximate location of all towers, distances of towers from all property lines, other structures associated with the WECS project, approximate location of all access roads and driveways, and the approximate location of all electrical transmission lines.
5. Proof of Correspondence with Wildlife Agencies
   The Applicant must submit written documentation that they are in direct correspondence with the U.S. Fish and Wildlife Services, the Indiana Department of Natural Resources, and any other applicable local, state and/or federal wildlife agencies to demonstrate the Applicant is working with these agencies to identify required State or Federal regulations that govern the protection of wildlife species.
6. Pre-development road inventory of the Project Area
7. Citizen Participation Plan
   In addition to the public notice requirements applicable to a variance or special exception, every application for construction of a WECS shall include a citizen participation plan which must be implemented and completed prior to the Board of Zoning Appeals public hearing. Interested parties to be invited to this process shall include, but not be limited to, all persons with a legal interest in property adjoining the site in which the WECS is to be located, any home owners association or neighborhood association that is adjoining the site in which the WECS is located, and the Department. At a minimum, the citizen participation plan shall include the following:
   a. A listing, including the name and mailing address, of which interested parties may be affected by the application
   b. How those interested parties will be notified of the application
   c. How those interested parties will be provided an opportunity to discuss the application and express any concerns, issues, or ideas they have regarding the application. At least one meeting between the Applicants and interested parties is required.
   d. List of those interested parties who participated
   e. Dates and locations of all meetings where interested parties are invited to discuss the application
   f. Summary of concerns, issues, comments, suggestions, or ideas presented to the Applicants
   g. Summary of how the Applicant will address comments provided
   h. Summary of those comments provided that the Applicant is unwilling or unable to address, and why
8. Other information as determined by the Executive Director or the Board of Zoning Appeals.
9. If construction of the WECS has not started within five years of the date of Board of Zoning Appeals Special Exception approval, the approval will become null and void.

The above items constitute a complete application for a Board of Zoning Appeals WECS application. The meeting will not be scheduled until all of the items have been submitted. The applicant may formally

request, in writing to the Board of Zoning Appeals, certain items to be waived from the complete application.

N. Development Plan Application

The following items shall be submitted to the Plan Commission for Development Plan approval:

1. Contact Information
   Contact information which includes the names, addresses, and phone numbers of the Applicants, Owners, and Operators shall be submitted with the application to the Department. Any changes to ownership will be submitted to the Department in order to maintain proper contact and property information with respect to the operation of the WECS.
2. Legal Description
   The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Department.
3. Project Description
   A WECS project description shall include the following information on each proposed wind Turbine:
   a. Number of Turbines;
   b. Type;
   c. Name plate generating capacity;
   d. Tower height
   e. Rotor diameter;
   f. Total height;
   g. Anchor base;
   h. The means of interconnecting with the electrical grid;
   i. The potential equipment manufacturers; and
   j. All related accessory structures
4. Site Plan
   A site plan for the proposed WECS project shall be drawn at a scale not smaller than one inch equals fifty feet (1”=50’) with a scale of one inch equals thirty feet (1”=30’) being preferred. Any other scale must be approved by the Executive Director of the Department. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24” x 36”). The site plan shall include the final location of all towers, other structures associated with the WECS project, final location of all access roads and driveways, and the final location of all electrical transmission lines.
5. Citizen Participation Plan
6. FAA Permit Application
7. Decommissioning Plan signed and approved by the Huntington County Commissioners
8. Drainage Plan – approved and signed by the Huntington County Surveyor’s Office and the Huntington County Drainage Board.
9. Road Use and Maintenance Agreement signed and approved by the Huntington County Highway Department and the Huntington County Commissioners.
10. Erosion Control Plan
11. Utility Plan
12. Draft Avoidance and Mitigation of Damages to Public Infrastructure Plan
13. Microwave study and analysis
14. Avian Impact Study and analysis—The Applicant shall submit written documentation that the project is in compliance with all Federal and State wildlife regulations.

    The above items constitute a complete application for approval of the Development Plan by the Plan Commission. The meeting will not be scheduled until all of the items have been submitted. The applicant may formally request, in writing to the Plan Commission, certain items to be waived from the complete application.

O. Improvement Location/Building Permit Application

Every Turbine and any other structure approved by the Board of Zoning Appeals and the Plan Commission as part of the wind energy development will require a separate Improvement Location/Building Permit. The following items constitute a complete Improvement Location/Building Permit application. No permit shall be

issued without submitting all of the items listed below. The applicant may formally request, in writing to the Executive Director, certain items to be waived from the complete application.

1. Site plan showing the exact location of the Turbine on the property, the height of the Turbine, setbacks to property lines, a vicinity map showing adjacent properties and stating whether those properties are participating in the development, and access.
2. Prior to receiving an Improvement Location Permit or Building Permit, all WECS to be constructed within Huntington County shall be certified by the manufacturer's engineer or another qualified registered professional engineer that the Turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the Turbine structure, including the tower, base, and footings.
3. FAA permit approval.
4. Decommissioning Plan signed by the Huntington County Commissioners.
5. Other negotiated agreements between Huntington County or the Huntington County Council and the Owner/Operator.
6. Drainage Plan – approved and signed by the Huntington County Surveyor's Office and the Huntington County Drainage Board.
7. Road Use and Maintenance Agreement – approved and signed by the Huntington County Highway Department and the Huntington County Commissioners.
8. Erosion Control Plan.
9. Utility Plan.
10. Avoidance and Mitigation of Damages to Public Infrastructure Plan – approved and signed by the Huntington County Commissioners.
11. Microwave study and analysis
12. Avian study and analysis reviewed and approved by all applicable wildlife agencies.

P. Aggregated Project Applications

Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearings, and review and as appropriate, approvals. Each tower and related equipment shall be required to obtain separate Location Improvement Permits or Building Permits.

Q. Fees

1. Improvement Location Permits or Building Permits:

The following fees shall apply for Improvement Location Permits or Building Permits:

Permit for tower construction: non-commercial	$50.00 per tower
Permit for accessory structures: non-commercial	$30.00 per structure
Electrical permit: non-commercial	$20.00 per tower/structure
Permit for tower construction: commercial	$500.00 per tower
Permit for accessory structures: commercial	$100.00 per structure
Electrical permit: commercial	$250.00 per tower/structure

2. Board of Zoning Appeals:

The following fees shall apply for Board of Zoning Appeals:

Per tower	$150.00

3. Development Plan Review:

The following fees shall apply for Development Plan Review:

Per tower	$150.00

4. Violations:

The following fees shall apply in addition to remediation of noted violations:

Construction without BZA approval	$250.00 for non-commercial $1,000.00 for commercial
Construction without obtaining permits	$250.00 for non-commercial $1,000.00 for commercial
Missed or skipped inspections	$100.00 per missed/skipped inspection
Violations to Development Plan approval	$250.00 per violation

R. Construction Requirements

During the construction process, the Owner and Applicant shall adhere to the following construction requirements:

1. Dust Control
   Dust control measures shall be required by Huntington County during the construction of Commercial WECS. Best management practices for dust control will be filed by the Owner and/or Applicant with the Department.
2. Drainage
   Storm water management plans shall be filed with the Department and will be reviewed by the Huntington County Surveyor, and when necessary reviewed by the Huntington County Drainage Board for all Commercial WECS.
3. Erosion Control
   Erosion control measures shall be required by Huntington County during the construction of Commercial WECS with a plan stating the management practices to be used for erosion control filed with the Department.

S. Post-Construction Requirements

1. Road Repairs
   Any road, road rights-of-way, and areas adjacent to road rights-of-way damaged during the construction or decommissioning processes of a WECS shall be repaired to the satisfaction of the Huntington County Highway Superintendent. Prior to the issuance of a Certificate of Occupancy or Release of Decommissioning, the Huntington County Highway Superintendent shall inspect the road network impacted by the construction or decommissioning and provide the Department written approvals.
   a. After all identified repairs are made to any road, road rights-of-way or areas adjacent to road rights-of-way to the satisfaction of the Huntington County Highway Superintendent, the Applicant, Owner or Operator of a WECS shall submit a separate financial guarantee as a warranty to ensure correction of any deficiencies identified within these areas within twenty-four (24) months of final approval. The amount of this warranty shall be 10% of the total cost of repairs as determined by the Huntington County Highway Department Superintendent and may be in the form of cash, letter of credit, bond or any other financial assurance acceptable to the Huntington County Commissioners, shall be subject to such additional terms related to road repairs and maintenance as shall be set forth in the Road Use and Maintenance Agreement to be negotiated between the Applicant, the Huntington County Highway Department and the Huntington County Commissioners.

2. Drainage Repairs
   Any County Regulated Drain, public or private drainage tile, or other drainage infrastructure (natural or man-made) damaged during the construction or decommissioning process of a WECS shall be repair to the satisfaction of the Huntington County Drainage Board or other suitable and appropriate commission. Prior to the issuance of a Certificate of Occupancy or Release of Decommissioning, the Huntington County Drainage Board or other suitable and appropriate commission shall inspect the drainage network impacted by the construction or decommissioning and provide the Department written approvals.
   a. After all identified repairs are made to any County Regulated Drain, public or private drainage tile, or other drainage infrastructure (natural or man-made), the Applicant, Owner or Operator of a WECS shall submit a separate financial guarantee as a warranty to ensure correction of any deficiencies identified by the Huntington County Surveyor or the Huntington County Drainage Board within these

areas within twenty-four (24) months of final approval. The amount of this warranty shall be 10% of the total cost of repairs and may be in the form of cash, letter of credit, bond or any other financial assurance acceptable to the Huntington County Drainage Board and shall be subject to such additional terms related to drainage as shall be set forth in the Drainage Plan to be negotiated between the Applicant, the Huntington County Surveyor's Office and the Huntington County Drainage Board.

3. As-Built Plans
   Upon completion of the WECS, exact measurements of the location of all utilities and structures erected on site shall be provided to the Department prior to the issuance of a Certificate of Occupancy.

4. Change in Ownership
   It shall be the responsibility of the Owner and Operator listed in the application to inform the Department of any change in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

T. Definitions:

APPLICANT: the entity or person who submits to the County an application for approval and or siting of a WECS.

A-WEIGHTED SOUND LEVEL: The Sound Pressure level in decibels as measured on a sound level meter using the A-weighted network. This level is designated as dB(a) or dBA.

AVIAN IMPACT STUDY AND ANALYSIS: A comprehensive study of the types of birds, including but not necessarily limited to eagles, hawks, falcons, vultures, and migratory birds which is reviewed and accepted by all applicable local, state, and federal agencies. The Avian Impact Study and Analysis also includes the impacts and analysis of bat species, including the Indiana Bat.

BLADE GLINT: The intermittent reflection of the sun off the surface of the blades of a single or multiple WECS.

COMMERCIAL WECS: All necessary devices that together convert wind energy into electricity and most of that electricity is delivered to a public utility's transmission lines, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching stations, communications facilities, and other required facilities and equipment as is customarily related to the WECS project.

DEPARTMENT: the Huntington Countywide Department of Community Development

METEOROLOGICAL TOWER: Used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.

NACELLE: The enclosure located at the top of a WECS tower that houses the gearbox, generator and other equipment.

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE: Any sound which (a) endangers or adversely impacts the safety or health of humans or animals; or (b) annoys or disturbs a reasonable person of normal sensitivities; or (c) endangers or injures personal or real property.

NON-COMMERCIAL WECS: all necessary devices that together convert wind energy into electricity and most of that electricity is not delivered to a public utility's transmission lines, but rather is consumed privately, and wholly within that property described in the application on which the WECS project is to be located, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS tower, the substation, switching

stations, communications facilities, and other required facilities and equipment as is customarily related to the WECS project.

NON-PARTICIPATING PROPERTY OWNER: any Property Owner who is neither an "Owner" nor a "Participating Property Owner" as these terms are defined in this section.

OPEN SPACE ZONING: a zoning district outlined in the Huntington County Zoning Ordinance which is intend for outdoor recreational and leisure activity uses and which is intended to experience very limited development.

OPERATOR: the entity responsible for the daily operation and maintenance of a WECS, including any third party subcontractor.

OWNER: the entity with an equity interest in the WECS, including their successors or assigns. Owner does not mean the Property Owner from whom land is leased for locating any component of the WECS, unless the Property Owner has an equity interest in the WECS; or any person holding a security interest in the WECS solely to secure an extension of credit.

PARTICIPATING PROPERTY OWNER: a property owner from whom land is leased by the WECS owner in order to facilitate the WECS development.

PROJECT AREA: All of the properties within the Project Boundary and within a one-mile radius beyond the Project Boundary of a proposed or approved WECS project.

PROJECT BOUNDARY: A continuous line which encompasses all WECS and Related Equipment to be used in association with a WECS project.

PROPERTY OWNER: any person or entity owning real estate in Huntington County, Indiana.

PUBLIC NUISANCE: an act or omission that obstructs, damages, or inconveniences the rights of the community.

RELATED EQUIPMENT: Transformers, tower, electrical conductors, termination points, switches, fences, substations and any other equipment to operate a WECS.

SHADOW FLICKER: The effect when the blades of an operating WECS pass between sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.

SHADOW FLICKER AND BLADE GLINT ZONE: The land area that falls within the setback for Shadow Flicker

SOUND: An oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

SOUND LEVEL: The weighted Sound Pressure level obtained by the use of a Sound Level Meter and frequency-weighting network such as A or C as specified in the American National Standards Institute specifications for Sound Level Meters (ANSI S.14—1971), or the latest approved revision thereof. If the frequency weighting employed is not indicated, the A-weighting shall apply.

SOUND LEVEL METER: An instrument which includes a microphone, amplifier, RMS detector, integrator or time averaging device, output meter, and weighting networks used to measure Sound Pressure levels.

SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.

TOTAL HEIGHT: The distance between the ground at normal grade and the highest point of the installed WECS which would be the tip of the blade when the blade is in full vertical position.

TURBINE: A wind driven machine that converts wind energy into electrical power.

UNSAFE STRUCTURE: a structure that is in an impaired structural condition that makes it unsafe to a person or property, a fire hazard, or a Public Nuisance as determined by the Huntington County Building Commissioner or his or her designee.

VIBRATION: An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

WIND ENERGY CONVERSION SYSTEM (WECS): All necessary devises that together convert wind energy into electricity and the electricity is independently consumed or delivered to a utility's transmission lines, including but not limited to the blades, rotor, Nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s), switching stations, communication facilities and other required facilities and equipment, as related to a WECS Project.

SECTION 730: SOLAR ENERGY SYSTEM (SES) ORDINANCE

A. Purpose and Intent

1. The purposes of this ordinance are:
   a. to ensure that the development and production of solar-generated electricity in Huntington County is safe and effective;
   b. to support and facilitate economic opportunities for local residents that are consistent with public health, safety, and general welfare; and
   c. to promote the effective and efficient use of solar energy production
2. The intent of this ordinance is:
   It is the intent of the Solar Energy System (SES) ordinance to provide the basic siting regulations to properly allow commercial and utility SES placement throughout Huntington County. Siting is subject to reasonable restrictions. These regulations are intended to preserve the health and safety of the citizens of Huntington County, Indiana.

B. Applicability

The provisions of this ordinance are applicable to those zoning districts that allow Solar Energy Systems (SES's) as permitted uses or as uses requiring Board of Zoning Appeals approval and governs the siting of SES's that generate more than 20 kW of electricity. All Solar Energy Systems (SES's) will require Development Plan approval regardless of zoning district.

C. Compliance Required

No applicant shall construct, operate, locate, or enlarge a Solar Energy System (SES) within Huntington County without first obtaining Development Plan approval and must fully comply with the provisions of this ordinance.

D. Conflict with Other Ordinances

Nothing in this ordinance shall preempt other applicable state and federal laws or regulations. This ordinance and the regulations contained within shall not interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. In the event that any provision of the regulations contained within this ordinance impose restrictions different from any other ordinance, rule of regulation, statute or other provision of law, then the provisions that are more restrictive and/or impose a higher standard shall govern SES's.

E. Severability Clause:

Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

F. Approval Agency

The Development Plan Committee shall review any SES Plan or its modification.

G. Setbacks

1. A SES facility shall be at least two hundred (200) feet from a non-participating, pre-existing dwelling.
2. A SES facility shall meet the minimum setback standards of the applicable zoning district with no component of the SES facility being less than twenty-five (25) feet from the side and rear property lines.
3. Any pieces of equipment (such as inverters) that create a potentially objectionable sound level during normal operation shall meet the following setback to a non-participating, pre-existing dwelling.

4. Setback requirements exclude driveways, perimeter fencing, visual buffers, poles, and wires necessary to connect the facility to an electric utility or between properties.

H. Height Restrictions

No part of a solar panel or other equipment associated with the SES facility shall be over twelve (12) feet tall as measured from the average ground level directly below the panel to the top of each panel at its maximum tilt in the vertical position.

I. Maximum Vibrations

Any item that could create vibrations as part of a SES facility shall be located centrally within the SES facility to reduce any potential impacts on non-participating properties.

J. Interference with Reception

A SES facility shall be constructed and operated so that it does not interfere with television, microwave, GPS, military defense radar, navigational or radio reception to neighboring areas.

K. Glare

A SES facility at no time shall create glare on any non-participating property line or right-of-way.

L. Equipment

All components of the SES facility shall be new, commercially available equipment. Used, experimental, or proto-type equipment still in testing shall require a waiver approved by the Development Plan Committee.

M. Fencing

Any substation shall be completely enclosed with perimeter fencing and locked gates that are at least six (6) feet in height.

N. Emergency Contact Signage

A standard metal road sign shall include the owner's name, facility's name, emergency contact phone number and the physical site address and shall be posted at the entrance to the facility. The sign shall be posted just outside of the public road right-of-way.

O. Appearance

A SES facility, including all accessory buildings, shall, to the extent possible, use materials and colors that will blend them into the surrounding built environment.

P. Waste Management

All solid waste whether generated from supplies, equipment, parts, packaging, operation, or maintenance of the facility (including old parts and equipment) shall be removed from the site in a timely manner consistent with industry standards. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to, lubricating materials, cleaning materials, or such shall be handled in a manner consistent with all local, state, and federal rules and regulations and shall not be allowed to seep into the ground or come in contact with any open water.

Q. Visual Buffer

The need for a visual buffer (from non-participating, pre-existing residences) shall be determined by the Development Plan Committee. If the Development Plan Committee determines a buffer is needed, the Committee will determine the species of plantings and required height.

R. Electric Wires

The electric collection system shall be located underground, except for transformers, inverters, substations, and controls. The collection system is required to be above ground if it is located in

a public right-of-way or county drainage easement (Drainage Board approval required). The transmission system shall be located above ground. All electrical components of the SES facility shall conform to applicable local, state, and federal electrical code requirements.

S. Rapid Disconnect

PV systems mounted to the roof or within a building shall be supplied with a rapid disconnect to ensure a safe condition for firefighters.

T. Drainage Infrastructure

All damages including, but not limited to, waterways, drainage ditches, field tiles, and/or any other infrastructures caused by the construction or maintenance of the SES facility, must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a reasonable amount of time as agreed upon between the county and the applicant, owner and/or operator.

