

Huntington County Unified Development Ordinance

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Chapter 1. UDO Introductory Provisions

Section 1.1 Title. This ordinance shall be formally known as the “Unified Development Ordinance,” or the “UDO” for the jurisdiction of the Huntington County Plan Commission (PC).

Section 1.2 General Provisions.

- A. This Zoning Ordinance is adopted pursuant to *IC 36-7-4 series* as amended.
- B. In their interpretation and application, the provisions of the UDO shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- C. The provisions of the UDO 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 UDO are more restrictive or impose higher standards or regulations than such private provisions, the requirements of the UDO 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 UDO, or the determinations of the PC in enforcing the provisions of this UDO, and such private provisions are not inconsistent with enforceable provisions or determinations thereunder, then such private provisions shall be operative and supplemental to the provisions of this UDO and determinations made thereunder. Private provisions may not be enforced by the PC unless the PC, with its approval, has been made a party to such private provisions.

Section 1.3 Purpose. The purpose of this UDO is to combine the Zoning Ordinance and the Subdivision Control Ordinance into a single document in order to reduce redundancy and improve efficiency in the application of land development laws for the jurisdiction.

- A. Zoning Ordinance Provisions. The regulations established for the administration of a Zoning Ordinance under *IC 36-7-4-600 series* are covered by *Chapter 2* of this UDO.
- B. Subdivision Control Ordinance Provisions. The regulations established for the administration of a Subdivision Control Ordinance under *IC 36-7-4-700 series* are covered by *Chapter 3* of this UDO.

Section 1.4 Jurisdiction. This UDO shall apply to all unincorporated areas within Huntington County, except those areas in which another Plan Commission has exercised their right to extend their statutory jurisdictional area over contiguous unincorporated land that is outside the boundaries of their municipality.

Section 1.5 Intent. The intent of this UDO is to promote the public health, safety, morals, and general welfare of the jurisdiction, and more specifically to:

- A. Accomplish the purposes of *IC 36-7-4 series: Local Planning and Zoning*, and further such other purposes as are stated hereinafter with specific provisions of this UDO;
- B. Guide the orderly, responsible, and sustainable development and redevelopment in accordance with the *Comprehensive Plan* and all of its components;

- C. Define the powers and duties of administrative officers and bodies as provided herein, and to establish procedures for the implementation and enforcement of this UDO;
- D. Establish reasonable standards and procedures for subdivisions, in order to further the orderly layout and use of land;
- E. Protect the character and stability of residential, institutional, business, industrial, and natural areas;
- F. Encourage compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses;
- G. Facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public facilities; and
- H. Establish corrective and punitive recourse for violations or noncompliance regarding the provisions of this UDO.

Section 1.6 Defined Terms.

- A. Specific words and terms relative to this UDO are as defined in *Chapter 4: Definitions*. Words or terms used in this UDO that are not defined shall be as defined by a current dictionary.

Section 1.7 Administration. The Administrator shall have the primary responsibility of administering the UDO within the jurisdiction.

Section 1.8 Severability.

- A. Should any section, subsection, paragraph, subparagraph, clause, word, or provision of this UDO 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.
- B. If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

Section 1.9 Statutory Changes. If any Indiana Code (IC) cited in this UDO has been amended, this UDO shall be deemed amended in reference to the new or revised code.

Section 1.10 Repealer. The following titles are hereby repealed and are replaced by the adoption of this UDO:

- A. Huntington County Zoning Ordinance, and
- B. Huntington County Subdivision Control Ordinance.

Section 1.11 Transition Policies. The following policies apply for applications and approvals that are in progress at the time of adoption of this UDO:

- A. Pending Applications. Applications that are received and complete prior to the adoption of this UDO shall continue their respective process pursuant to the rules and provisions that were in place at the time of filing. This includes applications before the County Commissioners, Town Council, the Plan Commission (PC), and the Board of Zoning Appeals (BZA) as well as applications for Land Alteration Permits (LAP), and Improvement Location Permits (ILP).
- B. Permits Issued. A permit for an ILP that was issued prior to the adoption of this UDO shall remain valid for the timeframe and provisions established by the regulations that were in effect at the time of filing. If applicable, a valid permit may be renewed per the provisions established by the regulations that were in effect at the time of filing. Permits that have expired per the provisions established by the regulations that were in effect at the time of filing and need to be resubmitted shall now be subject to the regulations established by this UDO.
- C. Subdivisions. Because subdivisions are subject to two (2) phases of approval (primary plat and secondary plat), the following policies for transition apply:
 - 1. Primary Plat. Any primary plat that was approved by regulations that were in place prior to the adoption of this UDO, has not expired, and is otherwise still valid under said previous regulations, shall continue its respective process pursuant to the rules and provisions that were in place at the time of filing. If the previous provisions did not identify an expiration for primary plat approval and an application for secondary plat (all or in part) has not been received and completed within two (2) years of the adoption of this UDO, then said primary plat shall automatically expire two (2) years after the date of the adoption of this UDO.
 - 2. Secondary Plat. As long as the approved primary plat for a subdivision remains valid and has not expired, the lot standards, structure standards, and utility standards that were in place at the time the primary plat was approved shall apply to the secondary plat (all or in part) included in the primary plat approval.
- D. Commitments or Conditions. Commitments or conditions (whether recorded or not) that were made as part of an approval before the County Commissioners, Town Council, PC, or BZA or part of an application for an ILP or LAP prior to the adoption of this UDO shall remain in full effect regardless of any resulting changes in regulations that are established by this UDO. Commitments or conditions may be modified pursuant to the adopted procedures.

E. Annexation, Disannexation, and Property Not Included.

1. Annexation. Property annexed into a municipality within the jurisdiction subsequent to the effective date of the UDO, upon the effective date of such annexation, shall be classified into one (1) or more of the Districts set forth in *Section 2.1.A.1: Establishment of Zoning Districts and Overlay Districts*. Before a Town Council shall adopt the ordinance for annexation, the PC shall conduct a public hearing in the manner prescribed in *Section 4.2.C: Zone Map Changes* and make a recommendation on the new zoning classification to the Town Council.
2. Disannexation. Property detached from a municipality subsequent to the effective date of this UDO, upon the effective date of such disannexation, shall be declared to be in the Huntington County Agricultural (A) District until otherwise recommended for change by the PC, and approved by the County Commissioners.
3. Property Not Included. Property that has not been specifically included within a district is hereby declared to be in the Agricultural (A) District (except for property designated as limited-access or interstate highway right-of-way) until otherwise recommended for change by the property owner or PC and approved by the County Commissioners or Town Council.

Section 1.12 Effective Date. This UDO shall be in full force and effect from and after its passage by the County Commissioners and appropriate Town Councils on _____.

Section 1.13 Plan Commission (PC).

A. General.

1. *PC Rules and Procedures*. All actions of the PC are governed by their respective Rules and Procedures adopted pursuant to *IC 36-7-4-401* and Indiana law.

Section 1.14 Board of Zoning Appeals (BZA).

A. General.

1. *BZA Rules and Procedures*. All actions of the BZA are governed by their respective Rules and Procedures adopted pursuant to *IC 36-7-4-916*.

Chapter 2. Zoning Ordinance Provisions

Section 2.1 Zoning Districts and Overlay Districts

A. General Provisions

1. Establishment of Zoning Districts and Overlay Districts. In order to carry out the purpose and intent of the UDO, the land under the jurisdiction of the PC is hereby divided into the following districts:

DISTRICT DESIGNATION	PRIMARILY FOR:
A	Agricultural
SR	Suburban Residential
R-2	Residential Low-Density
R-4	Residential Medium Density
R-8	Residential High Density
R-20	Residential Apartment
RMH	Residential Manufactured 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
POD	Professional Office
EUD	Exclusive Use Overlay
RE	Renewable Energy
AHR	Airport Height Restriction Overlay

2. Official Zoning Map.

- a. The location and boundaries of the zoning districts established by the UDO are set forth on the Official Zoning Map of Huntington County which is maintained separately and is incorporated herein and made a part of the UDO.
- b. 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:
 - i) Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.
 - ii) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
 - iii) Boundaries indicated, as approximately following city or town limits shall be construed as following such city or town limits.
 - iv) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
 - v) Boundaries indicated as following shorelines shall be construed to follow such shorelines; and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
 - vi) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
 - vii) 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:
 - a) Suburban Residential District (SR) - 300 feet
 - b) Low Density Residential District (R-2) - 300 feet
 - c) Medium-Low Density Residential District (R-4) - 300 feet
 - d) High-Density Residential District (R-8) - 150 feet
 - e) Local Business District (LB) - 150 feet
 - f) General Business District (GB) - 300 feet
 - g) Accommodation Business District (AB) - 300 feet

B. Zoning Districts and Overlay Districts.

1. Agricultural (A) District.

- a. Intent. 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 uses without a clear showing of proven need in the public interest and a clear showing of conformity with the *Comprehensive Plan*.
- b. *IC 34-1-52-4* (Right to Farm Law) is hereby incorporated by reference.

LAND USES: AGRICULTURAL (A) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, single-family • Livestock Operation, minor or intensive • Farm • Commercial Forestry Production • Fish Hatchery • Manufactured Home Type I • Home Occupation Type I • Park • Plant nursery • Kennel • Child Care Home • Day Care Home • Solar Energy System (SES) 	<ul style="list-style-type: none"> • House of Worship • Nursing Home • Cemetery • Funeral Home • Utility Service Structure, Station, or Yard (excludes Solar Energy Systems) • Communication Tower • Group Home • Commercial Recreation Area • School • Manufactured Home Type II • Home Occupation Type II • Public Safety Facilities • Child Care Institution

DEVELOPMENT STANDARDS: AGRICULTURAL (A) DISTRICT			
Lot Standards			
	Minimum lot area		2 acres
	Minimum lot width		200 feet
	Minimum buildable area		1.10 acres
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		25 feet
	Minimum rear yard setback		25 feet
Structure Standards			
	Minimum ground floor area		950 square feet

2. Suburban Residential (SR) District.

- a. Intent. 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 serving the needs of the residential rural community.

LAND USES: SUBURBAN RESIDENTIAL (SR) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Manufactured Home Type I • Home Occupation Type I • Park • Child Care Home • Day Care Home 	<ul style="list-style-type: none"> • House of Worship • Nursing Home • Cemetery • Funeral Home • Utility Service Structure, Station, or Yard • Communication Tower • Group Home • Commercial Recreation Area • School • Commercial Forestry Production • Fish Hatchery • Manufactured Home Type II • Home Occupation Type II • Public Safety Facilities • Livestock Operation, minor or intensive • Child Care Institution • WECS, Non-commercial

DEVELOPMENT STANDARDS: SUBURBAN RESIDENTIAL (SR) DISTRICT			
Lot Standards			
	Minimum lot area		2 acres
	Minimum lot width		200 feet
	Minimum buildable area		1.10 acres
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		10 feet
	Minimum rear yard setback		15 feet
Structure Standards			
	Minimum ground floor area		950 square feet

3. Residential Low-density (R-2) District.

- a. Intent. 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 serving the needs of the residential community.

LAND USES: RESIDENTIAL LOW-DENSITY (R-2) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Manufactured Home Type I • Home Occupation Type I • Park • Child Care Home • Day Care Home 	<ul style="list-style-type: none"> • House of Worship • Nursing Home • Cemetery • Funeral home • Utility Service Structure, Station, or Yard • Communication Tower • Group Home • Commercial Recreation Area • School • Manufactured Home Type II • Home Occupation Type II • Public Safety Facilities • Child Care Institution • WECS, Non-commercial

DEVELOPMENT STANDARDS: RESIDENTIAL LOW-DENSITY (R-2) DISTRICT			
Lot Standards			
	Minimum lot area	Serviced by sewer	0.5 acres
		Serviced by on-site septic Not serviced by sewer	2 acres
	Minimum lot width	Serviced by sewer	75 feet
		Not serviced by sewer Serviced by on-site septic	200 feet
	Minimum buildable area (if not serviced by sewers serviced by on-site septic)		1.10 acres
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		7.5 feet
	Minimum rear yard setback		15 feet
Structure Standards			
	Minimum ground floor area		950 square feet

4. Residential Medium-density (R-4) District.

- a. Intent. 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 serving the needs of a moderately dense residential area.

LAND USES: RESIDENTIAL MEDIUM-DENSITY (R-4) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Dwelling, Two-Family • Manufactured Home Type I • Home Occupation Type I • Park • Child Care Home • Day Care Home 	<ul style="list-style-type: none"> • House of Worship • Nursing Home • Cemetery • Funeral Home • Utility Service Structure, Station, or Yard • Communication Tower • Group Home • Commercial Recreation Area • School • Home Occupation Type II • Public Safety Facility • Child Care Institution • Manufactured Home Type II • WECS, Non-commercial

DEVELOPMENT STANDARDS: RESIDENTIAL MEDIUM-DENSITY (R-4) DISTRICT			
Lot Standards			
	Minimum lot area	Serviced by sewer	10,890 square feet
		<u>Not serviced by sewer</u>	2 acres
	Minimum lot width	Serviced by sewer	60 feet
		<u>Not serviced by sewer</u>	2 acres
	Minimum buildable area (if <u>not serviced by sewer</u>)		1.10 acres
	Minimum front yard setback (from right-of-way)		25 feet
	Minimum side yard setback		6 feet
	Minimum rear yard setback		15 feet
Structure Standards			
	Minimum ground floor area		720 square feet

5. Residential High-density (R-8) District.

- a. Intent. 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 serving the needs of a highly dense residential area.

LAND USES: RESIDENTIAL HIGH-DENSITY (R-8) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Dwelling, Two-family • Dwelling, Multi-family • Manufactured Home Type I • Home Occupation Type I • Park • Child Care Home • Day Care Home 	<ul style="list-style-type: none"> • House of Worship • Nursing Home • Cemetery • Funeral Home • Utility Service Structure, Station, or Yard • Communication Tower • Group Home • Commercial Recreation Area • School • Public Safety Facility • Laundromat • Grocery Store • Home Occupation Type II • Medical and other Health Services • Child Care Institution • Manufactured Home Type II • WECS, Non-commercial

DEVELOPMENT STANDARDS: RESIDENTIAL HIGH-DENSITY (R-8) DISTRICT		
Lot Standards		
	Minimum lot area	5,445 square feet
	Minimum lot width	50 feet
	Minimum front yard setback (from right-of-way)	25 feet
	Minimum side yard setback	6 feet
	Minimum rear yard setback	15 feet
Structure Standards		
	Minimum ground floor area	720 square feet
Utility Standards		
	Centralized water and sanitary sewer system required	yes

6. Residential Apartment (R-20) District.

- a. Intent. 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 serving the needs of a highly dense residential area.

LAND USES: RESIDENTIAL APARTMENT (R-20) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Dwelling, Multi-Family • Group Home • Nursing Home • Home Occupation Type I • Child Care Home • Day Care Home 	<ul style="list-style-type: none"> • House of Worship • Cemetery • Funeral Home • Utility Service Structure, Station, or Yard • Communication Tower • Commercial Recreation Area • School • Public Safety Facility • Laundromat • Grocery Store • Medical and other Health Services • Home Occupation Type II • Manufactured Home Park • Child Care Institution • WECS, Non-commercial

DEVELOPMENT STANDARDS: RESIDENTIAL APARTMENT (R-20) DISTRICT		
Lot Standards		
	Minimum lot area	10,890 square feet
	Minimum lot width	50 feet
	Minimum front yard setback (from right-of-way)	25 feet
	Minimum side yard setback	6 feet
	Minimum rear yard setback	15 feet
Structure Standards		
	Minimum ground floor area	720 square feet
Utility Standards		
	Centralized water and sanitary sewer system required	yes

7. Residential Manufactured Home Park (RMH) District.

- a. Intent. The Residential Manufactured Home Park District is intended to be a high-density residential district suitable for the location of mobile home and manufactured home parks and developments. It is the intent of this section to allow mobile home and manufactured home parks as well as uses serving the needs of a high-density residential area.

LAND USES: RESIDENTIAL MANUFACTURED HOME PARK (RMH) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Manufactured Home Type I • Manufactured Home Type II • Home Occupation Type I • Laundromat • Mobile Home Park, including office 	<ul style="list-style-type: none"> • House of Worship • Utility Service Structure, Station, or Yard • Communication Tower • Commercial Recreation Area • Grocery Store • Home Occupation Type II • Child Care Home • Day Care Home

DEVELOPMENT STANDARDS: RESIDENTIAL MANUFACTURED HOME PARK (RMH) DISTRICT		
Lot Standards		
	Minimum lot area	1 acre
	Minimum lot width	
	Minimum front yard setback (from right-of-way)	
	Minimum side yard setback	
	Minimum rear yard setback	
	Dwelling unit setback (from perimeter boundary lines)	20 feet
Structure Standards		
	Minimum ground floor area	
	Minimum separation between dwelling units	12 feet
Utility Standards		
	Centralized water and sanitary sewer system required	yes

8. Local Business (LB) District.

- a. Intent. 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.

LAND USES: LOCAL BUSINESS (LB) DISTRICT		
Permitted Uses		Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Dwelling, Two-Family • Dwelling, Multi-Family • Manufactured Home Type I • Group Home • Service Establishments including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments • 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 • Grocery Store • Professional Offices • Business Offices 	<ul style="list-style-type: none"> • Medical and Dental Offices, Clinics • Travel Agency • Banks and Financial Institutions • Retail Video Store • Financial, Insurance, and Real Estate Office • Veterinary Office • Appliance Sales and Service • Home Occupation Type I • Home Occupation Type II • House of Worship • Nursing Home • Funeral Home • Eating and Drinking Establishments • Library • Child Care Home • Day Care Home • Child Care Institution • Child Care Center 	<ul style="list-style-type: none"> • Utility Service Structure, Station, or Yard • Communication Tower • Commercial Recreation Area • School • Private club • Arcade • Convenience Store/Fuel Station • Lumber Yard • Motor Vehicle Repair •

DEVELOPMENT STANDARDS: LOCAL BUSINESS (LB) DISTRICT		
Lot Standards		
	Minimum lot area	6,000 square feet
	Minimum lot width	50 feet
	Minimum front yard setback (from right-of-way)	25 feet
	Minimum side yard setback	6 feet
	Minimum rear yard setback	15 feet
Structure Standards		
	Minimum ground floor area	720 square feet

9. General Business (GB) District.

- a. Intent. 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, as well as certain light manufacturing uses that are compatible with commercial uses.

LAND USES: GENERAL BUSINESS (GB) DISTRICT		
Permitted Uses		Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Dwelling, Two-family • Dwelling, Multi-family • Manufactured Home, Type I • Group Home • Service Establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments • Retail Outlets including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments • Department Store • Grocery Store • Professional Offices • Business Offices • Medical and Dental Offices and Clinics • Travel Agency • Banks and Financial Institution • Retail Video Store • Financial, Insurance and Real Estate Offices 	<ul style="list-style-type: none"> • Veterinary Office • Library • Tire Store • Motor Vehicle Repair • Theater • Hotel • Motor Vehicle Dealer • Commercial Recreation Area • Convenience Store/Fuel Station • Hospital • Nursing Home • Private Club • House of Worship • Eating and Drinking Establishments • Funeral Home • Warehousing • Light Manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die • Appliance Repair • Lumber Yard • Child Care Home • Day Care Home • Child Care Center • Child Care Institution 	<ul style="list-style-type: none"> • Utility Service Structure, Station, or Yard • Communication Tower • School • Arcade
DEVELOPMENT STANDARDS: GENERAL BUSINESS (GB) DISTRICT		
Lot Standards		
	Minimum lot area	10,000 square feet
	Minimum lot width	70 feet
	Minimum front yard setback (from right-of-way)	25 feet
	Minimum side yard setback	10 feet
	Minimum rear yard setback	15 feet
Structure Standards		
	Minimum ground floor area	720 square feet

10. Accommodation Business (AB) District.

- a. Intent. The Accommodation Business District is intended for 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.

LAND USES: ACCOMMODATION BUSINESS (AB) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Grocery Store • Department Store • Hotel • Tire Store • Auto/Truck Repair • Theater • Motor Vehicle Dealer • Commercial Recreation Area • Convenience Store/Fuel Station • Eating and Drinking Establishments • Retail Outlets • Professional Offices • Business Offices • Lumber Yard 	<ul style="list-style-type: none"> • Utility Service Structure, Station, or Yard • Communication Tower • Arcade • Dwelling, Single-family • Dwelling, Two-family • Dwelling, Multi-family • Manufactured Home Type I • Child Care Home • Day Care Home • Group Home • Child Care Center • Child Care Institution

DEVELOPMENT STANDARDS: ACCOMMODATION BUSINESS (AB) DISTRICT			
Lot Standards			
	Minimum lot area		10,000 square feet
	Minimum lot width		70 feet
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		10 feet
	Minimum rear yard setback		15 feet
Structure Standards			
	Minimum ground floor area		720 square feet

11. Central Business (CB) District.

- a. Intent. The Central Business District is intended for commercial uses that are located in the 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.

LAND USES: CENTRAL BUSINESS (CB) DISTRICT		
Permitted Uses		Special Exception
<ul style="list-style-type: none"> • Dwelling, Single-family • Dwelling, Two-family • Dwelling, Multi-family • Manufactured Home, Type I • Group Home • Service Establishments, including: barber shops, beauty shops, shoe repair, dry cleaning stations, laundromats, and similar establishments • Retail Outlets, including: bookstores, card and gift shops, hardware stores, clothing stores, shoe stores, toy stores, jewelry stores, appliance stores, and similar establishments • Department Store • Grocery Store • Professional Offices • Medical and Dental Offices and Clinics • Travel Agency • Banks and Financial Institution 	<ul style="list-style-type: none"> • Retail Video Store • Financial, Insurance and Real Estate Offices • Veterinary Office • Library • Tire Store • Motor Vehicle Repair • Theater • Hotel • Motor Vehicle Dealer • Convenience Store/Fuel Station • Hospital • Nursing Home • Private Club • House of Worship • Eating and Drinking Establishments • Funeral Home • Appliance Repair • Warehousing • Child Care Home • Day Care Home • Child Care Center • Child Care Institution 	<ul style="list-style-type: none"> • School • Arcade • Commercial Recreation Area

DEVELOPMENT STANDARDS: CENTRAL BUSINESS (CB) DISTRICT		
Lot Standards		
	Minimum lot area	1,200 square feet
	Minimum lot width	20 feet
	Minimum front yard setback (from right-of-way)	None
	Minimum side yard setback	None
	Minimum rear yard setback	None
Structure Standards		
	Minimum ground floor area	

12. Light Manufacturing (M-1) District.

- a. Intent. 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.

LAND USES: LIGHT MANUFACTURING (M-1) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Warehousing • Light Manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die • Auto Repair • Appliance Repair • Convenience Store/Fuel Station • Utility Service Structure, Station, or Yard (includes Solar Energy Systems) • Tire Store • Lumber Yard 	<ul style="list-style-type: none"> • Communication Tower • Eating and Drinking Establishments • Retail Outlets • Professional Offices • Business Offices • Dwelling, Single-family • Dwelling, Two-family • Dwelling, Multi-family • Commercial Recreation Area • Child Care Home • Day Care Home • Group Home • Child Care Center • Child Care Institution • Manufactured Home Type I • Heavy Manufacturing

DEVELOPMENT STANDARDS: LIGHT MANUFACTURING (M-1) DISTRICT			
Lot Standards			
	Minimum lot area		2 acres
	Minimum lot width		100 feet
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		50 feet
	Minimum rear yard setback		50 feet
Structure Standards			
	Minimum ground floor area		720 square feet

13. Heavy Manufacturing (M-2) District.

- a. Intent. 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.

LAND USES: HEAVY MANUFACTURING (M-2) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Warehousing • Light Manufacturing, including: clothing, shoes, electronics, printing and publishing, tool and die • Heavy Manufacturing, including: food products, wood products, paper products, chemical products, mineral products, plastic products, metal products, concrete products • Utility Service Structure, Station, or Yard (includes Solar Energy Systems) • Communication Tower • Auto Repair • Lumber Yard 	

DEVELOPMENT STANDARDS: HEAVY MANUFACTURING (M-2) DISTRICT			
Lot Standards			
	Minimum lot area		2 acres
	Minimum lot width		100 feet
	Minimum front yard setback	County streets (from centerline)	100 feet
		State and federal streets (from right-of-way)	80 feet
	Minimum side yard setback		50 feet
	Minimum rear yard setback		50 feet
Structure Standards			
	Minimum ground floor area		

14. Extractive Manufacturing (M-3) District.

- a. Intent. 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.

LAND USES: EXTRACTIVE MANUFACTURING (M-3) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Mining and Processing of mineral resources • Mining and Processing of petroleum resources • Manufacturing of products which utilize resources obtained from the site • Utility Service Structure, Station, or Yard (includes Solar Energy Systems) 	

DEVELOPMENT STANDARDS: EXTRACTIVE MANUFACTURING (M-3) DISTRICT			
Lot Standards			
	Minimum lot area		5 acres
	Minimum lot width		200 feet
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		50 feet
	Minimum rear yard setback		50 feet
Structure Standards			
	Minimum ground floor area		

15. Airport (AZ) District.

- a. Intent. 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.

LAND USES: AIRPORT (AZ) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Terminal, freight, and passenger • Airplane hangars • Airplane repair facilities 	<ul style="list-style-type: none"> • Utility Service Structure, Station, or Yard

DEVELOPMENT STANDARDS: AIRPORT (AZ) DISTRICT			
Lot Standards			
	Minimum lot area		5 acres
	Minimum lot width		100 feet
	Minimum front yard setback	County streets (from centerline)	75 feet
		State and federal streets (from right-of-way)	60 feet
	Minimum side yard setback		10 feet
	Minimum rear yard setback		10 feet
Structure Standards			
	Minimum ground floor area		

16. Open Space (OS) District.

- a. Intent. 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.

LAND USES: OPEN SPACE (OS) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> • Golf Course • Campground • Swimming or Tennis Club • Horseback Riding Stable • Public Park/Playground • Farm (except for Livestock Operation, minor or intensive) • Solar Energy Systems (SES) 	<ul style="list-style-type: none"> • Private Club • Utility Service Structure, Station, or Yard (excludes Solar Energy Systems) <ul style="list-style-type: none"> • Private Park/Playground

DEVELOPMENT STANDARDS: OPEN SPACE (OS) DISTRICT			
Lot Standards			
	Minimum lot area		5 acres
	Minimum lot width		
	Minimum front yard setback	County streets (from centerline)	50 feet
		State and federal streets (from right-of-way)	50 feet
	Minimum side yard setback		50 feet
	Minimum rear yard setback		50 feet
Structure Standards			
	Minimum ground floor area		

17. Professional Office (POD) District.

- a. Intent. 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.

LAND USES: PROFESSIONAL OFFICE (POD) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none"> Professional Offices Business Offices Medical, Dental, and Optical Offices and Clinics 	<ul style="list-style-type: none"> Retail Businesses Banks and Financial Institutions (without drive-in facilities)

DEVELOPMENT STANDARDS: PROFESSIONAL OFFICE (POD) DISTRICT			
Lot Standards			
	Minimum lot area		10,000 square feet
	Minimum lot width		
	Minimum front yard setback	County streets (from right-of-way)	30 feet
		Federal highway (from right-of-way)	10 feet
	Minimum side yard setback		
	Minimum rear yard setback		
	Minimum district setback from property lines	A, SR, R-2, R-4	30 feet
		R-8	20 feet
		All other districts	15 feet
	Maximum impervious surface coverage		40%
Structure Standards			
	Minimum ground floor area		
	Maximum building height		35 feet
	Minimum separation between detached buildings		10 feet

b. Additional Development Standards.

i) Open Space

- a) Each lot or 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.

ii) Perimeter Landscaping

- a) When a lot or 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 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 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 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 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) linear 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 PC, up to fifty percent (50%) 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 Administrator 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 Administrator, 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 Administrator may allow the developer to phase the perimeter landscaping strip in accordance with the phasing of the building(s) or development. Any phasing of required landscaping shall not include landscaping intended to buffer buildings from existing residences.

iii) Interior Landscaping

- a) At least five percent (5%) 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 Subsection ii.f above.
- 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 PC, up to fifty percent (50%) of the required interior landscaping may be located around building foundations.

iv) Parking Areas

- a) Off-street parking spaces shall be provided in accordance with Section 2.2E: Parking Standards.
- 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) Parking within a development requires that 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.

v) 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.

vi) 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 development.

- b) Outdoor furniture should be designed to be part of the architectural concept of design and landscaping for the 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.

vii) Signage.

a) General.

- 1) The provisions of *Section 2.2.G: Sign Standards* shall apply with the exception of those regulations regarding the number and type of signs permitted.

2) dd

b) Types of Signs Permitted.

1) Pedestal Signs.

- a) Quantity. One (1) pedestal sign shall be permitted per street frontage.
- b) Maximum Height. The maximum height of the sign, as measured from the finished grade, shall be six (6) feet.
- c) Maximum Area. The maximum copy area of the sign shall be forty (40) feet.
- d) Construction. 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.
- e) Placement. No pedestal sign permitted by this section shall be located within five (5) feet of any right-of-way line or located within thirty (30) feet of any residentially zoned property.

2) Wall Signs.

- a) Quantity. One (1) wall sign shall be permitted per tenant or occupant within the building.
- b) Maximum Area. The maximum copy area of the sign shall be nine (9) square feet.
- c) Construction. 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) Placement. The wall sign shall be located on the same side of the building as the main entrance.
- e) Architectural Compatibility. The wall sign(s) shall be compatible with the architectural design of the building.

viii) 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.

- ix) Underground Utilities. Within a 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.
- c. Procedure for reclassification to POD. An application for a zone map change to the POD District shall include all information necessary to meet the requirements listed below and any additional information that will demonstrate the reclassification is appropriate.
 - i) 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 Administrator or PC, 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 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
- ii) 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 PC.
- iii) The reclassification petition shall be considered as any other proposal to amend the zone map.
- d. Development Plan requirements
 - i) A lot with a POD zoning designation shall have a Development Plan approved by the PC prior to the issuance of a building permit. The Development Plan shall include the elements from Section 4.2.E: Development Plan Process.
 - ii) A BP may be issued under an approved Development Plan after an ordinance to amend the zone map to establish the POD is approved by the appropriate legislative body, and after compliance with applicable law.
 - iii) Modifications to an approved Development Plan may be made only by written application to the Department.
 - iv) A BP may be issued under a Modified 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 Development Plan.
 - v) The Administrator shall review modifications to the Development Plan and certify compliance with all standards and requirements of the POD and certify that no 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;
 - 4) Fundamental change in the overall concept of the development.
 - b) If the Administrator 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 PC and appropriate legislative body, with notice to interested parties, prior to the issuance of a building permit.
- e. Duration of Approval
- i) A BP must be issued within one (1) year from the date of approval of the reclassification to POD and subsequent approval of the Development Plan.
 - ii) Upon request, and after good cause is shown, the time period within which a BP must be issued may be extended by the PC.
 - iii) If the time period has expired without extension and without the issuance of such permit, the Administrator shall file with the records of the appropriate legislative body 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.
 - iv) If there is a desire to re-establish the site as a POD following the filing of the certificate of noncompliance, a petitioner must follow the procedures set forth in Section 4.2.E: Development Plan Process, and applicable law.
- f. Limitation of Authority
- i) A 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 Development Plan, including any amendments thereto, shall constitute a violation of this UDO.
 - ii) Approval of the Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of this UDO and all other applicable law.

18. Exclusive Use Overlay (EUD) District.

- a. Intent. 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.

LAND USES: EXCLUSIVE USE OVERLAY (EUD) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none">• Sanitary Landfill• Recycling Facility• Incinerator• Salvage Yard	

19. Renewable Energy (RE) District

- a. Intent. The Renewable Energy District is intended to regulate the construction, modification, and operation of renewable energy facilities subject to restrictions, to preserve the public health, safety, general welfare and avoid adverse impacts on the community that may arise from renewable energy operations. It is the intent of a RE District to preserve the agriculture lands and discourage the interruption of wildlife and farming operations in Huntington County from renewable energy operations without a clear showing that all of the requirements of this ordinance and the UDO are met and satisfied.

Development Standards: Renewable Energy (RE) District

Development standards for non-renewable energy uses are the same as allowed in the Agricultural (A) District of this ordinance. Development standards for all other permitted uses are as provided in Section 2.3(J).

LAND USES: RENEWABLE ENERGY (RE) DISTRICT	
Permitted Uses	Special Exception
<ul style="list-style-type: none">• Dwelling, single-family• *Livestock Operation, minor or intensive• Farm• Commercial Forestry Production• Fish Hatchery• *Manufactured Home Type I• *Home Occupation Type I• Park• Plant Nursery• Kennel• Child Care Home• Day Care Home• *Solar Energy Systems• *Battery Energy Storage Systems <p>*Specific development standards apply to this use. See Chapter 2, Section 2.3 Use Standards</p>	

20. Airport Height Restriction Overlay (AHR) District

- a. Intent. The Airport Height Restriction Overlay District is established for the purpose of establishing standards for the use of land in those areas that could cause a hazard or public safety concern by interfering with the operations of an airport.
 - b. Airport Zones. 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:
 - i) Utility Runway Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is two hundred fifty (250) feet wide. The approach zone expands outward uniformly to a width of one thousand two hundred fifty (1,250) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (At the adoption of this UDO, this is the current classification of a proposed runway running generally in a north-northwest to south southeastern direction).
 - ii) Utility Runway Non-precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of two thousand (2,000) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - iii) Runway Larger Than Utility Visual Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of one thousand five hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
 - iv) Runway Larger Than Utility with a Minimum Greater Than $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is five hundred (500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway. (At the adoption of this UDO, this is the current classification of Runway 9 running in a generally east to west direction.)
 - v) Runway Larger Than Utility with a Visibility Minimum as Low as $\frac{3}{4}$ Mile Non-precision Instrument Approach Zone: The inner edge of this approach
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zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The approach zone expands outward uniformly to a width of four thousand (4,000) feet at a horizontal distance to ten thousand (10,000) feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

- vi) Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.
 - vii) Horizontal Zone: The horizontal zone is established by swinging arcs of five thousand (5,000) feet radii for all runways designated utility or visual and ten thousand (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.
 - viii) 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 four thousand (4,000) feet.
- c. Development Standards. All development within this overlay shall comply with all state and federal regulations, including the Federal Aviation Administration (FAA). For all parcels located within the Airport Overlay District, the applicant shall provide documentation of compliance with all state/federal regulations, approval(s) from state/federal entities (where applicable), and/or approved and valid state/federal permits (where applicable) prior to the issuance of any required local approvals or permits. This includes, but is not limited to, the following:
- i) 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:
 - a) 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 five thousand (5,000) feet along the extended runway centerline.
 - b) 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 five thousand (5,000) feet along the extended runway centerline.
 - c) 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 five thousand (5,000) feet along the extended runway centerline.

- d) Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ 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 ten thousand (10,000) feet along the extended runway centerline.
 - e) Runway Larger Than Utility With a Visibility Minimum as Low as $\frac{3}{4}$ 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 ten thousand (10,000) feet along the extended runway centerline.
 - f) 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 one hundred fifty (150) feet above airport elevation, which is eight hundred six (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.
 - g) Horizontal Zone: Established at one hundred fifty (150) feet above the airport elevation or at a height of nine hundred fifty-six (956) feet above mean sea level.
 - h) Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.
 - i) Excepted Height Limitation: Nothing in this section shall be construed as prohibiting the construction or maintenance of any structure to a height up to fifty (50) feet above the surface of the land, and where land is located below the approach or transitional surfaces.
- ii) Electrical Interference. 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
 - iii) Non-conforming Structures.
 - a) 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.

- b) 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.

d. Permits.

- i) Future Uses. No structure shall be erected, enlarged, or established in excess of the applicable height limitation set forth in Section c.i.i: Excepted Height Limitation above, in any zone created under this section unless a Height Permit has been applied for and granted by the Administrator. Each application for a Height Permit shall indicate the purpose for which the Height Permit is desired, with sufficient particularity to allow the Administrator 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 Section v: Height Variances below.
- ii) Height Permits. Applications for Height Permits required by this section shall be submitted to the Administrator on forms published for that purpose. The Administrator 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.
- iii) 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.
- iv) Nonconforming Uses Abandoned or Destroyed. Whenever a nonconforming structure has been abandoned or more than eighty percent (80%) 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.

- v) 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 BZA 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 BZA. 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 BZA, the BZA may act on its own to grant or deny said Height Variance application.
- vi) 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 BZA, 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.
- e. Enforcement. It shall be the duty of the Administrator to administer and enforce the regulations prescribed herein. Application for height permits and height variances required by this section shall be submitted to the Administrator on forms published for that purpose. The Board of Aviation Commissioners, or their appointed designee, shall act as a technical advisor to the Administrator and/or BZA on any request for a Height Permit or Height Variance regarding this section.
- f. 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 4.4: Enforcement, Violations, and Remedies.
- g. 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.

- h. Indiana High Structure Safety Act. If any provision of this section conflicts with the Indiana High Structure Safety Act (*IC 8-21-10-1 et. seq.*), as it is now enacted or hereafter amended, the more restrictive provision prevails.
- i. 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 2.2 Site Development Standards

A. General Provisions.

1. Supplementary Regulations. The development standards set forth in the 700 series of the UDO apply to development in all zoning districts unless otherwise specified.

B. Accessory Structures Standards.

1. General.

- 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 in the Agricultural (A) 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, and 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).

2. Deck Standards.

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

3. Fence Standards.

- a. All fences shall adhere to the following requirements:
 - i) All fences and parts thereof shall be constructed or erected within the lot lines.
 - ii) 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 or be in-line with an existing structure.
 - iii) Decorative or chain-link fences in excess of four (4) feet in height shall adhere to the minimum front yard setback required for principal structures within the applicable zoning district.
 - iv) Privacy fences shall not be located within seven (7) feet from the intersection of any rights of way.
 - v) 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:
 - i) No fences shall be constructed of or be equipped with spikes, electrically charged material, or any similar device.
 - ii) No fence shall be equipped with barbed wire.
 - iii) No fence shall exceed eight (8) feet in height.

C. Landscaping Standards.

- 1. The provisions of this section shall apply to all improvements, which require Development Plan approval by the PC.
- 2. A landscape plan shall be submitted at the time the development plan is submitted. The landscape plan shall include the following:
 - a. 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.
 - b. The location of required landscaping areas, including required trees.
 - c. Notation on type and size of required trees and type of ground cover to be utilized.
- 3. At least ten percent (10%) of the area devoted to ground floor area of the building(s) and to parking or other vehicular use shall be landscaped.
 - a. Each separate landscaped area shall contain a minimum of fifty (50) square feet of planting area, with a minimum dimension of seven (7) feet.
 - b. Buffering from residential districts and uses:

- i) 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.
 - ii) 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.
- c. A landscaped buffer with a minimum width of seven (7) feet shall be provided parallel to all streets.
- d. All required landscaped areas shall maintain living landscaping.
- 4. 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.
 - a. Credit may be granted against the provisions of this section for the preservation of existing trees provided that the following criteria are met:
 - i) A protective barrier shall be provided around the tree(s).
 - ii) 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.
 - iii) The protective barrier shall be located outside of the drip line of the tree(s).
 - iv) 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.
 - b. Each tree preserved shall be credited against one (1) required tree.
 - c. Should the provisions of Section 2.2.C.4.a regarding protective barriers not be adhered to, a replacement tree(s) shall be planted prior to issuance of a Certificate of Occupancy.
- 5. 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.
- 6. 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:
 - a. 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 rights-of-way measured from their point of

intersection; and the third side being a line connecting the ends of the other two (2) lines.

- b. 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.
- 7. Curbing or wheel stops shall be provided in each parking space, which is abutting a required landscaped area.
- 8. 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.
- 9. Landscaping Installed before Certificate of Occupancy Issued.
 - a. 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.
 - b. Should circumstances prevent the planting of required landscaping prior to the time a Certificate of Occupancy is requested, the Administrator 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.

D. Lot and Setback Standards.

- 1. Lot Standards.
 - a. Corner Lots.
 - i) 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.
 - b. Flag Lots. Flag lots are permitted as long as they meet the following:
 - i) Structures located on a flag lot shall maintain primary and accessory structure setbacks as required by the applicable zoning district; however, the rear yard setback shall apply to both the front and rear property lines of the 'flag' in lieu of a traditional front-yard setback.
 - ii) Flag lots must have ownership of the 'pole,' so the lot has actual road frontage.
 - iii) The "pole" of a flag lot shall not exceed sixty (60) feet in width at any point.
 - iv) The "pole" shall be a minimum of twenty-five (25) feet for straight poles and fifty (50) feet for poles that change direction between thirty degrees (30°) and

ninety degrees (90°). A larger minimum pole width may be required for directional changes in excess of those listed above.

- v) The area of the “flag” shall meet the minimum lot area as required by the applicable zoning district. The area of the “pole” shall not be included when calculating minimum lot size.
- vi) The “pole” shall not cross a stream, ravine, ditch, watercourse, or similar topographical feature without provisions for an adequate drainage structure, fill and culvert, to convey storm water runoff as it currently enters and exits the property.
- vii) The “pole” shall have as direct of a path as possible to the flag.
- viii) Before a flag lot is created, the remaining parent parcel shall maintain two hundred (200) feet of road frontage, or a Variance will be required.

2. Setback Standards.

a. Projections into Setback Area.

- i) 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:
 - a) Roof overhang not exceeding twenty-four (24) inches
 - b) Window awning
 - c) Air Conditioner/heat pump

b. Average Building Setback.

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

c. Setbacks from County Streets.

- i) In zoning districts where the front yard setback is measured from the centerline of the county street, any county street with four (4) 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.

E. Parking Standards.

1. The provisions of this section shall apply to the following improvements:
 - a. Construction of any new principal structure.
 - b. Construction of any addition to a principal structure.
 - c. Construction or expansion of a parking area.
 - d. Change of use.
2. Parking areas shall be maintained and continued as a component of use on the same lot or an adjacent lot as the principal use.
3. No parking space required for a principal use shall be utilized or included as satisfying the requirements for another principal use.
4. When more than one (1) use occupies a building, the total number of required parking spaces shall be the sum of the parking spaces required for each individual use.
5. 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.
6. 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.
7. 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.
8. Parking space requirements for uses not identified in this section shall be established by the Administrator by reasonably applying the parking space requirements of a similar use to the intended use.
9. All parking areas shall be constructed with a hard surface utilizing concrete or asphalt with the following exceptions:
 - a. Within the M-1 district, driveways and parking areas, for permitted uses, may be maintained in a stoned surface.
 - b. Within the A, SR, and R-2 districts, driveways and parking areas for permitted uses may be maintained in a stoned surface.
 - c. Within the M-2 and M-3 district, parking areas may be maintained in a stoned surface.
10. Parking areas shall be continually maintained in satisfactory condition and be free of any hazard, nuisance, and accumulation of debris or other unsafe condition.

11. Handicapped parking spaces shall be provided as required by the Indiana Handicapped Accessibility Code.
12. Access directly from a street into a parking space shall only be permitted for a single-family or two-family residence.
13. Each parking space shall be accessible without having to drive over any other parking space, except for single-family or two-family residences.
14. 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.
15. Safe and direct pedestrian access shall be provided between a building and its required parking area.
16. 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.
17. 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.
18. Parking areas shall be designed so as not to interfere with traffic circulation or queuing movements.
19. No required parking space shall be located within a right-of-way.
20. Lighting of parking areas shall be arranged so that no source of lighting is directed toward any adjoining property or street.
21. Striping shall be utilized on parking areas to demarcate the location of parking spaces.
22. The minimum size of any parking space shall be nine (9) feet in width by eighteen (18) feet in depth.

23. Drive-thru establishments shall adhere to the following additional requirements:
- 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.
 - If a one-way traffic flow pattern is provided for the parking area, a twelve (12) foot wide bypass lane shall be provided.
 - Each queuing space shall be a minimum of nine (9) feet by eighteen (18) feet.
 - The minimum number of queuing spaces, including the vehicle being served, shall be provided as follows:

REQUIRED QUEUING SPACES	
Use	Spaces Required
Financial Institution	4
Restaurant (before menu board)	4
Car Wash/Oil Change Facility	3

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

REQUIRED PARKING AISLE WIDTH		
Angle of Parking	Aisle Width	
	One-way	Two-way
Parallel	12	24
45°	14	24
60°	16	24
90°	24	24

25. The following parking spaces shall be provided for the uses indicated:

REQUIRED PARKING SPACES	
Use	Spaces Required
Residential Dwelling	<ul style="list-style-type: none"> • 2 spaces/unit
House of Worship	<ul style="list-style-type: none"> • 1 space per every 3 seats, or • If no fixed seating is provided, 1 space per every 25 square feet of floor area within the main auditorium
Club Lodge Community Center	<ul style="list-style-type: none"> • 1 space per every 100 square feet of gross floor area
Elementary School Middle School High School	<ul style="list-style-type: none"> • 1 space per classroom, plus • 1 space per 200 square feet of office space, plus • 1 space per 4 seats in auditorium/gymnasium area, plus • 1 space per 200 square feet of office space • For high schools, add 1 space per 6 students based on maximum enrollment
Child Care Center	<ul style="list-style-type: none"> • 1 space per every 200 square feet of gross floor area, plus • 2 drop off zone spaces
Nursing Home	<ul style="list-style-type: none"> • 1 space per every 3 patient beds
Funeral Home	<ul style="list-style-type: none"> • 1 space per every 4 seats in the chapel area, plus • 1 space per every 1,000 square feet of gross floor area
Vocational School Trade School	<ul style="list-style-type: none"> • 1 space per every 100 square feet of gross floor area
Library	<ul style="list-style-type: none"> • 1 space per every 300 square feet of gross floor area
Hospital	<ul style="list-style-type: none"> • 2 spaces per patient bed
Convenience Store	<ul style="list-style-type: none"> • 1 space per every 180 square feet of gross floor area
Restaurant Bar	<ul style="list-style-type: none"> • 1 space per every 60 square feet of gross floor area
Hotel Motel	<ul style="list-style-type: none"> • 1.25 spaces per guest room, plus • Any ancillary uses shall have parking provided in accordance with the requirements for the specific use
Movie Theater	<ul style="list-style-type: none"> • 1 space per every 3 seats
Motor Vehicle Dealer	<ul style="list-style-type: none"> • 1 space per every 200 square feet of gross floor area devoted to offices, display areas, and customer service areas, plus • 1 space per every 1,000 square feet of gross floor area devoted to vehicle servicing and repair, body shop, parts, and similar uses
Manufacturing	<ul style="list-style-type: none"> • 1 space per every 1,000 square feet of gross floor area
Golf Course	<ul style="list-style-type: none"> • 30 spaces for every 9 holes
Miniature Golf	<ul style="list-style-type: none"> • 1.5 spaces per hole
Swimming Pool	<ul style="list-style-type: none"> • 1 space per 4 persons based on maximum design capacity
Racetrack	<ul style="list-style-type: none"> • 1 space per 4 sitting spaces
Amusement Park	<ul style="list-style-type: none"> • 1 square foot of parking area for every 1 square foot of activity area
Shooting Range	<ul style="list-style-type: none"> • 2 spaces per shooting station, plus • 1 space per every 200 square feet of clubhouse/office area
Retail Establishments Service Establishments	<ul style="list-style-type: none"> • 1 space per every 200 square feet of gross floor area
Warehouse Storage Units	<ul style="list-style-type: none"> • 1 space for every 50 storage units, plus • 1 space for every 300 square feet of office space

- a. Parking Requirements Met before Certificate of Occupancy Issued.
 - i) 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.
 - ii) Should circumstances prevent the completion of the parking area prior to the time a Certificate of Occupancy is requested; the Administrator 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.
 - iii) Additional Requirements: All commercial, industrial, and institutional uses shall be required to designate parking areas as being for “staff,” “visitor/customer,” and “handicapped” for review by the Administrator at the time of Development Plan review.