U. Liability Insurance

The owner or operator of the SES facility shall maintain a current general liability policy covering bodily injury and property damage and name Huntington County as an additional insured with limits of at least two million dollars per occurrence and five million dollars in aggregate with a deductible of no more than five thousand dollars.

V. Development Plan Approval

The following items must be agreed upon by the Development Plan Committee:

1. Road Usage/Repair agreement
2. Decommissioning agreement
3. Traffic Management Plan
4. Storm Water Control Calculations
5. Visual Buffer (detailed plans)
6. Erosion Control plan
7. Site Plan (setbacks, layout and safety requirements)
8. Panel Placement (to avoid glare at non-participating, pre-existing residences and ROW's)
9. Contact Information (owner/operator agrees to notify DCD if ownership changes or operator information changes)

W. Public Notice Requirement

Public notice shall be sent to all property owners within a 200-foot radius from all points of the participating property if BZA approval is required.

Definitions

PARTICIPATING PROPERTY: A property in which land is leased (by a signed contract) by the SES owner in order to facilitate the SES development.

KILOWATT (kW): A unit of electrical power equal to 1,000 watts.

MEGAWATT (MW): A unit of electrical power equal to 1,000,000 watts or 1,000 kW.

SOLAR ENERGY FACILITY, LARGE: Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of more than 10 MW (megawatts) of peak generating capacity.

SOLAR ENERGY FACILITY, MEDIUM: Any free-standing solar array or solar arrays that have a combined nameplate power rated capacity of greater than 20 kW or less than or equal to 10 MW (megawatts) of peak generating capacity.

SECTION 800: MANUFACTURED HOUSING

A. It is the intent of this Section to allow manufactured housing in certain districts provided the development standards of the applicable district and this Section are complied with.

B. 1. A manufactured home, which complies with the following development standards is permitted on a lot the same as a site-built dwelling unit:
   a. Constructed after June 15, 1976
   b. Placed onto a permanent foundation in conformance with the Indiana One and Two Family Dwelling Code
   c. Siding consisting of at least one of the following materials is utilized:
      1. Aluminum
      2. Vinyl
      3. Wood
      4. Stucco
      5. Brick
      6. Stone
   d. Has a roof with a minimum pitch of two in twelve, consisting of at least one of the following materials:
      1. Asphalt
      2. Tile
      3. Slate
      4. Wood Shake
   e. Ground floor area, which meets or exceeds the minimum standard established within the applicable district.
   f. Building width in compliance with Section 709.
2. Dwelling units meeting the above development standards are classified as Manufactured Homes Type I

C. Special Exception Approvals:
1. A manufactured home not meeting the requirements of subsection (B) above, and a mobile home, which complies with the following development standards, is permitted on a lot only upon Special Exception approval:
   a. All wheels, axles, and hitch mechanisms shall be removed.
   b. A permanent foundation, skirting, or opaque perimeter enclosure shall be provided.
   c. Dwelling shall be anchored to the ground in compliance with the Indiana One and Two Family Dwelling Code.
2. These dwelling units are classified as a Manufactured Home Type II and are permitted uses in the RMH district and permitted as a Special Exception on a lot in the A, SR, R-2, R-4, and R-8 Districts.

D. No mobile home or manufactured home, whether occupied or vacant, shall be stored, maintained, or parked on a lot without approval from the Board of Zoning Appeals in accordance with the standards of the applicable district.

SECTION 901: AGRICULTURAL (A) DISTRICT

A. 1. The Agricultural district is intended to protect and maintain the agricultural lands utilized for farming and livestock purposes. It is the intent of this Section to preserve agricultural lands and to discourage reclassification of zoning to non-agricultural use without a clear showing of proven need in the public interest and a clear showing of conformity with the comprehensive plan.
   2. Indiana Code 34-1-52-4 (State Right to Farm Law) is hereby incorporated by reference.

B. The permitted principal uses are:
   1. Dwelling, Single-Family
   2. Livestock Operation, minor or intensive
   3. Farm
   4. Commercial Forestry Production
   5. Fish hatchery
   6. Manufactured Home Type I
   7. Home Occupation Type I
   8. Park
   9. Plant nursery
   10. Kennel
   11. Child care home
   12. Day care home
   13. Solar Energy Systems (SES)

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Nursing Home
   3. Cemetery
   4. Funeral Home
   5. Utility service structure, station or yard (excludes Solar Energy Systems)
   6. Communication Tower
   7. Group Home
   8. Commercial Recreation Area
   9. School
   10. Manufactured Home Type II
   11. Home Occupation Type II
   12. Public Safety Facilities
   13. Planned Unit Development
   14. Child caring institution

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-Five (75) feet from the centerline of all county streets
      b. Sixty (60) feet from the right-of-way line of state and federal streets
   2. Side Yard Setback
      a. Twenty-five (25) feet from lot line.
   3. Rear Yard Setback
      a. Twenty –five (25) feet from lot line.
   4. Lot Area – One and one-half (1 ½) acre
   5. Lot Width - Two hundred (200) feet
   6. Ground Floor Area - Nine hundred fifty (950) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political

    5. Real Estate
    6. Tenant
b. Signs shall be non-illuminated
c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Home Occupation sign:
        a. Limited to one (1) per lot
        b. Maximum copy area – sixteen (16) square feet
        c. Minimum ten (10) foot setback from all lot lines
d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building sign:
        a. Limited to two (2) per building
        b. Maximum copy area - sixty (60) square feet
    2. Pedestal sign:
        a. Limited to one (1) per lot
        b. Maximum copy area - thirty-six (36) square feet
        c. Minimum ten (10) foot setback from all lot lines
        d. Maximum height - eight (8) feet

SECTION 902: SUBURBAN RESIDENTIAL (SR) DISTRICT

A. The suburban residential district is intended to be a low density, rural residential district. It is the intent of this Section to allow single-family dwelling units and uses servicing the needs of the residential rural community.

B. The permitted principal uses are:
   1. Dwelling, Single-Family
   2. Manufactured Home Type I
   3. Home Occupation Type I
   4. Park
   5. Child Care Home
   6. Day Care Home

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Nursing Home
   3. Cemetery
   4. Funeral Home
   5. Utility service structure, station or yard
   6. Communication Tower
   7. Group Home
   8. Commercial recreation area
   9. School
   10. Commercial Forestry Production
   11. Fish hatchery
   12. Manufactured Home Type II
   13. Home Occupation Type II
   14. Public Safety Facilities
   15. Livestock Operation, minor or intensive
   16. Planned Unit Development
   17. Child caring institution

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-Five (75) feet from the centerline of all County streets
      b. Sixty (60) feet from the right-of-way line of state and federal streets
   2. Side Yard Setback
      a. Ten (10) feet from lot line
   3. Rear Yard Setback
      a. Fifteen (15) feet from lot line
   4. Lot Area - One and one-half (1 ½) acre
   5. Lot Width - Two hundred (200) feet
   6. Ground Floor Area - Nine hundred fifty (950) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Home Occupation sign:
            a. Limited to One (1) per lot

b. Maximum copy area - sixteen (16) square feet
c. Minimum ten (10) foot setback from all lot lines

d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building Sign:
        a. Limited to two (2) per building
        b. Maximum copy area - sixty (60) square feet
    2. Pedestal Sign:
        a. Limited to one (1) per lot
        b. Maximum copy area - thirty-six (36) square feet
        c. Minimum ten (10) foot setback from all lot lines
        d. Maximum height - eight (8) feet

SECTION 903: RESIDENTIAL LOW DENSITY (R-2) DISTRICT

A. The residential low-density district is intended to be a low-density residential district. It is the intent of this Section to allow single-family dwelling units and uses servicing the needs of the residential community.

B. The permitted principal uses are:
   1. Dwelling, single-family
   2. Manufactured Home Type I
   3. Home Occupation Type I
   4. Park
   5. Child Care Home
   6. Day Care Home

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Nursing Home
   3. Cemetery
   4. Funeral home
   5. Utility service structure, station or yard
   6. Communication Tower
   7. Group Home
   8. Commercial recreation area
   9. School
   10. Manufactured Home Type II
   11. Home Occupation Type II
   12. Public safety facilities
   13. Planned Unit Development
   14. Child Caring Institution

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-Five (75) feet from the centerline of all county streets
      b. Sixty (60) feet from the right-of-way line of state and federal streets
   2. Side Yard Setback
      a. Seven and one-half (7 1/2) feet from lot line
   3. Rear Yard Setback
      a. Fifteen (15) feet from lot line
   4. Lot Area –
      a. Twenty-one thousand seven hundred eighty (21,780) square feet [1/2 acre] if serviced by central sewer
      b. One and one-half (1 ½) acre if serviced by on-site sewer
   5. Lot Width –
      a. Seventy-five (75) feet if serviced by central sewer
      b. Two-hundred (200) feet if serviced by on-site sewer
   6. Ground Floor Area - Nine hundred fifty (950) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):

a. Home Occupation sign:
    a. Limited to one (1) per lot
    b. Maximum copy area - sixteen (16) square feet
    c. Minimum ten (10) foot setback from all lot lines

d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building Sign:
        a. Limited to two (2) per building
        b. Maximum copy area - sixty (60) square feet
    2. Pedestal Sign:
        a. Limited to one (1) per lot
        b. Maximum copy area - thirty-six (36) square feet
        c. Minimum ten (10) foot setback from all lot lines
        d. Maximum height - eight (8) feet

SECTION 904: RESIDENTIAL MEDIUM DENSITY (R-4) DISTRICT

A. The residential medium density district is intended to be a moderately dense residential district. It is the intent of this section to allow single family and two family dwelling units and uses servicing the needs of a moderately dense residential area.

B. The permitted principal uses are:
   1. Dwelling, Single-Family
   2. Dwelling, Two-Family
   3. Manufactured Home Type I
   4. Home Occupation Type I
   5. Park
   6. Child Care Home
   7. Day Care Home

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Nursing Home
   3. Cemetery
   4. Funeral Home
   5. Utility service structure, station or yard
   6. Communication Tower
   7. Group Home
   8. Commercial Recreation Area
   9. School
   10. Home Occupation Type II
   11. Public Safety Facility
   12. Planned Unit Development
   13. Child Caring Institution
   14. Manufactured Home Type II

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Twenty-Five (25) feet from the right-of-way line of the street
   2. Side Yard Setback
      a. Six (6) feet from lot line
   3. Rear Yard Setback
      a. Fifteen (15) feet from lot line
   4. Lot Area –
      a. Ten thousand eight hundred ninety (10,890) square feet [1/4 acre] if serviced by central sewer
      b. One and one-half (1 ½) acre if serviced by on-site sewer
   5. Lot Width –
      a. Sixty (60) feet if serviced by central sewer
      b. Two-hundred (200) feet if serviced by on-site sewer
   6. Ground Floor Area – Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):

1. Home Occupation sign:
    a. Limited to one (1) per lot
    b. Maximum copy area - ten (10) square feet
    c. Minimum ten (10) foot setback from all lot lines
2. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building Sign:
        1. Limited to two (2) per building
        2. Maximum copy area - sixty (60) square feet
    2. Pedestal Sign:
        1. Limited to one (1) per lot
        2. Maximum copy area - thirty-six (36) square feet
        3. Minimum ten (10) foot setback from all lot lines
        4. Maximum height - eight (8) feet

SECTION 905: RESIDENTIAL HIGH DENSITY (R-8) DISTRICT

A. The residential high density district is intended to be a highly dense residential district. It is the intent of this Section to allow single family, two family, and multi family dwelling units and uses servicing the needs of a highly dense residential area.

B. The permitted principal uses are:
   1. Dwelling, Single-Family
   2. Dwelling, Two-Family
   3. Dwelling, Multi-Family
   4. Manufactured Home Type I
   5. Home Occupation Type I
   6. Park
   7. Child Care Home
   8. Day Care Home

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Nursing Home
   3. Cemetery
   4. Funeral Home
   5. Utility service structure, station or yard
   6. Communication Tower
   7. Group Home
   8. Commercial recreation area
   9. School
   10. Public Safety Facility
   11. Laundromat
   12. Grocery Store
   13. Home Occupation Type II
   14. Medical and other health services
   15. Planned Unit Development
   16. Child Caring Institution
   17. Manufactured Home Type II

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Twenty-Five (25) feet from the right-of-way line of the street
   2. Side Yard Setback
      a. Six (6) feet from lot line
   3. Rear Yard Setback
      a. Fifteen (15) feet from lot line
   4. Lot Area - Five thousand four hundred forty-five (5,445) square feet [1/8 acre]
   5. Lot Width - Fifty (50) feet
   6. Ground Floor Area – Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):

1. Home Occupation sign:
    a. Limited to one (1) per lot
    b. Maximum copy area - ten (10) square feet
    c. Minimum ten (10) foot setback from all lot lines

b. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building Sign:
        a. Limited to two (2) per building
        b. Maximum copy area - sixty (60) square feet
    2. Pedestal Sign:
        1. Limited to one (1) per lot
        2. Maximum copy area - thirty-six (36) square feet
        3. Minimum ten (10) foot setback from all lot lines
        4. Maximum height - eight (8) feet

8. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

SECTION 906: RESIDENTIAL APARTMENT (R-20) DISTRICT

A. The residential apartment district is intended to be a high density, multi-family residential district. It is the intent of this Section to allow multi family dwelling units and uses servicing the needs of a highly dense residential area.

B. The permitted principal uses are:
   1. Dwelling, Multi-Family
   2. Group Home
   3. Nursing Home
   4. Home Occupation Type I
   5. Child Care Home
   6. Day Care Home

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Cemetery
   3. Funeral Home
   4. Utility service structure, station, or yard
   5. Communication Tower
   6. Commercial Recreation Area
   7. School
   8. Public Safety Facility
   9. Laundromat
   10. Grocery Store
   11. Medical and other health services
   12. Home Occupation Type II
   13. Mobile Home Park
   14. Planned Unit Development
   15. Child Caring Institution

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Twenty-five (25) feet from the right-of-way line of the street
   2. Side Yard Setback
      a. Six (6) feet from lot line
   3. Rear Yard Setback
      a. Fifteen (15) feet from lot line
   4. Lot Area - Ten thousand eight hundred ninety (10,890) square feet [1/4 acre]
   5. Lot Width - Fifty (50) feet
   6. Ground Floor Area – Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Home Occupation sign:
            a. Limited to one (1) per lot
            b. Maximum copy area - ten (10) square feet
            c. Minimum ten (10) foot setback from all lot lines

d. Uses which have obtained special exception approval are permitted the signs allowed for permitted uses and the following:
    1. Building Sign:
        a. Limited to two (2) per building
        b. Maximum copy area - sixty (60) square feet
    2. Pedestal Sign:
        a. Limited to one (1) per lot
        b. Maximum copy area - thirty-six (36) square feet
        c. Minimum ten (10) foot setback from all lot lines
        d. Maximum height - eight (8) feet

8. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

SECTION 907: RESIDENTIAL MOBILE HOME PARK (RMH) DISTRICT

A. The residential mobile home park district is intended to be a high-density residential district suitable for the location of mobile homes and manufactured homes. It is the intent of this Section to allow mobile homes and manufactured homes and uses servicing the needs of a high density residential area.

B. The permitted principal uses are:
   1. Manufactured Home Type I
   2. Manufactured Home Type II
   3. Home Occupation Type I
   4. Laundromat
   5. Mobile Home Park, including office

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. House of Worship
   2. Utility service structure, station, or yard
   3. Communication Tower
   4. Commercial Recreation Area
   5. Grocery Store
   6. Home Occupation Type II
   7. Child Care Home
   8. Day Care Home

D. The following minimum standards and requirements shall apply:
   1. No dwelling unit shall be located within twenty (20) feet of an outside boundary lot line.
   2. Minimum separation between dwelling units shall be twelve (12) feet
   3. Lot Area – One (1) acre
   4. Signs
      a. The following sign types are permitted:
         1. Bulletin Board
         2. Construction
         3. Home Occupation
         4. Political
         5. Real Estate
         6. Tenant
      b. Signs shall be non-illuminated
      c. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Home Occupation sign:
            a. Limited to one (1) per dwelling unit
            b. Maximum copy area – ten (10) square feet
            c. Minimum ten (10) foot setback from all perimeter lot lines
         2. Uses which have obtained Special Exception approval are permitted the signs allowed for permitted uses and the following:
            a. Building sign:
               1. Limited to two (2) per building
               2. Maximum copy area – sixty (60) square feet
            b. Pedestal sign:
               1. Limited to one (1) per lot
               2. Maximum copy area – thirty-six (36) square feet
               3. Minimum ten (10) foot setback from all lot lines
               4. Maximum height – eight (8) feet
   5. All dwelling units shall be serviced by a centralized water and sanitary sewer system.

SECTION 908: LOCAL BUSINESS (LB) DISTRICT

A. The local business district is intended to be a low-intensity commercial district providing establishments, which will serve the needs of surrounding residents. It is the intent of this Section to allow residential dwelling units and professional, business, and retail establishments, which will serve the needs of the surrounding area.

B. The permitted principal uses are:
   1. Dwelling, Single-Family
   2. Dwelling, Two-Family
   3. Dwelling, Multi-Family
   4. Manufactured Home Type I
   5. Group Home
   6. Service establishments including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
   7. Retail outlets including bookstores, card and gift shops, arts and craft stores, clothing stores, shoe stores, toy stores, jewelry stores, antique stores, and similar establishments
   8. Grocery Store
   9. Professional offices
   10. Business offices
   11. Medical and dental offices and clinics
   12. Travel agency
   13. Banks and financial institutions
   14. Retail video store
   15. Financial, insurance, and real estate office
   16. Veterinary office
   17. Appliance sales and service
   18. Home Occupation Type I
   19. Home Occupation Type II
   20. House of Worship
   21. Nursing Home
   22. Funeral Home
   23. Eating and drinking establishments
   24. Library
   25. Child Care Home
   26. Day Care Home
   27. Child Caring Institution
   28. Child Care Center

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. Utility service structure, station or yard
   2. Communication tower
   3. Commercial recreation area
   4. School
   5. Private club
   6. Arcade
   7. Convenience store/fuel station
   8. Lumber Yard
   9. Motor vehicle repair
   10. Planned Unit Development

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback – Twenty-Five (25) feet from the right-of-way line of the street
   2. Side Yard Setback – Six (6) feet from lot line
   3. Rear Yard Setback – Fifteen (15) feet from lot line
   4. Lot Area - Six thousand (6,000) square feet

5. Lot Width - Fifty (50) feet
6. Ground Floor Area - Seven hundred twenty (720) square feet
7. Signs
    a. The following sign types are permitted:
        1. Awning
        2. Banner
        3. Bulletin Board
        4. Construction
        5. Ground
        6. Home Occupation
        7. Incidental
        8. Pedestal
        9. Political
        10. Portable
        11. Projecting
        12. Real Estate
        13. Tenant
        14. Wall
        15. Window
    b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
        1. Building sign:
            a. Limited to two (2) per building
            b. Maximum copy area - sixty (60) square feet
        2. Ground or Pedestal sign:
            a. Limited to one (1) per lot
            b. Maximum copy area - thirty-six (36) square feet
            c. Maximum height - eight (8) feet
            d. Minimum five (5) foot setback from all lot lines

SECTION 909: GENERAL BUSINESS (GB) DISTRICT

A. The general business district is intended for intensive commercial uses that require a conspicuous and accessible location. It is the intent of this Section to allow a variety of commercial uses, and certain light manufacturing uses that are compatible with commercial uses.