F. Pond Standards.

- 1. 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 jurisdiction.
- 2. Authority. The Administrator and the Surveyor are hereby authorized and directed to administer and enforce all the provisions of this section as applicable.
- 3. Application and Interpretation. Whenever any words or phrases used herein are not defined herein but are defined in other applicable 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.
- 4. Permit Required. No pond shall be constructed, or increased in size, without a permit issued by the Administrator. Said permit shall be issued only in conformity with the provisions of this UDO. The following information shall be submitted with the application for a pond permit:
 - a. Site plan of the property showing the location of the proposed pond, including:
 - i) The proposed distance the pond will be from all property lines (as measured in accordance with Section 5: Minimum Standards below).
 - ii) The direction of the flow of water prior to the construction of the pond.
 - iii) The size, location, and elevation of the outlet pipe, and the direction of the flow of water exiting the property.
 - iv) 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.
 - b. The respective permit fee shall be paid when the permit is issued.

- c. Permits shall be valid for one (1) year after the date of issuance.
5. Minimum Standards.
- a. All ponds shall adhere to the following setbacks from property lines:
 - i) Seventy-five (75) feet from the centerline of all county roads (high water level).
 - ii) Sixty (60) feet from the right-of-way line of all state and federal roads (high water level).
 - iii) Thirty-five (35) feet from the centerline of all county roads (excavating/site work).
 - iv) Thirty (30) feet from the right-of-way line of all state and federal roads (excavating/site work).
 - v) Ten (10) feet from all other property lines.
 - b. 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.
 - c. 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.
 - d. In no case shall the direction or volume of water exiting the property be permanently altered due to the construction of the pond.
 - e. The 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 Surveyor's Office will be contacted and will give final approval of the newly constructed pond.
 - f. Ponds are prohibited from being located on or within designated primary and/or secondary on-site sewage (OSS) systems. Designated primary and/or secondary OSS sites will be located and verified by a licensed Soil Scientist as a suitable site and mapped on a survey by a licensed Land Surveyor with distances to the property lines. Pond permits will not be issued without providing documentation of suitable primary and/or secondary sites.
6. Variance Procedures.
- a. Variances from the minimum requirements of this section may be made administratively, provided the following representatives unanimously agree to the variance request in writing:
 - i) A representative of the Department of Community Development,

- ii) A representative of the Surveyor's Office,
 - iii) A representative of the County Highway Department,
 - iv) A representative of the landowner for the pond site, and
 - v) A representative of the adjoining landowner(s) (if and only if the variance is along an adjoining landowner's tract).
 - b. If all of the above-mentioned representatives do not unanimously agree with the variance request, then an application for Variance may be filed in accordance with Section 4.2.D: Special Exception and Variance Process.
 - i) A letter from the Surveyor stating their recommendation on the proposed variance request shall be filed with the application.
7. Inspections.
- a. The Surveyor's Office shall be notified by the owner and/or excavation contractor when work commences on the construction of a pond to ensure compliance with the requirements set forth in this section.
 - b. 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.

G. Sign Standards.

- 1. General.
 - a. General Sign Standards.
 - i) All signs shall be constructed and maintained in conformance with this section, the Building Code, and all other applicable codes and ordinances.
 - ii) 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.
 - iii) In the instance where a sign is composed of letters only with no connection by the 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.
 - iv) The minimum clearance of a sign shall be based upon the lowest point of the sign and the established grade at the sign.
 - v) 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.

- vi) Except as provided in Section 2.2.G: Sign Standards, no person shall erect, install, place, relocate, or alter any sign or advertising structure without first obtaining a sign permit from the Administrator.
- vii) The following types of signs may be erected without a permit, subject to all requirements of the zoning district in which they are located and all other applicable requirements:
 - a) Awning
 - b) Banner
 - c) Bulletin Board
 - d) Temporary Ground Sign
 - e) Incidental
 - f) Temporary Ground Sign
 - g) Roof
 - h) Window
- b. Applications for sign permits shall be submitted to the Administrator in accordance with Section 4.3.H: Improvement Location Permits and contain the following information:
 - i) 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.
 - ii) 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.
- c. Sign permits shall be reviewed and issued in accordance with Section 4.3.H: Improvement Location Permits.
- d. No sign 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:
 - i) 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.

- ii) 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.
- e. In the instance where a variance of use is approved, the signage requirements may be established by the BZA as a condition of approval. If no signage requirements are established by the BZA, the requirements established within the district where the use is located shall apply.
- f. It shall be a violation of this section to erect, install, place, or maintain the following signs:
 - i) Any sign which is not specifically permitted under the applicable zoning district.
 - ii) Any sign, 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.
 - iii) Any sign (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.
 - iv) Any sign erected on county, town, or other governmental property other than signs erected by the governmental entity for public purposes.
 - v) Any sign 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.
 - vi) Any sign 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 percent (20%) of that door. The rear of a building is that side of a building opposite from the principal or main entrance to a building.
 - vii) Abandoned sign, provided the sign has been abandoned for a minimum of one hundred twenty (120) days.
 - viii) Illegal sign.

- ix) Any sign not specifically or by reasonable implication permitted herein.
- g. Except as identified below, all permitted signs shall be erected or installed in accordance with the applicable zoning district regulations.

STANDARDS FOR SIGNS THAT DO NOT REQUIRE A PERMIT	
Sign Type	Regulations
Awning	<ul style="list-style-type: none"> • Max Area: per the subject zoning district
Banner	<ul style="list-style-type: none"> • Max Quantity: 2 signs per lot • Max Duration: 30-day time period with at least 60 days before reinstallation
Bulletin Board	<ul style="list-style-type: none"> • Max Quantity: 1 per lot • Max Area: 12 square feet • Max Height: 6 feet • Min Setback from Street: 10 feet
Temporary Ground Sign	<ul style="list-style-type: none"> • Max Quantity: 1 per lot • Min Setback from Street: 10 feet • Residential Districts <ul style="list-style-type: none"> Max Area: 32 square feet Max Height: 8 feet • All Other Districts <ul style="list-style-type: none"> Max Area: 50 square feet Max Height: 10 feet
Incidental	<ul style="list-style-type: none"> • Max Area: cumulative 12 square feet
Portable Sign	<ul style="list-style-type: none"> • Max Quantity: 1 per lot • Min Setback from Street: 5 feet
Projecting Sign Roof Sign	<ul style="list-style-type: none"> • Max Area: per building signs in the subject district
Political Sign	<ul style="list-style-type: none"> • Signs erected in accordance with IC 36-1-3-11.

2. Sign Standards by District.

a. Agricultural (A) District.

SIGN STANDARDS: A DISTRICT		
Permitted Sign Types:		<ul style="list-style-type: none">• Bulletin Board• Temporary Ground Sign
Illumination:		<ul style="list-style-type: none">• Non-illuminated
Standards for Sign Type when Use is Permitted by Special Exception		
	Building sign	<ul style="list-style-type: none">• Limited to 2 per building• Maximum copy area 60 square feet
	Pedestal sign	<ul style="list-style-type: none">• Limited to 1 per lot• Maximum copy area 36 square feet• Minimum 10-foot setback from all lot lines• Maximum height 8 feet

b. Residential Districts.

SIGN STANDARDS: SR, R-2, & R-4 DISTRICTS		
Permitted Sign Types:	<ul style="list-style-type: none">Bulletin BoardTemporary Ground Sign	
Illumination:	<ul style="list-style-type: none">Non-illuminated	
Standards for Sign Type when Use is Permitted by Special Exception		
	Building sign	<ul style="list-style-type: none">Limited to 2 per buildingMaximum copy area 60 square feet
	Pedestal sign	<ul style="list-style-type: none">Limited to 1 per lotMaximum copy area 36 square feetMinimum 10-foot setback from all lot linesMaximum height 8 feet

SIGN STANDARDS: R-8, R-20, AND RMH DISTRICTS		
Permitted Sign Types:		<ul style="list-style-type: none">• Bulletin Board• Temporary Ground Sign
Illumination:		<ul style="list-style-type: none">• Non-illuminated
Standards for Sign Type when Use is Permitted by Special Exception		
	Building sign	<ul style="list-style-type: none">• Limited to 2 per building• Maximum copy area 60 square feet
	Pedestal sign	<ul style="list-style-type: none">• Limited to 1 per lot• Maximum copy area 36 square feet• Minimum 10-foot setback from all lot lines• Maximum height 8 feet

c. Business Districts.

SIGN STANDARDS: LB DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Ground 	<ul style="list-style-type: none"> • Incidental • Pedestal • Portable • Projecting • Wall • Window
Standards for Sign Type		
	Building sign	<ul style="list-style-type: none"> • Limited to 2 per building • Maximum copy area 60 square feet
	Ground sign Pedestal sign	<ul style="list-style-type: none"> • Limited to 1 per lot • Maximum copy area 36 square feet • Minimum 5-foot setback from all lot lines • Maximum height 8 feet

SIGN STANDARDS: GB DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Elevated • Ground 	<ul style="list-style-type: none"> • Incidental • Off-premise • Pedestal • Portable • Projecting • Roof • Wall • Window
Standards for Sign Type		
	Building sign	<ul style="list-style-type: none"> • 1.5 square feet per each linear foot of building width or tenant space width
	Free-standing sign (with 1 occupant/use on lot)	<ul style="list-style-type: none"> • 1 sign permitted • Maximum height of 30 feet • Shall not exceed 0.30 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines
	Free-standing sign (with 2 or more occupants/uses on lot)	<ul style="list-style-type: none"> • 1 sign, unless such development has frontage on 2 or more streets, excluding alleys, whereby 2 signs may be permitted. • Maximum height of 30 feet • Shall not exceed 0.30 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines
	Off-premise sign	<ul style="list-style-type: none"> • 1 sign permitted per lot • Maximum height of 30 feet • Shall not exceed 0.30 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines • Minimum separation distances: 500 feet from dwelling unit, platted residential lot, house of worship, or school; 300 feet from other off-premise signs

SIGN STANDARDS: AB DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Elevated 	<ul style="list-style-type: none"> • Ground • Incidental • Off-premise • Pedestal • Portable • Projecting • Roof • Wall • Window
Standards for Sign Type		
	Building sign	<ul style="list-style-type: none"> • Shall not exceed 1.5 square feet per linear foot of building width or tenant space width
	Free-standing sign (with 1 occupant/use on lot)	<ul style="list-style-type: none"> • 1 sign permitted • Maximum height of 60 feet • Shall not exceed 0.40 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines
	Free-standing sign (with 2 or more occupants/uses on lot)	<ul style="list-style-type: none"> • 1 sign, unless such development has frontage on 2 or more streets, excluding alleys, whereby 2 signs may be permitted. • Maximum height of 60 feet • Shall not exceed 0.40 square foot per linear foot of lot frontage
	Off-premise sign	<ul style="list-style-type: none"> • 1 sign permitted per lot • Maximum height of 60 feet • Shall not exceed 0.40 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines • Minimum separation distances: 500 feet from dwelling unit, platted residential lot, house of worship, or school; 300 feet from other off-premise signs

SIGN STANDARDS: CB DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Elevated 	<ul style="list-style-type: none"> • Ground • Incidental • Pedestal • Portable • Projecting • Roof • Wall • Window
Standards for Sign Type when Use is Permitted by Right		
	Building sign	<ul style="list-style-type: none"> • Shall not exceed 1.5 square feet per linear foot of building width or tenant space width
	Free-standing sign	<ul style="list-style-type: none"> • 1 sign permitted • Maximum height of 20 feet • 30 square feet or 0.30 square foot per each foot of linear lot frontage, whichever is greater

d. Manufacturing Districts.

SIGN STANDARDS: M-1, M-2, AND M-3 DISTRICTS		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Elevated 	<ul style="list-style-type: none"> • Ground • Incidental • Off-premise • Pedestal • Portable • Projecting • Roof • Wall • Window
Standards for Sign Type when Use is Permitted by Right		
	Building sign	<ul style="list-style-type: none"> • Shall not exceed 1.5 square feet per linear foot of building width or tenant space width
	Free-standing sign	<ul style="list-style-type: none"> • 1 sign permitted • Maximum height of 30 feet • Shall not exceed 0.30 square foot per linear foot of lot frontage • Minimum 5-foot setback from all lot lines
	Off-premise sign	<ul style="list-style-type: none"> • 1 sign permitted per lot • Maximum height of 30 feet • M-1 and M-2: Shall not exceed 0.30 square foot per linear foot of lot frontage • M-3: Maximum copy area of 675 square feet • Minimum 5-foot setback from all lot lines • Minimum separation distance: 500 feet from dwelling unit, platted residential lot, house of worship, or school; 300 feet from other off-premise signs

e. Airport (AZ) District.

SIGN STANDARDS: AZ DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Banner • Bulletin Board • Temporary Ground Sign • Elevated 	<ul style="list-style-type: none"> • Ground • Incidental • Pedestal • Portable • Projecting • Roof • Wall • Window
Standards for Sign Type when Use is Permitted by Right		
	Building sign	<ul style="list-style-type: none"> • Maximum copy area 100 square feet
	Free-standing sign	<ul style="list-style-type: none"> • Maximum copy area 100 square feet • Maximum height of 15 feet • Minimum 5-foot setback from all lot lines

f. Open Space (OS) District.

SIGN STANDARDS: OS DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none"> • Awning • Bulletin Board • Temporary Ground Sign 	<ul style="list-style-type: none"> • Pedestal • Roof • Wall • Window
Standards for Sign Type when Use is Permitted by Right		
	Building sign	<ul style="list-style-type: none"> • Maximum copy area 60 square feet
	Free-standing sign	<ul style="list-style-type: none"> • Maximum copy area 100 square feet • Maximum height of 8 feet • Minimum 5-foot setback from all lot lines

g. Professional Office (POD) District.

SIGN STANDARDS: POD DISTRICT		
Permitted Sign Types:	<ul style="list-style-type: none">• Pedestal• Wall	
Prohibited Sign Types:	<ul style="list-style-type: none">• Temporary signs• Banners• Similar advertising mechanisms	
Standards for Sign Type when Use is Permitted by Right		
	Pedestal Sign	<ul style="list-style-type: none">• 1 sign permitted per street frontage• Maximum height 6 feet• Maximum copy area 40 square feet• 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.• Minimum 5-foot setback from all lot lines• Minimum 30 feet from any residentially zoned or platted property• May not be located within a sight visibility triangle, being the area of property located at a corner formed by the intersection of 2 public right-of-way lines, or by the intersection of a right-of-way line and an access way, with 2 sides of a triangle being a minimum of 20 feet in length, measured from the point of intersection, and the third side being a line connecting the ends of the other two sides
	Wall Sign	<ul style="list-style-type: none">• 1 sign permitted per tenant or occupant• Maximum copy area 9 square feet• 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.• The wall sign shall be located on the same side of the building as the main entrance.

h. Exclusive Use (EUD) Overlay District. (Reserved)

H. Structure Standards.

1. 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 2.1.21: Airport Height Restriction Overlay (AHR) District.
2. 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.
3. Building Orientation. The front of buildings shall be oriented towards the street they are addressed from whenever possible.
4. Principal Structures.
 - a. Number of Principal Residential Structures Allowed per Lot. No more than ~~two (2)~~one (1) principal residential structures are allowed per lot. ~~The second~~ An accessory dwelling may be permitted at the discretion of the Administrator and shall may either be a manufactured home, an apartment located within an accessory structure, or a similar structure ~~approved by the Administrator~~. A traditional, stick-built home shall not be allowed as a second dwelling.
5. Temporary Structures.
 - a. The following structures are identified as temporary structures:
 - i) Construction office trailer
 - ii) Structure used in conjunction with a temporary use
 - iii) Other structures similar and temporary in nature
 - b. Temporary structures are permitted as follows:
 - i) Structure shall not be maintained on the same lot for more than one hundred eighty (180) days.
 - ii) Structure shall be a minimum of twenty (20) feet from the street right-of-way line.
 - iii) Structure shall not obstruct a required vehicular parking area.

- iv) Written approval shall be obtained from the Administrator prior to constructing, erecting, or locating a structure on a lot.

I. Recreational Vehicle (RV) Standards.

1. Permanent Occupancy Prohibited. Recreational vehicles are designed only for recreational use and are not built to HUD manufactured home standards. Therefore, recreational vehicles are not permitted to be used for permanent residential occupancy outside of a campground or an RV park approved by the Indiana State Department of Health (ISDH).
2. Temporary Occupancy of RC. A recreational vehicle may only be used for recreational purposes outside of a campground or RV park provided the following conditions are met:
 - a. The RC is occupied for recreational purposes only (no permanent occupancy) and shall not exceed fourteen (14) consecutive days;
 - b. No more than one (1) RV may be occupied on a single parcel;
 - c. All development standards of the subject zoning district are met;
 - d. The RV cannot be served by or connected to permanent utilities;
 - e. No permanent structures are attached to the RV;
 - f. The RV is 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 or semi-permanently attached additions or structures).
3. Temporary Occupancy of RV During Primary Dwelling Construction. At the discretion of the Administrator or their designee, a recreational vehicle may be used for temporary occupancy only during the construction or remodel of a single-family dwelling on the same parcel provided the following requirements are met:
 - a. An ILP is obtained for placement of the RV an ILP for the single-family dwelling to be constructed on the same parcel has also been issued.
 - b. Temporary occupancy of the RV is limited to one (1) year and may be renewed once for an additional six (6) month period if construction of the dwelling has started but is not completed.
 - c. The RC shall be served by the same address, water supply, and sewage facilities serving the single-family dwelling under construction.
 - d. The RV shall not be placed on a permanent foundation and permanent structures may not be attached to the RV.
 - e. All applicable development standards of the underlying zoning district shall be met except for the minimum living area.

4.f. Occupancy of the RV is restricted to the owner of the property who is constructing the permanent dwelling and shall be discontinued immediately upon completion of the permanent dwelling.

J. Shipping Containers, Semi-tractor Trailers, and Other Non-conventional Structure Standards.

1. Prohibited Districts. Shipping containers, semi-tractor trailers, and other similar non-conventional storage structures are prohibited in all zoning districts ~~other than~~ except those specifically outlined below.
2. Permitted Districts. Shipping containers, semi-tractor trailers, and other similar non-conventional storage structures are permitted in the Agricultural (A) District, Open Space (OS) District, Light Manufacturing (M-1) District, Heavy Manufacturing (M-2) District, and Extractive Manufacturing (M-3) District provided the following standards are met:
 - a. Shipping containers and semi-tractor trailers are allowed as storage structures but shall be maintained in good repair without any rust, holes, worn paint, etc.
 - b. If the subject property is zoned M-1, M-2, or M-3 and is adjacent to property zoned for residential use or being used as residential, the storage structure shall be concealed with an eight (8) foot tall privacy fence along the side facing the residential use/zoned property.
 - c. If the subject property is zoned A, OS, M-1, M-2, or M-3, but is being used for a residential purpose, rather than manufacturing purposes, such structures are prohibited unless privacy fencing or siding is installed meeting the requirements stated in subsection b above.

K. Swimming Pool Standards.

1. Swimming pools shall adhere to the requirements of *Section 2.2.B: Accessory Structure Standards.*
2. Access to swimming pools shall be restricted as required by 675 IAC 20-4-27, as amended.

L. Utility Standards.

1. Sewage System, On-site (OSS).
 - a. Structures Prohibited within a Designated Primary and/or Secondary On-site Sewage System. BPs and ILPs will not be issued on any existing parcel in which the lot area is less than three (3) acres until primary and/or secondary OSS sites have been identified and preserved. Structures, buildings, or driveways shall not be located on a preserved Primary and/or Secondary OSS site. Existing, platted subdivisions are exempt if the Primary Plat approval was given prior to May 24, 2021. The OSS sites shall be identified by an IRSS registered Soil Scientist and mapped by a licensed Surveyor with area size and distances to the property lines.

Section 2.3 Use Standards

A. General Provisions. (Reserved)

B. Adult Business Standards.

1. Zoning District. Adult businesses are only permitted in the Exclusive Use Overlay (EUD) District.
2. Purpose and Intent. The following are provided as guidelines for the construction, interpretation, and enforcement of this section:
 - a. It is the purpose and intent of these standards to regulate sexually oriented business establishments so as to protect and promote the health, safety, and general welfare of the citizens of the jurisdiction and visitors thereto, and to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the jurisdiction.
 - b. These standards are intended to 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.
 - c. These standards are 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.
 - d. This section has neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials.
 - e. Similarly, it is not the purpose or intent of these standards 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.
 - f. Similarly, it is not the purpose or intent of these standards to impose judgment on the content or merits of any Constitutionally protected form of speech or expression.
 - g. It is the purpose of this section 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
3. Classifications. Sexually Oriented Businesses are classified as follows:
 - a. Adult Arcades;
 - b. Adult Bookstores, Adult Novelty Stores or Adult Video Stores;
 - c. Adult Cabarets;
 - d. Adult Motels;

- e. Adult Motion Picture Theaters;
 - f. Escort Agencies;
 - g. Adult Model Studios; and
 - h. Sexual Encounter Centers
4. Prohibited Locations of Any Type of Sexually Oriented Businesses.
- a. 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.
 - b. 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 one thousand (1,000) feet of an existing:
 - i) religious institution
 - ii) daycare or child care facility
 - iii) school
 - iv) public park
 - v) residential district or platted residential lot
 - vi) downtown district
 - vii) locally or nationally registered historic site or district
 - viii) areas that currently are, or within the last ten (10) years were, designated as a tax increment finance (TIF) district
 - c. 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 one thousand five hundred (1,500) feet of an existing sexually oriented business located within Huntington County.
 - d. 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 child care 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.
 - e. Also, for the purposes of Paragraph 2 above, measurement of the one thousand (1,000) foot distance shall also include religious institutions, daycare or child care

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.

- f. Also, for the purpose of Paragraph 3 above, measurement of the one thousand five hundred (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.
 - g. 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 Administrator as part of the application for an ILP. 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.
 - h. 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.
 - i. A sexually oriented business lawfully operating as a conforming use after July 2009 is not rendered a non-conforming use by the subsequent location of a religious institution, daycare or child care facility, school, public park, residential district, downtown district, locally or nationally registered historic site, or tax increment finance (TIF) district within one thousand (1,000) feet of the sexually oriented business.
 - j. 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 UDO. All repairs and remodeling must be in compliance with the current codes.
- 5. Employee Background Checks.
 - a. 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:
 - i) Sexual assault or aggravated sexual assault;
 - ii) Incest, solicitation of a child or harboring a runaway child;
 - iii) Prostitution, promoting prostitution, aggravated promotion of prostitution or compelling prostitution;

- iv) 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;
 - v) Criminal attempt, conspiracy, or solicitation to commit any of the forgoing offenses; or
 - vi) Public lewdness, obscenity, indecent exposure, public intoxication, drink solicitation, or possession of a controlled substance
- b. 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:
- i) Full legal name;
 - ii) All aliases or "stage names"
 - iii) Date of birth;
 - iv) Race;
 - v) Color of hair and eyes;
 - vi) Current place of residence and phone number;
 - vii) Indiana driver's license number;
 - viii) Social Security number;
 - ix) Color photograph of full-face view; and
 - x) Date in which the criminal background check was completed
- c. Records
- i) 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.
 - ii) 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.
 - iii) 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.
- d. For the purposes of subsection (2) above, employee or entertainment personnel commits an offense by:
- i) Providing false or deceptive information to the owner or operator of an adult oriented business; or

- ii) 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.

6. General Regulations for Sexually Oriented Businesses.

- a. 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.
- b. 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.
- c. 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.
- d. 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 Administrator per this Article.
- e. 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.
- f. 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.
- g. 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.
- h. 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.
- i. 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.
- j. 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.

7. Conduct of Employees.

- a. 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.
- b. 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.
- c. All garters shall be located mid-thigh or lower.

8. Hours of Operation.
 - a. 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:
 - i) Sunday – Thursday: 3:00 a.m. to 10:00 a.m.
 - ii) 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 Health Department.
 - b. Hours of operation may not conflict with any other federal, state, or city laws, rules, or regulations.
9. Interior of the Sexually Oriented Business
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.

10. Exterior Appearance of Sexually Oriented Business.
- a. 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.
 - b. No merchandise or activities of a sexually oriented business shall be visible from any point outside the establishment.
 - c. 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 UDO 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:
 - i) The enterprise is part of a commercial multi-unit center; and
 - ii) 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.
11. Sign Regulations. These sign regulations are in addition to those for the underlying zoning district. In event of conflict, the more restrictive shall apply.
- a. 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 eighteen (18) inches in height and twenty-four (24) inches in width, easily visible and legible to all persons prior to entry into the establishment, with all letters at least one-half ($\frac{1}{2}$) inch in height and three-quarters ($\frac{3}{4}$) 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”

b. Exterior Signage

- i) 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.
- ii) A primary sign may have no more than two display surfaces. Each display must:
 - a) Not contain flashing lights;
 - b) Be a flat plane, excluding the lettering; and
 - c) Be rectangular in shape
- iii) A secondary sign may have only one display surface. The display surface must:
 - a) Not contain any flashing lights;
 - b) Be a flat plane, excluding the lettering;
 - c) Be rectangular in shape; and
 - d) Be affixed or attached to a wall or door of the establishment
- iv) 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:
 - a) "Adult Arcade"
 - b) "Adult Bookstore, Adult Novelty Store or Adult Video Store"
 - c) "Adult Cabaret"
 - d) "Adult Motel"
 - e) "Adult Motion Picture Theater"
 - f) "Escort Agency"
 - g) "Adult Model Studio"
 - h) "Sexual Encounter Center"
- v) 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.

12. Additional Regulations for Adult Entertainment Cabarets
 - a. 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.
 - b. 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.
 - c. 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.
 - d. An operator commits an offense if the operator fails to display the signs of the interior of the premises as required by this Article.
 - e. 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.
13. Additional Regulations for Escort Agencies
 - a. An escort agency shall not employ any person under the age of eighteen (18) years of age.
 - b. 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.
14. Additional Regulations for Outcall Businesses
 - a. 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.
 - b. 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.
15. Additional Regulations for Nude Modeling Businesses. In addition to those offenses set forth, citation may be issued for the following:
 - a. An operator shall not employ any person under the age of eighteen (18) years of age for the purpose of acting as a live nude model for customers.
 - b. 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.

- c. 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 cannot be viewed from the public right-of-way.
 - d. 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.
 - e. 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.
 - f. 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.
16. Additional Regulations for Adult Theaters and Adult Motion Picture Theaters.
- a. An operator shall not employ 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.
 - b. 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.
 - c. 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.
 - d. 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.
17. Additional Regulations for Adult Motels
- a. Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two (2) 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.
 - b. 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 subleases a sleeping room to a person and, within ten (10) hours from the time the room is first rented, he/she rents or subleases the same sleeping room again.

18. Additional Regulations for Adult Arcades

a. View from manager's Station

- i) If an adult arcade or adult mini-theater has one (1) manager's station designated pursuant to this section, 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 section, 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.
- ii) 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 section.

b. Wall penetrations

- i) 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.
- ii) 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.

- c. Lighting
 - i) 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.
 - ii) 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.
 - iii) 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.
- 19. Display of Sexually Explicit Material to Minors
 - a. 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:
 - i) Human sexual intercourse, masturbation, or sodomy;
 - ii) Fondling or other erotic touching of human genitals, buttocks, or that portion of the female breast below the top of the areola; or
 - iii) Human male genitals in a discernibly turgid state, whether covered or uncovered.
 - b. In this section “display” means to locate an item in such a manner that, without obtaining assistance from an employee of the business establishment:
 - i) It is available to the general public for handling and inspection; or
 - ii) The cover or outside packaging on the item is visible to members of the general public.
- 20. Enforcement. Any local enforcement personnel may enforce the provisions of this Article. Additionally, the local police department may enforce applicable laws, statutes, 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.
- 21. 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.

22. 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.

C. Home Occupations.

1. 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 (2) classes of home occupations are established based upon the intensity of the home occupation: Type I and Type II. 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.
2. Home Occupations. Home occupations shall not be permitted except in compliance with this UDO and other applicable law.
3. 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 Administrator on forms provided by the Department. The Administrator shall review the application and classify the proposed home occupation as a Type I or II based upon:
 - a. The established standards for Type I and Type II Home Occupations described in Sections 4 and 5 below; and
 - b. General planning and zoning standards established by this UDO.
4. Type I Home Occupation.
 - a. The following standards are applicable to all Type I Home Occupations:
 - i) No person other than residents of the dwelling unit on the subject premises named in the application shall be engaged in such home occupation.
 - ii) No more than twenty percent (20%) of the total gross floor area of the said dwelling unit shall be used for such home occupation.
 - iii) No outdoor storage or display of products, equipment, or merchandise is permitted.
 - iv) No retail sales shall be conducted on the premises.
 - v) The residential address of the home occupation may be utilized for identification and billing purposes only.
 - vi) Exterior evidence of the conduct of a home occupation is not permitted.
 - vii) The home occupation shall be conducted exclusively within the dwelling unit or accessory structure.

- viii) 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.
 - ix) 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.
 - x) No specific outside entrance or exit for the home occupation shall be permitted.
 - xi) Signage identifying the home occupation shall comply with the development standards of the applicable zoning district.
 - xii) 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.
- b. The following uses are examples of home occupations which may be classified as a Type I:
- i) Telephone answering and solicitation
 - ii) Home crafts
 - iii) Computer programming, desktop publishing
 - iv) Typing or secretarial service
 - v) Painting, sculpturing, or writing
 - vi) Dressmaking, sewing, or tailoring
 - vii) Drafting, surveying service
 - viii) Consulting services
 - ix) Mail order business, not including retail sales from site
 - x) Sales representative, office only
5. Type II Home Occupation.
- a. The following standards are applicable to all Type II Home Occupations:
- i) 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.
 - ii) No more than twenty-five percent (25%) of the total gross floor area of the dwelling unit shall be used for such home occupation.

- iii) No outdoor storage or display of products, equipment or merchandise is permitted.
 - iv) Retail sales are permitted only as an accessory use to the primary home occupation. (e.g., beauty salon can sell shampoo and beauty products.)
 - v) Signage identifying the home occupation shall comply with the development standards of the applicable zoning district.
 - vi) The home occupation shall be conducted exclusively within the dwelling unit or an accessory structure.
 - vii) 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.
 - viii) 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.
 - ix) 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 BZA may require additional off-street parking based upon the use and location of the property.
 - x) 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.
- b. The following uses are examples of home occupations, which may be classified as a Type II:
- i) Attorney office
 - ii) Insurance sales or broker
 - iii) Real estate sales or broker
 - iv) Jewelry repair
 - v) Shoe repair
 - vi) Carpentry, cabinetmakers
 - vii) Ceramics, which involve the use of a kiln
 - viii) Medical or dental office
 - ix) Catering or food preparation
 - x) Pet grooming service
 - xi) Barber or beauty shop

xii) Photo developing, photo studio

xiii) Appliance repair facility

6. General Provisions. All home occupations shall conform to the following standards:
 - a. Approval of a home occupation is not transferable to a location other than that which was approved.
 - b. 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.
 - c. 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.
 - d. The Administrator, in the case of an Administrative Permit for a Type I Home Occupation, or the BZA 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.
 - e. Administrative Permits issued by the Administrator or Special Exception Permits issued by the BZA, may be revoked by the issuing authority for cause after reasonable notice to the permittee and opportunity for a hearing on the matter.
 - f. 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.
7. Permit Review Process. Applications for a home occupation shall be reviewed as follows:
 - a. Application filed, with authorization from property owner.
 - b. Review of application by Administrator to determine classification as a Type I or Type II.
 - c. If classified as a Type I:
 - i) Administrator can approve or deny the application.
 - ii) If approved, a permit for the home occupation shall be issued.
 - iii) The Administrator may impose reasonable conditions as part of the approval.
 - iv) The applicant may appeal the Administrator's decision to the BZA if the 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 Administrator's determination of the permit.
 - d. If classified as a Type II, the application shall be reviewed and treated as a Special Exception request.

- e. The standards set forth in Sections 4, 5, and 6 above shall be incorporated as minimum conditions of approval.
 - 8. Enforcement. In the event the Administrator determines that the operation of any home occupation is in violation of the provisions of this UDO 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 4.4: Enforcement, Violations, and Remedies*.
- D. Incinerator.
- 1. Requirements.
 - a. No building shall be located within one hundred (100) feet of any lot line.
 - b. Minimum Lot Size - Two (2) acres
- E. Livestock Operations Standards.
- 1. Purpose and Intent. It is the purpose and intent of this section to provide for livestock operations within the jurisdiction. Two (2) 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.
 - 2. Application for Livestock Operation.
 - a. An application for livestock operation approval shall be submitted on a form provided by the Administrator.
 - b. The application form shall be submitted to the Administrator along with the following information:
 - i) A site plan of the property:
 - a) The boundaries, dimensions, and total gross acreage of the property;
 - b) The location and setback from property lines of all existing and proposed buildings, confinement areas, pits, ponds, lagoons, holding tanks, and wells;
 - c) The location of existing easements, watercourses, county drains, well and septic tank locations; and other important physical features on the property;

- d) The location of the property in relation to the surrounding road system;
 - ii) 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.
 - iii) A site plan showing the boundaries of the property and the land application areas for waste, including dimensions and total acreage.
 - iv) A waste management plan, which shall include a proposal for the storage and disposal of waste.
 - v) Any additional information requested by the Administrator, which relates to compliance review.
- c. Application Review. Application for a livestock operation shall be reviewed by the Administrator as follows:
- i) Classification as a minor livestock operation or intensive livestock operation shall be made based upon the definitions described in Sections d and e below.
 - ii) Compliance with the provisions of Section f below.
 - iii) If the provisions of this section are adhered to, and if all required and requested information is submitted, the Administrator can issue a minor livestock operation permit for those operations classified as minor, or intensive livestock operation permit for those operations classified as intensive.
 - iv) The standards set forth in Section f below 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:
- i) 10 finishing hogs; or
 - ii) 4 sows; or
 - iii) 1 cow; or
 - iv) 25 nursery pigs (under 40 lbs.); or
 - v) 2 feeder cattle; or
 - vi) 2 heifers (replacement); or
 - vii) 100 turkeys; or
 - viii) 150 laying hens; or
 - ix) 150 pullets; or

- x) 150 broilers; or
- xi) 5 veal calves; or
- xii) 5 sheep; or
- xiii) 5 goats; or
- xiv) 4 horses; or
- xv) Limits for other livestock not enumerated herein shall be determined by the Administrator based upon type or size of livestock.

e. Intensive Livestock Operation

- i) 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 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
- ii) 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 (100), 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 d above, then the operation is a minor livestock operation.

f. General Provisions.

- i) 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.
- ii) 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
- iii) 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;
- iv) 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.
- v) 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.
- vi) All new dwelling units, commercial buildings, industrial buildings, and public buildings shall adhere to the separation distances listed in Section f, subsections ii, iii, and v above.
- vii) 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.
- viii) A pit, pond, or lagoon is considered existing on a site if an ILP, which remains valid, has been issued; or the pit, pond, or lagoon exists on the property.
- ix) 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) 1 acre for each 45-nursery pigs;
 - 2) 1 acre for each 11 sows;
 - 3) 1 acre for each 20 finishing hogs;
 - 4) 1 acre for each 5-feeder cattle;
 - 5) 1 acre for each 6 heifers (replacement);
 - 6) 1 acre for each 300 turkeys, ducks, geese
 - 7) 1 acre for each 15 veal calves;
 - 8) 1 acre for each 3 cows;

- 9) 1 acre for each 450 laying hens;
 - 10) 1 acre for each 590 pullets;
 - 11) 1 acre for each 690 broilers;
 - 12) 1 acre for each 10 horses;
 - 13) 1 acre for each 20 sheep or goats.
 - 14) Limits for other livestock not enumerated herein shall be determined by the Administrator by comparing body weight and animal wastes with those, which are enumerated.
- b) Fifty percent (50%) 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 Administrator 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 Administrator. 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 IDEM and EPA.
 - e) All pits, ponds, and lagoons shall receive local approval from Huntington County and be engineered and constructed to 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 the Administrator that meets IDEM and EPA standards.
- g. Requirements for Existing Livestock Operations
- i) 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 UDO, 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 UDO, shall require compliance with the regulations of this UDO.
 - ii) It is the responsibility of the livestock operator to assure all information on file with the Administrator regarding their operation is accurate.
- h. Access to Property/Inspections. The Administrator 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 Administrator may be appealed to the County BZA in accordance with applicable law.

F. Manufactured Housing Standards.

- 1. It is the intent of this section to allow manufactured housing provided the development standards of the applicable district and this section are complied with.
- 2. Compliance with Standards.
 - a. A manufactured home, which complies with the following development standards is permitted on a lot the same as a site-built dwelling unit:
 - i) Constructed after June 15, 1976.
 - ii) Placed onto a permanent foundation in conformance with the *Indiana One- and Two-Family Dwelling Code*.
 - iii) Siding consisting of at least one (1) of the following materials is utilized:
 - a) Aluminum
 - b) Vinyl
 - c) Wood
 - d) Stucco
 - e) Brick
 - f) Stone
 - iv) Has a roof with a minimum pitch of two-to-twelve (2:12), consisting of at least one (1) of the following materials:
 - a) Asphalt
 - b) Tile
 - c) Slate
 - d) Wood Shake
 - v) Ground floor area, which meets or exceeds the minimum standard established within the applicable district.
 - vi) Building width in compliance with Section 2.2.H.2: Building Width.
 - b. Dwelling units meeting the above development standards are classified as Manufactured Homes Type I.
- 3. Variance Approvals:

- a. A manufactured home not meeting the requirements of subsection b above, requires a Variance from the BZA. Regardless of BZA approval, the following standards shall be met:
 - i) All wheels, axles, and hitch mechanisms shall be removed.
 - ii) A permanent foundation, skirting, or opaque perimeter enclosure shall be provided.
 - iii) Dwelling shall be anchored to the ground in compliance with the *Indiana One- and Two-Family Dwelling Code*.

G. Recycling Facility.

- 1. Requirements.
 - a. No building shall be located within one hundred (100) feet of any lot line
 - b. Minimum Lot Size - Two (2) acres

H. Salvage Yard.

- 1. Requirements.
 - 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) linear feet of frontage along any street adjacent to the salvage yard. These trees shall be located between the street and the screening.

I. Sanitary Landfill.

- 1. Requirements.
 - 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, the 150-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) linear feet of frontage along any street adjacent to the landfill. These trees shall be located within the one hundred fifty (150) foot buffer.

2. Application. As part of an application for a sanitary landfill, the Administrator may require the submittal of:
- i) 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 clearly indicate the orderly development of the operation and completion of the sanitary landfill.
 - ii) 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
 - iii) Traffic impact analysis
 - iv) Identification of streets to be used as haul routes for transportation of product

v) Market study or need assessment showing need within the County for the use

vi) Air quality impact analysis

vii) Erosion control plan

J. Solar Energy System (SES) Standards.

1. Purpose and Intent.

a. The purposes of this ordinance are:

- i) to ensure that the development and production of solar-generated electricity in Huntington County is safe, effective and in accordance with State and Federal guidelines;
- ii) to support and facilitate economic opportunities for local residents that are consistent with public health, safety, and general welfare; and
- iii) to promote the effective and efficient use of solar energy production.

b. It is the intent of this 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. While the provisions of this Ordinance are part of the UDO and adopted pursuant to IC 36-7-4, it is the intent of the Board of Commissioners of Huntington County, Indiana, that the provisions of this Ordinance that do not specifically involve where a Solar Energy System can be located are further adopted pursuant to Huntington County's general police powers for the health, safety, welfare and benefit of the citizens of Huntington County, Indiana, and all such provisions that deal with how an SES must be operated shall be deemed a duplicate ordinance adopted independently of the UDO to the extent permitted by Indiana law.

- 2. Applicability. The provisions of this ordinance are applicable to the Renewable Energy District. All Solar Energy Systems (SES's) will require Development Plan approval.
- 3. Compliance Required. No applicant shall construct, operate, locate, or enlarge a Solar Energy System (SES) or Battery Energy Storage System (BESS) within Huntington County without first obtaining Development Plan approval and must fully comply with the provisions of this ordinance
- 4. 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. This ordinance No. 2025-08 shall replace and terminate the June 17, 2024, Solar Energy System, Solar Moratorium (the

“Moratorium”) passed by the Huntington County Commissioners,, which repealed the prior version of Chapter 2, Section 2.3J of the UDO in its entirety, deleted the definitions of “Solar Energy Facility, Large” and “Solar Energy Facility, Medium” under Chapter 6 of the UDO, and removed Solar Energy Systems (SES) as a permitted use in all zoning districts. . The replacement and termination of the Moratorium shall not be interpreted or deemed to reinstate the provisions of the UDO terminated or removed by the Moratorium.

5. Severability Clause. Should the courts declare any section, subsection, paragraph, subparagraph, clause, word, or provision of this ordinance 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.
6. Application for Rezoning of Property. An application for rezoning to an RE district must be submitted to the Huntington County Plan Commission and follow the rules of procedure of the Plan Commission and the Indiana Code regarding a rezoning application.
7. Exemptions SES that has vested under IC 36-7-4-1109, prior to the effective date of this Article shall not be required to meet the terms and conditions of this Ordinance regarding the approval of development standards but shall meet the terms of UDO in effect when vesting occurred. The developer or owner of a vested SES under IC 36-7-4-1109, however, is encouraged to adhere to the development standards of this Section 2.3(J). Any physical modification to an existing SES whether existing prior to the effective date of this Section 2.3(J) that materially alters the SES shall require new approvals under this Ordinance, including a new Development Plan approval for all changes. Routine maintenance or like-kind replacements do require a permit under this Ordinance. A SES that loses its status as vested due to the lapse of time as provided in IC 36-7-4-1109 shall be required to comply with this Section 2.3(J) and the UDO.
8. Permitted Use. Solar Energy Systems or SES are a Permitted use only within the zoning districts shown as “Permitted” in the relevant Permitted Use Tables or as otherwise specifically provided herein
9. Approval Agency. The Plan Commission shall review any SES Plan or its modification that satisfies the development requirements of this Ordinance.
10. Plan Commission Approval If the Plan Commission determines that the following criteria are met: (1) the SES development is compatible with surrounding land uses; (2) the SES development does not create a public nuisance or threat; (3) the SES development will bring economic value to the community; (4) the SES development plan creates conditions favorable to health, safety, convenience, and the harmonious development of the community; and (5) the SES development will not interfere with the use and value of surrounding real estate; then the Plan Commission shall consider approval of the development as long as the development requirements in this ordinance are met.
11. Development Requirements The following development requirements in subsections twelve (12) through thirtyfive (35), thirty-seven subpart c (37(c)), and thirty-eight (38) shall be satisfied before the Plan Commission considers an

approval of a Development Plan. No development requirements for approval of a development plan for an SES under this Section 2.3(J) may be waived by the Plan Commission.

12. **Agricultural Protection** An applicant for an SES shall conduct and present a soil identification study or investigation that is intended to identify agricultural soils. The soil study shall utilize the soil classification system utilized by either the Purdue Extension or as provided in the most current edition of Soil Taxonomy, A Basic System of Soil Classification for Making and Interpreting Soil Surveys published by the Soil Survey Staff of the United States Department of Agriculture. Use of prime farmlands for solar array placement and SESs is not permitted and shall be the basis for the denial of a requested rezoning and/or Development Plan Approval.
13. **Environmental Performance**
 - a. All SESs shall meet environmental performance requirements in addition to satisfying dimensional and site-condition standards. Requirements include not causing nuisance glare or noise, and follow tree preservation, habitat protection, and erosion control and stormwater management standards. Widespread tree removal is prohibited, and post-construction stormwater runoff volume and quality shall mimic or improve upon pre-development conditions.
 - b. An erosion control plan shall be developed by an SES applicant, developed in accordance with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the County.
14. **Compliance with Building, Electric and Plumbing Codes** All SESs shall meet approval of local building code officials, consistent with the State of Indiana Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.

All applicable portions of a SES shall comply with the Indiana State Electric Code. Solar thermal systems shall comply with applicable Indiana State Plumbing Code requirements.
15. **Setbacks.**
 - a. SES equipment must adhere to the following setback(s)
 - i) One Thousand (1,000) feet from the nearest edge of the right-of-way of a federal, state, or county highway
 - ii) One Thousand (1,000) feet from the nearest edge of the right-of-way from a collector road.
 - iii) One Thousand (1,000) feet from the nearest edge of the right-of-way from a local road.
 - iv) One Thousand (1,000) feet from a nonparticipating property line.
 - v) One Thousand (1,000) feet from the nearest wellhead in order to protect potable water.
 - b. Battery energy Storage Systems must adhere to the following setback(s):
 - i) One Thousand (1,000) feet from all property lines

16. Lot Coverage Solar panels shall have a 25' min. space between panel rows, regardless of panel angle.
 17. Height Restrictions.
 - a. No part of a solar panel, rack, inverter or other equipment associated with an SES system shall be less than three (3) feet above the BFE (Base Flood Elevation) if within a 100-year-old flood plain. An SES shall comply with all other provisions in the UDO involving development or construction in a flood plain.
 - b. No part of a solar panel or rack shall be over twelve (12) feet tall as measured from the natural grade level directly below the panel to the top of each panel at its maximum tilt in the vertical position.
 - c. The Zoning Administrator or the Plan Commission may hire an appropriate company, at the SES's owner's expense, to determine if noise levels have been exceeded
 18. 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 nonparticipating properties.
 19. Interference with Reception. A SES facility shall be constructed and operated so that it does not interfere with television signals, microwave signals, agricultural global positioning systems, GPS, military defense radar, radio reception and navigational or radio reception to neighboring areas.
 20. Glare.
 - a. A SES facility at no time shall create glare on any non-participating property line or right-of-way; and
 - b. A SES facility at no time shall create glare that shall interfere with vehicular traffic, including air traffic.
 - c. A professional study shall be presented to the Approving Agency as part of the Development Plan Application to demonstrate that the glare requirements are met.
 21. Equipment. All components of the SES facility shall be new, commercially available equipment. Used, experimental, or proto-type equipment still in testing shall be subject to the approval of the Plan Commission during the Development Plan approval process.
 22. Fencing.
 - a. Any substation shall be completely enclosed with perimeter fencing and locked gates that comply with state and federal regulations.
 - b. A SES facility shall be surrounded by perimeter fencing with the appropriate accommodations for the protection of wildlife. The perimeter fence style shall be "game style," with no barbed wire, unless otherwise required by the National Electrical Safety Code, or applicable fencing state or federal regulations.
 - c. The minimum height requirement for perimeter fencing shall be eight (8) feet.
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The Plan Commission has the right to negotiate the minimum height and style during the review of a development plan.

23. Animal Crossing. A SES owner is required to accommodate animal crossings through the use of animal runs deemed adequate by the Plan Commission.
24. 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 in addition to all ingress/egress roads to the SES facility in a conspicuous location. The sign shall be posted just outside of the public road right-of-way. Warning signs shall comply with applicable laws.
25. Safety Provisions
 - a. The Project Site Team with local emergency responders shall develop an Emergency Response Plan, which shall include
 - i) emergency contact information, including mobile telephone numbers, for the operator of the SES and, if applicable, the utility company that is purchasing the electricity generated by the SES,
 - ii) information regarding the presence of any explosive, toxic, hazardous or highly flammable materials that, if exposed to fire or ignited, would be reasonably likely to pose a threat to emergency response persons or surrounding persons or property,
 - iii) a plan for dealing with a fire in any part of the SES. The plan shall be updated not less than once per year, and a copy shall be provided to the Chief of the Fire Departments that may respond to an emergency at the SES along with the Director of Huntington County Emergency Management.
 - b. During construction or immediately after Project commissioning, a representative of the operator of the SES system shall conduct training and drills with local emergency responders. The SES owner/operator shall be responsible for all costs associated with the training of local emergency responders.
26. Traffic Management Plan
 - a. An applicant for an SES shall provide a traffic management plan to the Plan Commission that demonstrates:
 - i) The design and location of the proposed street and highway access points minimizing safety hazards and congestion;
 - ii) The capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated in the development of the SES facility; and
 - iii) The entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments and property owners.