B. The permitted principal uses are:
   1. Dwelling, Single Family
   2. Dwelling, Two-Family
   3. Dwelling, Multi-Family
   4. Manufactured Home, Type I
   5. Group Home
   6. Service establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
   7. Retail outlets including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments
   8. Department store
   9. Grocery store
   10. Professional offices
   11. Business offices
   12. Medical and dental offices and clinics
   13. Travel agency
   14. Banks and financial institution
   15. Retail video store
   16. Financial, insurance and real estate offices
   17. Veterinary office
   18. Library
   19. Tire store
   20. Motor vehicle repair
   21. Theater
   22. Hotel
   23. Motor vehicle dealer
   24. Commercial recreation area
   25. Convenience store/fuel station
   26. Hospital
   27. Nursing home
   28. Private club
   29. House of Worship
   30. Eating and drinking establishments
   31. Funeral home
   32. Warehousing
   33. Light Manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
   34. Appliance Repair
   35. Lumber Yard
   36. Child Care Home
   37. Day Care Home
   38. Child Care Center
   39. Child Care Institution

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. Utility service structure, station or yard
   2. Communication tower
   3. School
   4. Arcade
   5. Planned Unit Development

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback – Twenty-Five (25) feet from the right-of-way line of the street
   2. Side Yard Setback – Ten (10) feet from lot line
   3. Rear Yard Setback – Fifteen (15) feet from lot line
   4. Lot Area - Ten thousand (10,000) square feet
   5. Lot Width - Seventy (70) feet
   6. Ground Floor Area - Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin Board
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental
         8. Off-premise
         9. Pedestal
         10. Political
         11. Portable
         12. Projecting
         13. Real Estate
         14. Roof
         15. Tenant
         16. Wall
         17. Window
      b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Building sign:
            Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
         2. Free Standing sign:
            a. If only one occupant/use on a lot:
               1. One (1) sign permitted
               2. Maximum height of thirty (30) feet
               3. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
               4. Minimum five (5) foot setback from all lot lines
            b. If two (2) or more occupants or uses on a lot:
               1. One (1) sign which only identifies the plaza and its tenants for each unified development, unless such development has frontage on two (2) or more streets, excluding alleys, whereby two (2) signs may be permitted.
               2. Maximum height of thirty (30) feet
               3. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
               4. Minimum five (5) foot setback from all lot lines
         3. Off-Premise sign:
            a. One (1) sign permitted per lot
            b. Maximum height of thirty (30) feet
            c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
            d. Minimum five (5) foot setback from all lot lines
            e. Minimum separation distances
               1. From dwelling unit, house of worship, or school – Five hundred (500) feet.
               2. From other off-premise sign - Three hundred (300) feet

SECTION 910: ACCOMODATION BUSINESS (AB) DISTRICT

A. The accommodation business district is intended intensive, highly automotive oriented uses that require a conspicuous and accessible location along a thoroughfare. It is the intent of this Section to allow a variety of commercial and automotive service related uses.

B. The permitted principal uses are:
   1. Grocery store
   2. Department store
   3. Hotel
   4. Tire store
   5. Auto/Truck repair
   6. Theater
   7. Motor vehicle dealer
   8. Commercial recreation area
   9. Convenience store/fuel station
   10. Eating and drinking establishments
   11. Retail outlets
   12. Professional offices
   13. Business offices
   14. Lumber Yard

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. Utility service structure, station, or yard
   3. Communication tower
   4. Arcade
   5. Dwelling unit, single family
   6. Dwelling unit, two-family
   7. Dwelling unit, multi-family
   8. Manufactured Home Type I
   9. Child Care Home
   10. Day Care Home
   11. Planned Unit Development
   12. Group Home
   13. Child Care Center
   14. Child Caring Institution

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      Seventy-five (75) feet from the centerline of County Street
      Sixty (60) feet from right-of-way line of state or federal streets
   2. Side Yard Setback – Ten (10) feet from lot line
   3. Rear Yard Setback – Fifteen (15) feet from lot line
   4. Lot Area - Ten thousand (10,000) square feet
   5. Lot Width - Seventy (70) feet
   6. Ground Floor Area - Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin Board
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental
         8. Off-premise

9. Pedestal
10. Political
11. Portable
12. Projecting
13. Real Estate
14. Roof
15. Tenant
16. Wall
17. Window

b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Building sign:
       Shall not exceed a copy area of one and one-half (1 1/2) times the lineal front footage of the building or tenant space.
    2. Free Standing sign:
        a. If only one occupant/use on lot:
            1. One (1) sign permitted
            2. Maximum height of sixty (60) feet
            3. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot.
            4. Minimum five (5) foot setback from all lot lines
        b. If two (2) or more occupants or uses on a lot:
            1. One (1) sign which only identifies the plaza and its tenants for each unified development, unless such development has frontage on two (2) or more streets, excluding alleys, whereby two (2) signs may be permitted.
            2. Maximum height of sixty (60) feet
            3. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot
    3. Off-Premise sign:
        a. One (1) sign permitted per lot
        b. Maximum height of sixty (60) feet
        c. Shall not exceed a copy area of forty (40) percent of the lineal frontage of the lot
        d. Minimum five (5) foot setback from all lot lines
        e. Minimum separation distances:
            1. From dwelling unit, house of worship, or school – Five hundred (500) feet
            2. From other off-premise signs - three hundred (300) feet

SECTION 911: CENTRAL BUSINESS (CB) DISTRICT

A. The Central Business District is intended for commercial uses that are located in a central core area of a city or town. It is the intent of this Section to allow a variety of commercial uses in a concentrated area central to the residential areas of the city or town.

B. The permitted principal uses area:
   1. Dwelling, single family
   2. Dwelling, two-family
   3. Dwelling, multi-family
   4. Manufactured Home, Type I
   5. Group Home
   6. Service establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments
   7. Retail outlets, including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments
   8. Department store
   9. Grocery store
   10. Professional offices
   11. Medical and dental offices and clinics
   12. Travel agency
   13. Banks and financial institution
   14. Retail video store
   15. Financial, insurance and real estate offices
   16. Veterinary office
   17. Library
   18. Tire store
   19. Motor vehicle repair
   20. Theater
   21. Hotel
   22. Motor vehicle dealer
   23. Convenience store/fuel station
   24. Hospital
   25. Nursing home
   26. Private club
   27. House of worship
   28. Eating and drinking establishments
   29. Funeral home
   30. Appliance repair
   31. Warehousing
   32. Child Care Home
   33. Day Care Home
   34. Child Care Center
   35. Child Caring Institution

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. School
   2. Arcade
   3. Commercial recreation area

D. The following minimum standards and requirements shall apply:
   1. Front yard setback – None
   2. Side yard setback – None
   3. Rear yard setback – None
   4. Lot Area - One thousand two hundred (1,200) square feet
   5. Lot Width - Twenty (20) feet

6. Signs
    a. The following sign types are permitted:
        1. Awning
        2. Banner
        3. Bulletin Board
        4. Construction
        5. Elevated
        6. Ground
        7. Incidental
        8. Pedestal
        9. Political
        10. Portable
        11. Projecting
        12. Real Estate
        13. Roof
        14. Tenant
        15. Wall
        16. Window
    b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707 (M):
        1. Building sign:
            a. Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
        2. Free standing sign:
            a. One (1) sign permitted per lot
            b. Maximum height of twenty (20) feet
            c. Each lot permitted to have a copy area of thirty (30) square feet or a copy area of thirty (30) percent of the lineal frontage of the lot

SECTION 912: LIGHT MANUFACTURING (M-1) DISTRICT

A. The light-manufacturing district is intended for low-intensity manufacturing uses. It is the intent of this Section to allow manufacturing uses which are benign in their operating procedures and compatible with certain commercial uses.

B. The permitted principal uses are:
   1. Warehousing
   2. Light manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
   3. Auto repair
   4. Appliance repair
   5. Convenience store/fuel station
   6. Utility service structure, station or yard (includes Solar Energy Systems)
   7. Tire store
   8. Lumber Yard

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. Communication tower
   2. Eating and drinking establishments
   3. Retail outlets
   4. Professional offices
   5. Business offices
   6. Dwelling unit, single family
   7. Dwelling unit, two-family
   8. Dwelling unit, multi-family
   9. Commercial recreation area
   10. Child Care Home
   11. Day Care Home
   12. Group Home
   13. Child Care Center
   14. Child Caring Institution
   15. Manufactured Home Type I
   16. Heavy Manufacturing

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-five (75) feet from the centerline of county streets
      b. Sixty (60) feet from the right-of-way line of state and federal streets
   2. Side Yard Setback
      a. Twenty-five (25) feet from lot line, if adjacent to a residential district
      b. Ten (10) feet from all other lot lines
   3. Rear Yard Setback
      a. Twenty-five (25) feet from lot line, if adjacent to a residential district
      b. Fifteen (15) feet from all other lot lines
   4. Lot Area - Twenty-one thousand seven hundred eighty (21,780) square feet
   5. Lot Width - One hundred (100) feet
   6. Ground Floor Area - Seven hundred twenty (720) square feet
   7. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin Board
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental

8. Off-premise
9. Pedestal
10. Political
11. Portable
12. Projecting
13. Real Estate
14. Roof
15. Tenant
16. Wall
17. Window

b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
    1. Building sign:
       Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
    2. Free Standing sign:
        a. One (1) sign permitted
        b. Maximum height of thirty (30) feet
        c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
        d. Minimum five (5) foot setback from all lot lines
    3. Off-Premise sign:
        a. One (1) sign permitted per lot
        b. Maximum height of thirty (30) feet
        c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot.
        d. Minimum five (5) foot setback from all lot lines
        e. Minimum separation distances:
            1. From dwelling unit, house of worship, or school - Five hundred (500) feet
            2. From other off-premise signs - Three hundred (300) feet

SECTION 913: HEAVY MANUFACTURING (M-2) DISTRICT

A. The heavy manufacturing district is intended for intensive, heavy manufacturing uses. It is the intent of this Section to allow intensive manufacturing uses that may involve methods of operation, which require visual and distance separation from residential, commercial, and recreational uses.

B. The permitted principal uses are:
   1. Warehousing
   2. Light manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die
   3. Heavy manufacturing, including: food products, wood products, paper products, chemical products, mineral products, plastic products, metal products, concrete products
   4. Utility service structure, station or yard (includes Solar Energy Systems)
   5. Communication tower
   6. Auto repair
   7. Lumber yard

C. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. One hundred (100) feet from the centerline of county streets
      b. Eighty (80) feet from the right-of-way line of state and federal streets
   2. Side Yard Setback
      a. One hundred (100) feet from lot line, if adjacent to a residential or commercial district
      b. Forty (40) feet from all other lot lines
   3. Rear Yard Setback
      a. One hundred (100) feet from lot line, if adjacent to a residential or commercial district
      b. Forty (40) feet from lot line if adjacent to industrial or agricultural district
   4. Lot Area - Twenty-one thousand seven hundred eighty (21,780) square feet
   5. Lot Width - One hundred (100) feet
   6. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin Board
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental
         8. Off-premise
         9. Pedestal
         10. Political
         11. Portable
         12. Projecting
         13. Real Estate
         14. Roof
         15. Tenant
         16. Wall
         17. Window
      b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Building sign:
            Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
         2. Free Standing sign:
            a. One (1) sign permitted
            b. Maximum height of thirty (30) feet
            c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot

   d. Minimum five (5) foot setback from all lot lines
3. Off-Premise sign:
   a. One (1) sign permitted per lot
   b. Maximum height of thirty (30) feet
   c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot.
   d. Minimum five (5) foot setback from all property lines
   e. Minimum separation distances:
      1. From dwelling unit, house of worship, or school - five hundred (500) feet
      2. From other off-premise signs - three hundred (300) feet

SECTION 914: EXTRACTIVE MANUFACTURING (M-3) DISTRICT

A. The extractive manufacturing district is intended for the mining, storage, and processing of mineral resources. It is the intent of this Section to allow the extraction and processing of mineral resources in areas not experiencing development pressure.

B. The permitted principal uses are:
   1. Mining and processing of mineral resources
   2. Mining and processing of petroleum resources
   3. Manufacturing of products which utilize resources obtained from the site
   4. Utility service structure, station or yard (includes Solar Energy Systems)

C. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-five (75) feet from centerline of county street
      b. Sixty (60) feet from right-of-way line of state or federal street
   2. Side Yard Setback – Ten (10) feet from lot line
   3. Rear Yard Setback – Twenty (20) feet from lot line
   4. Lot Area - Five (5) acres
   5. Lot Width - Two hundred (200) feet
   6. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental
         8. Off-premise
         9. Pedestal
         10. Political
         11. Portable
         12. Projecting
         13. Real Estate
         14. Roof
         15. Tenant
         16. Wall
         17. Window
      b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section707(M):
         1. Building sign:
            Shall not exceed a copy area of one and one half (1 1/2) times the lineal front footage of the building or tenant space
         2. Free Standing sign:
            a. One (1) sign permitted
            b. Maximum height of thirty (30) feet
            c. Shall not exceed a copy area of thirty (30) percent of the lineal frontage of the lot
            d. Minimum five (5) foot setback from all lot lines
         3. Off-Premise sign:
            a. One (1) sign permitted per lot
            b. Maximum height of thirty (30) feet
            c. Maximum copy area of six hundred seventy-five (675) square feet
            d. Minimum five (5) foot setback from all lot lines
            e. Minimum separation distances:
               1. From dwelling unit, house of worship, or school – five hundred (500) feet

2. From other off-premise signs - three hundred (300) feet

SECTION 915: AIRPORT (AZ) DISTRICT

A. The airport district is intended for airport facilities and compatible land uses. It is the intent of this Section to allow for the continued use and expansion of airport facilities.

B. The permitted principal uses are:
   1. Terminal, freight and passenger
   2. Airplane hangars
   3. Airplane repair facilities

C. The following uses are Special Exceptions, permitted subject to Section 501:
   Utility service structure, station or yard

D. The following minimum standards and requirements shall apply:
   1. Front Yard Setback
      a. Seventy-five (75) feet from centerline of County Street
      b. Sixty (60) feet from right-of-way line of state or federal street
   2. Side and Rear Yard Setback – Ten (10) feet from lot line
   3. Lot Area - Five (5) acres
   4. Lot Width - One hundred (100) feet
   5. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Banner
         3. Bulletin
         4. Construction
         5. Elevated
         6. Ground
         7. Incidental
         8. Pedestal
         9. Political
         10. Portable
         11. Projecting
         12. Roof
         13. Wall
         14. Window
      b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Building sign:
            Maximum copy area - one hundred (100) square feet
         2. Free Standing sign:
            a. Maximum copy area - one hundred (100) square feet
            b. Maximum height - fifteen (15) feet
            c. Minimum five (5) foot setback from all lot lines

SECTION 916: OPEN SPACE (OS) DISTRICT

A. The open space district is intended for outdoor recreational and leisure activities. It is the intent of this Section to limit development within this district to uses which are recreational or leisure in nature.

B. The permitted principal uses are:
   1. Golf Course
   2. Campground
   3. Swimming or Tennis Club
   4. Horseback Riding Stable
   5. Public Park/Playground
   6. Farm, except for Livestock Operation, minor or intensive
   7. Solar Energy Systems (SES)

C. The following uses are Special Exceptions, permitted subject to Section 501:
   1. Private Club
   2. Utility service structure, station or yard (excludes Solar Energy Systems)
   3. Private Park/Playground
   4. Dwelling, Single-family

D. The following minimum standards and requirements shall apply:
   1. Setback – Fifty (50) feet from all lot lines
   2. Lot Area - Five (5) acres
   3. Signs
      a. The following sign types are permitted:
         1. Awning
         2. Bulletin Board
         3. Construction
         4. Pedestal
         5. Political
         6. Roof
         7. Wall
         8. Window
      b. Except as identified below, all permitted signs shall be erected or installed in accordance with Section 707(M):
         1. Building sign:
            Maximum copy area - sixty (60) square feet
         2. Free Standing sign:
            a. Maximum copy area - sixty (60) square feet
            b. Maximum height of eight (8) feet
            c. Minimum five (5) foot setback from all lot lines

SECTION 917: FLOOD HAZARD AREA OVERLAY DISTRICT (FHA)

Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.

Section A. Statutory Authorization.

The Indiana Legislature has in Indiana Code 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Huntington County Commissioners, do hereby adopt the following floodplain management regulations.

Section B. Findings of Fact.

1. The flood hazard areas of Huntington County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, inadequately flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities.
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging, and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. Make federal flood insurance available for structures and their contents in Huntington County by fulfilling the requirements of the National Flood Insurance Program.

Section D. Objectives.

The objectives of this ordinance are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains.
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas.

Article 2. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A zone means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM. The definitions are presented below:

> Zone A: Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown.
>
> Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. (Zone AE is on new and revised maps in place of Zones A1-A30.)
>
> Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
>
> Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone.
>
> Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection.
>
> Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown.

Accessory structure (appurtenant structure) means a structure with a floor area 120 square feet or less that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

Area of shallow flooding means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) means the elevation of the one-percent annual chance flood.

Basement means that portion of a structure having its floor, finished or unfinished, sub-grade (below ground level) on all sides.

Boundary River means the part of the Ohio River that forms the boundary between the Kentucky and Indiana.

Boundary River Floodway means the floodway of a boundary river.

Building - see "Structure."

Community means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Rating System (CRS) means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Crawl Space means the area inside an enclosed foundation area between the top of the grade and the lowest horizontal structural member. Crawl space height shall not exceed four (4) feet and shall not be below grade on all four sides.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

D Zone means unstudied areas where flood hazards are undetermined, but flooding is possible. Flood insurance is available in participating communities but is not required by regulation in this zone.

Development means any man-made change to improved or unimproved real estate including but not limited to:

1. construction, reconstruction, or placement of a structure or any addition to a structure;
2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. mining, dredging, filling, grading, excavation, or drilling operations;
6. construction and/or reconstruction of bridges or culverts;
7. storage of materials; or
8. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

Elevated structure means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).

Elevation Certificate is a certified statement that verifies a structure's elevation information.

Emergency Program means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

Enclosed Foundation Area means any area consisting of three or more solid foundation walls that create an enclosed area below the lowest floor.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

Flood Protection Grade (FPG) is the elevation of the regulatory flood plus three feet at any given location in the SFHA. (see "Freeboard")

Floodplain means the channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

Floodproofing (dry floodproofing) is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

Floodproofing certificate is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

Flood Resistant Materials means any building materials capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage (See FEMA Technical Bulletin 2).

Floodway is the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Freeboard means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

Fringe is those portions of the floodplain lying outside the floodway.

Hardship (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Huntington County Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

Historic structures means any structures individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

Increased Cost of Compliance (ICC) means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

Letter of Final Determination (LFD) means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

Letter of Map Change (LOMC) is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F). The definitions are presented below:

> **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a property is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
>
> **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
>
> **Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

Lowest adjacent grade means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

Lowest floor means the lowest elevation described among the following:

1. The top of the lowest level of the structure.
2. The top of the basement floor.
3. The top of the garage floor, if the garage is the lowest level of the structure.
4. The top of the first floor of a structure elevated on pilings or pillars.
5. The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
    a. the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters by providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls; if a structure has more than one enclosed area, each shall have openings on exterior walls;
    b. the total net area of all openings shall be at least one (1) square inch for every one square foot of enclosed area; the bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,
    c. such enclosed space shall be usable solely for the parking of vehicles and building access.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

Mitigation means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

National Flood Insurance Program (NFIP) is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

National Geodetic Vertical Datum (NGVD) of 1929 as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community’s first floodplain ordinance.

Non-boundary river floodway means the floodway of any river or stream other than a boundary river.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede,

retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-percent annual chance flood is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

Physical Map Revision (PMR) is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

Public safety and nuisance means anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

Regular program means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

Regulatory flood means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

Section 1316 is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of Huntington County subject to inundation by the regulatory flood. The SFHAs of Huntington County are generally identified as such on the Huntington County, Indiana and Incorporated Areas Flood Insurance Rate Map dated June 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

Suspension means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

Variance is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

X zone means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

Zone means a geographical area shown on a FIRM that reflects the severity or type of flooding in the area.

Zone A (see definition for A zone)

Zone B, C, and X means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

Article 3. <u>General Provisions.</u>

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of Huntington County.

Section B. Basis for Establishing Regulatory Flood Data.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

1. The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of Huntington County shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Huntington County, Indiana and Incorporated Areas dated June 2, 2015 and the corresponding Flood Insurance Rate Map dated June 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.
2. The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Huntington County, delineated as an "A Zone" on the Huntington County, Indiana and Incorporated Areas Flood Insurance Rate Map dated June 2, 2015 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
3. In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.
4. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

Section C. Establishment of Floodplain Development Permit.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

Section D. Compliance.

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

Section E. Abrogation and Greater Restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.

1. In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
2. If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
3. If the elevation (natural grade) of the site in question is above the base flood elevation and not located within the floodway, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner shall be advised to apply for a LOMA.

Section G. Interpretation.

In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements.
2. Liberally construed in favor of the governing body.
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

Section H. Warning and Disclaimer of Liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Huntington County, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

Section I. Penalties for Violation.

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Ordinance for Huntington County. All violations shall be punishable by a fine as allowed by law.

1. A separate offense shall be deemed to occur for each day the violation continues to exist.
2. The Huntington Countywide Department of Community Development shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
3. Nothing herein shall prevent Huntington County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Article 4. <u>Administration.</u>

Section A. Designation of Administrator.

The Huntington County Plan Commission hereby appoints the Executive Director of the Huntington Countywide Department of Community Development to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section B. Permit Procedures.

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

1. Application Stage.
   a. A description of the proposed development.
   b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams.
   c. A legal description of the property site.
   d. A site development plan showing existing and proposed development locations and existing and proposed land grades.
   e. Elevation of the top of the planned lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD.
   f. Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be elevated.
   g. A pre-construction Elevation Certificate for new construction, additions to an existing structure or substantial improvements to a structure.
   h. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering study is required and any watercourse changes

submitted to DNR for approval and then to FEMA as a Letter of Map Revision. (See Article 4, Section C. (6) for additional information.)

2. Construction Stage.
   Prior to the issuance of a building permit for new construction, addition to a structure or substantial improvement to a structure, the applicant shall submit a pre-construction elevation certificate prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same, demonstrating the structure will be sufficiently elevated.

   Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. The Floodplain Administrator shall review the lowest floor elevation survey data submitted. The applicant shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work undertaken prior to submission of the elevation certification shall be at the applicant's risk.

   Upon establishment of the floodproofed elevation of a floodproofed structure, it shall be the duty of the applicant to submit to the Floodplain Administrator a floodproofing certificate. Certification shall be prepared by or under the direct supervision of a registered professional engineer and certified by same. (The Floodplain Administrator shall review the floodproofing certification submitted.) The applicant shall correct any deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the floodproofing certification or failure to make correction required shall be cause to issue a stop-work order for the project.

3. Finished Construction.
   Upon completion of construction, a finished construction elevation certification which depicts the "as-built" lowest floor elevation is required to be submitted to the Floodplain Administrator. If the project includes a floodproofing measure, floodproofing certification is required to be submitted by the applicant to the Floodplain Administrator.

4. Permit Expiration.
   All Floodplain Development permits are valid for two (2) years.

Section C. Duties and Responsibilities of the Floodplain Administrator.

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

1. Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied.
2. Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.
3. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section E and G (1) of this ordinance, and maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
4. Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits/authorizations are to be maintained on file with the floodplain development permit.
5. Maintain and track permit records involving additions and improvements to residences located in the floodway.

6. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.
7. Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.
8. Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
9. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
10. Review certified plans and specifications for compliance.
11. Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B.
12. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.
13. Perform a minimum of three inspections to ensure that all applicable ordinance and floodplain development requirements have been satisfied. The first upon the establishment of the Flood Protection Grade reference mark at the development site; the second upon the establishment of the structure's footprint/establishment of the lowest floor; and the final inspection upon completion and submission of the required finished construction elevation certificate. Authorized County officials shall have the right to enter and inspect properties located in the SFHA.
14. Stop Work Orders
    a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
    b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
15. Revocation of Permits
    a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
    b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

Article 5. <u>Provisions for Flood Hazard Reduction.</u>

Section A. General Standards.

In all SFHAs and known flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the FPG; non-residential structures may be designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.
10. To the greatest extent possible, parking lots, driveways, and sidewalks within the SFHA shall be constructed with permeable materials.
11. Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.
    a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.
    b. Under certain circumstances, the excavation may be allowed to take place outside of but adjacent to the floodplain provided that the excavated volume will be below the regulatory flood elevation, will be in the same property in which the authorized fill or structure is located, will be accessible to the regulatory flood water, will not be subject to ponding when not inundated by flood water, and that it shall not be refilled.
    c. The excavation shall provide for true storage of floodwater but shall not be subject to ponding when not inundated by flood water.
    d. The fill or structure shall not obstruct a drainage way leading to the floodplain.
    e. The grading around the excavation shall be such that the excavated area is accessible to the regulatory flood water.
    f. The fill or structure shall be of a material deemed stable enough to remain firm and in place during periods of flooding and shall include provisions to protect adjacent property owners against any increased runoff or drainage resulting from its placement.
    g. Plans depicting the areas to be excavated and filled shall be submitted prior to the actual start of construction or any site work; once site work is complete, but before the actual start of construction, the applicant shall provide to the Floodplain Administrator a certified survey of the excavation and fill sites demonstrating the fill and excavation comply with this article.

Section B. Specific Standards.

In all SFHAs, the following provisions are required:

1. In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
    a. Construction or placement of any structure having a floor area greater than 120 square feet.
    b. Addition or improvement made to any existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).
    c. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred.
    d. Installing a travel trailer or recreational vehicle on a site for more than 180 days.
    e. Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.
    f. Reconstruction or repairs made to a repetitive loss structure.
    g. Addition or improvement made to any existing structure with a previous addition or improvement constructed since the community's first floodplain ordinance.

2. **Residential Structures.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).

3. **Non-Residential Structures.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated at or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
   a. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (12).
   b. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

4. **Elevated Structures.** New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG.

   Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. It should be noted that constructing enclosed areas below the Base Flood Elevation may dramatically increase required flood insurance premiums. Designs must meet the following minimum criteria:
   a. Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).
   b. The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.
   c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
   d. Access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
   e. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
   f. The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.
   g. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
   h. Property owners shall be required to execute a flood openings/venting affidavit acknowledging that all openings will be maintained as flood vents, and that the elimination or alteration of the openings in any way will violate the requirements of Article 5, B. (4). Periodic inspections will be conducted by the Floodplain Administrator to ensure compliance. The affidavit shall be recorded in the office of the Huntington County Recorder.
   i. Property owners shall be required to execute and record with the structure's deed a non-conversion agreement declaring that the area below the lowest floor (where the interior height of the enclosure exceeds 6 feet) shall not be improved, finished or otherwise converted; the community will have the right to inspect the enclosed area. The non-conversion agreement shall be recorded in the office of the Huntington County Recorder.

5. **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

a. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file.
b. The fill shall extend fifteen (15) feet beyond the foundation of the structure before sloping below the BFE.
c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.
d. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
e. The top of the lowest floor including basements shall be at or above the FPG.
f. Fill shall be composed of clean granular or earthen material.

6. **Standards for Manufactured Homes and Recreational Vehicles.** Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

   a. These requirements apply to all manufactured homes to be placed on a site inside or outside an existing manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood:
      i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
      ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
      iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

   b. These requirements apply to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood:
      i. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
      ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.
      iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

   c. Recreational vehicles placed on a site shall either:
      i. be on site for less than 180 days;
      ii. be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
      iii. meet the requirements for "manufactured homes" as stated earlier in this section.

7. **Accessory Structures.** Relief to the elevation or dry floodproofing standards may be granted for accessory structures. Such structures must meet the following standards:
   a. Shall not be used for human habitation.
   b. Shall be constructed of flood resistant materials.
   c. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters.
   d. Shall be firmly anchored to prevent flotation.

e. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG.
f. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section B. 4.

8. **Above Ground Gas or Liquid Storage Tanks.** All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement. To the greatest extent possible, above ground gas or liquid storage tanks shall be located at or above the BFE.

Section C. Standards for Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres.
5. All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
6. All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

Section D. Critical Facility.

Construction of new critical facilities shall be prohibited within the SFHA but shall be allowed within the 500-year flood zone if elevated 2 feet higher than the standard FPG. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

Section E. Standards for Identified Floodways.

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. The following are the only permitted activities allowed within any designated floodway:

If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of a non-substantial addition/ improvement to a residence in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit or letter of authorization (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway or letter of authorization has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed, which acting alone or in combination with existing or future development, that will adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.

For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

Section F. Standards for Identified Fringe.

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

Section G. Standards for SFHAs without Established Base Flood Elevation and/or Floodways/Fringes.

1. Drainage area upstream of the site is greater than one square mile:

   If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

   No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway (including letters of authorization) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

   Once the Floodplain Administrator has received the proper permit for construction in a floodway (including letters of authorization) or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

2. Drainage area upstream of the site is less than one square mile:

   If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

   Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

3. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not increase the regulatory flood more than 0.14 of one foot and shall not increase flood damages or potential flood damages.

Section H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5.

Article 6. <u>Variance Procedures.</u>

Section A. Designation of Variance and Appeals Board.

The Huntington County Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Huntington County Circuit or Superior Courts.

Section C. Variance Procedures.

In passing upon such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1. The danger of life and property due to flooding or erosion damage.
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
3. The importance of the services provided by the proposed facility to the community.
4. The necessity of the facility to a waterfront location, where applicable.
5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.
6. The compatibility of the proposed use with existing and anticipated development,
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section D. Conditions for Variances.

1. Variances shall only be issued when there is:
   a. A showing of good and sufficient cause.
   b. A determination that failure to grant the variance would result in exceptional hardship.
   c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
2. No variance for a residential use within a floodway subject to Article 5, Section E or Section G (1) of this ordinance may be granted.
3. Any variance granted in a floodway subject to Article 5, Section E or Section G (1) of this ordinance will require a permit from the Indiana Department of Natural Resources.
4. Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. Variances may be granted for the reconstruction or restoration of any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

7. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Article 6, Section E).
8. The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Article 6, Section E).

Section E. Variance Notification.

Any applicant to whom a variance is granted that allows the lowest floor of a structure to be built below the flood protection grade shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the flood protection grade will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;
2. Such construction below the flood protection grade increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance.

Section F. Historic Structure.

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

Section G. Special Conditions.

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Huntington County Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

Article 7. <u>Severability.</u>

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

Article 8. <u>Effective Date.</u>

This ordinance shall be in full force and effect on June 2, 2016

SECTION 918: EXCLUSIVE USE OVERLAY DISTRICT (EUD)

A. The Exclusive Use Overlay District is intended to be a district established for uses that do not readily permit classification in the agricultural, residential, commercial, or industrial districts. The development standards of other districts do not adequately address the specific and unusual characteristics of certain uses. However, such uses may contribute to the livability or economic health of the County or are of such character that their specific control is necessary.

B. The Exclusive Use District is an overlay district. The existing zoning classification of the lot will remain with the lot, and all Permitted Uses and Special Exceptions for the existing classification will be allowed after a EUD classification is obtained.

C. The permitted principal uses are:
   1. Sanitary landfill
   2. Recycling facility
   3. Incinerator
   4. Salvage yard

D. The following minimum standards and requirements shall apply:
   1. Sanitary Landfill
      a. No building shall be located within one hundred (100) feet of any lot line.
      b. No portion of the landfill operation shall be located within one hundred fifty (150) feet of any lot line. Except for any building and component of use associated with the landfill, the150-foot buffer shall be landscaped.
      c. Minimum separation from a dwelling unit - Three hundred (300) feet.
      d. No portion of the landfill operation shall be located within three hundred (300) feet of any stream or watercourse.
      e. Screening with a minimum height above grade of ten (10) feet shall be provided around the perimeter of the lot.
      f. One (1) tree shall be provided for each fifty (50) lineal feet of frontage along any street adjacent to the landfill. These trees shall be located within the 150-foot buffer.
   2. Recycling Facility
      a. No building shall be located within one hundred (100) feet of any lot line
      b. Minimum Lot Size - Two (2) acres
   3. Incinerator
      a. No building shall be located within one hundred (100) feet of any lot line
      b. Minimum Lot Size - Two (2) acres
   4. Salvage Yard
      a. No building shall be located within one hundred (100) feet of any lot line
      b. Screening with a minimum height above grade of ten (10) feet shall be provided around the perimeter of the lot. No salvage material, nor any portion of the operation, shall be stored or conducted outside of the fenced-in area.
      c. One (1) tree shall be provided for each fifty (50) lineal feet of frontage along any street adjacent to the salvage yard. These trees shall be located between the street and the screening.

E. Procedure for establishing EUD:
   1. Applications shall be filed in accordance with the Rules of Procedure of the Commission.
   2. The following information shall be submitted with a EUD application:
      a. Survey and legal description of the lot
      b. A drawing on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale as large as practical, and including the following information:
         1. Scale, date, north arrow, vicinity map, and title of the project.
         2. The boundaries, dimensions, and total gross acreage of the lot.
         3. The relationship of the project to the surrounding road system, including the width of adjacent roadways.

4. The location and dimensions of existing manmade features such as roads, utilities, and structures, with indication as to which are to be removed, relocated, or altered.
5. The location and dimensions of existing easements, watercourses, county drains, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
6. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
7. Identification of land use and zoning classification of adjacent lots.
8. Location of the different land uses proposed.
9. Location of proposed signs and lighting fixtures.
10. Existing land use within a two (2) mile radius.

c. Proposal for providing sanitary sewer, potable water, storm water, gas, electricity, and any other utility service.
d. Statement of the proposed phasing of construction for the project.
e. The Director, or Commission, may require:
    1. Topographic maps, including contours with elevations of the pre-developed lot and proposed finished grade
    2. Soils report, prepared and certified by a qualified geologist or a registered civil engineer. Report must include:
        a. Name of soil type
        b. Soil drainage class
        b. Flood hazard potential
        c. Permeability of soils
        d. Dominant soil texture
        e. Suitability of soil as cover material
    3. Geologic report, prepared by a qualified geologist. Report must include:
        a. The nature of the terrain including slope, topography, and surface drainage
        b. The nature of bedrock materials including type, thickness, and physical characteristics
        c. Maps or data showing residuum thickness, composition of materials, and hydrologic properties
        d. Porosity and permeability of bedrock
        e. Thickness of strata or zone in which waste materials are to be deposited
        f. Depth to water table
        g. Distance to nearby permanent water bodies
    4. Operation plan for landfill indicating:
        a. Proposed fill area
        b. Any borrow area
        c. Access Roads
        d. On-site drive
        e. Grades for proper drainage of each lift required, and a typical cross-section of a lift
        f. Special drainage devices, if necessary
        g. Location and type of fencing
        h. Structures existing or to be located on the site
        i. Existing wooded areas, trees, ponds, or other natural features to be preserved
        j. Existing and proposed utilities
        k. Phasing of landfill operations on the lot
        l. A plan and schedule for site restoration and completion
        m. A plan for the ultimate land use of the lot if possible
        n. Method of operation including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel
        o. And all other pertinent information to indicate clearly the orderly development of the operation and completion of the sanitary landfill.
    5. Drainage plan, including the following information:
        a. Contours with elevations of the pre-developed lot and proposed finished grade
        b. Size of the watershed

    c. Method of calculation of stormwater
    d. Proposal for the management of stormwater
6. Traffic impact analysis
7. Identification of streets to be used as haul routes for transportation of product
8. Market study or need assessment showing need within the County for the use
9. Air quality impact analysis
10. Erosion control plan

F. The application shall be reviewed as an amendment to the zone map in accordance with IC 36-7-4-600. In addition to the criteria established in IC 36-7-4-603, the Commission and Board of County Commissioners shall pay reasonable regard to the following criteria:
   1. The importance of the service provided by the proposed facility to the community
   2. The availability of alternative locations for the proposed facility
   3. The compatibility of the proposed use with existing uses and permitted uses

SECTION 919: PROFESSIONAL OFFICE DISTRICT (POD)

A. The Professional Office District is intended to accommodate low intensity uses such as professional offices and business offices within a planned environment. This district is not commercial in character; however, certain limited commercial uses are permissible by special exception in demonstrated support of permitted uses in the specific POD. As the POD is designed to be compatible with residential uses, it is partially intended as a buffer or transitional area between residential and more intense business developments.

B. The permitted principal uses are:
   1. Professional offices
   2. Business offices
   3. Medical, dental, and optical offices and clinics

C. The following uses are special exceptions permitted subject to Section 501:
   1. Retail businesses
   2. Banks and financial institutions without drive-in facilities

D. The following minimum standards and requirements shall apply:
   1. Minimum Lot Size
      a. If the proposed development is subdivided into lots, each lot shall be a minimum of ten thousand (10,000) square feet.
      b. If the development is a planned development, there are no minimum lot size requirements for building pads; however, planned developments shall be a minimum of twenty thousand square feet (20,000 square feet).

   2. Maximum Lot Coverage
      Buildings and accessory structures shall occupy no more than forty percent (40%) of any lot or planned development.

   3. Building Setbacks
      a. From any federal highway right-of-way line, ten (10) feet
      b. From any other right-of-way line, thirty (30) feet
      c. From any A, SR, R-2, or R-4 zoning district boundary line, thirty (30) feet
      d. From any R-8 zoning district boundary line, twenty (20) feet
      e. From all other zoning district boundary lines and lot lines, fifteen (15) feet
      f. Minimum separation between detached buildings, ten (10) feet

   4. Maximum Building Height
      The maximum height of any building or structure shall be thirty-five (3 5) feet.

   5. Open Space
      a. Each lot or planned development shall provide a minimum of twenty percent (20%) of planting area.
      b. The required twenty percent (20%) planting area includes the required perimeter and interior landscaping areas.