27. Appearance.

- a. A SES facility, including all accessory buildings, shall, to the extent possible, use materials and colors that will blend them into the surrounding environment.
- b. No lighting shall be installed or operated on the Project Site other than as needed for safety and operational purposes, including: (1) emergency responses; (2) within the substation or switchyard parcel footprint; (3) inspection and/or repair purposes; (4) internal lighting and external down-lighting of the O&M building; (5) security; and (6) as otherwise required by applicable state and federal law

28. Waste Management.

- a. 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.
- b. 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.

29. Visual Buffer.

- a. A SES facility shall be separated by a landscape buffer from non-participating, pre-existing residences. The landscape buffer shall be installed on the SES facility, not on a non-participating property.
 - b. The Development Plan will determine the required height and species of plantings used for a landscape buffer. The use of native and pollinator-friendly plant species is required. Landscape Plan and Vegetation Management Plan shall be submitted as part of the Development Plan Application. The use of mounding in conjunction with landscaping is strongly encouraged.
 - c. Ground Cover and Buffer Areas
 - i) Ground around and under solar panels and in project site buffer areas shall be planted, established, and maintained for the life of the solar project in perennial vegetated ground cover. To the extent practicable, perennial vegetation ground cover shall be based on a diverse seed mix of naturalized and non-invasive species consistent with guidance specific to the local area provided by the Soil and Water Conservation District Office or the Indiana Native Plant Society.
 - ii) The owner/operator of the SES system shall prepare and implement a control plan for noxious species, as listed by the Indiana Invasive Species Council, without harming perennial vegetation.
 - iii) No insecticide use is permitted on the site. This provision does not apply to insecticide use in on-site buildings, in and around electrical boxes, spot control of noxious weeds, or as otherwise may be deemed necessary to protect public health and safety
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- iv) Plant material shall not have been treated with systemic insecticides, particularly neonicotinoids.
 - v) A SES owner/operator that chooses to propose to install, establish, and maintain pollinator-friendly vegetative cover shall demonstrate the quality of their habitat by using guides such as Purdue University 2020 Indiana Solar Site Pollinator Habitat Planning Scorecard, or other third party solar-pollinator scorecards designed for Midwestern eco-systems, soils, and habitat.
 - vi) Clearing of natural vegetation for the installation of a SES shall be limited to that which is necessary for the construction, operation and maintenance of the system and as otherwise prescribed by applicable laws, regulations, and ordinances.
 - vii) All trees to be removed to accommodate the installation of a solar energy system shall be accompanied by a plan demonstrating the need to remove the trees. Any applicant shall locate a solar energy system so that tree removal is not required to the extent practical.
 - viii) No trees or other landscaping otherwise required by the Ordinance or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a SES.
 - ix) The SES owner/operator shall maintain all parts of the project, the buffer, including but not limited to the maintenance of vegetation, landscape, obnoxious weeds and any other requirements as deemed adequate by the Plan Commission.
 - d. The SES owner/operator regarding the landscaping and mounding, shall substantially screen panels and racks from surrounding properties and shall submit a landscaping plan to the Plan Commission that shows numbers, types of species of individual plants, size at planting for the approval of the Plan Commission.
 - e. All Buffers requiring landscaping/screening shall have 100% opacity year-round.
30. Electric Wires.
- a. All electric collection systems shall be located underground, except for transformers, inverters, substations, and controls.
 - b. A collection system that is located in a public right-of-way or county drainage easement will require County Drainage Board approval. Crossings will be marked by warning signage for visibility.
 - c. The transmission system associated with a SES facility shall be located above ground.
 - d. All electrical components of a SES facility shall conform to applicable local, state and federal electrical code requirements.
31. Operations and Maintenance
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- ~~a. SES owner and/or operator shall repair, maintain, and replace the SES and~~

related solar equipment in a manner consistent with industry standards as needed to keep the SES in good repair and operating condition.

- b. The SES applicant shall submit a plan for the operation and maintenance of the SES, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operation and maintenance of the installation.
 - c. All equipment shall be kept in a state of good repair and subject to inspection. If equipment is found in a condition that is not acceptable to the Zoning Administrator or the Plan Commission, the SES owner/operator shall have thirty (30) days after receipt of a deficiency notice to remedy the situation with new equipment and submit a repair plan to the Plan Commission containing what equipment is being replaced upon. Upon completion, the SES owner/operator shall notify the Plan Commission of new equipment which may be inspected at the SES owner/operator's cost. If a SES owner/operator fails to remedy the situation, the Zoning Administrator and the Plan Commission has the power to determine a monetary fine for every day the equipment is not replaced by the thirty (30) day window.
 - d. Physical Modifications: Any physical modification to any SES or a part thereof which materially alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by all appropriate regulatory authorities. Like-kind replacements shall not require re-certification, unless required by a regulatory authority. Prior to making any material physical modification, other than a like-kind modification, the owner or operator of such SES shall confer with the Plan Commission and County Commissioners as to whether or not the proposed physical modification requires new Development Plan approval of such SES.
32. 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.
33. Drainage Infrastructure.
- a. 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.
 - b. SES shall comply with Indiana Code requirements regarding legal drains except as otherwise approved by the County Drainage Board and any other necessary bodies.
 - c. SES design shall avoid usage of any fencing or gates that would encumber access to County drainage infrastructure.
 - d. SES shall submit a Drainage Maintenance Plan, a map of proposed public drainage crossing locations, and proposed schematic drawing of the crossing.
 - e. All underground project crossings shall maintain at least five-foot (5) clearance
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between the public ditch/tile and the cable casing.

34. Other Appurtenances No appurtenances other than those associated with the SES construction operations, maintenance, repair, replacement, rehabilitation, decommissioning, restoration, removal, and permit requirements shall be connected to the SES area except after notice of hearing and the hearing before the Plan Commission pursuant to the applicable Article(s) of this Ordinance.
35. Liability Insurance. The owner or operator of the SES facility in addition to general contractors and subcontractors 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. The owner or operator shall, upon the request of the Plan Commission or the Zoning Administrator, provide evidence of such insurance.
36. Development Plan Review
 - a. Development Plans shall be reviewed by the Plan Commission in accordance with the Plan Commission Rules of Procedure and this Section 2.3(J). To the extent a conflict exists between the Plan Commission Rules of Procedure and the provisions of this Section 2.3(J), the most restrictive or most demanding provision shall apply.
 - b. The Plan Commission shall establish a meeting date, time, and place for the Plan Commission to review the Development Plan.
 - c. An applicant shall no later than Thirty (30) days before the Public Hearing; (I) notify all property owners via mail within a quarter-mile radius of the proposed project site of the date, time, location and subject matter of the Public Hearing, (II) post conspicuous signs along the perimeter road(s) of the proposed project site, not to exceed a maximum of five (5) signs total with minimum dimensions of Two (2) ft by Three (3) ft, which signs shall include in a manner that can reasonably be read by passing vehicles, "PUBLIC HEARING NOTICE FOR RENEWABLE ENERGY" along with the telephone number of the Community Development office for Huntington County, Indiana.
 - d. If the Plan Commission determines that the following criteria are met: (1) the SES development is compatible with surrounding land uses; (2) the SES development does not create a public nuisance or threat; (3) the SES development will bring economic value to the community; (4) the SES development plan creates conditions favorable to health, safety, convenience, and the harmonious development of the community; and (5) the SES development does will not interfere with the use and value of surrounding real estate; then the Plan Commission shall consider approval of the development as long as the development requirements in this ordinance are met.
37. Development Plan Approval.

- a. The Plan Commission may seek technical advice from relevant stakeholders and professionals, including but not limited to, Emergency Management, County Surveyor, Purdue Extension office, licensed professional engineers and land surveyors, and attorneys. The cost, if any, of such persons shall be deemed part of the application fee for Development Plan Approval and due within 30 days of delivery.
- b. The Zoning Administrator shall convene a pre-permitting meeting with SES facility developers with the aim of providing feedback and revisions prior to application submission.
- c. The following supporting information must be provided before the Plan Commission may consider approval of a Development Plan:
 - i) Road Usage/Repair Agreement approved by the County Commissioners that includes the following:
 - 1) A financial guarantee in the form of a bond shall be required for all transportation infrastructure utilized, ensuring full restoration of affected roads and drainage systems according to county regulations. The bond value shall be set through the agreement with County Commissioners.
 - 2) A road access study shall be conducted to establish the construction traffic flow, with boundary survey results submitted alongside the Development Plan.
 - 3) The County Highway Superintendent shall review and approve detailed maps showing the extent of roads within the project's limits.
 - 4) An independent engineering firm shall produce a comparative video report detailing road conditions before and after the project, to be submitted to County authorities no later than two months following its completion.
 - 5) Repair compensation values will adhere to standard industry rates and will be confirmed by County personnel during the Road Use Agreement (RUA) assessment.
 - 6) The necessary bonding for road usage shall be secured before construction commences and subsequent to the granting of Improvement Location Permits (ILPs).
 - ii) Decommissioning – Restoration Agreement approved by the County Commissioners that includes the following:
 - 1) 1. An outline of the anticipated means, costs and method of payment of all costs in carrying out such Decommissioning-Restoration Plan and Agreement at the end of the SES life or the life of any part of a SES, upon becoming an abandoned use, or being declared a public nuisance as provided by this Article.
 - 2) ~~A requirement that the SES owner or project operator shall give~~

written notice of intent to abandon use of an SES facility 60 days prior to the discontinuation of electrical production to the County Commissioners and Plan Commission.

- 3) A requirement that the SES owner or project operator shall restore the land substantially to the same condition as prior to construction.
- 4) A requirement that the SES owner or project operator shall clear the site of all constructed features and modifications post-operation, including but not limited to solar panels, racks, inverters, piles, foundations, transformers, fencing, roads, utility poles, lines, and connections.
- 5) A requirement that the SES owner or project operator shall complete the decommissioning process within a 24-month timeframe.
- 6) Prior to issuance of a permit to begin construction of an SES, the applicant must provide to the County a performance guarantee in the form of a (i) bond; (ii) irrevocable letter of credit and agreement, or (iii) cash to be held in escrow by the County Treasurer or a bank, in the amount of 125% of the estimated decommission and restoration cost. A licensed engineer shall determine estimates.
- 7) A financial guarantee for decommissioning is required to be in place no later than the commencement of construction of the SES.
- 8) The project developer or operator is responsible for covering all expenses related to the estimation, acquisition, and maintenance of the decommissioning financial assurance and performance guaranty.
- 9) Security must be initially posted for a five-year term and must be subject to renewal every five years.
- 10) Unless otherwise agreed to by all parties, every three (3) years a new engineer's estimate of probable cost of Decommissioning and Restoration, shall be submitted to the County Commissioners for approval, and the bond, cash deposit or letter of credit shall be adjusted upward or downward as necessary. A new estimate will be submitted to the County Commissioners prior to the sale of any portion of the SES and the Performance Guarantee adjusted appropriately and made part of the sales agreement.
- 11) Written Notices: Prior to implementation of any procedures or remedy for the resolution of any SES owner's and/or operator's failure to decommission the SES pursuant to the Decommissioning-Restoration Plan and/or this Article, the Plan Commission or County Commissioners shall first provide written

notice to the owner and/or operator, setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed sixty (60) days, except upon such longer time that the County Commissioners may approve, to resolve the default(s). In the event the negotiations fail to resolve the default issue(s), either party may pursue all remedies available by the terms of the Ordinance and/or Decommissioning-Restoration Plan.

- iii.) Soil Identification Study iv) Glare – Professional Study demonstrating that the glare requirements are met.
- iv.) Emergency Response Plan vi) Operations and Maintenance Plan vii) Drainage Maintenance Plan
- v.) Traffic Management Plan ix) Storm Water Control Calculations x) Visual Buffer including landscaping plan(detailed plans) xi) Erosion Control Plan
- vi.) Site Plan (setbacks, layout and safety requirements) xiii) Panel Placement to avoid glare at non-participating, pre-existing residences and roadways
- vii.) Fencing (with appropriate accommodations for wildlife) xv) Ground cover plantings
- viii.) Vegetation Management Plan (such as mowing or livestock grazing)
- ix.) Contact Information (owner/operator agrees to notify Department of County Development if ownership changes or operator information changes)
- x.) Payment of filing fees

38. Additional Plans and Drawings

- a. Solar Easements If necessary, an SES owner and/or operator may obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s). Copies of such easements shall be submitted as part of the application process with proof of recording in the Huntington County Recorder's Office.
- b. As-Built Plans Requirement Upon completion of all development, the exact measurements of the location of utilities, structures and components erected during the development are necessary for public record and shall be recorded. The applicant, owner, and/or operator shall submit a copy of the final as built survey to the Plan Commission with the locations of the SES facilities shown thereon. The Plan Commission, after being satisfied that the locations of the SES facilities are substantially similar to the locations on the originally approved final plan(s) or as the same were from time to time amended, shall approve, date and sign said as-built survey for the SES, which the applicant, owner, and/or operator shall then record and provide the County Commissioners a copy of said recorded Plans.

39. Construction

a. Pre-Construction Requirements for an SES

- i.) Avoidance and Mitigation of Damages to Public Infrastructure
- ii.) In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, and/or operator proposing to use any county road(s), for the purposes of transporting any component of an SES, substation and/or any other equipment for the construction, operation or maintenance of an SES shall comply with the following preconstruction requirements.

b. Pre-Construction Survey

- i) The applicant, owner and/or operator shall conduct a pre-construction baseline survey in coordination with, and acceptable to, the Huntington County Commissioners and permit authority and such survey shall be a part of the Road Use and Maintenance Agreement to determine existing road conditions for assessing current needed improvements and potential future damage. The survey shall include, but not be limited to, photographs, and/or video, or a combination thereof, and a written agreement to document the condition of the public facility as the same exists on the date of the baseline survey.

c. Construction Requirements

- i.) During construction, the applicant shall demonstrate and document to the satisfaction of the Highway Superintendent, County Surveyor, Plan Commission, and the County Commissioners, that the following requirements are being met:
- ii.) Dust Control: All reasonable dust control measures required by the County Commissioners during construction of the SES are being followed together with any additional steps or adjustments for dust control which may from time to time be required by the County Commissioners.
- iii.) Drainage: Reasonable storm water best management practices as required by the approved Drainage Plan/Agreement.
- iv.) Noise: Near a residence or public use noise shall be kept to a minimum during the hours of 7:00 a.m. to 7:00 p.m. Eastern Standard Time

d. Post-Construction Requirement

- i) Road Repairs: Any road damage caused by the transport of any matter or material utilized in any way regarding the SES, in the construction of the SES, the installation of the same, and/or the removal and decommissioning of the same, shall be repaired to the satisfaction of the County Commissioners (as per the Road Use and Maintenance Agreement).

- ii) The County Highway Superintendent may choose to require either remediation of road(s) upon completion of the SES or said Engineer is authorized to collect fees for oversized load permits. Further, a surety bond or letter of credit in an amount to be determined by the County Commissioners may be required by the County to ensure that future repairs are completed to the satisfaction of the County Commissioners.
- iii) The Engineer shall be hired by the County Commissioners and the cost of such bond or letter of credit shall be paid by the SES owner and said bond shall remain in full force and affect until the decommissioning and restoration is fully completed as prescribed by this Zoning Ordinance and the Decommissioning-Restoration Plan and Agreement. The cost of the Engineer shall be promptly reimbursed by the SES developer upon delivery of an invoice by a Huntington County official.

40. Variance Request Process

- a. Anyone who wishes to file a variance request for the development standards within this ordinance, must do so by filing a Variance Application Submission with Huntington County BZA and shall follow the requirements and procedures of Chapter 4, Section 4.2 (D) of Huntington County UDO.
- b. In addition to the requirements in Chapter 4, Section 4.2 (D)(e)(ii) of Huntington County UDO, the BZA shall find that the additional standards have been met:
 - i.) The approval will not be injurious to the vegetation and wildlife of the proposed location and the adjoining property; and
 - ii.) The approval will not be injurious to any livestock on the proposed location or any livestock on an adjoining property or within one thousand (1,000) feet of proposed location property line.
- c. The Huntington County BZA upon notification of a Variance Application Submission, shall notify the members of the Board of Commissioners of Huntington County of the application submission. Any member of the Board of Commissioners of Huntington County shall have the right, upon receiving notification, to file any time at or before the first public hearing before the BZA a written request for an automatic continuance of the BZA's public hearing. Upon receipt of such a request, the BZA shall continue the public hearing on the requested variance(s) to the following month's regularly scheduled BZA public hearing.

41. Conditions of Approval The Plan Commission may impose conditions on the approval of a development plan if the conditions are reasonably necessary to satisfy the development requirements specified in this ordinance for approval of the development plan

42. Amendments and Changes to the Development Plan. Any material changes of location of the SES fenced boundary and any material change in the location of SES facilities outside of the SES fenced boundary shall be furnished to the Plan Commission and County Commissioners. It shall be the

duty and responsibility of the applicant, owner and/or operator to obtain any variance required by such change and to comply with any other requirement necessitated by such change. Any variance required by this Section shall be obtained prior to construction or implementation of such change.

43. Administration

- a. Schedule of Fees, Charges and Expenses
- b. Written Commitments: In addition to any other commitments (as defined in Indiana Code 36-7-4-1015) that are required as a condition of approval of any permit for a SES, the owner of the property on which the SES is to be constructed shall execute and record in the Office of the Recorder of Huntington County, Indiana, a set of commitments that includes all required plans.
- c. One copy of the application form and ten (10) copies of each required plan in this ordinance shall be submitted at the time the application is filed.

44. 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.

K. Temporary Use Standards.

1. The following uses are identified as temporary uses:
 - a. Fireworks sales
 - b. Christmas tree sales
 - c. Flower sales
 - d. Fruit stands
 - e. Product sales promotion
 - f. Food vendor
 - g. Fair or carnival
 - h. Other uses similar and temporary in nature
2. Temporary uses are permitted as follows:
 - a. The use shall not be maintained on the same lot for more than sixty (60) days within any single calendar year.
 - b. The use shall not obstruct a right-of-way, sidewalk, or required vehicular parking area.
 - c. Signage shall be in accordance with the underlying zoning district.
 - d. Off street parking spaces shall be provided in accordance with Section 2.2.E: Parking Standards.
3. Two (2) homes on one (1) lot temporarily for construction of a new home.

- a. Completion of a new home must occur within one (1) year from the date of issuance of a building permit, which may be renewable for an additional six (6) months if an undue hardship can be illustrated;
 - b. Once the new home is completed, the temporary home must be removed within sixty (60) days from new home completion;
 - c. No final Certificate of Occupancy will be given until the old home has been removed from the subject property.
- L. Wind Energy Conversion System (WECS) Standards.
- 1. General.
 - a. Purpose: The Purposes of this ordinance are:
 - i) To ensure that the development and production of wind-generated electricity in the jurisdiction is safe and effective;
 - ii) To support and facilitate economic opportunities for local residents that are consistent with public health, safety, and general welfare; and
 - iii) To promote the effective and efficient use of alternative energy production.
 - b. 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 the jurisdiction. Siting is subject to reasonable restrictions. These regulations are intended to preserve the health and safety of the citizens of the jurisdiction.
 - 2. 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 BZA 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.
 - 3. Compliance Required: No applicant shall construct, operate, locate, or enlarge a Wind Energy Conversion System (WECS) within the jurisdiction without having fully complied with the provisions of this chapter.
 - 4. 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.
 - 5. 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.

6. District Regulations: In all districts, 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.

7. Where Permitted. WECS are permitted in the following districts as shown in the table below:

WECS PERMITTED USE BY ZONING DISTRICT					
	Agriculture District	Residential Districts	Business & Commercial Districts	Industrial Districts	Open Space District
	A	SR, R-2, R-8, R-20, RMH	LB, GB, AB, CB, POD	M-1, M-2, M-3	OS
Non-commercial WECS	*	S	S	S	*
Commercial WECS	*	*	*	*	*
* - not permitted S – permitted by Special Exception					

8. Separation and Setback Standards for Non-Commercial WECS: When permitted, the following separation and setback standards shall apply in all districts for non-commercial WECS.

SEPARATION AND SETBACK STANDARDS: NON-COMMERCIAL WECS	
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 primary residential 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 right-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 the Open Space (OS) District or any conservation lands, measured from the center of the turbine to the nearest point of the conservation land in question	1,000 feet
Distance from the centerline of the turbine to the shoreline of: <ul style="list-style-type: none"> • Little River • Wabash River • Salamonie River • Huntington Reservoir • Salamonie Reservoir 	2,640 feet

9. Separation and Setback Standards for Commercial WECS: When permitted, the following separation and setback standards shall apply in all districts for commercial WECS.

SEPARATION AND SETBACK STANDARDS: COMMERCIAL WECS	
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	1,000 feet
Distance from any rights-of-way, measured from the center of the turbine to the edge of the right-of-way	1.1 times the total height, provided that the distance is no less than 350 feet
Distance from the Open Space (OS) District or any conservation lands, measured from the center of the turbine to the nearest point of the conservation land in question	2,640 feet
Distance from the centerline of the turbine to the shoreline of: <ul style="list-style-type: none">• Little River• Salamonie River• Wabash River• Huntington ReservoirSalamonie Reservoir	2,640 feet

10. Safety Design and Installation Standards:

a. Equipment Type.

- i) All turbines shall be constructed of commercially available equipment specifically designed for WECS construction and operation.
- ii) Meteorological towers may be guyed.
- iii) 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 BZA.

b. 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 Administrator prior to the issuance of a Location Improvement Permit or Building Permit.

c. Controls and Brakes

- i) All WECS shall be equipped with a redundant braking 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.
- ii) All mechanical brakes shall be operated in a fail-safe mode.

d. Electrical Components

- i) All electrical components of the WECS shall conform to applicable local, state, and federal electrical codes.
- ii) All electrical collection cables between each WECS shall be located underground wherever possible.
- iii) 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.
- iv) All buried electrical and service lines shall be properly marked, located and/or mapped.

e. Color and Finish

- i) All wind Turbines and towers that are part of a WECS shall be white, grey, or another non-obtrusive color.
- ii) All blades shall be white, grey, or another non-obtrusive color. Blades may be black in order to facilitate deicing.
- iii) All finishes shall be matte or non-reflective.

f. Warnings

- i) 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.
- ii) For all guyed towers, one of the following warning mechanisms shall be used for each anchor point:
 - a) 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.
 - b) Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.
- iii) The following notices shall be clearly visible on all non-commercial WECS and Micro-WECS towers and accessory facilities/structures:
 - a) "No Trespassing" signs shall be attached to any perimeter fence.
 - b) "Danger" signs shall be posted at the height of five (5) feet on WECS towers and accessory structures.
 - c) A sign shall be posted on the tower showing an emergency telephone number.

- d) The manual electrical and/or over speed shutdown disconnect switch shall be clearly labeled.
- iv) Consideration shall be given to painted aviation warnings on all Meteorological Towers.
- v) Locations of all WECS shall provide GPS locations to the Administrator and the Huntington Municipal Airport.
- g. Climb Prevention. All commercial WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:
 - i) Fences with locking portals at least six (6) feet in height; or
 - ii) Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
 - iii) Locked WECS tower doors.
- h. 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.
- i. Lighting
 - i) 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.
 - ii) 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.
- j. Materials Handling, Storage and Disposal
 - i) 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.
 - ii) 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.