   6. Perimeter Landscaping
      a. When a lot or planned development has frontage on a federal highway, a perimeter landscape strip with a minimum width of five (5) feet shall be provided parallel to the highway.
      b. When a lot or planned development has frontage on any other right-of-way line, a perimeter landscape strip with a minimum width of ten (10) feet shall be provided parallel to the right-of-way line.
      c. When a lot or planned development is adjacent to any A, SR, R-2, or R-4 zoned property, a perimeter landscape strip with a minimum width of twenty-five (25) feet shall be provided parallel to the lot line.
      d. When a lot or planned development is adjacent to any R-8 or R-20 zoned property, a perimeter landscape strip with a minimum width of ten (10) feet shall be provided parallel to the lot line.

e. A lot or planned development adjacent to any other zoning district shall provide a perimeter landscape strip with a minimum width of five (5) feet.
f. One (1) tree for each thirty-five (35) lineal feet of property line or fraction thereof shall be planted in the required perimeter landscape strip.
    1. The maximum separation between required trees shall be one-hundred (100) feet.
    2. Each tree shall be planted in a planting area of at least fifty (50) square feet.
    3. Trees shall be a minimum of ten (10) feet in height, with a minimum trunk diameter of two (2) inches at a point which is at least four (4) feet above finished grade, immediately after planting.
    4. Subject to the approval of the Commission, up to fifty (50) percent of the required perimeter trees may be located within the interior areas of the development if such relocation would improve the aesthetics and compatibility of the development.
    5. To encourage plant preservation where living plant material exists on a site before development, and provisions are made to preserve it permanently, credit may be given for such natural growth areas against the requirements of this Section. Said credit is to be determined by the Director based on size, location, and type of plant material to be preserved.
g. Within a required perimeter landscape strip which is adjacent to any SR, R-2, R-4, or R-8 zoned property, a living evergreen hedge with a minimum height of thirty (30) inches, measured from finished grade immediately upon planting, and spaced a maximum of twenty-four (24) inches on center, shall be planted.
h. The perimeter landscape strip shall remain impervious surface, covered with grass, mulch, or ground cover plantings.
i. Necessary access ways for the street right-of-way through all such landscaping shall be permitted to service the off-street parking area, or other vehicular use area, and such access ways may, as determined by the Director, be subtracted from the linear dimensions used to determine the number of trees required.
j. The use of earth berms, with a maximum 3:1 slope, is encouraged within a perimeter landscape strip to increase the effectiveness of the buffer.
k. Perimeter landscape areas shall not be used for the following purposes:
    1. location of any buildings or structures
    2. sale of any products or services
    3. storage or parking of any vehicles
l. The required perimeter landscaping strip shall be completed prior to the occupancy of any building in the POD. The Director may allow the developer to phase the perimeter landscaping strip in accordance with the phasing of the building(s) or planned development. Any phasing of required landscaping shall not include landscaping intended to buffer buildings from existing residences.

7. Interior Landscaping
    a. At least five (5) percent of the area devoted to parking or other vehicular use, which includes all impervious surfaces except the building pad and any sidewalk areas, shall be landscaped. This landscaping shall be located within the general parking and vehicular use areas to improve the aesthetics of the parking area and to promote safe, efficient, and orderly traffic movement.
    b. Each interior landscape area shall contain a minimum of fifty (50) square feet of planting area, with a minimum width of seven (7) feet.
    c. Each planting area shall be landscaped with grass, mulch, or ground cover plantings, and may include required perimeter trees as provided in Section 919 (D) (6) (f) (4).
    d. Landscaping around the foundation area of buildings is encouraged to accent the buildings and provide a visual buffer to diffuse the sharp contrast between the parking area and the building. Subject to the approval of the Commission, up to fifty (50) percent of the required interior landscaping may be located around building foundations.

8. Parking Areas
    a. Off-street parking spaces shall be provided in accordance with Section 705.
    b. A common parking area for all required off-street parking spaces may be permitted upon binding assurances for the continual availability and maintenance of parking spaces.
    c. If the development is a planned development, required off-street parking spaces shall be located within the same development as the building(s) requiring the spaces.

d. The maximum separation between a building and its required parking area shall be five hundred (500) feet.
e. Required parking areas shall not be used in the following manner:
    1. storage, for more than forty-eight (48) hours, of operative or inoperative vehicles
    2. to store any goods, materials or inventory used in conjunction with any business or use on or off the premises
    3. for the sale, repair or servicing of vehicles
f. All required parking spaces; aisles and access ways shall be constructed with a hard surface using concrete, asphalt, or other paving material approved for use within the County.
g. Landscaping and landscaping areas within or adjacent to a parking area shall be protected from the encroachment of vehicles by a continuous raised curb or properly secured wheel stops.

9. Lighting
    a. All parking spaces, aisles, driveways, and access ways, intended to be utilized between dusk and dawn, shall be provided with site lighting.
    b. Lighting shall be arranged so that no source of lighting is directed toward any adjoining or nearby property used or zoned for residential purposes.
    c. Lighting shall be designed to shield public streets and all other adjacent properties from direct glare.
    d. All parking luminaries except those used for security of the building and lot, shall be extinguished within one (1) hour after the end of business hours.
    e. No luminary shall be located within perimeter landscape strips, except along pedestrian walkways.

10. Outdoor Furniture/Dumpster Location
    a. The exterior placement of outdoor furniture, including benches, tables, kiosks, and similar features, is permitted to enhance the outdoor environment of the planned development.
    b. Outdoor furniture should be designed to be part of the architectural concept of design and landscaping for the planned development.
    c. Dumpster areas shall be screened by landscaping, or decorative fencing on three (3) sides, with the open side facing the pavement area where access to the dumpster is gained.
    d. Access to dumpster areas shall not be through parking spaces.
    e. Dumpster areas should be located so as not to impede vehicular movement.

11. Signage
    a. The provisions of Section 707 of the Zoning Ordinance shall apply with the exception of those regulations regarding the number and type of signs permitted. The following regulations identify the number and type of signs permitted in the POD:
        1. Pedestal
            a. One (1) pedestal sign, which may identify those tenants or occupants within the planned development, shall be permitted per street frontage.
            b. The pedestal sign shall be supported and affixed to a base so that there is no clearance between the bottom edge of the sign and top of the base, with such base to be comprised of materials of a permanent nature, which is set firmly in or below grade.
            c. The maximum height of the sign, as measured from finished grade, shall be six (6) feet.
            d. The maximum copy area of the sign shall be forty (40) square feet.
        2. Wall
            a. One (1) wall sign, which identifies the name of the tenant(s) or occupant(s) of the building, shall be permitted per tenant or occupant within the building.
            b. The maximum copy area of the sign shall be nine (9) square feet.
            c. The wall sign shall be affixed directly to and flat against the wall of the building and shall not extend beyond the wall(s) of the building.
            d. The wall sign shall be located on the same side of the building as the main entrance.
            e. The wall sign(s) shall be compatible with the architectural design of the building.
    b. No pedestal sign permitted by this Section shall be:
        1. located within five (5) feet of any right-of-way line
        2. located within thirty (30) feet of any residentially zoned property

3. located within a sight visibility triangle, being the area of property located at a corner formed by the intersection of two (2) public right-of-way lines, or by the intersection of a right-of-way line and an access way, with two (2) sides of a triangle being a minimum of twenty (20) feet in length, measured from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides.

c. No temporary signs, banners, or similar advertising mechanism shall be permitted.

12. Drainage
    a. Connection to a Storm sewer shall be provided when required by Ordinance. The provision of on-site retention or detention ponds may be required by the Department to address existing or potential drainage problems.
    b. A drainage control plan shall be submitted at the time a preliminary development plan is required to be submitted.

13. Underground Utilities
    Within a planned development, all utilities including sewer, water, telephone, television, cable, and electrical systems shall be installed underground. Appurtenances to these systems, which require above ground installation, must be effectively screened.

E. Procedure for reclassification to POD
An application for reclassification to POD shall include all information necessary to meet the requirements listed below and any additional information that will demonstrate the reclassification is appropriate.

1. A petitioner seeking reclassification approval shall submit a preliminary development plan on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches and drawn to a scale not smaller than one hundred (100) feet to the inch. The following information shall be provided on the preliminary development plan:
    a. Scale, date, north arrow, vicinity map, title of the project and total gross acreage
    b. The boundaries and dimensions of the property and its relationship to the surrounding road system including the width of adjacent travel ways.
    c. The location and dimension of existing manmade features such as existing roads and structures with indication as to which are to be removed, renovated, or altered.
    d. The location of existing easements, watercourses, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
    e. The location and delineation of existing trees and information as to which trees will be removed.
    f. Identification of surrounding land use and zoning as well as the zoning of the petitioned site.
    g. A layout of the proposed lots and/or building sites including the following site data:
        1. Finished floor elevation
        2. Common open areas
        3. Generalized landscaping and buffer areas
        4. Internal circulation patterns including off-street parking and loading facilities
        5. Total project density
        6. Percentage of building coverage
        7. Percentage of impervious surface coverage
        8. Percentage of open space areas
        9. The shape, size, location and height of all structures
    h. A traffic impact analysis, if required by the Director or Commission, including the following:
        1. Future right-of-way dedications
        2. Intersection improvements
        3. Traffic control devices
        4. Traffic generation analysis
        5. Distribution and assignment of traffic
        6. Additional roadway needs
    i. The proposed phasing of construction for the project if applicable
    j. A drainage statement or drainage plan as required by the County Surveyor
    k. Size, location, and orientation of signs
    l. Proposed lighting of the premises

m. One (1) aerial map showing the site in question with paved boundaries superimposed
n. A legal description of the land proposed for development

2. The reclassification petition and preliminary development plan shall be reviewed by the technical review committee. The technical review committee may make recommendation(s) to the Commission.
3. The reclassification petition shall be considered as any other proposal to amend the zone map.

F. Site and Development Plan requirements

1. A lot with a POD zoning designation shall have a Site and Development Plan approved by the Plan Commission prior to the issuance of a building permit. The Site and Development Plan shall include the elements from Section 919 (E) (1) (a), (b), (c), (d), (e), (g), (i), (j), (k), (l), and (m). If no changes to the preliminary development plan submitted under Section 919 (E) are required by the Plan Commission prior to final approval, the preliminary development plan shall be considered to be the approved Site and Development Plan.
2. A building permit may be issued under an approved Site and Development Plan after an ordinance to amend the zone map to establish the POD is approved by the County Commissioners, and after compliance with applicable law.
3. Modifications to an approved Site and Development Plan may be made only by written application to the Department.

   A building permit may be issued under a Modified Site and Development Plan so long as the proposed modification is consistent with all applicable standards and requirements of the POD and so long as the proposed modification does not constitute a substantial deviation from the existing Site and Development Plan.

   The Director shall review modifications to the Site and Development Plan and certify compliance with all standards and requirements of the POD and certify that no substantial deviation from the approved Site and Development Plan has occurred.

   a. A substantial deviation shall include, but is not limited to:
      1. Modification of building location, which would affect setback distances or buffering from adjacent residential property;
      2. Relocation of an access point to the site;
      3. Major redesign of the parking and vehicular use area;
      4. Fundamental change in the overall concept of the planned development.
   b. If the Director determines that the proposed modification is inconsistent with POD standards and requirements or that a substantial deviation exists, the proposed modification must be resubmitted for approval to the Commission and County Commissioners, with notice to interested parties, prior to the issuance of a building permit.

G. Duration of Approval

1. A building permit must be issued within one (1) year from the date of approval of the reclassification to POD and subsequent approval of the Site and Development Plan.
2. Upon request, and after good cause is shown, the time period within which a building permit must be issued may be extended by the Commission.

   If the time period has expired without extension and without the issuance of such permit, the Director shall file with the records of the County Commissioners a certificate of non-compliance with a condition of the POD reclassification. Effective with the filing of the certificate, the zoning classification of the site shall revert to the zoning classification of the site prior to the POD reclassification.

   If there is a desire to re-establish the site as a POD following the filing of the certificate of non-compliance, a petitioner must follow the procedures set forth in Sections 919 (F), and applicable law.

H. Limitation of Authority

1. A Site and Development Plan authorizes only the use, arrangement and construction set forth in such approved plans and applications. Use, arrangement, and construction different from the approved Site and

Development Plan, including any amendments thereto, shall constitute a violation of this Zoning Ordinance.

2. Approval of the Site and Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of this Zoning Ordinance and all other applicable law.

SECTION 936: EXCLUSIVE USE OVERLAY DISTRICT (EUD) ADULT BUSINESSES

A. Purpose and Intent

The following are provided as guidelines for the construction, interpretation and enforcement of this Article:

1. It is the purpose and intent of this Article to regulate sexually oriented business establishments so as to protect and promote the health, safety, and general welfare of the citizens of Huntington County and visitors thereto, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within Huntington County.
2. This Article intends a balance of the right of individuals to express themselves freely in accordance with the guidelines of the Constitution of the United States and U.S. Supreme Court rulings pursuant thereto.
3. This Article is also intended to deter property uses and activities conducted thereon which, directly or indirectly, cause or would cause adverse effects on the stability of the immediate neighborhood surrounding the sexually oriented business.
4. This Article has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.
5. Similarly, it is not the purpose or intent of this Article to restrict or deny lawful access by adults to sexually oriented materials nor to deny access by the distributors and exhibitors of sexually oriented materials to their intended market.
6. Similarly, it is not the purpose or intent of this Article to impose judgment on the content or merits of any Constitutionally protected form of speech or expression.
7. It is the purpose of this Article to generally charge operators of sexually oriented businesses to comply with a policy of "keep it indoors and under control" and to hold all operators first line answerability, directly or indirectly, for all uses of the premises and activities conducted thereon.

B. Classifications

Sexually Oriented Businesses are classified as follows:

1. Adult Arcades;
2. Adult Bookstores, Adult Novelty Stores or Adult Video Stores;
4. Adult Cabarets;
5. Adult Motels;
6. Adult Motion Picture Theaters;
7. Escort Agencies;
8. Adult Model Studios; and
9. Sexual Encounter Centers

C. Prohibited Locations of Any Type of Sexually Oriented Businesses

1. Any person, including an operator of a sexually oriented business, commits an offense if he/she operates or permits the operation, or establishment of a sexually oriented business in a zoning district that does not expressly permit that type of use in said zoning district.
2. In addition to being located in a proper zoning district, a person, including an operator, commits an offense if he/she causes or permits the operation or establishment of a sexually oriented business in or within 1,000 feet of an existing:
   a. religious institution
   b. daycare or childcare facility
   c. school
   d. public park
   e. residential district
   f. downtown district
   g. locally or nationally registered historic site or district
   h. areas that currently are, or within the last ten years were, designated as a tax increment finance (TIF) district
3. In addition to being located in the proper zoning district, a person, including an operator, commits an offense if he/she causes or permits the operation or establishment of a sexually oriented business in or within 1,500 feet of an existing sexually oriented business located within Huntington County.
4. For the purpose of Paragraph 2 and 3 above, measurements of the distance shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property line of an

existing religious institution, daycare or childcare facility, school or sexually oriented business, or from the boundary line of a public park, residential district, downtown district, locally or nationally registered historic site or district or tax increment finance (TIF) district to the nearest property line of the property being sought to be used as a sexually oriented business.

5. Also for the purposes of Paragraph 2 above, measurement of the 1,000 foot distance shall also include religious institutions, daycare or childcare facilities, schools, public parks, residential districts, downtown districts, locally or nationally registered historic sites and tax increment finance (TIF) districts which may be located in an adjacent city, township or rural land area.
6. Also for the purpose of Paragraph 3 above, measurement of the 1,500 foot separation between sexually oriented businesses to be located within Huntington County shall also include those sexually oriented businesses that may be established in an adjacent city, town, township or county.
7. A certified survey shall be prepared by a licensed surveyor or licensed engineer showing the distance measurements in accordance with this section and shall be submitted to the Huntington Countywide Department of Community Development as part of the application for a Certificate of Occupancy. Any Certificate of Occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.
8. A person commits a violation if he/she causes or permits the establishment or operation of more than one sexually oriented business on the same property, in the same building or structure, or any portion thereof.
9. A sexually oriented business lawfully operating as a conforming use after July 2009 is not rendered a nonconforming use by the subsequent location of a religious institution, daycare or childcare facility, school, public park, residential district, downtown district, locally or nationally registered historic site, or tax increment finance (TIF) district within 1,000 feet of the sexually oriented business.
10. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the change in zoning districts that expressly permit sexually oriented businesses in said zoning district. Such businesses shall be allowed to remodel and repair their current operations so long as the size of the building is not expanded and the remodel repair occurs within the same footprint of the building at the time of adoption of this ordinance. All repairs and remodeling must be in compliance with the current codes.

D. Employee Background Checks

1. Prior to employment, the owner or operator of a sexually oriented business shall conduct a criminal background check on all persons seeking employment to ensure that no person employed has any convictions, or at any time served in jail or prison for any of the following offenses:
   a. Sexual assault or aggravated sexual assault;
   b. Incest, solicitation of a child or harboring a runaway child;
   c. Prostitution, promoting prostitution, aggravated promotion of prostitution or compelling prostitution;
   d. Display or distribution, sale, distribution or display of harmful material to a minor, sexual performance by a child, employment harmful to minors, possession or promotion of child pornography;
   e. Criminal attempt, conspiracy or solicitation to commit any of the forgoing offenses; or
   f. Public lewdness, obscenity, indecent exposure, public intoxication, drink solicitation, or possession of a controlled substance
2. The owner or operator of a sexually oriented business shall maintain a current file on the premises that clearly identifies all managers, employees and/or entertainment personnel currently employed by the business. The minimum information contained in the file shall include:
   a. Full legal name;
   b. All aliases or “stage names”
   c. Date of birth;
   d. Race;
   e. Color of hair and eyes;
   f. Current place of residence and phone number;
   g. Indiana driver’s license number;
   h. Social Security number;
   i. Color photograph of full-face view; and
   j. Date in which the criminal background check was completed

3. Records
    a. Within five (5) working days of employment of a person, each owner or operator shall send a copy of the criminal background check and copy of the employee's information file to the Huntington County Sheriff's Department.
    b. Each owner or operator of a sexually oriented business shall maintain on the premises and make available for inspection upon request by local enforcement personnel the criminal background information and current employee's information file for all current employees.
    c. An owner or operator commits an offense if he/she fails to make the criminal background information or current employee's information file available for immediate inspection upon request by local enforcement personnel.
4. For the purposes of subsection (2) above, employee or entertainment personnel commits an offense by:
    a. Providing false or deceptive information to the owner or operator of an adult oriented business; or
    b. By failing to timely update and provide the owner or operator of an adult oriented business within fourteen (14) days any changes in the minimum required information.

E. General Regulations For Sexually Oriented Businesses
1. All operators, managers, employees, entertainment personnel or other persons, including the customers shall permit the lawful inspection or enforcement activities of enforcement personnel on any portion of the premises or of any aspect of the activities being conducted therein.
2. All operators, managers, employees, or entertainment personnel shall furnish information or documentation requested by enforcement personnel pertaining to inspection or law enforcement activities on the premises or of the activities being conducted therein.
3. All operators, managers, employees, or entertainment personnel shall maintain any portion of the premises in a manner so as to permit the inspections or enforcement activities by enforcement personnel.
4. The operator, manager, employee or entertainment personnel shall not knowingly permit or allow any customer access to any area on the premises that has been designated as an area not open to customers, per the floor plan approved by the Huntington Countywide Department of Community Development per this Article.
5. All operators shall maintain a person on the premises while occupied or open for business with the authority and responsibilities as "manager" over personnel. The "operator" and "manager" may be the same person.
6. An operator may not knowingly employ or engage the service of any person under eighteen (18) years of age as an employee or entertainment personnel for the sexually oriented business.
7. No customer or patron under the age of twenty-one (21) years of age may enter or remain within the premises of a sexually oriented business while the establishment is open for business and alcoholic beverages are sold or consumed.
8. No person may appear in a "state of nudity" or engage in "specified sexual activities" on any portion of the premises outside the building, which is capable of being viewed from a public street or right-of-way.
9. No operator shall operate or allow the operation of an internal video surveillance system of persons or activity on the premises without prior written approval from the local enforcement agency. Internal video surveillance systems may be used only to monitor the premises or activity for legitimate security or safety purposes upon prior inspection and receipt of written approval from the local law enforcement agency, which will not be unreasonably withheld. This subsection shall not apply to video projection systems.
10. The operator shall maintain on the premises at all times a current copy of all local ordinances regarding or regulating sexually oriented business activity so as to keep all managers, employees and entertainment personnel duly advised of the applicable ordinances regarding the sexually oriented business, and its permitted, as well as prohibited activities, so as to minimize prospective violations and offenses on the premises.

F. Conduct of Employees
1. No employee, while in a state of nudity in a sexually oriented business shall receive directly any pay or gratuity from any patron or customer or allow any patron or customer to pay or give gratuity directly to any employee while that employee is in a state of nudity in a sexually oriented business other than by means of hand or garter tipping, a tip receptacle or paid as part of the customer's bill.

2. No manager, owner, or operator shall allow any patron or customer to pay or give any gratuity directly to any employee while that employee is in a state of nudity in a sexually oriented business other than by means of hand or garter tipping, a tip receptacle or paid as part of the customer's bill.
3. All garters shall be located mid-thigh or lower.

G. Hours of Operation
1. A sexually oriented business shall not be open to the public or allow customers or patrons to enter or remain within the premises of a sexually oriented business during the following hours:
   a. Sunday – Thursday: 3:00 a.m. to 10:00 a.m.
   b. Friday and Saturday: 3:00 a.m. to 10:00 a.m.; 4:00 a.m. to 10:00 a.m. if the sexually oriented business holds a valid food establishment permit issued by the Huntington County Health Department.
2. Hours of operation may not conflict with any other federal, state, or city laws, rules or regulations.

H. Interior of the Sexually Oriented Business
1. Subject to reasonable accommodations for legitimate security measures, including approved internal surveillance video systems, the operator shall maintain the entire premises so as to permit walk-through inspections without interference by local enforcement personnel.
2. The interior of the premises shall be arranged in such a manner that there is an unobstructed view into every area of the premises to which any customer is permitted access for any purpose, excluding restrooms. The operator shall ensure that the ability to view into any area where customers are allowed remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials. This regulation shall not apply to adult motels.
3. If the premises contains two or more separate rooms, the operator shall maintain each room with at least one wall or door equipped with clear windows or openings of at least three feet in width and two feet in height located no less than three feet or but no less than two feet below the ceiling for viewing into the entire area and all activity therein. This regulation shall not apply to adult motels.
4. The operator shall maintain every portion of the premises where customers are permitted access equipped throughout and illuminated at all times with overhead lighting fixtures of sufficient illumination to provide reasonably safe lighting conditions for patrons, employees or local enforcement personnel walking through the premises.
5. During hours of darkness when a sexually oriented business is in operation, the operator shall maintain all parking and pedestrian areas of the premises equipped and illuminated by overhead lighting fixtures of sufficient illumination to provide safe lighting conditions for persons or vehicles traveling into, on and out of the property. Said lighting fixtures shall be directed onto the property as much as is possible so as to avoid being directed onto neighboring properties.
6. The operator shall not utilize or allow restroom or employee dressing rooms to be utilized for sexually oriented business purposes, video equipment or for the offering of any sexually oriented merchandise to customers.

I. Exterior Appearance of Sexually Oriented Business
1. No exterior portions of a sexually oriented business shall have flashing lights or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Article.
2. No merchandise or activities of a sexually oriented business shall be visible from any point outside the establishment.
3. All exterior portions and/or facades, including the roof, that to be painted shall be a single achromatic color with a single achromatic color trim, both colors consisting of a neutral earth tone color only, however, the trim and the building may be a different neutral earth tone color. Nothing in this section requires the painting of an otherwise unpainted exterior portion of a sexually oriented business. All sexually oriented businesses with a current Certificate of Occupancy that are not in compliance with the regulations of this Article and other applicable codes will have two (2) years from the date of adoption of this ordinance to comply with this subsection, however if any portion of the exterior of the building is painted or repainted before this two (2) year period expires, all portions of the exterior must subsection. This provision shall not apply to an enterprise if the following conditions are met:
   a. The enterprise is part of a commercial multi-unit center; and

b. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the enterprise, are painted the same color as one another or are painted in such a way to be a component of the overall architectural style or pattern of the commercial multi-center unit.

J. Sign Regulations

1. Signs required at each public entrance
   The operator shall maintain at least one conspicuous permanently mounted sign, presented at each public entrance in accordance with applicable local sign codes and regulations, of a size of at least 18 inches in height and 24 inches in width, easily visible and legible to all persons prior to entry into the establishment, with all letters at least one-half inch in height and three-quarters of an inch in width for each letter on the sign which contains a statement to the effect:

   "THIS IS A SEXUALLY ORIENTED BUSINESS ESTABLISHMENT WHICH REGULARLY FEATURES [description of the type of activity or merchandise as permitted herein]. IF NUDITY OR ACTIVITY OF A SEXUAL NATURE OFFENDS YOU, DO NOT COME IN. NO PERSON UNDER 18 YEARS OF AGE ALLOWED ENTRY."

   [if alcoholic beverages are sold on the premises]

   "NO PERSON UNDER 21 YEARS OF AGE ALLOWED ENTRY"

2. Exterior Signage
   a. Notwithstanding any provision of local signage codes and regulations, the owner or operator of any sexually oriented business or any other person commits an offense if he/she erects, constructs, or maintains any on premise sign for the establishment other than one primary sign and one secondary sign as provided in this section.
   b. A primary sign may have no more than two display surfaces. Each display must:
      1. Not contain flashing lights;
      2. Be a flat plane, excluding the lettering; and
      3. Be rectangular in shape
   c. A secondary sign may have only one display surface. The display surface must:
      1. Not contain any flashing lights;
      2. Be a flat plane, excluding the lettering;
      3. Be rectangular in shape; and
      4. Be affixed or attached to a wall or door of the establishment
   d. A primary or secondary sign must contain no photographs, silhouettes, drawings, or pictorial representations of any manner, and may contain only the name of the establishment and/or one or more of the following phrases:
      1. "Adult Arcade"
      2. "Adult Bookstore, Adult Novelty Store or Adult Video Store"
      3. "Adult Cabaret"
      4. "Adult Motel"
      5. "Adult Motion Picture Theater"
      6. "Escort Agency"
      7. "Adult Model Studio"
      8. "Sexual Encounter Center"
   e. A primary sign for an adult motion picture theater may contain the phrase, "Movie Titles Posted on Premises," in addition to the phrases in subsection (d) above.

K. Additional Regulations for Adult Entertainment Cabarets

1. An employee of an adult entertainment cabaret, while appearing in a state of nudity, commits an offense if he or she touches a customer or clothing of a customer.
2. A customer at an adult entertainment cabaret commits an offense if he or she touches an employee appearing in a state of nudity or the clothing of an employee.

3. No person shall appear in the state of nudity in an area of the adult entertainment cabaret in an area of the premises that can be viewed from the public right-of-way.
4. An operator commits an offense if the operator fails to display the signs of the interior of the premises as required by this Article.
5. An operator commits an offense if he/she permits any customer access to an area of the premises not visible from the manager's station or not visible by a walk-through of the premises without entering a closed area, excluding a restroom.

L. Additional Regulations for Escort Agencies
1. An escort agency shall not employee any person under the age of eighteen (18) years of age.
2. A person commits an offense if he/she acts as an escort or agrees to act as an escort for any person under eighteen (18) years of age.

M. Additional Regulations for Outcall Businesses
1. An operator shall not employ any person under the age of eighteen (18) years of age for the purposes of acting as an outcall person or providing outcall services for a customer.
2. An operator, manager or employee commits an offense if he/she acts as an outcall person for any customer less than twenty-one (21) years of age.

N. Additional Regulations for Nude Modeling Businesses
In addition to those offenses set forth, citation may be issued for the following:
1. An operator shall not employee any person under the age of eighteen (18) years of age for the purpose of acting as a live nude model for customers.
2. A person under eighteen (18) years of age commits an offense if he/she appears for customers while in a "state of nudity" or "simulated nudity" on the premises of a nude modeling business. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.
3. A person commits an offense if he/she appears in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises that can't be viewed from the public right-of-way.
4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.
5. A customer at a nude model studio commits an offense if he/she touches an employee who is exposing any specified anatomical areas or touches the clothing of the employee.
6. An operator or an employee of a nude model studio commits an offense if he/she permits any customer access to an area of the premises not visible from the manager's station or not visible by walk through of the premises without entering a closed area, excluding a restroom.

O. Additional Regulations for Adult Theaters and Adult Motion Picture Theaters
1. An operator shall not employee any person under the age of eighteen (18) to appear in a "state of nudity" or "simulated nudity" for customers on the premises of an adult theater or adult motion picture theater.
2. A person commits an offense if he/she knowingly allows a person under the age of eighteen (18) to appear in a state of nudity in or on the premises of an adult motion picture theater.
3. A person under the age of eighteen (18) commits an offense if he/she appears in a "state of nudity" or "simulated nudity" for customers on the premises of an adult theater or adult motion picture theater.
4. It is a defense to prosecution under this subsection if the person under eighteen (18) years was in a restroom not open to public view or persons of the opposite sex.

P. Additional Regulations for Adult Motels
1. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as defined in this Article.
2. An operator, manager or the person otherwise in control of a sleeping room in a hotel, motel, or similar commercial establishment, commits an offense if he/she rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is first rented, he/she rents or subrents the same sleeping room again.

Q. Additional Regulations for Adult Arcades

1. View from manager's station
   a. If an adult arcade or adult mini-theater has one (1) manager's station designated pursuant to this Article, then the interior of the adult arcade or adult mini-theater shall be configured in such a manner that this is an unobstructed view of every area of the adult arcade or adult mini-theater to which any patron or customer is permitted access for any purpose from that manager's station. If an adult arcade or adult mini-theater has two (2) or more manager's stations designated pursuant to this Article, then the interior of the adult arcade or adult mini-theater shall be configured in such a manner that there is an unobstructed view of each area of the adult arcade or adult mini-theater to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
   b. It shall be the duty of the owners and/or operators, and it shall also be the duty of any agents and employees present in an adult arcade or adult mini-theater, to ensure that the view area specified in the above subsection remains unobstructed by any merchandise, display racks or other materials at all times that any patron or customer is present in the adult arcade or adult mini-theater and to ensure that no patron or customer is permitted access to any areas of the adult arcade or adult mini-theater which has been designated as an area in which patrons and customers will not be permitted in the plan filed pursuant to this Article.
2. Wall penetrations
   a. In addition to any other requirements of this article, no adult arcade or adult mini-theater shall be configured in such a manner as to have any opening in any partition, screen, wall or other barrier that separates viewing areas for arcade devices or adult mini-theater devices from other viewing areas for devices or adult mini-theater devices. This provision shall not apply to conduits or plumbing, heating, air conditioning, ventilation or electrical service provided that such conduits shall be so screened or otherwise configured as to prevent their use as openings that would permit any portion of a human body to penetrate the wall or barrier separating viewing areas.
   b. It shall be the duty of the owners and/or operators and it shall also be the duty of any agents and employees present in an adult arcade or adult mini-theater to ensure that the premises is monitored to assure that no openings are allowed to exist in violations with the subsection above and to ensure that no patron or customer is allowed access to any portion of the premises where any openings exists in violation with the subsection above until the opening(s) have been repaired.
3. Lighting
   a. Each adult arcade or adult mini-theater shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot-candle as measured at four feet above the floor level.
   b. It shall be the duty of the owners and/or operator and it shall also be the duty of any agents and employees present in an adult arcade or adult mini-theater to ensure that the illumination described above is maintained at all times that any patron or customer is present in the adult arcade or adult mini-theater.
4. Occupancy of booths, rooms and cubicles
   Only one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth.

R. Display of Sexually Explicit Material to Minors

1. A person commits an offense if, in a business establishment open to persons under the age of seventeen (17) years, he/she displays a book, pamphlet, newspaper, magazine, film, or video cassette, the cover of which depicts, in a manner calculated to arouse sexual lust or passion for commercial gain or to exploit sexual lust or perversion for commercial gain, by means of any of the following:
   a. Human sexual intercourse, masturbation, or sodomy;
   b. Fondling or other erotic touching of human genitals, buttocks, or that portion of the female breast below the top of the areola; or
   c. Human male genitals in a discernibly turgid state, whether covered or uncovered.
2. In this section "display" means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:
   a. It is available to the general public for handling and inspection; or
   b. The cover or outside packaging on the item is visible to members of the general public.

S. Enforcement

Any local enforcement personnel may enforce the provisions of this Article. Additionally, the local police department may enforce applicable laws, statues, or ordinances for offenses which occur on the premises of a sexually oriented business at any time the establishment is occupied or open for business.

T. Revocation

Revocation or suspension of any permit shall not prohibit imposition of a criminal penalty and imposition of a criminal penalty shall not prevent revocation or suspension of a permit.

U. Injunction

A person who operates or causes to be operated a sexually oriented business without a valid certificate of occupancy or in violation of this Article is subject to a suit for injunction as well as prosecution for criminal violations.

SECTION 950: HOME OCCUPATIONS

A. Purpose and Intent
It is the purpose and intent of this Section to provide for certain types of home occupations to be conducted within a dwelling unit or accessory structure on the resident's premises. Two classes of Home Occupations are established based upon the intensity of the Home Occupation. Accordingly, minimum standards have been established for each class of occupation in order to assure the compatibility of Home Occupations with other uses permitted in the applicable district and to preserve the character of residential neighborhoods.

B. Home Occupations
Home Occupations shall not be permitted except in compliance with this Ordinance and other applicable law.

C. Application for Home Occupation
An application for an Administrative Permit for a Type I Home Occupation or Special Exception Permit for a Type II Home Occupation shall be signed by all owners and adult residents of the property in question and filed with the Department on forms provided by the Department. The Executive Director shall review the application and classify the proposed Home Occupation as a Type II or I based upon:
1. The established standards for Type I and Type II Home Occupations described in Section 950 (D) and 950 (E); and
2. General planning and zoning standards established by this Ordinance.

D. Type I Home Occupation
1. The following standards are applicable to all Type I Home Occupations:
   a. No person other than residents of the dwelling unit on the subject premises named in the application shall be engaged in such Home Occupation.
   b. No more than twenty (20) percent of the total gross floor area of the said dwelling unit shall be used for such Home Occupation.
   c. No outdoor storage or display of products, equipment, or merchandise is permitted.
   d. No retail sales shall be conducted on the premises.
   e. The residential address of the Home Occupation may be utilized for identification and billing purposes only.
   f. Exterior evidence of the conduct of a Home Occupation is not permitted.
   g. The Home Occupation shall be conducted exclusively within the dwelling unit or accessory structure.
   h. No equipment, process, or activity shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
   i. No traffic shall be anticipated by a Home Occupation in substantially greater volumes than would normally be expected by one (1) dwelling unit in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
   j. No specific outside entrance or exit for the Home Occupation shall be permitted.
   k. Signage identifying the Home Occupation shall comply with the development standards of the applicable zoning district
   l. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of Home Occupations which may be classified as a Type I:
   a. Telephone answering and solicitation
   b. Home crafts
   c. Computer programming, desktop publishing
   d. Typing or secretarial service
   e. Painting, sculpturing, or writing
   f. Dressmaking, sewing, or tailoring
   g. Drafting, surveying service
   h. Consulting services
   i. Mail order business, not including retail sales from site

j. Sales representative, office only

E. Type II Home Occupation

1. The following standards are applicable to all Type II Home Occupations:
   a. One (1) person other than the residents of the dwelling unit on the subject premises named in the application may be engaged in such Home Occupation.
   b. No more than twenty-five (25) percent of the total gross floor area of the dwelling unit shall be used for such home occupation.
   c. No outdoor storage or display of products, equipment or merchandise is permitted.
   d. Retail sales are permitted only as an accessory use to the primary home occupation. (e.g. beauty salon can sell shampoo and beauty products.)
   e. Signage identifying the home occupation shall comply with the development standards of the applicable zoning district.
   f. The Home Occupation shall be conducted exclusively within the dwelling unit or an accessory structure.
   g. No equipment, process, or activity shall be used in a home occupation which creates noise, vibration, glare, fumes, odors, or electrical or television interference which is detectable to the normal senses outside the dwelling unit or accessory structure.
   h. No traffic shall be anticipated by a Home Occupation in substantially greater volumes than would normally be expected in a residential neighborhood. No vehicle or delivery truck shall block or interfere with normal traffic circulation.
   i. A minimum of two (2) off-street parking spaces, in addition to those required for the dwelling unit, shall be provided for use by patrons of the home occupation. The Board of Zoning Appeals may require additional off-street parking based upon the use and location of the property.
   j. No use, storage, or parking of tractor trailers, semi-trucks, or heavy equipment (e.g. construction equipment) shall be permitted on or about the premises.
2. The following uses are examples of Home Occupations, which may be classified as a Type II:
   a. Attorney office
   b. Insurance sales or broker
   c. Real estate sales or broker
   d. Jewelry repair
   e. Shoe repair
   f. Carpentry, cabinetmakers
   g. Ceramics, which involve the use of a kiln
   h. Medical or dental office
   i. Catering or food preparation
   j. Pet grooming service
   k. Barber or beauty shop
   l. Photo developing, photo studio
   m. Appliance repair facility

F. General Provisions

All home occupations shall conform to the following standards:

1. Approval of a home occupation is not transferable to a location other than that which was approved.
2. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. or later than 9:00 p.m.
3. All home occupations shall be subject to periodic inspections. Reasonable notice shall be provided to the permittee prior to the time requested for an inspection.
4. The Executive Director, in the case of an Administrative Permit for a Type I Home Occupation, or the Board of Zoning Appeals in the case of a Special Exception for a Type II Home Occupation, may impose reasonable conditions necessary to protect the public health, safety, and welfare, or to protect against a possible nuisance condition.
5. Administrative Permits issued by the Executive Director or Special Exception Permits issued by the Board of Zoning Appeals, may be revoked by the issuing authority for cause after reasonable notice to the permittee and opportunity for a hearing on the matter.