- k. Vibration Control
 - i) 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.
 - ii) Commercial WECS shall not cause vibration through the ground which is perceptible beyond one thousand (1,000) feet from the base of the WECS.
 - l. 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 PC. These zones will be determined as the area in which shadow flicker and blade glint occur during day light hours.
11. Other Applicable Standards
- a. Guyed Wire Anchors. No guyed wire anchors shall be allowed within any required road right-of-way setback.
 - b. Sewer and Water. All WECS facilities shall comply with the existing septic and well regulations as required by the Health Department and/or State of Indiana Department of Public Health.
 - c. Sound Levels. The Sound Level limits contained in this section shall apply to the WECS project area only.
 - i) 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).
 - ii) All Turbines shall be maintained at the Sound Levels indicated above for the duration of their operation until they are decommissioned.
 - iii) 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.
 - iv) 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 Administrator shall be paid by the Applicant, Owner, or operator of the WECS. If, after an investigation of a sound complaint, 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.

v) Community Sound Complaints

- a) All sound complaints shall be submitted to the Administrator on a form supplied by the Administrator. 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;
- b) Once a complaint has been submitted, the Administrator 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.
- c) 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.
- d) 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.
- vi) 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.

- d. 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.
 - e. 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 UDO.
 - f. 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.
 - g. 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 BZA.
12. Operation and Maintenance.
- a. Physical Modifications. Any substantial physical modification proposed made to any WECS shall require a variance or special exception, as applicable, from the BZA, Development Plan approval from the PC and an approved ILP or BP 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 Administrator to determine whether the physical modification or structural changes or improvements require additional approvals or permits or a Certificate of Occupancy.
 - b. 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 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 Administrator 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 Administrator which could result in requiring the WECS to become inactive or decommissioned.
 - c. Declaration of Unsafe Structure and Public Nuisance. Any WECS structure declared to be unsafe by the appropriate Building Commissioner or by the Administrator 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.

i) Designation and Notice of an Unsafe Structure.

a) If, upon inspection, the appropriate 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.

13. Decommissioning Plan. Prior to receiving an ILP 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 appropriate legislative body prior to receiving an ILP or Building Permit.

a. Content of Decommissioning Plan. A decommission plan shall include the following:

- i) 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.
- ii) 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.
- iii) 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 appropriate legislative body.

- a) 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.
 - b) 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.
 - c) 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.
 - d) The extent to which salvage value may be considered in determining the estimated cost of demolition and removal shall be determined by the appropriate legislative body.
 - e) 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 Administrator.
- b. Discontinuation and Abandonment:
- i) 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.
 - ii) 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.
- c. 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 necessarily 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.

- d. 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.
 - e. Access. By obtaining approval of an ILP 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.
14. 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.
- a. 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.
 - b. 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.
15. 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.
16. Application Procedures. Prior to the start of construction of a WECS facility, a variance or special exception, as applicable, from the BZA, Development Plan approval from the PC, and an ILP/BP from the Administrator are required. The following information shall be submitted with the BZA application:
- a. 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 Administrator. Any changes to ownership will be

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

- b. Legal Description. The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Administrator.
- c. Project Description. A WECS project description shall include the following information on each proposed Turbine:
 - i) Number of Turbines;
 - ii) Type;
 - iii) Name plate generating capacity;
 - iv) Tower height;
 - v) Rotor diameter;
 - vi) Total height;
 - vii) Anchor base;
 - viii) The means of interconnecting with the electrical grid;
 - ix) The potential Turbine manufacturers; and
 - x) All related accessory structures
- d. 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 Administrator. 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.
- e. 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.
- f. Pre-development road inventory of the Project Area.
- g. 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 BZA 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 homeowners association or neighborhood association that is adjoining the site in which the WECS is located, and the Administrator. At a minimum, the citizen participation plan shall include the following:

- i) A listing, including the name and mailing address, of which interested parties may be affected by the application
 - ii) How those interested parties will be notified of the application
 - iii) 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.
 - iv) List of those interested parties who participated
 - v) Dates and locations of all meetings where interested parties are invited to discuss the application
 - vi) Summary of concerns, issues, comments, suggestions, or ideas presented to the Applicants
 - vii) Summary of how the Applicant will address comments provided
 - viii) Summary of those comments provided that the Applicant is unwilling or unable to address, and why
 - h. Other information as determined by the Administrator or the BZA.
 - i. If construction of the WECS has not started within five years of the date of BZA Special Exception approval, the approval will become null and void.
 - j. The above items constitute a complete application for a BZA 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 BZA, certain items to be waived from the complete application.
17. Development Plan Application. The following items shall be submitted to the PC for Development Plan approval:
- a. 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 Administrator. Any changes to ownership will be submitted to the Administrator in order to maintain proper contact and property information with respect to the operation of the WECS.
 - b. Legal Description. The legal description, property address (if applicable), and general location of the WECS project will be submitted with the application to the Administrator.
 - c. Project Description. A WECS project description shall include the following information on each proposed wind Turbine:
 - i) Number of Turbines;
 - ii) Type;
 - iii) Name plate generating capacity;
 - iv) Tower height
 - v) Rotor diameter;
 - vi) Total height;
 - vii) Anchor base;

- viii) The means of interconnecting with the electrical grid;
 - ix) The potential equipment manufacturers; and
 - x) All related accessory structures.
- d. 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 Administrator. 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.
 - e. Citizen Participation Plan.
 - f. FAA Permit Application.
 - g. Decommissioning Plan signed and approved by the appropriate legislative body.
 - h. Drainage Plan – approved and signed by the Surveyor's Office and the Drainage Board.
 - i. Road Use and Maintenance Agreement signed and approved by the Huntington County Highway Department and the appropriate legislative body.
 - j. Erosion Control Plan.
 - k. Utility Plan.
 - l. Draft Avoidance and Mitigation of Damages to Public Infrastructure Plan.
 - m. Microwave study and analysis.
 - n. Avian Impact Study and Analysis. The Applicant shall submit written documentation that the project is in compliance with all Federal and State wildlife regulations.
 - o. The above items constitute a complete application for approval of the Development Plan by the PC. The meeting will not be scheduled until all of the items have been submitted. The applicant may formally request, in writing to the PC, certain items to be waived from the complete application.
18. ILP/BP Application. Every Turbine and any other structure approved by the BZA and the PC as part of the wind energy development will require a separate ILP/BP. The following items constitute a complete ILP/BP application. No permit shall be issued without submitting all of the items listed below. The applicant may formally request, in writing to the Administrator, certain items to be waived from the complete application.
- a. 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.
 - b. Prior to receiving an ILP 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.

- c. FAA permit approval.
 - d. Decommissioning Plan signed by the appropriate legislative body.
 - e. Other negotiated agreements between Huntington County or the appropriate legislative body and the Owner/Operator.
 - f. Drainage Plan that has been approved and signed by the Surveyor's Office and the Drainage Board.
 - g. Road Use and Maintenance Agreement that has been approved and signed by the Huntington County Highway Department and the appropriate legislative body.
 - h. Erosion Control Plan.
 - i. Utility Plan.
 - j. Avoidance and Mitigation of Damages to Public Infrastructure Plan that has been approved and signed by the appropriate legislative body.
 - k. Microwave study and analysis
 - l. Avian study and analysis reviewed and approved by all applicable wildlife agencies.
19. 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 BPs.
20. Fees. [See the adopted Fee Schedule.](#)

WECS BUILDING PERMIT FEES	
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

WECS BZA APPLICATION FEES	
Per tower	\$150.00

WECS DEVELOPMENT PLAN REVIEW FEES	
Per tower	\$150.00

WECS VIOLATIONS AND FINES	
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

21. Construction Requirements. During the construction process, the Owner and Applicant shall adhere to the following construction requirements:
 - a. 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 Administrator.
 - b. Drainage. Storm water management plans shall be filed with the Administrator and will be reviewed by the Surveyor, and when necessary reviewed by the Drainage Board for all Commercial WECS.
 - c. 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 Administrator.
22. Post-Construction Requirements.
 - a. 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 Administrator written approvals.
 - i) 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 appropriate legislative body, 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 appropriate legislative body.
 - b. 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 Drainage Board or other suitable and appropriate commission. Prior to the issuance of a Certificate of Occupancy or Release of Decommissioning, the Drainage Board or other suitable and appropriate commission shall inspect the drainage network impacted by the construction or decommissioning and provide the Administrator written approvals.

- i) 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 Surveyor or the Drainage Board within these areas within twenty-four (24) months of final approval. The amount of this warranty shall be ten percent (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 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 Surveyor's Office and the Drainage Board.
- c. 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 Administrator prior to the issuance of a Certificate of Occupancy.
- d. Change in Ownership. It shall be the responsibility of the Owner and Operator listed in the application to inform the Administrator of any change in ownership and operation during the life of the project, including the sale or transfer of ownership or operation.

M. Wireless Communication Tower Standards.

- 1. Purpose: This ordinance establishes needed criteria for the location of wireless telecommunication facilities throughout Huntington County.
- 2. 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.
- 3. Goals:
 - a. Furnish guidance to wireless telecommunication service providers when looking for a transmission facility site within Huntington County.
 - b. Demonstrate that maintaining a high community quality of life is of prime importance when determining the appropriateness of a particular location.
- 4. Location Preferences:
 - a. 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.

- b. 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.
 - c. Proposed tower location may be changed by the BZA if the change benefits neighbors, reduces visual clutter, decreases aesthetic blight, and does not interfere with the navigable airspace.
 - d. If necessary for making an informed decision, additional technical information may be requested by the BZA from a consulting engineer or other specialist.
5. Permitted Uses: The following tower types are permitted in all districts without the requirement of a Special Exception from the BZA:
- a. 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.
 - b. 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.
6. 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 BZA. These towers are classified as being all towers not mentioned in the Permitted Uses section of these ordinances.
7. 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 Administrator should be able to provide information with sites that have been given recent approval but not yet built to the petitioner.
8. Height and Area Requirements:
- a. Lot Size. Not applicable since most facilities rent the land from a larger tract of ground.
 - b. Height. The FAA and the Huntington Airport Authority must approve height of towers.
 - c. 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.
9. General Requirements:

- a. New towers shall be constructed in a manner as to allow for the availability of co-location.
 - b. Prior to hearing a request before the Huntington BZA 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.
 - c. No lights shall be mounted on the proposed tower unless otherwise required by the FAA.
 - d. Towers may not be used to exhibit any signage or other advertising.
 - e. No proposed wireless telecommunication site shall be designed, located, or operated as to interfere with existing or proposed public safety communications.
 - f. The design of all wireless telecommunication sites shall comply with the standards promulgated by the FCC for non-ionizing electromagnetic emissions.
 - g. All utilities proposed to serve a wireless telecommunication site shall be installed underground unless otherwise approved by the PC.
 - h. The design of all wireless telecommunication sites shall comply with the requirements from INDOT with regards to tall structures.
10. Factors that the BZA 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.
- a. Cannot prohibit or have the effect of prohibiting the provision of personal wireless services;
 - b. Cannot discriminate among providers of functionally equivalent services (i.e., do the services create different visual, aesthetic, or safety concerns?)
 - c. 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;
 - d. 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
 - e. Cannot regulate personal wireless facilities on the basis of environmental effects of radio frequency emissions if those emissions comply with FCC guidelines.
11. 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.

12. 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 BZA. For purposes of this regulation the term start of construction shall be defined as the installation of a permanent building foundation. The BZA may grant up to two six-month extensions of the period to start construction upon written request by the applicant. The BZA 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 BZA may as conditions of approval of a Special Exception establish a time period such Special Exception shall remain in effect.

Section 2.4 Non-conforming Lots/Structures/Uses

A. General Provisions.

1. Non-Conformities. Within the districts established by this UDO there exist:

- Non-conforming lots
- Non-conforming structures
- Non-conforming uses of land, and
- Non-conforming components of use

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

2. Avoidance of Undue Hardship. To avoid undue hardship, nothing in this UDO 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 UDO 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.
3. Repairs and Maintenance. Routine repairs and maintenance of non-conforming structures or non-conforming components of use necessary to maintain safety are permitted.
4. Approved Special Exceptions, Variances, and Variance of Use. Any special exception, variance, or variance of use, which obtained approval from the BZA, shall not be considered a non-conforming use, but shall, after approval, be considered legal non-conforming.

B. Non-conforming Lots 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 UDO are met.

C. Non-conforming Use of Land.

1. A non-conforming use may be continued provided that:
- a. 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 UDO; and
 - b. 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 UDO.

2. 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 UDO for the district in which such land is located.

D. Non-conforming Structures.

1. 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.
2. 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 UDO.
3. 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 UDO.
4. Should any non-conforming manufactured home be removed from a lot, it shall not be replaced except in conformity with the provisions of the UDO.
5. A non-conforming structure may be enlarged or expanded if all of the following requirements are adhered to:
 - a. The addition shall not extend into any required front yard beyond the existing structure.
 - b. The addition shall not extend into any required side yard beyond the existing structure.
 - c. The addition shall not extend into any required rear yard beyond the existing structure.
 - d. The addition shall not extend any closer to an intersection of streets or other rights of way than the existing structure.
 - e. The addition may extend beyond the existing structure only when said addition complies with the applicable setbacks.
6. Enclosure of a non-conforming open porch, or a porch constructed in conformance with *Section 2.2.D.2.a: Projections into Setback Area* is not permitted.

E. Non-conforming Component of Use.

1. 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 UDO.

2. 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 UDO.

F. Non-conforming Sites. (Reserved)

G. Non-conforming Uses & Structures in Combination. (Reserved)

H. Non-conforming Zoning Districts. (Reserved)

Chapter 3. Subdivision Control Ordinance Provisions

Section 3.1 General.

- A. Pursuant to the Huntington County Subdivision Control Ordinance, the subdivision of land which requires approval by the PC shall be permitted in all zoning districts.
- B. Purpose. The purpose of this Subdivision Code is:
 - 1. To protect and provide for the public health, safety, and general welfare;
 - 2. To guide development in accordance with the *Comprehensive Plan*;
 - 3. To provide for the safety, comfort and soundness of the built environment and related open spaces;
 - 4. Establish reasonable standards and procedures for the subdivision and re-subdivision of land, in order to further orderly layout and use of land;
 - 5. To protect the compatibility, character, economic stability, and orderliness of all development through the application of reasonable design standards;
 - 6. To ensure that adequate facilities and infrastructure will be provided for in conjunction with development;
 - 7. To conserve and protect natural resources;
 - 8. To promote the coordination of existing and proposed roads, utilities, and community facilities;
 - 9. To ensure the provision of drainage facilities, safeguarding of the water table, and protection from flooding or causing an increased risk of flooding; and
 - 10. To avoid scattered, illogical, and uncontrolled subdivisions of land that would result in the imposition of an excessive expenditure of public funds for the distribution or supply of infrastructure and/or services.
- C. Authority.
 - 1. The provisions in this UDO are enacted pursuant to *IC 36-7-4-700 series* and *IC 36-7-4-1000 series*.
 - 2. These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.
 - 3. The PC has exclusive control over the approval of plats and replats. The Subdivision Plat Committee is a sub-committee of the PC.

4. The Administrator is hereby authorized and directed to administer and enforce all of the provisions of this UDO.
5. The jurisdiction of the PC or Plat Committee shall include all unincorporated areas within Huntington County, Indiana, excepting those areas in which another PC has exercised their right to extend their statutory jurisdictional area over contiguous unincorporated land that is outside of the boundaries of their municipality.
6. Restrictions, notes, easements, building setback lines, and similar annotations on a recorded subdivision plat are enforced by the PC or Plat Committee.
7. The PC, Plat Committee, and designated persons acting on their behalf, may inspect any property in the jurisdiction at any reasonable time for the purposes of determining compliance with the provisions of this UDO, or for administering and enforcing applicable law relating to the subject matter of this UDO.
8. By making application for subdivision approval as provided in this UDO, the applicant(s) certify that the applicant is acting for her/him/itself and as agent for the property owner(s) relating to access to the property for the inspection purposes referred to herein.

D. Policies and Requirements.

1. The subdivision of land is subject to the policies set forth in the *Comprehensive Plan* and this UDO for the orderly and efficient development of the jurisdiction and land shall not be subdivided for development until proper provisions have been made for drainage, water, sewage, transportation facilities, and other elements of viable community infrastructure.
2. When the requirements of the Subdivision Code conflict with state laws or federal laws, the most restrictive provision shall apply. It is not the responsibility of the PC, Plat Committee, or the Administrator to seek out the most restrictive regulations.
3. No action shall be taken on a request before the Plat Committee until all application and submittal requirements have been satisfied and fees paid.
4. Lots approved by the PC, Plat Committee, or Administrator under Ordinance 1992-14, as amended, are considered legal lots of record. Any conditions placed on approval of an exempt subdivision under Ordinance 1992-14, as amended remain in effect indefinitely. Provided that no conditions were placed on the approval limiting building on the lots, the lots are considered legal building sites for the purposes of this UDO. Lots created after the effective date of Ordinance 1992-14 (December 7, 1992) as amended, but not approved by the Administrator as an exempt subdivision or by the PC as a subdivision, are not legal lots of record.
5. Any subdivision of land where the newly created parcel is legally joined with an existing parcel of record shall not count towards the maximum number of permitted Minor Subdivisions allowed under this UDO.

6. Any previously approved subdivision plat without a stamped "Record By" deadline, which has not been recorded, shall be deemed null and void if not recorded within one hundred eighty (180) days from the effective date of this UDO.
7. No lot, which was created by the subdivision of land, shall be sold until the subdivision is approved by the Plat Committee or PC and recorded.
8. If land upon which a subdivision is proposed is located in more than one (1) jurisdiction, approvals from the individual PCs of the jurisdictions from which public utilities are provided shall be required.

E. Interpretation.

1. In their interpretation and application, the provisions of this UDO shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
2. The Administrator is responsible for all interpretation of the subdivision provisions of this UDO. An appeal to an interpretation may be filed with the PC in accordance with *Section 4.2.G: Waiver Process*.
3. Where this UDO is in conflict with another Ordinance(s), the more restrictive provision shall apply.

F. Administration.

1. No land under the jurisdiction of the PC shall be subdivided until approval is granted by the Plat Committee or PC. No document transferring ownership of a lot, which was created by subdivision, shall be filed, and recorded in the Auditor's or Recorder's Office without approval by the Plat Committee or PC.
2. No ILP or BP shall be issued for any lot created by subdivision on or after December 7, 1992, unless approval of the lot was granted by the Administrator, PC, or Plat Committee as required under Ordinance 1992-12, as amended, or until approval of the subdivision is granted by the Plat Committee or PC under this UDO.
3. No ILP or BP shall be issued for any lot within a Major Subdivision which requires PC approval until all required public improvements are completed and accepted by the County.
4. In specific cases and for documented reasons, the Administrator, Plat Committee, or PC may waive the submission of a particular document or item required.

G. Plat Committee.

1. The Plat Committee shall be established by the PC for the purpose of reviewing all subdivisions requiring action by the PC to ensure conformance with the regulations of this UDO.

2. The Committee shall be established and conduct its activities in conformance with the *PC Rules and Procedures*.
3. The Committee shall have authority to make final decisions on all Minor Subdivisions, secondary plats, and may prepare a report of findings for the PC prior to public hearing for all Major Subdivisions or other requests as they relate to the subdivision of land.

Section 3.2 Subdivision Types and Submittal Requirements.

A. General.

1. The Administrator shall make a determination on whether a subdivision is to be reviewed as a Commercial Subdivision, Industrial Subdivision, Minor Residential Subdivision, Major Residential Subdivision, or an Exempt Subdivision.

B. Major Subdivision.

1. Definition. The subdivision of more than two (2) lots off of a parent parcel of less than twenty (20) acres in size. The subdivided parcels must contain the standard minimum requirements of the zoning district in which it is located and leave the same minimum requirements, including contiguous non limited access frontage, on the remaining parent parcel.
2. Primary Plat.
 - a. Base Standards.
 - i) All survey monuments must be set before a survey/request will be considered by the Committee.
 - ii) All roads must comply with and be constructed to standards set forth in the Huntington County Road Manual, if the subdivision is within the corporate limits of a municipality; the street requirements of the municipality shall apply.
 - iii) All surveys/request reviews will be done in accordance with Section 4.2.A: Major Subdivision Process and Section 4.2.B: Minor Residential Subdivision Process.
 - b. Submittal Requirements. All requests for primary plat approval shall be submitted with the following information:
 - i) Completed application form;
 - ii) Filing fee paid as outlined in the adopted Fee Schedule;
 - iii) Eighteen (18) copies of the drawing, prepared by a land surveyor licensed by the State of Indiana, on one or more sheets of paper measuring not more than thirty (30) inches by forty-two (42) inches, drawn to a scale not smaller than one hundred (100) feet to the inch, and including the following information:
 - a) Legal description of the subdivision;

- b) Date of the survey, north arrow, and Scale;
 - c) Name, Signature, License number, Seal, and address of the land surveyor;
 - d) Name and address of the property owner(s);
 - e) Location map;
 - f) Name of the subdivision to be shown at the top of the drawing;
 - g) Acreage of the tract to the nearest tenth of an acre.
- iv) Three (3) copies of the Drainage plan submitted in accordance with the Huntington County Storm Water Control Ordinance.
 - v) Documentation on the capacity and availability of water and sewage systems as follows:
 - a) If the subdivision is to be served by a public water or sanitary sewer system, the applicant must provide documentation that such system has the capacity and capability to serve the subdivision and guarantees of a sufficient number of connections to serve all lots in the subdivision;
 - b) If the subdivision is to be served by a private water or sanitary sewer system, the applicant must provide documentation that the system design has been, or can be, approved by IDEM, that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the subdivision, and guarantees of a sufficient number of connections to serve all lots in the subdivision;
 - c) If the subdivision is to be served by individual water or sewage disposal systems, the applicant must provide documentation that such systems have been, or can be, approved by the Health Department.
 - d) Documentation sufficient to show all streets and public improvements will comply with the requirements of this UDO and all other County Codes and Ordinances.
 - vi) A copy of the deed of the parent parcel.
 - vii) A copy of the surveyor's report.
 - viii) Storm water (detention/retention) plan.
 - ix) The location, dimension, bearings, building lines, and acreage of all proposed lots; the location, bearing, and length of all lines of the subdivision shall be expressed in feet and decimals of a foot.
 - x) The location and name of all existing platted streets, roads, alleys, and rights-of-way intersecting the boundaries of the subdivision.

- xi) The location of existing and newly created easements, with width and depth, including but not limited to utility and County Regulated Drain easements.
- xii) Proposed street names or numbers in accordance with the County House Number Ordinance.
- xiii) All lot numbers, which are to be consecutively numbered.
- xiv) The location, type, and size of all existing and proposed monuments.
- xv) All structures on both the newly created and parent or remaining parcels, within fifty (50) feet of any new or existing property line must be shown on the submitted survey and meet the required setbacks for the zoning district.
- xvi) The deed record (book and page number) of properties adjacent to the subdivision, or reference adjacent subdivisions by name.
- xvii) The location of any lands which are within the floodway or 100-year floodplain, including the elevation and flood zone designation(s).
- xviii) The location of any streams or water bodies.
- xix) The name, signature, license number, seal, and address of the licensed land surveyor responsible for completing the survey.
- xx) The name and address of the property owners.
- xxi) Any additional information requested by the Administrator, Plat Committee, or PC, which relates to compliance review.

3. Construction Plans.

- a. Prior to the commencement of any construction work on private roads or public improvements within or a part of a Major Subdivision, construction plans shall be submitted to the Administrator for review and approval by the appropriate County officials.

4. Secondary Plat.

- a. Base Standards.
- b. Submittal Requirements. All requests for Secondary Plat approval shall be submitted with the following information:
 - i) Seven (7) copies of the drawing submitted for approval, prepared by a land surveyor licensed by the State of Indiana, containing the same information as required on the primary plat, except for any changes or additions required by the conditions of primary plat approval. The primary plat may be used as the secondary plat if it meets these requirements and is revised in accordance with the PC's primary plat approval and conditions;
 - ii) If not previously submitted for approval, construction plans for all public improvements. Must have required documentation as outlined in Section 3.3.L.4: Rights-of-way for newly created roads if to be dedicated to a

iii) If any approvals, information, or documentation has changed or is different from the approved Primary Plat, the applicant shall submit each of the revised documents to the Committee for their review.

i) Approved by the Huntington County Subdivision Plat Committee the ____ day of __, 20____. _____

ii) I, the undersigned registered land surveyor, licensed in compliance with the laws of the State of Indiana, hereby certify that the hereon plat represents a survey as made under my direction, and that this survey has been completed in accordance with Indiana Administrative Code 865 and any amendments thereto. BY: _____ The owner(s) or

DATE _____ STATE OF INDIANA _____

Commission Expires: _____ My County of _____
Residence is: _____

Accepted this _____ day of _____, 20____.