6. Home Occupations shall commence only after the receipt of an Administrative Permit, if classified as a Type I, or Special Exception Permit, if classified as a Type II.

G. Permit Review Process

Applications for a home occupation shall be reviewed as follows:

1. Application filed, with authorization from property owner.
2. Review of application by Executive Director to determine classification as a Type I or Type II.
3. If classified as a Type I:
   a. Executive Director can approve or deny the application.
   b. If approved, an Administrative Permit for the home occupation shall be issued.
   c. Executive Director may impose reasonable conditions as part of the approval.
   d. Applicant may appeal to the Board of Zoning Appeals if application is denied or if conditions are unacceptable. On appeal of a condition(s), appeals must be filed within fourteen (14) days of the date of the Executive Director's approval of the Administrative Permit.
4. If classified as a Type II, the application shall be reviewed and treated as a Special Exception request.
5. The standards set forth in Section 950 (D), 950 (E), and 950 (F) shall be incorporated as minimum conditions of approval.

H. Enforcement

In the event the Executive Director determines that the operation of any home occupation is in violation of the provisions of this Ordinance or any permit condition, notice shall be provided to the permittee setting forth a description of the violation, corrective action required, and a date by which such corrective action must be accomplished. The permit may be revoked if not corrected in the manner and by the date specified in the notice in accordance with the revocation procedures applicable for Special Exceptions. In addition, violations of this Section are subject to the penalties provided for in Section 350.

SECTION 951: SUBDIVISIONS

Pursuant to the Huntington County Subdivision Control Ordinance, the subdivision of land which requires approval by the Plan Commission shall be permitted in all zoning districts.

SECTION 994: AIRPORT HEIGHT RESTRICTIONS OVERLAY DISTRICT

A. General

In order to carry out the provisions of this Section, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces shown on that certain Huntington Municipal Airport Height Restriction Overlay District Zoning Map which is made a part hereof. An area located in more than one of these zones is considered to be only in the zone with the more restrictive height limitation. These zones are hereby established and defined as follows:

1. UTILITY RUNWAY VISUAL APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (At the adoption of this Ordinance, this is the current classification of a proposed runway running generally in a north-northwest to south southeastern direction).
2. UTILITY RUNWAY NON-PRECISION INSTRUMENT APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. RUNWAY LARGER THAN UTILITY WITH A MINIMUM GREATER THAN 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (At the adoption of this Ordinance, this is the current classification of Runway 9 running in a generally east to west direction.)
5. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NON-PRECISION INSTRUMENT APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance to 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. TRANSITIONAL ZONES: The transitional zones are the areas beneath the transitional surfaces.
7. HORIZONTAL ZONE: The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
8. CONICAL ZONE: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

B. Height Limitations

Except as otherwise provided in this section, no structure shall be erected, altered, or maintained in any zone created by this section to a height in excess of the applicable height limitation herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility Runway Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Utility Runway Non-precision Instrument Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway Larger than Utility Visual Approach Zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-precision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Non-precision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Transitional Zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above airport elevation, which is 806 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.
7. Horizontal Zone: Established at 150 feet above the airport elevation or at a height of 956 feet above mean sea level.
8. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
9. Excepted Height Limitation: Nothing in this Section shall be construed as prohibiting the construction or maintenance of any structure to a height up to 50 feet above the surface of the land, and where land is located below the approach or transitional surfaces.

C. Use Restriction

Notwithstanding any other provision of this Code, no one may within any zone established by this Code create electrical interference with navigational signals or radio communication between the airport aircraft, make it difficult for pilots to distinguish between airport lights and other lights, cause glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use or using the airport.

D. Non-Conforming Structures

1. Regulations Not Retroactive

   The regulations prescribed in this Section shall not be construed to require the removal, lowering, or other change or alteration of any structure not conforming to the regulations as the effective date of this Section, or otherwise interfere with the continuance of a non-conforming structure. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was granted all necessary and appropriate permits from regulatory authorities and was begun prior to the effective date of this Section, and is diligently pursued.
2. Marking and Lighting

   Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Board of Aviation Commissioners to indicate its presence, at the expense of the City of Huntington.

E. Permits

1. Future Uses

   No structure shall be erected, enlarged or established in excess of the applicable height limitation set forth in Sub-section B paragraph 9, in any zone created under this Section unless a Height Permit has been applied for and granted by the City/County Planning Department. Each application for a Height Permit shall indicate the purpose for which the Height Permit is desired, with sufficient particularity to allow the

Planning Department to determine whether the resulting structure conforms to the regulations herein prescribed. If such determination is in the affirmative, the Height Permit shall be granted. No Height Permit shall be granted if the structure's proposed height is inconsistent with the provision of this Section, unless a Height Variance has been approved in accordance with Subsection E, paragraph 5.

2. Height Permits
   Applications for Height Permits required by this Section shall be submitted to the City/County Planning Department on forms published for that purpose. The City/County Planning Department shall promptly notify the Board of Aviation Commissioners or its designee of any and all applications for Height Permits filed under this Section for the purpose of obtaining technical advice concerning the aeronautical effects that the proposed structure will have on air traffic and safety.

   The Board shall have ten (10) days after notification in which to review and comment on the Height Permit application.

3. Existing Uses
   No Height Permit shall be granted that would allow the establishment or creation of an obstruction or allow a nonconforming use or structure to become a greater hazard to air navigation, than it was on the effective date of this Section or any amendments thereto or than it was when the application for a Height Permit is made.

4. Nonconforming Uses Abandoned or Destroyed
   Whenever a nonconforming structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no Height Permit shall be granted that would allow such structure to be repaired, rebuilt, or reconstructed in a manner which exceeds the applicable height limit, without first obtaining a Height Variance.

5. Height Variances
   Any person desiring to erect or increase the height of any structure, or use property not in accordance with the regulations prescribed in this Section, may apply to the Board of Zoning Appeals for a Height Variance from such regulations. This application is to be made at the City/County Planning Department Office. The City/County Planning Department shall promptly notify the Board of Aviation Commissioners or its designee of any and all Height Variances filed under this Section for the purpose of obtaining technical advice concerning the aeronautical effects that the proposed structure will have on air traffic and safety. This notification shall be at least ten (10) days prior to any hearing by the Board of Zoning Appeals. The application for Height Variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such Height Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Section. If the Board of Aviation Commissioners, or its designee, does not respond within a reasonable amount of time prior to the hearing by the Board of Zoning Appeals, the Board of Zoning Appeals may act on its own to grant or deny said Height Variance application.

6. Obstruction Marking and Lighting
   Any Height Permit or Height Variance granted may, if such action is deemed advisable to effectuate the purpose of this Section and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Zoning Appeals, this condition may be modified to require the owner to allow the City of Huntington, at its own expense, to install, operate, and maintain the necessary markings and lights.

F. Enforcement
   It shall be the duty of the City/County Planning Department to administer and enforce the regulations prescribed herein. Application for height permits and height variances required by this Section shall be

submitted to the City/County Planning Department on forms published for that purpose. The Board of Aviation Commissioners, or their appointed designee, shall act as a technical advisor to the Planning Department and/or Board of Zoning Appeals on any request for a Height Permit or Height Variance regarding this Section.

G. Penalties
Each violation of this Section or of any regulation, order, or ruling promulgated hereunder shall be subject to the penalties for violations outlined in Section 350 of the Zoning Ordinance.

H. Conflicting Regulations
Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures and the use of land, or any other matter, the more stringent limitation or regulation shall govern and prevail.

I. Indiana High Structure Safety Act
If any provision of this Section conflicts with the Indiana High Structure Safety Act (I.C. 8-21-10-1 et. seq.), as it is now enacted or hereafter amended, the more restrictive provision prevails.

J. Federal and State Laws
Compliance with this Section does not relieve any person or entity from its obligation to comply with federal or state laws, which may or may not be more restrictive; nor relieve any person or entity from its obligation to obtain any studies or permits required by federal or state law.

SECTION 1010: PLANNED UNIT DEVELOPMENT (PUD)

A. It is the intent of this Section to provide a means to encourage development wherein such development promotes economical and efficient land use, an improved level of amenities, creative design, and preserves the existing environmental amenities. A Planned Unit Development (hereinafter referred to as PUD) permits flexibility in development standard requirements provided the PUD is granted a Special Exception and that all conditions of the Special Exception and all development standards contained within this Section are adhered to.

B. A PUD is permissible as a Special Exception in the A, SR, R-2, R-4, R-8, R-20, LB, GB, AB, and CB districts, subject to Section 501.

C. In a PUD, all permitted uses within the applicable zoning district are allowed. All Special Exceptions within the applicable district and all permitted and Special Exceptions within the other districts wherein a PUD is permissible shall be allowed subject to Section 501.

D. An application for Special Exception approval of a PUD shall be processed and reviewed as follows:
   1. Application shall be made in accordance with the Board of Zoning Appeals rules of procedure.
   2. The application and information required by Sub-Section (E) below shall be forwarded to the Board for their review and recommendation.
   3. The Board shall review the PUD application and submit written findings and a recommendation to the Board of Zoning Appeals.
   4. The Board shall review each application based upon:
      a. Compliance with the development standards of this Section;
      b. Compliance with the criteria in Section 501;
      c. Consistency with general planning, zoning, and engineering standards established by the Comprehensive Plan, Zoning Ordinance, and other applicable County ordinances.
   5. The Board of Zoning Appeals can only grant a Special Exception for a PUD upon an affirmative finding on the criteria in Section 501.

E. The following information shall be submitted with a PUD application:
   1. A drawing on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale as large as practical, and including the following information:
      a. Scale, date, north arrow, vicinity map, and title of the project.
      b. The boundaries, dimensions, and total gross acreage of the lot.
      c. The relationship of the project to the surrounding road system, including the width of adjacent roadways.
      d. The location and dimensions of existing manmade features such as roads, utilities, and structures, with indication as to which are to be removed, relocated, or altered.
      e. The location and dimensions of existing easements, watercourses, county drains, water and sewer lines, well and septic tank location, and other existing important physical features in and adjoining the project.
      f. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
      g. Identification of land use and zoning classification of adjacent properties.
      h. Location of the different land uses proposed, such as dwelling unit types, open space areas, recreational facilities, commercial and other uses, and off-street parking areas.
      i. If lots are to be sold, location and dimensions of lots.
      j. Location of proposed signs and lighting fixtures.
   2. Legal description of the lot proposed for development.
   3. Proposal for providing sanitary sewer, potable water, storm water, gas, electricity, and any other utility service.
   4. Statement of the proposed phasing of construction for the project.
   5. Drainage Plan, which shall include the following information:
      a. Contours with elevations of the pre-developed site and proposed finished grade
      b. Size of the watershed

    c. Method of calculation of stormwater run-off
    d. Proposal for the management of stormwater
6. Statement of additional roadway needs, including improvements necessary to adequately access and service the lot.
7. Traffic impact analysis, if required by the Director or Board.

F. The following development standards apply to a PUD site:
1. Minimum Lot Area - Two (2) acres
2. Minimum Lot Frontage - Fifty (50) feet
3. Building setbacks, density, parking, landscaping, signage, accessory buildings, fences, building heights, and any other development standard requirements shall be determined through the PUD Special Exception review process.

G. Modifications to an approved PUD site plan may be made only upon written application to the Department. The Director shall review modifications and certify compliance with all Special Exception conditions of approval and certify that no substantial deviation from the approved site plan has occurred.
1. A substantial deviation shall include, but is not limited to:
    a. Relocation of an access point to the site;
    b. Major redesign of the vehicular use areas; and
    c. Fundamental change in the overall concept of the development
2. If the Director determines that the proposed modification is inconsistent with a condition of approval, or that a substantial deviation exists, the modified PUD site plan must be resubmitted for approval as required by this Section.

H. Upon approval of a PUD Special Exception, development activity shall occur at the site within three (3) years of the date of approval, or the Special Exception approval will expire.

I. The Board of Zoning Appeals, after notice to the property owner and developer of the PUD site, may revoke the PUD approval if the conditions of approval are not adhered to.

SECTION 1020: LIVESTOCK OPERATIONS

A. Purpose and Intent

It is the purpose and intent of this Section to provide for livestock operations within Huntington County. Two classes of livestock operations have been established based upon the intensity of use. Accordingly, minimum standards have been established for each class of livestock operation in order to assure the compatibility of livestock operations with other uses permitted in the applicable district. These minimum standards are intended to provide protection for existing residential, commercial, industrial, and public buildings from being encroached upon by new livestock operations, as well as protecting approved livestock operations from being encroached upon by new residential, commercial, industrial, and public buildings.

B. Application for Livestock Operation

1. An application for livestock operation approval shall be submitted on a form provided by the Department.
2. The application form shall be submitted to the Department along with the following information:
   a. A site plan of the property:
      1. The boundaries, dimensions, and total gross acreage of the property;
      2. The location and setback from property lines of all existing and proposed buildings, confinement areas, pits, ponds, lagoons, holding tanks, and wells;
      3. The location of existing easements, watercourses, county drains, well and septic tank locations; and other important physical features on the property;
      4. The location of the property in relation to the surrounding road system;
   b. A site plan showing the boundaries of the property and all existing dwelling units, commercial buildings, and subdivision lots within one thousand (1,000) feet of the property.
   c. A site plan showing the boundaries of the property and the land application areas for waste, including dimensions and total acreage.
   d. A waste management plan, which shall include a proposal for the storage and disposal of waste.
   e. Any additional information requested by the Department, which relates to compliance review.

C. Application Review

Application for a livestock operation shall be reviewed by the Executive Director as follows:

1. Classification as a minor livestock operation or intensive livestock operation shall be made based upon the definitions described in Section 1020(D) and (E).
2. Compliance with the provisions of Section 1020(F).
3. If the provisions of Section 1020 are adhered to, and if all required and requested information is submitted, the Executive Director can issue a minor livestock operation permit for those operations classified as minor, or intensive livestock operation permit for those operations classified as intensive.
4. The standards set forth in Section 1020(F) shall be incorporated as minimum conditions of approval.

D. Minor Livestock Operations

Minor livestock operations shall be defined as a tract of land or tracts of adjacent lands with no more than the following numbers of livestock per acre based on the tracts(s) of land upon which the livestock and livestock buildings are located:

1. 10 finishing hogs; or
2. 4 sows; or
3. 1 cow; or
4. 25 nursery pigs (under 40 lbs.); or
5. 2 feeder cattle; or
6. 2 heifers (replacement); or
7. 100 turkeys; or
8. 150 laying hens; or
9. 150 pullets; or
10. 150 broilers; or
11. 5 veal calves; or
12. 5 sheep; or
13. 5 goats; or
14. 4 horses; or

15. Limits for other livestock not enumerated herein shall be determined by the Executive Director based upon type or size of livestock.

E. Intensive Livestock Operation
1. Intensive livestock operations shall be defined as any proposed livestock operation or an expansion of an existing livestock operation exceeding the per acre limits set forth in Section 1020 (D) above or any one operation regardless of acreage which has livestock numbers exceeding the following:
   a. 400 sows; or
   b. 1,000 finishing hogs; or
   c. 1,000 nursery pigs; or
   d. 300 cattle; or
   e. 30,000 poultry; or
   f. 500 veal calves
2. Where a livestock operation involves less than 400 sows, 1,000 finishing hogs, 1,000 nursery pigs, 300 cattle, 30,000 poultry, 500 veal calves, but there are more than one kind of species of animals, the number of animals in the operation shall be divided by 400 in the case of sows, 1,000 in the case of finishing hogs or nursery pigs, 500 in the case of veal calves, 300 in the case of cattle and 30,000 in the case of poultry and the resulting percentages shall be added together. If the total of such percentages equals or exceeds one hundred, then the operation is an intensive livestock operation as defined herein. If the total of such percentages is less than one hundred and complies with the acreage restrictions of Section 1020 (D) above, then the operation is a minor livestock operation.

F. General Provisions
1. The following setbacks shall be maintained for a minor livestock operation building, pen, or confined feeding area:
   a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
   b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
   c. Twenty-five (25) feet from any side or rear property line; and
   d. One hundred (100) feet from any water well, which services a dwelling unit.
2. The following setbacks shall be maintained for an intensive livestock operation building, pen, or confined feeding area:
   a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
   b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways, if four (4) lanes wide;
   c. Twenty-five (25) feet from any side or rear property line;
   d. One hundred (100) feet from any water well, which services a dwelling unit;
   e. Five hundred (500) feet from any dwelling unit other than the dwelling unit(s) on the property;
   f. One thousand (1,000) feet from any commercial, industrial, or public building; and
3. The following setbacks shall be maintained for any pit, pond, lagoon, or structure open to the sky or not completely contained in a holding tank with cover, and utilized for storage of livestock waste:
   a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;
   b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
   c. Fifty (50) feet from any side or rear property line;
   d. One hundred (100) feet from any water well, which services a dwelling unit;
   e. One thousand (1,000) feet from any dwelling unit other than the dwelling unit(s) on the property;
   f. One thousand (1,000) feet from any commercial, industrial, or public building;
4. The following setbacks shall be maintained for any holding tank with cover which is separate from a livestock building and which is utilized for the storage of livestock waste:
   a. Seventy-five (75) feet from the centerline of all two (2) lane county roads;

b. Seventy-five (75) feet from the right-of-way line of all state and federal roadways if two (2) lanes wide, and sixty (60) feet from the right-of-way line of county, state, or federal roadways if four (4) lanes wide;
c. Fifty (50) feet from any side or rear property line; and
d. One hundred (100) feet from any water well, which services a dwelling unit.

5. The following setbacks shall be maintained for the land application of waste:
   a. One hundred (100) feet from any water well, which services a dwelling unit;
   b. One hundred (100) feet from any dwelling unit other than the dwelling unit(s) on the property; and
   c. One hundred (100) feet from any commercial, industrial, or public building.
6. All new dwelling units, commercial buildings, industrial buildings, and public buildings shall adhere to the separation distances listed in Section 1020(F)(2), (3) and (5) above.
7. A dwelling unit, commercial building, industrial building, or public building is considered existing on a site under the following circumstances:
   a. If the building exists on the property; or
   b. If a building permit, which remains valid, is issued; or
   c. If the lot upon which the building is to be constructed is in a recorded subdivision or part of an approved and valid preliminary plat.
8. A pit, pond, or lagoon is considered existing on a site if an Improvement Location Permit, which remains valid, has been issued; or, the pit, pond, or lagoon exists on the property.
9. Disposing of Waste
   a. Sufficient land shall be available for disposing of the waste from the operation.
      The following minimum land area shall be available for disposal of waste:
      1. One acre for each 45-nursery pigs;
      2. One acre for each 11 sows;
      3. One acre for each 20 finishing hogs;
      4. One acre for each 5-feeder cattle;
      5. One acre for each 6 heifers (replacement);
      6. One acre for each 300 turkeys, ducks, geese
      7. One acre for each 15 veal calves;
      8. One acre for each 3 cows;
      9. One acre for each 450 laying hens;
      10. One acre for each 590 pullets;
      11. One acre for each 690 broilers;
      12. One acre for each 10 horses;
      13. One acre for each 20 sheep or goats.
      14. Limits for other livestock not enumerated herein shall be determined by the Executive Director by comparing body weight and animal wastes with those, which are enumerated.
   b. Fifty (50) percent of the application land must be within two (2) miles of the livestock operation building and must either be owned by the owner of the livestock operation or if not, the owner of the livestock operation must present and submit to the Executive Director an agreement granting permission to apply wastes on the area. This agreement shall be signed by the livestock operator and the owner of the property, which is available for waste application, and must be duly notarized to be acceptable.
   c. A current, valid agreement must be on file at all times with the Department. If an agreement is not on file, the livestock operator is limited to the maximum number of livestock per acre based upon land owned by the owner of the livestock operation.
   d. The handling and application of waste from the livestock operations must meet all additional requirements and standards set forth by the Indiana Department of Environmental Management (IDEM) and Environmental Protection Agency (EPA)
   e. All pits, ponds, and lagoons shall receive local approval from Huntington County and be engineered and constructed to Indiana Department of Environmental Management (IDEM) standards as these standards relate to Indiana Code concerning regulated livestock facilities.
   f. A closure plan for the pit, pond, or lagoon must be submitted to Huntington County that meets Indiana Department of Environmental Management (IDEM) standards and Environmental Protection Agency (EPA).