Huntington County Commissioner

iii) It is the responsibility of the applicant to have all signatures acquired and the proper number of copies provided in accordance with the Subdivision Ordinance.

- iv) Upon approval, one (1) original reproducible mylar shall be provided to be signed and subsequently recorded in the office of the County Recorded and three (3) copies of the signed mylar shall be produced to be distributed to the County Assessor, County Auditor, and Administrator.

C. Minor Residential Subdivision.

1. Definition: The subdivision of no more than two (2) lots off a parent parcel of any applicable size. The subdivision must contain the standard minimum requirements of the zoning district in which it is located and leave the same minimum requirements, including contiguous non limited access frontage, on the remaining parent parcel.
2. Base Standards.
 - a. The requested subdivision will not create new public right-of-way, new private or public streets, or improvements to an existing public or private street. If any of these are required, the subdivision request will be classified as a Major Subdivision.
 - b. No more than two (2) newly created lots off a parent parcel under twenty (20) acres in size is allowed. The parent parcel itself must remain at least twenty (20) acres in size.
 - c. The required minimum road frontage must be maintained through the depth of the entire parcel.
 - d. All newly created lots shall have driveway locations which will provide minimum requirements for visibility as set forth by the Huntington County Highway Department.
 - e. The newly created parcel and remaining parent parcel cannot be more than three (3) times deeper than they are wide (Ex: 200' road frontage 600' depth). However, the 3:1 ratio shall not apply to subdivisions where a parcel will contain ten (10) or more acres.
3. Submittal Requirements. All requests for Minor Subdivision approval shall be submitted with the following information:
 - a. Completed application form;
 - b. Filing fee;
 - c. Seven (7) copies of the certified drawing, prepared by a land surveyor licensed by the State of Indiana, on one or more sheets of paper measuring not more than thirty (30) inches by forty-two (42) inches, drawn to a scale not smaller than one hundred (100) feet to the inch, and including the following information:
 - i) Legal description of the lots;
 - ii) Date of the survey, north arrow, and scale;

- iii) Name, signature, license number, seal, and address of the land surveyor;
and
- iv) Recorded deed document number.
- d. A copy of the surveyor's report.
- e. Any additional information requested by the Administrator, Committee, or PC relating to compliance review under Section 4.2.B: Minor Residential Subdivision Process.
- f. All certified surveys must comply with the most current IAC 865.
- g. Survey must identify or state acreage taken from each taxable parent parcel(s) used to create the new parcel.
- h. All survey monuments must be set before an application will be considered by the Committee.
- i. All structures on both the newly created and parent or remaining parcels, within fifty (50) feet of any new or existing property line must be shown on the submitted survey and meet the required setbacks for the zoning district.
- j. All easements pertaining to the proposed parcel, or the original parent parcel must be shown as well as be included in the legal description.
- k. Existing residential parcels must show the location of the well and septic system (absorption field, tank, etc.) on the survey per ISDH (rule 410-IAC 6-8.2) as amended. If required, an adequate on-site evaluation performed by a state certified soil scientist shall show adequate soil texture, structure and depth to a limiting layer that would allow for the pursuit of an onsite sewage system permit pursuant to (410-1AC 6-81 and Ordinance 2011-04 as amended).
- l. If applicable, all floodplains must be shown on the survey.

D. Exempt Subdivision.

1. Intent. The intent of this section is to establish criteria that allows lot splits to occur that are not otherwise required to go through the other subdivision processes outlined in this UDO. Furthermore, this exempt subdivision provision shall not be used as a means to bypass the subdivision process outlined in this UDO.
2. Subdivider's Responsibility. It is the responsibility of the person subdividing land to verify with the Administrator regarding their subdivision exemption eligibility before recording lot splits. Lots created under this provision are not guaranteed to be buildable or guaranteed to qualify for the issuance of a building permit.
3. Applicability. The following divisions of land are exempt from the provisions of this UDO:
 - a. A division of land into two (2) or more tracts which are all at least ten (10) acres in size.

- b. One (1) division of land less than ten (10) acres per calendar year per parent parcel.
- c. A division of land for the transfer of a tract(s) to correct errors in an existing legal description, or the sale/exchange of tracts between adjoining landowners, provided that no additional principal use building sites are created by the division.
- d. A division of land by the Federal, State, or local government for the acquisition of right-of-way or an easement.
- e. A division of land into cemetery plots for the purpose of burial of corpses.
- f. A division of land for agricultural uses not involving any new streets or easements of access, provided that the sale or exchange does not create additional residential building sites or is intended for residential development in the future.
- g. A division of land that combines/reconstitutes property lines such that no new building lots are created.
- h. An adjustment/shift of lot lines as shown on a recorded plat provided there is no reduction in the area, frontage, width, depth, or building setback lines of each building site that would place it below the minimum requirements of this UDO.
- i. The sale, exchange, or transfer of land between adjoining property owners which does not result in the change of the present land usage or create an additional building site.
- j. A division of land that is government or court ordered.

Section 3.3 Subdivision Design Standards.

A. General Provisions.

1. The design principles and standards contained in this section apply to all subdivisions.

B. Access Management.

1. On double frontage lots within a residential subdivision, a no-access easement shall be provided along collector and arterial streets to prohibit access to those streets.

C. Covenants.

1. All Major Subdivisions must establish covenants and an entity responsible for maintenance of all common areas within the subdivision, including all detention/retention ponds and private roads where applicable. Common areas shall have notes on the plat stating their purpose and any limitations or restrictions.
2. The PC or Plat Committee does not review, approve, or enforce covenants. Covenants are private land use and development controls enforced by property owners and/or Homeowners Association within a subdivision.

D. Drainage.

1. Existing natural drainage ways should be maintained.
2. Drainage Tiles. If a farm drainage tile exists on or crosses land proposed to be subdivided, the applicant shall provide proper maintenance procedure for the protection and maintenance of the tile. The tile may be relocated at the expense of the applicant.

E. Easements.

1. Easements with a minimum width of fifteen (15) feet shall be provided for utilities, drainage, and similar purposes. Easements for pedestrian access shall have a minimum width of ten (10) feet. If a legal drain exists on the property, an easement of a size in accordance with the Indiana Code requirements for legal drains shall be provided.
2. All floodplain and floodway areas located within the subdivision shall be protected by a conservation easement. A note on the plat shall state, "No building or structure, and no filling or dredging activity, shall be allowed within the Special Flood Hazard Area."

F. Fire Hydrants.

1. If a centralized water system is provided, fire hydrants shall be provided and spaced so that each residence shall be within five hundred (500) feet of a hydrant.
2. A dry fire hydrant, installed in accordance with the specifications provided by the county, shall be provided under the following circumstances:
 - a. If the subdivision is not serviced by a central water system; and
 - b. If a retention or wet detention pond is provided on the property.

G. Landscaping.

1. Landscaping should be provided at subdivision entrances and in public areas.

H. Lots and Blocks.

1. General.
 - a. All proposed lots shall meet the minimum lot width, frontage, and area requirements established for the applicable zoning district.
 - b. Lots shall be designed to provide suitable building sites and related yard areas. Irregularly shaped lots may be permitted by the PC where it deems such a pattern to be more appropriate to the site conditions than regularly shaped lots. Financial advantage for the property owner/developer and/or the ability to create a greater number of lots is not in itself sufficient reason for allowing irregularly shaped lots.

- c. The subdivision shall create lots of reasonable utility and/or livability, which are capable of being used without imposing an unreasonable burden upon future owners.
 - d. Corner lots shall be sufficiently larger than interior lots to provide land necessary to comply with required setbacks on each street.
 - e. Lots shall not exceed a depth to width ratio of three-to-one (3:1). This ratio shall apply to all Major and Minor subdivisions that occur in Agricultural or Residentially zoned properties. However, the three-to-one (3:1) ratio shall not apply to Minor Subdivisions where the resulting lots will contain ten (10) or more acres.
- 2. Road Frontage.
 - a. Each proposed lot shall have frontage on a private road or dedicated County, State, or Federal Street of a width as required by the applicable zoning district. Each lot shall be able to have direct access from the lot to a private road or dedicated County, State, or Federal Street
 - b. Frontage on limited access streets on which driveways cannot connect to or open on shall not constitute legal frontage.
 - c. Double frontage lots within a subdivision shall be discouraged.
- 3. Blocks.
 - a. Block lengths in agricultural or residentially zoned areas shall not exceed one thousand four hundred (1,400) feet.
 - b. Blocks should have sufficient width to provide for two (2) tiers of lots of appropriate depths.
- I. Monumentation.
 - 1. Monumentation within the subdivision shall be set on the property as follows:
 - a. At the intersection of all lines forming angles in the boundary of the subdivision;
 - b. At the intersection of street right-of-way lines; and
 - c. At all lot corners.
 - 2. Monumentation on the property shall be set in accordance with Indiana Administrative Code 865, as amended. For Minor Subdivisions, monumentation shall be set prior to submittal of the survey. For Major Subdivisions, monumentation shall be set prior to submittal of the Secondary Plat.
- J. Names of Subdivisions, Names of Streets, and Addressing.
 - 1. Subdivision Names.
 - a. The proposed name of the subdivision shall not duplicate, or closely approximate, the name of any other subdivision within the City of Huntington,

Towns, or Huntington County, Indiana. The PC shall have final authority to approve the name of the subdivision.

- b. The Subdivision name shall be displayed at the entrance and shall comply with the respective signage regulations of the Ordinance.
- 2. Street Names. Street names shall be assigned by the Administrator.
- 3. Addresses. Address numbers shall be assigned by the Administrator in accordance with the County House Number Ordinance (Ordinance No. 1982-3), as amended.

K. Sidewalks, Paths, & Trails.

- 1. Sidewalks.
 - a. Sidewalks, when required, shall be completed on a lot prior to occupancy of the building or structure on the lot.
 - b. Sidewalks, with a minimum width of four (4) feet and located a minimum of two (2) feet from the curb line of a street, are required on both sides of the street(s) under the following circumstances:
 - i) When the subdivision contains three (3) or more lots per gross acre;
 - ii) When the subdivision is close to pedestrian generators, such as a school or retail area;
 - iii) To continue a sidewalk on an existing street;
 - iv) To link together areas of development;
 - v) To provide pedestrian access to future developments; or
 - c. If required by any ordinance of a municipality.

L. Streets.

- 1. General.
 - a. All required public improvements shall comply with the Ordinances, Codes, and regulations of the County. All streets/roads shall be constructed in accordance with the Huntington County Road Manual.
 - b. In residential subdivisions, the road system shall be designed to serve the needs of the neighborhood.
 - c. The road system shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population served; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- 2. Layout. The layout of new streets, alleys, and other rights-of-way shall be designed in relation to existing streets and must be approved by the PC. The PC may require the following:

- a. Connection to existing streets adjacent to the subject property, abutting the property, or within a reasonable distance from the property;
 - b. More than one (1) point of ingress and egress;
 - c. Provisions for future extension of the street(s) beyond the boundary line of the subdivision;
 - d. Temporary cul-de-sacs on streets, which are proposed for continuation;
 - e. Dedication of any additional right-of-way necessary along existing County roads;
 - f. Frontage road; and
 - g. Acceleration and deceleration lanes.
3. Curbs and Gutter. Curb and gutter are required on all new streets when the subdivision contains three or more lots per gross acre.
4. Rights-of-way.
- a. All proposed rights-of-way that contain public improvements to be dedicated to a jurisdiction, must have required financial surety in accordance with Section 3.3.M: Surety before the appropriate legislative body will consider the request.
 - b. No plat that includes rights-of-way will be accepted by the County if the improvements in those rights-of-way are to remain private.
 - c. Any plat submitted to the County for approval which includes improvements in rights-of-way shall have those improvements completed and accepted by the County prior to the issuance of any ILP or BP on a lot within said subdivision.
 - d. The County will not accept any rights-of-way for a street/road, or accept any street for maintenance purposes, unless the total Street network is at least one-thousand five hundred (1,500) feet in length or provides access to at least twenty (20) lots.
 - e. The usage of the term “right-of-way” for land plotting purposes shall mean that every right-of-way shown on a secondary plat is to be separate and distinct from the created lots or parcels adjoining such right-of-way. Right-of-way cannot be included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the applicant on whose plat such right-of-way is established.
 - f. The width of all rights-of-way to be dedicated to the County shall be in accordance with the Huntington County Road Manual.
5. Private Roads.
- a. If a private road provides access to a subdivision, the following requirements shall be adhered to:

- i) Each proposed lot shall maintain the minimum lot frontage on the private road as required within the applicable zoning district;
 - ii) The private road shall be constructed in accordance with the Huntington County Road Manual. No Certificate of Occupancy shall be issued on any building constructed, which is provided access by a private road until the road is completed in accordance with the Huntington County Road Manual; and
 - iii) A note shall be placed on the face of the subdivision plat indicating: "The streets in this subdivision are classified as private roads and are not accepted by the County into the County Highway System. The County does not maintain private roads."
- b. All private roads shall have addresses as a named private road and must provide a legal road sign of the named road at the County Road and other regulatory signage as required by the Huntington County Road Manual.
- 6. Street Signs. Street name identification signs and traffic control signage shall be installed in accordance with the Huntington County Road Manual.
- 7. Alleys.
 - a. Alleys are permissible when the gross density of the subdivision exceeds six (6) units per acre.
 - b. Alleys shall have a minimum right-of-way width of twenty (20) feet and a minimum pavement width of twelve (12) feet.

M. Surety.

- 1. Prior to the issuance of any ILP or Building Permit, all the streets, sanitary sewer lines, water lines, stormwater drainage infrastructure, and other public improvements shall be completed by the applicant and accepted by the County. All improvements shall be completed in compliance with all plans that were approved by the Plat Committee and/or PC.
- 2. In lieu of completion, dedication, and acceptance of all public improvements, the applicant may submit improvement guarantees in one of the following manners:
 - a. A performance bond, securable to the appropriate legislative body, in an amount equivalent to one-hundred ten percent (110%) of the estimated cost of completion of the required public improvements;
 - b. A certified check made payable to the appropriate legislative body, in an amount equivalent to one-hundred ten percent (110%) of the estimated cost of completion of the required public improvements;
 - c. An irrevocable letter of credit securable to the appropriate legislative body, in an amount equivalent to one-hundred ten percent (110%) of the estimated cost of completion of the required public improvements; or

- d. A certificate of deposit payable to the appropriate legislative body, in an amount equivalent to one-hundred ten percent (110%) of the estimated cost of completion of the required public improvements.
3. The PC shall determine the amount of the guarantee to ensure sufficient funds will exist for the satisfactory construction and installation of the uncompleted portion of required public improvements.
4. The appropriate legislative body shall establish the period of time the applicant will have to complete the public improvements. The improvement guarantee shall cover this period of time. Two (2) months prior to the expiration of the guarantee, the appropriate legislative body shall determine the status of the public improvements and indicate the County's intent to secure funds pledged by the guarantee. The Board of Commissioners may grant a time extension if sufficient improvement guarantees are again provided.
5. All public improvements shall be inspected by the County, State, or Federal department/agency having jurisdiction over such improvements.
6. A maintenance bond shall be submitted prior to dedication and acceptance of all public improvements in accordance with the Huntington County Road Manual for the jurisdiction.

N. Utilities.

1. General.
 - a. If a subdivision is proposed to be serviced by public water, sanitary sewer or other public improvements, the applicant, property owner, and/or developer of the subdivision shall be responsible for all costs and construction activity associated with the extension of all water, sanitary sewer, and other public improvements unless otherwise agreed upon by the service provider.
2. Septic Systems.
 - a. Secondary Site Required. *COMMENT: 2023 legislation changes (HB 1402 and SEA 414) and IDOH interpretation is that you can no longer require set aside areas. You want to check with your attorney on this one.*
 - i) ~~Lots or tracts of real estate on which a residential or commercial OSS is to be installed, and which does not already contain an OSS, shall contain a secondary site large enough for a replacement of the soil absorption field on each parcel. Each lot shall be tested in two (2) distinct areas as to provide for two (2) suitable locations. If one (1) or more of the area(s) proves to be unsatisfactory, more areas shall be tested until two (2) suitable locations are found. The secondary site shall be kept free from development, compaction, fill material, soil removal, or any other activity that may lead to a rejection of the site.~~
 - ii) ~~A permittee, whose real estate was a separate parcel for tax purposes as shown on the tax records of the Auditor of Huntington County, Indiana, and recorded prior to (March 29, 2021), shall not be prohibited from the~~

~~construction, installation and eventual operation of an OSS solely as the result of his/her/its lot not containing a secondary site for a replacement absorption field, provided that he/she/it meets all other requirements of this Ordinance.~~

- ~~iii) The Plat Committee shall have the authority to waive the requirement of Section 8.2, A, 7, a, if sufficient evidence exists that this requirement is unreasonable or unnecessary based on acreage, the use of the property as production farmland or other parcel characteristics.~~

Section 3.4 Construction & Development Process. (Reserved)

Chapter 4. Administration and Procedures

Section 4.1 General Provisions. (Reserved)

Section 4.2 Processes.

A. Major Subdivision Process.

1. General.
 - a. Any subdivision of land beyond two (2) Minor Subdivisions, less than twenty (20) acres in size, on a taxable parent parcel or wherein a proposed lot(s) are provided access from, have frontage on, a new street or private road, or have contiguous non-limited access road frontage on an existing County road shall follow the Major Subdivision Process.
 - b. Site Visit. The Plat Committee or its designee may conduct a site inspection of the property proposed to be subdivided.
2. Sketch Plat. Sketch plat review of a subdivision may be submitted to the Plat Committee, and be reviewed as follows:
 - a. Application and sketch plat drawing shall be filed in accordance with the application packet.
 - b. All applications shall be reviewed by the Plat Committee in accordance with the review schedule established by the Committee.
 - c. The Plat Committee shall review the sketch plat drawing and provide the applicant with any information available regarding the proposed subdivision.
 - d. Any comments made by Plat Committee members are for informational purposes only and are not binding decisions. The information obtained through the review is to be utilized to prepare and submit a primary plat application.
3. Primary Plat.
 - a. Application.
 - i) Application, primary plat drawing and required documentation shall be filed in accordance with this UDO and the *PC Rules and Procedures*.
 - ii) Within thirty (30) days after the receipt of a complete application for primary plat approval, the Administrator shall announce the date for a public hearing before the PC.
 - b. Plat Committee.
 - i) Prior to the scheduled public hearing before the PC, the Plat Committee and Administrator shall review the primary plat for conformance with the regulations of this UDO. The Plat Committee shall prepare a report and submit its findings to the PC prior to the primary plat public hearing.

c. PC Hearing.

- i) A public hearing shall be held by the PC on the primary plat. Notice to interested parties shall be in accordance with the *PC Rules and Procedures*. The PC shall make written findings of fact prior to making a decision on the primary plat.
- ii) The PC may approve a primary plat only upon a determination in writing that:
 - a) The primary plat is in compliance with all applicable jurisdictional Codes and Ordinances;
 - b) Adequate water and septic or sewage can be obtained for each proposed lot. Subject to the requirements of 410 IAC 6-8.2 and Huntington County Ordinance 2011-04 as amended;
 - c) Adequate storm water management facilities are provided for each lot;
 - d) Adequate vehicular access facilities are provided for by the applicant; and
 - e) A county or state driveway approach permit can be obtained for each lot with location approval.
- iii) The PC shall make an affirmative finding on all of the factors described in Section 4.2.A: Major Residential Subdivision Process in order to approve a primary plat. The decision of the PC shall be signed by the President of the PC as recorded in the minutes.
- iv) The PC may impose reasonable conditions as a part of its approval.
- v) Primary plat approval or denial by the PC or the imposition of a condition on primary plat approval is the final decision of the PC. That decision may be reviewed as provided in *IC 36-7-4-1016*.

d. Expiration.

- i) A primary plat is valid for two (2) years from the date of approval unless an alternate completion schedule has been requested and approved by the PC. At any time prior to the expiration of primary plat approval, no more than one (1) extension of up to two (2) years may be requested according to the following procedure. For subdivisions containing sections or phases, an automatic two (2) year extension will be granted as each section or phase is recorded. Subsequent extensions for phased subdivisions may be requested in accordance with this section.
 - a) A completed application requesting time extension for primary plat approval shall be submitted to the Administrator.
 - b) A narrative explaining the reasons for the subdivision not being developed within the original timeline, the status of compliance with original conditions of approval, and the anticipated schedule for completing the platting process shall also be submitted.

- c) As part of a complete application, the Administrator may require additional information to determine compliance with previous conditions of approval.
 - ii) The Administrator may grant the extension only upon determining that all submittal requirements have been met, the project is in compliance with all applicable County Codes and Ordinances, and that the project is in compliance with its original conditions of approval. As part of granting a time extension, the Administrator may impose additional reasonable conditions.
 - e. Appeal. (Reserved)
- 4. Construction Drawings. (Reserved)
- 5. Secondary Plat.
 - a. General.
 - i) Secondary plat approval shall not occur until a minimum of thirty (30) days after the date of primary plat approval.
 - ii) For any reason, including, but not limited to the secondary plat being inconsistent with the approved primary plat, the Plat Committee may vote to defer the secondary plat request to the PC. The PC may require the applicant to re-file for primary plat approval.
 - iii) Application for secondary plat approval shall be submitted within two (2) years from the date of primary plat approval, or the primary plat approval becomes invalid. For sectioned or phased subdivisions, an automatic two (2) year extension will be granted to the undeveloped sections or phases as each section or phase is approved and recorded. Major subdivisions that include three (3) or more sections or phases may request to have an alternate completion schedule approved by the PC.
 - b. Application.
 - i) Required documentation (Section 3.3.L.4: Rights-of-way) for newly created roads to be dedicated to a jurisdiction must have the appropriate legislative body approval before the submittal, if applicable.
 - c. Plat Committee Consideration.
 - i) The secondary plat shall be reviewed by the Plat Committee. The Plat Committee may approve a secondary plat only upon a determination in writing that:
 - a) The secondary plat is in compliance with all applicable County Codes and Ordinances;
 - b) The secondary plat is consistent with the approved primary plat; and
 - c) All conditions of approval of the primary plat have been complied with.

- ii) The Plat Committee shall make an affirmative finding on each of the factors described in Section 4.2.A: Major Residential Subdivision Process in order to approve a secondary plat. The decision of the Plat Committee shall be signed by the President of the Plat Committee as approved according to the minutes.
- iii) The Committee or PC may impose reasonable conditions as a part of its approval.
- iv) Appeal of Plat Committee Decision.
 - a) The decision of the Plat Committee or the Administrator regarding the determination may be appealed to the PC within 10 days after the date that the decision is made.
 - b) PC Consideration.
 - 1) If a secondary plat is deferred or appealed to the PC, the PC shall consider the factors described in *Section 4.2.A: Major Residential Subdivision Process*. An affirmative finding shall be made on each factor in order to approve a secondary plat. Plat shall be signed by PC President, PC Secretary and Administrator.
 - 2) If secondary plat approval or denial is decided by the PC because of an appeal or deferral from the Plat Committee, the approval or denial is a final decision of the PC. That decision may be reviewed as provided in *IC 36-7-4-1016*.

d. Approval and Recording.

- i) Once a secondary plat is approved, the required signatures within the certification blocks on the plat shall be obtained prior to recording the secondary plat.
- ii) The signed secondary plat shall be recorded by the applicant in the Huntington County Auditor's and Recorder's Office. The secondary plat shall be recorded within one (1) year from the date of its approval, or it becomes invalid.