G. Requirements for Existing Livestock Operations

1. An approval of a minor or intensive livestock operation, which was granted in accordance with Ordinance 1980-2, which became effective June 1, 1980, and was in compliance with the requirements of Ordinance 1980-2 upon the adoption of this Ordinance, shall remain valid. Any increase in the number of livestock, which would change the status of the operation from minor to intensive; or any new construction of feeding areas, pits, ponds, lagoons, or holding tanks; or, any existing application lands or application lands established after the effective date of this Ordinance, shall require compliance with the regulations of this Ordinance.
2. It is the responsibility of the livestock operator to assure all information on file with the Department regarding their operation is accurate.

H. Access to Property/Inspections

The Executive Director may inspect any building, structure, or property at any reasonable time for the purpose of administering and enforcing the provisions of this Section. Inspection of the building(s), structure(s), or property shall be for the purpose of verifying number of livestock; setback distances; location of building(s), structure(s), and waste storage facilities; and location of waste application lands.

I. Appeals

Any livestock operation determination made by the Director may be appealed to the County Board of Zoning Appeals in accordance with applicable law.

SECTION 1040: PONDS

A. Purpose and Intent
It is the purpose and intent of this section to provide minimum standards and a permitting process for allowing the development of ponds within the County.

B. Authority
The Executive Director of the Huntington Countywide Department of Community Development and the Huntington County Surveyor, are hereby authorized and directed to administer and enforce all the provisions of this section as applicable.

C. Application and Interpretation
Whenever any words or phrases used herein are not defined herein but are defined in other applicable County Ordinances or State laws regulating development and/or drainage, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

D. Definitions
1. COUNTY: Huntington County, Indiana.
2. COUNTY COMMISSIONERS: The Board of Commissioners of Huntington County, Indiana.
3. DEVELOPMENT: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; or any clearing, grading, or other movement of land.
4. DRAINAGE BOARD: Huntington County, Indiana Drainage Board.
5. IMPROVEMENT: Any structure or man-made feature, which becomes part of, placed upon, or is affixed to land.
6. PLAN COMMISSION: The Huntington County, Indiana Advisory Plan Commission.
7. ENFORCEMENT OFFICIAL: The individual(s) appointed by the Board of Commissioners of Huntington County, Indiana as the designated enforcement official(s) of the provisions of this Ordinance.
8. EXCAVATION: The process in which dirt is hauled into or out of the given area.

E. Permit Required
No pond shall be constructed, or increased in size, without a permit issued by the Huntington Countywide Department of Community Development. Said permit shall be issued only in conformity with the provisions of this Ordinance. The following information shall be submitted with the application for a pond permit:
1. Site plan of the property showing the location of the proposed pond, including:
   a. The proposed distance the pond will be from all property lines (as measured in accordance with Section F below).
   b. The direction of the flow of water prior to the construction of the pond.
   c. The size, location, and elevation of the outlet pipe, and the direction of the flow of water exiting the property.
   d. If any disturbance of the soil is to occur in any of the setback areas, spot elevations will need to be performed in those areas prior to the disturbance of the soil. Setback areas will then need to be returned to the original elevation prior to final inspection of the pond.
2. A permit fee of twenty-five dollars ($25.00) shall be paid to the Department of Community Development when the permit is issued.
3. Permits shall be valid for one (1) year after the date of issuance.

F. Minimum Standards
1. All ponds shall adhere to the following setbacks from property lines:
   a. Seventy-five (75) feet from the centerline of all county roads (high water level)
   b. Sixty (60) feet from the right-of-way line of all state and federal roads (high water level)
   c. Thirty-five (35) feet from the centerline of all county roads (excavating/site work)
   d. Thirty (30) feet from the right-of-way line of all state and federal roads (excavating/site work)
   e. Ten (10) feet from all other property lines
2. The setback for the side and rear property lines shall be measured to the toe of the slope of the bank of the pond, or to the high water level of the pond, whichever is closer to the property line or roadway. In no

case shall any excavation occur, or fill be placed, in the required setback area or within any regulated drain easement.

3. The setback for the front yard shall be measured to the high water level of the pond, with no excavating/site work occurring within a distance of thirty-five (35) feet from the centerline of all county roads or thirty (30) feet from the right-of-way line of all state and federal roads.
4. In no case shall the direction or volume of water exiting the property be permanently altered due to the construction of the pond.
5. The Huntington County Surveyor's Office shall be notified by the property owner and/or excavation contractor when work commences of the construction of the pond. Prior to the removal of excavating equipment, the Huntington County Surveyor's Office will be contacted and will give final approval of the newly constructed pond.

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 Surveyor's 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) and (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 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 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 on drainage through the lot that existed prior to the development act.

H. Enforcement, Violation, Remedies and Penalties

1. Complaints Regarding Violations
   Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonably fully and accurately the particulars thereof, and be filed with the Director of the Department of Community Development or the County Surveyor. The County shall investigate and may take action upon such complaint as provided in this Ordinance.
2. Enforcement Official
   The Director of the Department of Community Development and the Huntington County Surveyor are hereby designated as enforcement officials who are authorized and directed to implement the enforcement of the Ordinance.
3. Access to Property/Inspections
   a. The enforcement officials, and designated persons acting on their behalf, may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this Ordinance.
   b. By making application for a permit as provided in this Ordinance, an applicant certifies that the applicant is acting for her/him/itself and as an authorized agent for the property owner(s) related to access to the property for the inspection purposes referred to herein.

I. Violations, Remedies, and Penalties

1. It shall be the duty of the enforcement official to enforce the provisions of this Ordinance.

2. The following shall constitute a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance:
   a. The construction, erection, or location of any improvement in violation of the provisions of this Ordinance
   b. The use or development of property in a manner, which does not conform to the provisions of this Ordinance
   c. Any act contrary to the provisions and requirements of this Ordinance; or
   d. Altering, damaging, or removing any drainage related improvements required by the Plan Commission as part of a development plan or subdivision approval or by the Board of Zoning Appeals as part of a variance or special exception approval, or any other action that compromises the development standards of the zoning code.
3. Any activity considered a violation of this Ordinance is declared to be a common nuisance.
4. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or who, either individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.
5. Private covenants or agreements imposing standards different than those in this Ordinance shall not impose an enforcement obligation on the Plan Commission or Drainage Board.
6. The owner, tenant, or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
7. The following process shall be followed by the enforcement official when pursuing a violation of this Ordinance:
   a. The Huntington County Surveyor shall provide up to thirty (30) days for a violation to come into compliance with this ordinance. If at the time the violations have not been corrected, then
   b. The enforcement official shall send written notices to the person believed responsible for the violation(s), and to the property owner of the property involved, if different, indicating the nature of the alleged violation and ordering the action necessary to correct it.
   c. If the violation(s) is not corrected, the enforcement official shall send a written notice identified as being the final notice, and shall state what action the enforcement official can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the County Commissioners and the procedure for filing an appeal.
   d. In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
   e. If compliance is not achieved by the deadline specified in the final notice, the enforcement official may impose one or more of the remedies listed in Section 8 of this Ordinance.
   f. The enforcement official working with the County Attorney may file a complaint against the person(s) responsible for and prosecute the alleged violation.
8. The enforcement official may impose any one or all of the following remedies listed below for any violation of this Ordinance:
   a. A “STOP WORK ORDER” whereby all work on the improvement authorized by issuance of a permit on the property shall cease at the time of posting. A written “STOP WORK ORDER” shall be sent to the property owner, contractor, or other appropriate individual specifying what action is necessary to remove the “STOP WORK ORDER”. All corrective work or action necessary to release the “STOP WORK ORDER” shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Ordinance.
   b. A revocation of any permit issued for work on the property.
   c. Bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Indiana Code 36-7-4-1018 or its successor provision.
   d. Bring action for injunction in the Circuit or Superior Court. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and/or maintaining a common nuisance. Further, it may seek the prevention, removal, or abatement of the violation.
   e. Any other remedy or penalty provided for herein, or by other applicable authority.
9. Any person found to be in violation of this Ordinance in an enforcement action under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the County in connection with the prosecution of such action.

J. Fee Schedule and Fines

Fees/Fines

Permit Fee	$25.00
Application for Variance from Development Standards	$60.00
Starting pond construction without obtaining permits	$250.00 fined to contractor
Finishing pond without obtaining final approval from County Surveyor	$250.00 fined to contractor
Construction and/or excavation/site work in setback areas without BZA approvals	$1000.00 fined to contractor

SECTION 1050: DEVELOPMENT PLAN

A. Development Plan Required
   1. Except as otherwise specifically stated in this section, a Development Plan is required for all development in the following zoning districts: A, SR, R-2, R-4, R-8, R-20, RMH, LB, GB, AB, M-1, M-2, POD, and AZ, and the Commission has exclusive authority to approve or disapprove development plans in these districts. A Development Plan is not required for the following land uses:
      a. Dwelling, single-family
      b. Dwelling, two-family
      c. Livestock operation, minor or intensive
      d. Farm
      e. Commercial Forestry Production
      f. Fish hatchery
      g. Manufactured Home Type I or II
      h. Home Occupation Type II or II
      i. Park
      j. Kennel
      k. Child care home
      l. Day care home
      m. Cemetery
      n. Utility service structure, station or yard (except for Solar Energy Systems)
      o. Communication tower
      p. Group Home
      q. Planned Unit Development
      r. Child caring institution
      s. Child care center

      Any of the above uses that are exempt with proposed buildings over 10,000 square feet will be required to have development plan approval prior to issuance of an Improvement Location Permit or Building Permit.

      A Solar Energy System (SES) does require Development Plan approval in all zoning districts. Please refer to the Solar Energy System Ordinance (Section 730-V) for submittal requirements.

   2. No Improvement Location Permit or Building Permit shall be issued until a Development Plan is approved.

B. Application for Development Plan
   1. The following items shall be submitted or paid to the Department to initiate reviews of a Development Plan:
      a. Completed application form signed by the property owner.
      b. Payment of filing fees as required by Section 360(D)
      c. Site plan, drawn on one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale as large as practical, and including the following information:
         1. Scale, date, north arrow, vicinity map, and title of the project;
         2. The boundaries, dimensions, and gross acreage of the property;
         3. The relationship of the development to the surrounding road system, including the width of the adjacent roadways;
         4. The location and dimensions of existing manmade features such as roads, utilities, and structures, with indication as to which are to be removed, relocated, or altered.
         5. The location and dimensions of existing easements, watercourses, county drains, water and sewer lines, well and septic tank locations, and other existing important physical features in and adjoining the development;
         6. The location and delineation of existing trees (12" in diameter or larger) and information as to which trees will be removed. Existing woods may be indicated as such on the plan.
         7. Identification of existing land use and zoning of the petitioned site and adjacent properties;
         8. A layout of the proposed building site including the following site data:

        a. Finished floor elevations
        b. Common open areas
        c. Landscaping and buffer areas
        d. Internal circulation patterns including off street parking and loading facilities
        e. Total project density (residential)
        f. Building area
        g. Percentage of impervious and near impervious surface coverage
        h. Percentage of open space areas
        i. The shape, size, location, and height of all structures
    9. Size, location, and orientation of proposed signs;
    10. Proposed lighting of the premises;
    11. Name and address of developers/property owners; and water, gas, and electricity.
  d. Storm Water Management Plan, which shall include the following information:
    1. Contours of the site with elevations of the predeveloped site and proposed finished grade
    2. Size of the watershed
    3. Method of calculation of storm water run-off
    4. Location, size, and capacity of drainage facilities serving the development
    5. Proposal for the management of storm water
  e. Traffic Management Plan, which shall include the following information:
    1. Traffic generation analysis for proposed use
    2. Distribution and assignment of traffic
    3. Adjacent roadway/intersection improvements
    4. Future right-of-way dedications
    5. Additional roadway needs
  f. A description of the nature and intensity of proposed uses in the development.
  g. Statement on capacity of sanitary sewer system to service the development.
  h. Legal description of the property proposed for development.

2. Upon written request from the applicant, the Commission may waive the requirement to submit one or more of the items listed in Section 1050(B)(l)(c)(d) or (e). In order for the Commission to waive a requirement, the Commission shall determine that:
  a. the item is not necessary for the Commission to adequately review the Development Plan; and
  b. the item is not necessary for the Commission to determine if the development requirements in Section 1050(C) are satisfied.
  c. One copy of the application form and seven (7) copies of the site plan, storm water management plan, and traffic management plan shall be submitted at the time the application is filed.

C. Development Requirements

The following development requirements shall be satisfied before approval of a Development Plan:

1. Compatibility of development with surrounding land uses.
2. Availability of potable water, sanitary sewer or septic system, and other utilities necessary to operate and maintain the development in a manner that protects the health, safety, and welfare of the general public.
3. Availability of adequate storm water detention facilities.
4. Compliance with the following development standards, as required in the applicable zoning district:
  a. lot size
  b. lot frontage
  c. building setbacks
  d. building coverage
  e. building separation
  f. parking
  g. landscaping
  h. signs
  i. building height
  j. building width
  k. any other development standard in the applicable zoning district

5. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community by ensuring that:
    a. the design and location of proposed street and highway access points minimize safety hazards and congestion;
    b. the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
    c. the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.

D. Development Plan Review
1. Development Plans shall be reviewed by the Development Plan Committee in accordance with the Plan Commission Rules of Procedure.
2. The Department shall establish a meeting date, time, and place for the Development Plan Committee to review the Development Plan.
3. The Department may prepare a staff report, and may make a recommendation to the Committee.
4. Notice to interested parties shall be completed in accordance with the Plan Commission Rules of Procedure.
5. The Development Plan Committee may receive evidence from any person regarding the Development Plan.
6. The Development Plan Committee shall review a Development Plan to determine if the Development Plan:
    a. satisfies the development requirements specified in Section 1050(C); and
    b. is consistent with the Comprehensive Plan.
7. The Development Plan Committee shall make written findings concerning each decision to approve or disapprove a Development Plan. The chairperson of the Development Plan Committee, or the presiding officer in the absence of the chairperson, shall sign the written findings of the Committee.

E. Waiver of Development Requirements
The Development Plan Committee may waive the following development requirements under the specific conditions listed:
1. Section 1050(C)(3) - Availability of stormwater detention facilities, if the development will have a negligible effect on increasing stormwater run-off or altering the flow of storm water run-off.
2. Section 1050(C)(5) - Traffic Management Plan, if the development will have a negligible effect on traffic generation, traffic congestion, or traffic safety.

F. Conditions of Approval
Prior to approval of a Development Plan, or amendment to an approved Development Plan, the Development Plan Committee, or Director in the case of an amended Development Plan that does not require Development Plan Committee approval, may:
1. Impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in Section 1050(C);
2. Require the submittal of a bond or written assurance that guarantees the timely completion of a proposed public improvement in the proposed development and is in a form that is satisfactory to the Committee; and
3. Permit or require the owner of real property to make a written commitment concerning the use or development of the property. Such commitment shall be completed in accordance with Section 502, the Plan Commission Rules of Procedure, and applicable law.

G. Amendment to an Approved Development Plan
1. A property owner may file a written application with the Director to amend an approved Development Plan on property they own.
2. The Director shall review modifications to the Development Plan and determine compliance with applicable land use and development standards and requirements and also determine whether a substantial deviation from the approved Development Plan has occurred.
    a. A substantial deviation shall include, but is not limited to:

1. Modification of building location, which would affect setback distances or buffering from adjacent residential property;
2. Relocation of an access point to the site;
3. Major redesign of the parking and vehicular use area; or
4. Fundamental change in the overall concept of the development.

b. If the Director determines that the proposed modification is inconsistent with the standards and requirements, or that a substantial deviation exists, the modified Development Plan must be resubmitted and approved by the Development Plan Committee in the same manner as an original Development Plan and prior to the issuance of an Improvement Location Permit.

c. If the modified plan is consistent with applicable land use and development standards and requirements, and if no substantial deviation exists, the Director may approve the amended Development Plan. Interested parties, who were notified of the initial Development Plan application, and those who presented evidence to, or appeared at the meeting of, the Plan Commission at the time of the original Development Plan approval, shall be provided notice of the decision to approve the amended Development Plan. The notice shall be mailed no later than two (2) working days after the date of approval of the amended Development Plan, and shall allow fifteen (15) calendar days from the date of approval to file an appeal of the decision. If an appeal is filed, it shall be reviewed in accordance with Section 1050(J) and applicable law.

d. The Director shall make written findings concerning each decision to approve or disapprove an amendment to a Development Plan. The director shall sign the written findings.

H. Duration of Approval of Development Plan

1. Development Plan approval expires if an Improvement Location Permit is not issued within two (2) years from the date of approval.
2. Upon request, and after good cause is shown, the time period within which an Improvement Location Permit must be issued may be extended by the Development Plan Committee for a time period not to exceed one (1) year.
3. If the time period has expired without extension and without the issuance of such permit, the Director shall file with the records of the Plan Commission a certificate of non-compliance and no Improvement Location Permit shall be issued until a new application for Development Plan is approved.

I. Limitation of Authority

1. A Development Plan authorizes only the development set forth in such approved plans and applications. Development different from the approved Development Plan, including any approved modifications thereto, shall constitute a violation of the Zoning Code.
2. Approval of the Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of the Zoning Code and all other applicable law.

J. Appeals

1. Any decision or determination of the Development Plan Committee or of the Director may be appealed to the Plan Commission. The following procedures shall apply:
   a. Appeal shall be filed with the Department on a form provided by the Department within fourteen (14) days of the date of issuance of the decision.
   b. Notice shall be provided to interested parties in accordance with the County Plan Commission Rules of Procedure.
   c. The Commission shall review the appeal request at its next regular meeting, provided the appeal is filed at least ten (10) days prior to the meeting. If this requirement cannot be met, the appeal shall be scheduled for the next following Commission meeting.
   d. The Commission may affirm, rescind, or modify the decision of the Director or Development Plan Committee. Only that item or items to which an appeal is filed shall be heard and decided by the Commission.
   e. No filing fee is required for an appeal.
2. The decision by the Commission on an appeal request is a final decision of the Commission that may be reviewed as provided in IC 36-7-4-1016.