6. Appeals.

- a. The Administrator's interpretation of the subdivision provisions, or a decision of the Administrator or Plat Committee, may be appealed to the PC. The following procedures shall apply:
 - i) Appeal shall be filed on a form provided by the Administrator within ten (10) days of the date of the Administrator's interpretation or Plat Committee's decision;
 - ii) The PC shall review the appeal request at their next regular or special meeting provided the appeal is filed in time to be placed on the agenda. If the agenda has been issued, the appeal shall be scheduled for the next following PC meeting;

- iii) The PC may affirm, rescind, or modify the decision of the Administrator or Plat Committee. Only that item or items to which an appeal is filed shall be heard and decided by the PC;
 - iv) A public hearing is not required for a review of an appeal. The PC, during its review, may consider comments from interested parties on the appeal; and
 - v) Filing fee paid as required for an appeal.
- b. A final decision of the PC may be reviewed by per *IC 36-7-4-1016(1)*.

B. Minor Residential Subdivision Process.

1. General.
 - a. This section applies to all subdivisions of land where the proposed lot(s) conform with the requirements listed in Section 4.2.B: Minor Residential Subdivision Process.
 - b. The Plat Committee may defer any decision on a Minor Subdivision to the full PC for their review and decision.
2. Application.
 - a. The application, survey, and all required documentation shall be filed in accordance with this UDO and the *PC Rules and Procedures*.
 - b. All applications filed shall be reviewed by the Plat Committee in accordance with the review schedule established by the Committee.
3. Plat Committee Hearing.
 - a. The Plat Committee meeting shall be open to the public. Notice to interested parties and legal publication is not required. The Plat Committee shall make written findings of fact prior to making a decision on the subdivision request.
 - b. When reviewing an application, the Plat Committee may consider any of the following, including but not limited to:
 - i) Proximity of proposed lot(s) lines to structures and other improvements on neighboring properties;
 - ii) Newly created contiguous, non-limited access road frontage and residual contiguous, non-limited road frontage;
 - iii) Compliance with all health Codes and Ordinances;
 - iv) Topography of the proposed lot(s) and adjacent area;
 - v) Soil classification of the proposed lot(s) and adjacent area;
 - vi) Size of the proposed lot(s) as it relates to storm water runoff, watershed;
 - vii) Ability to provide permit-able, acceptable access to each lot.

- c. Based upon the review of the application, the Plat Committee may require the following before making a decision on the application:
 - i) Submittal of a drainage plan, which shall include a proposal for the management of storm water runoff from the proposed new lot(s);
 - ii) Application, location, and approval of a drive cut permit from the Huntington County Highway Department or Indiana Department of Transportation, as appropriate;
 - iii) Approval of the Drainage Board, if applicable;
 - iv) Soils evaluation to determine the ability of the proposed lot(s) to support a septic system;
 - v) Compliance with all Health Department regulations applicable to the request.
- d. The Plat Committee may approve a Minor Subdivision only upon a determination in writing that:
 - i) The Minor Subdivision is in compliance with all applicable County Codes and Ordinances;
 - ii) Adequate water and septic or sewage service can be obtained for each proposed lot. Subject to the requirements of 410 IAC 6-8.2 and Huntington County Ordinance 2011-04;
 - iii) Adequate storm water management facilities are provided for each lot;
 - iv) A county or state driveway approach permit can be obtained for each lot with location approval.
- e. The Plat Committee may impose reasonable conditions as part of its approval. Reasonable conditions include, but are not limited to:
 - i) Shared vehicular access points for driveways;
 - ii) Swales and detention basins to detain storm water runoff;
 - iii) Protection of an area on the lot from soil disturbance;
 - iv) Relocation of known field tiles;
 - v) Providing a way for the natural flow of water to cross the lot;
 - vi) Combination of lots;
 - vii) Proof that existing septic systems are properly maintained and comply with County/State Health requirements.
- f. The Plat Committee shall make an affirmative finding on all of the factors described in Section 4.2.B: Minor Residential Subdivision Process in order to approve a Minor Subdivision. The decision of the Plat Committee shall be signed by the President of the Plat Committee as recorded in the minutes.

4. Expiration. Minor Subdivision approval shall be valid for a period of two (2) years as indicated on the stamp and signature affixed to the front of the plat.
5. Appeal of Plat Committee Decision. An applicant may appeal to the PC any decision of the Plat Committee.
 - a. An appeal must be filed within ten (10) days of the date of the Plat Committee's decision.
 - b. If Minor Subdivision approval or denial is decided by the PC, the approval or denial is the final decision of the PC. That decision may be reviewed as provided in *IC 36-7-4-1016*.

C. Zone Map Change Process.

1. General. (Reserved)
2. Citizen Participation Plan.
 - a) Every application for a zone map change shall include a citizen participation plan which must be implemented and completed prior to the PC 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 PC.
 - 2) The President of any homeowners association or neighborhood association of which the property included in an application before the PC is included or is adjacent provided the name of the association president is on file in the Office of the Administrator.
 - 3) Staff of the PC.
 - 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.
3. Submittal Requirements. The following information shall be submitted for a zone map change:
- 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:
 - i) Scale, date, north arrow, vicinity map, and title of the project.
 - ii) The boundaries, dimensions, and total gross acreage of the lot.
 - iii) The relationship of the project to the surrounding road system, including the width of adjacent roadways.
 - iv) 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.

- v) 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.
 - vi) 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.
 - vii) Identification of land use and zoning classification of adjacent lots.
 - viii) Location of the different land uses proposed.
 - ix) Location of proposed signs and lighting fixtures.
 - x) 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.
4. EUD District. When considering a zone map change to the EUD District, the PC and appropriate legislative body shall pay reasonable regard to the following criteria:
- a. The importance of the service provided by the proposed facility to the community;
 - b. The availability of alternative locations for the proposed facility; and
 - c. The compatibility of the proposed use with existing uses and permitted uses.
- D. Special Exception and Variance Process.
- 1. Pre-Application Conference.
 - a. The pre-application conference is optional but highly recommended. This meeting gives the applicant the opportunity to discuss the procedures for approval with the Administrator as well as the requirements outlined in the UDO.
 - 2. Special Exception or Variance Application.
 - a. Special Exception or Variance Application Submission. An application for a special exception and/or variance is required. The submission shall be in accordance with the requirements of the applicable application.
 - b. Public File and Setting Hearing Date. Once the Administrator determines that an application is complete and in proper form, the application shall be assigned a docket number, a public file shall be created, and the public hearing date shall be set.
 - c. Internal Review. The Administrator may forward the plans to the appropriate checkpoint agencies for technical review and set a date for all comments to allow adequate time for any revisions by the applicant. After comments are received from the Checkpoint Agencies, the Administrator shall compile a written report to

the BZA, the applicant, and the public file. The applicant shall address all comments from the checkpoint agencies and submit revised plans (if applicable) per the submission schedule.

- d. Public Notice by the Applicant. The applicant is required to complete all forms of notice of the public hearing in accordance with the *BZA Rules and Procedures*. In the event the hearing has been properly noticed, but the plans are not finished per subsection c above, then the Administrator may have the BZA continue the petition to their next regular meeting (or a properly noticed special meeting) without requiring additional notice by the applicant.
- e. BZA Public Hearing. The BZA shall consider the special exception or variance from development standards at a public hearing. The applicant or his/her representative shall be in attendance to present the plan and address any questions or concerns of the BZA. Public comments are permitted in accordance with the *BZA Rules and Procedures*. Prior to approval, the BZA shall find that ALL of the following standards for the applicable application type have been satisfied.
 - i) Standards for Evaluating a Special Exception. When considering a special exception, the BZA shall find that the following standards have all been satisfied:
 - a) The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare;
 - b) The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted;
 - c) The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district;
 - d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided;
 - e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways; and
 - f) The special exception will be located in a district where such use is permitted, and all other requirements set forth in this UDO that are applicable to such use will be met.
 - ii) Standards for Evaluating a Variance from Development Standards. Per IC 36-7-4-918.5, when considering a variance from development standards, the BZA shall find that the following standards have all been satisfied:
 - a) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

- b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- c) The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

f. Decision by the BZA.

- i) Approval. If the BZA finds all of the standards have been satisfied for the applicable application type, it shall approve or approve with conditions and/or commitments the request. The BZA approval shall include findings of fact for each standard for evaluation.
- ii) Approval with Conditions. In accordance with *IC 36-7-4-1015*, the BZA may introduce changes or revisions to the proposed application as a condition of approval when necessary to facilitate the best interest and general welfare of the community.
- iii) Denial. If the BZA does not find that all of the standards have been satisfied, it shall deny the request and provide findings specifying the reason(s) for denial. An application for the same request, without substantive change, cannot be heard by the BZA for one (1) year from the date of denial.
- iv) Expiration. Approval of a special exception or variance from development standards shall run with the land unless a condition specifies otherwise. However, if construction of structures or occupancy of existing structures relevant to the approved special exception or variance has not commenced within twelve (12) months of approval by the BZA, the approval shall be void.
- v) Amendment. A special exception or variance may only be amended by the BZA following submission of a revised petition which then proceeds through the same process as a special exception or variance application.

3. Record Conditions/Commitments.

- a. Approve and Record Commitments. If the approval by the BZA included any conditions or commitments, the applicant shall submit a copy of said conditions or commitments to the Administrator for review and approval prior to recording. After approval, the applicant shall record the conditions or commitments with the Recorder's Office and provide a copy of the recorded document to the Administrator.

E. Development Plan Process.

1. General.

- a. Except as otherwise specifically stated in this section, a Development Plan is required for all development or modification of property. However, agricultural structures less than then thousand (10,000) square feet except agricultural uses (except confined feeding operations), single-family residential dwellings, or-and two-family residential dwellings are exempt from the Development Plan requirement.

- b. No ILP or BP shall be issued until a Development Plan is approved.
2. Application for Development Plan.
- a. The following items shall be submitted or paid to the Administrator to initiate reviews of a Development Plan:
 - i) Completed application form signed by the property owner.
 - ii) Payment of filing fees as required by Section 4.5: Schedule of Fees, Charges, and Expenses.
 - iii) 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:
 - a) Scale, date, north arrow, vicinity map, and title of the project;
 - b) The boundaries, dimensions, and gross acreage of the property;
 - c) The relationship of the development to the surrounding road system, including the width of the 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 locations, and other existing important physical features in and adjoining the development;
 - 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 existing land use and zoning of the petitioned site and adjacent properties;
 - h) A layout of the proposed building site including the following site data:
 - 1) Finished floor elevations
 - 2) Common open areas
 - 3) Landscaping and buffer areas
 - 4) Internal circulation patterns including off street parking and loading facilities
 - 5) Total project density (residential)
 - 6) Building area
 - 7) Percentage of impervious and near impervious surface coverage
 - 8) Percentage of open space areas
 - 9) The shape, size, location, and height of all structures
 - i) Size, location, and orientation of proposed signs;
 - j) Proposed lighting of the premises;

- k) Name and address of developers/property owners; and water, gas, and electricity.
 - iv) Storm Water Management Plan, which shall include the following information:
 - a) Contours of the site with elevations of the predeveloped site and proposed finished grade
 - b) Size of the watershed
 - c) Method of calculation of storm water run-off
 - d) Location, size, and capacity of drainage facilities serving the development
 - e) Proposal for the management of storm water
 - v) Traffic Management Plan, which shall include the following information:
 - a) Traffic generation analysis for proposed use
 - b) Distribution and assignment of traffic
 - c) Adjacent roadway/intersection improvements
 - d) Future right-of-way dedications
 - e) Additional roadway needs
 - vi) A description of the nature and intensity of proposed uses in the development.
 - vii) Statement on capacity of sanitary sewer system to service the development.
 - viii) Legal description of the property proposed for development.
- b. Upon written request from the applicant, the PC may waive the requirement to submit one or more of the items listed in Section 4.2: Development Plan Process. In order for the PC to waive a requirement, the PC shall determine that:
 - i) the item is not necessary for the PC to adequately review the Development Plan; and
 - ii) the item is not necessary for the PC to determine if the development requirements in Section 4.2: Development Plan Process are satisfied.
 - iii) 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.
- 3. Development Plan Requirements. The following development requirements shall be satisfied before approval of a Development Plan:
 - a. Compatibility of development with surrounding land uses.

- b. 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.
 - c. Availability of adequate storm water detention facilities.
 - d. Compliance with the development standards of the subject zoning district.
 - e. Management of traffic in a manner that creates conditions favorable to health, safety, convenience, and the harmonious development of the community by ensuring that:
 - i) the design and location of proposed street and highway access points minimize safety hazards and congestion;
 - ii) the capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development; and
 - iii) the entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.
4. Development Plan Review.
- a. Development Plans shall be reviewed by the Development Plan Committee in accordance with the *PC Rules and Procedures*.
 - b. The Administrator shall establish a meeting date, time, and place for the Development Plan Committee to review the Development Plan.
 - c. The Administrator may prepare a staff report and make a recommendation to the Committee.
 - d. The Development Plan Committee may receive evidence from any person regarding the Development Plan.
 - e. The Development Plan Committee shall review a Development Plan to determine if the Development Plan:
 - i) satisfies the development requirements specified in Section 4.2: Development Plan Process; and
 - ii) is consistent with the *Comprehensive Plan*.
 - f. 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.
5. Waiver of Development Requirements. The Development Plan Committee may waive the following development requirements under the specific conditions listed:

- a. 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.
 - b. Traffic Management Plan, if the development will have a negligible effect on traffic generation, traffic congestion, or traffic safety.
- 6. Conditions of Approval. Prior to approval of a Development Plan, or amendment to an approved Development Plan, the Development Plan Committee, or Administrator in the case of an amended Development Plan that does not require Development Plan Committee approval, may:
 - a. Impose conditions on the approval of a Development Plan if the conditions are reasonably necessary to satisfy the development requirements specified in Section 4.2: Development Plan Process;
 - b. 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
 - c. 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 4.3.G: Commitments, the *PC Rules and Procedures*, and applicable law.
- 7. Duration of Approval of Development Plan.
 - a. Development Plan approval expires if an ILP is not issued within two (2) years from the date of approval.
 - b. Upon request, and after good cause is shown, the time period within which an ILP must be issued may be extended by the Development Plan Committee for a time period not to exceed one (1) year.
 - c. If the time period has expired without extension and without the issuance of such permit, the Administrator shall file with the records of the PC a certificate of non-compliance and no ILP shall be issued until a new application for Development Plan is approved.
- 8. Limitation of Authority.
 - a. 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.
 - b. Approval of the Development Plan shall in no way exempt the applicant from strict observation of applicable provisions of this UDO and all other applicable laws.
- 9. Amendment to an Approved Development Plan.

- a. A property owner may file a written application with the Administrator to amend an approved Development Plan on property they own.
 - b. The Administrator 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.
 - i) A substantial deviation shall include, but is not limited to:
 - a) Modification of building location, which would affect setback distances or buffering from adjacent residential property;
 - b) Relocation of an access point to the site;
 - c) Major redesign of the parking and vehicular use area; or
 - d) Fundamental change in the overall concept of the development.
 - ii) If the Administrator 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 ILP.
 - iii) If the modified plan is consistent with applicable land use and development standards and requirements, and if no substantial deviation exists, the Administrator 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 PC 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 4.2: Development Plan Process and applicable law.
 - iv) The Administrator shall make written findings concerning each decision to approve or disapprove an amendment to a Development Plan. The Administrator shall sign the written findings.
10. Appeals of Decision.
- a. Any decision or determination of the Development Plan Committee or of the Administrator may be appealed to the PC. The following procedures shall apply:
 - i) Appeal shall be filed with the Administrator on a form provided by the Administrator within fourteen (14) days of the date of issuance of the decision.

- ii) Notice shall be provided to interested parties in accordance with the *PC Rules and Procedures*.
 - iii) The PC 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 PC meeting.
 - iv) The PC may affirm, rescind, or modify the decision of the Administrator or Development Plan Committee. Only that item or items to which an appeal is filed shall be heard and decided by the PC.
- b. The decision by the PC on an appeal request is a final decision of the PC that may be reviewed as provided in *IC 36-7-4-1016*.

F. Appeal Process. (Reserved)

G. Waiver Process.

- 1. The PC shall have the authority to grant waivers from the requirements of the Subdivision Control Ordinance Provisions of this UDO in accordance with Section 4.2.G: Waiver Process and only upon a determination in writing that:
 - a. The waiver will not be injurious to the public health, safety, and general welfare;
 - b. The use and value of the area adjacent to the property to be subdivided will not be affected in a substantially adverse manner;
 - c. The need for the waiver arises from some condition peculiar to the property involved; and
 - d. Because of the particular physical surroundings, shape, or topographical conditions of the subject property involved, an undue hardship to the owner would result, as distinguished from a mere inconvenience, if the strict applications of these regulations are enforced.
- 2. The PC shall make an affirmative finding on each of the factors described in *Section 4.2.G: Waiver Process* in order to approve a waiver request.
- 3. The PC may impose reasonable conditions as a part of its approval.
- 4. The approval or disapproval by the PC of a waiver request is a final decision of the PC that may be reviewed as provided in *IC 36-7-4-1016*.
- 5. The PC does not have the authority to grant a variance from a requirement of the Zoning Ordinance Provisions of this UDO.

Section 4.3 Other Processes.

A. Amendments.

- 1. For the purpose of providing for the public health, safety, and general welfare, the appropriate legislative body, on recommendation of the PC, may from time to

time amend the provisions imposed by this UDO. Public hearings on all proposed amendments shall be held by the PC in the manner prescribed by law.

B. Recording of Secondary Plats. (Reserved)

C. Acceptance of Improvements.

1. As built plans of all public improvements shall be submitted to the Administrator prior to acceptance of the improvements by the appropriate jurisdiction.

D. Lot Line Adjustments.

1. Process.

- a. Lot Line Adjustments.

- i) A residential lot line adjustment shall follow the same base standards and submittal requirements as required for a Minor Residential Subdivision, even if it is not part of a platted subdivision.
 - ii) A non-residential lot line adjustment shall follow the same base standards and submittal requirements as required for a Major Subdivision, even if it is not part of a platted subdivision.

2. Additional Requirements.

- i) All non-conforming lot line adjustments must have a combination legal, combining the newly created non-conforming lot with an existing contiguous taxable parcel of record.
 - ii) Combination legal must be metes and bounds description or platted lot descriptions, including or together with the newly created parcel of the non-conforming lot line adjustment.
 - iii) Must be one contiguous lot line once combination form has been approved.
 - iv) All lot line adjustment surveys and combination legals must be processed for taxation and recording.
 - v)

E. Subdivision Plan Revisions.

1. If revisions are required or made to a submitted survey or subdivision plat, a list of those revisions shall be submitted with the revised survey or subdivision plat.
2. If the survey, subdivision plat, or drainage plan is required to be revised, or is revised by the applicant, more than three (3) times prior to obtaining approval, the Plat Committee or PC may deny the application and require the applicant to file a new application and repay the filing fee.

F. Replats.

1. No replat shall be filed with the Auditor or Recorder without the approval of the Plat Committee or PC.

2. Application shall be filed in accordance with the *PC Rules and Procedures*.
3. A filing fee shall be paid to the department as stated in the Zoning Ordinance.
4. The Plat Committee may approve a replat under the following circumstances:
 - a. No additional lots are created or established.
 - b. No lot is altered in a manner, which would reduce it below the minimum requirements of the Zoning Ordinance without approval from the BZA.
5. The following certification shall be placed on the face of the amended plat:
 Amended plat approved by the Subdivision Plat Committee on this _____ day of _____, 20_____. _____
 _____ COMMITTEE PRESIDENT
 DATE _____
6. The name of the subdivision including the language "Amended Plat of _____" shall be placed at the top of the amended plat drawing. The plat shall reference the recording information of the original plat. A notes section shall be provided on the amended plat explaining what amendments have been made.
7. A replat which proposes to create additional lots shall be reviewed by the PC in the same manner as a Minor Subdivision if the proposed lot(s) have frontage on an approved street or private road, or as a Major Subdivision if the proposed lot(s) are provided access from, or have frontage on, a new street or private road.

G. Vacations.

1. Plat Vacation.
 - a. Authority. Pursuant to *IC 36-7-4-711*, the PC has exclusive authority over the vacation of plats or parts of plats. Vacations may be pursued under either *IC 36-7-4-711* or *IC 36-7-3-10*. A vacation of the plat does not vacate the covenants.
 - b. Vacation When All Owners Agree.
 - i) Applicability. As provided in *IC 36-7-3-10*, if all of the owners of land in the plat agree on a proposed vacation of all or part of the plat, the owner(s) must submit the instrument to the PC for approval before recording a written instrument to vacate all or part of the plat.
 - ii) Public Hearing Not Required. The PC may consider and rule on the proposed instrument without notice or a public hearing. The PC shall attach its written decision to the instrument before it is submitted for recording.
 - a) As provided in *IC 36-7-3-10*, an instrument recorded under this section terminates the effect of the plat or part of the plat declared to be vacated. It also terminates all public rights in the public ways and public places described in the plat or part of the plat. However. A public way that has been improved, or that is part of an improved plat may be vacated only

under *IC 36-7-3-12*. As provided in *IC 36-7-3-16*, platted easements may be vacated in the same manner as public ways and places.

- b) If the PC denies a vacation request under this section, a vacation cannot be requested without changed relief for two (2) years from the date of the PC's denial, as provided in *IC 36-7-3-15*.

c. Vacation When All Owners Are Not in Agreement.

- i) Applicability. As provided in *IC 36-7-4-711*, if all of the owners of land within a plat do not agree on a proposed vacation, one or more of the owners may file with the PC a petition to vacate all of the plat or that part of the plat that pertains to land owned by the petitioner(s).
- ii) Public Hearing Required. At the PC hearing, all other owners of land in the plat shall be allowed to comment on the petition.
 - a) Approval. The PC may impose reasonable conditions as part of any approval. The PC may approve the petition for vacation only if it finds that:
 - 1) Conditions in the platted area have changed to defeat the original purpose of the plat;
 - 2) It is in the public interest to vacate all or part of the plat; and
 - 3) The value of that part of the land in the plat not owned by the petitioner(s) will not be diminished by the vacation.
 - b) Denial. If the PC finds that the applicant does not meet the requirements above, it shall deny the petition. If the PC denies a vacation request under this section, a vacation cannot be requested without changed relief for one (1) year from the date of the PC's denial, as provided in *IC 36-7-4-715*.

2. Vacation of Public Way, Place, or Easement.

- a. A petition for vacation of all or part of a public way or place shall be filed in accordance with *IC 36-7-3-12*.
- b. A petition for vacation of a platted easement shall be filed in accordance with *IC 36-7-3-16*.

H. Commitments.

- a. The PC, BZA, or appropriate legislative body 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.
 - i) If the commitment is required by the PC, or if the owner of the real property permits the written commitment to be made prior to a recommendation being made by the PC, the commitment shall be included in the certified recommendation to the appropriate legislative body. The appropriate legislative body may approve, amend, and then approve, or disapprove the

recommendation of the PC. If the recommendation is disapproved, the commitment shall be void.

- ii) The written commitment shall be:
 - a) prepared by the PC or appropriate legislative body;
 - b) signed by the property owner(s) in the manner provided on the approved form of commitment;
 - c) signed by the President of the appropriate legislative body; and
 - d) recorded in the Huntington County Recorder's Office. The commitment shall be recorded prior to the final decision of the appropriate legislative body.
- iii) A written commitment regarding a proposal to amend the zone maps takes effect upon the final approval of the proposal by the appropriate legislative body.
- b. The terms of a commitment made as a part of a proposal to amend the zone maps can only be modified as follows:
 - i) 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.
 - ii) The PC 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 PC shall make a recommendation on the modified commitment to the appropriate legislative body. The legislative body may approve, amend, and then approve, or disapprove the recommendation. If the modified commitment is disapproved, the modified commitment shall be void.
 - iii) A written modification is effective upon final approval of all necessary administrative or legislative bodies.
- c. The PC 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. The commitment shall be:
 - i) prepared by the PC;
 - ii) signed by the property owner(s) in the manner provided on the approved form of commitment;
 - iii) signed by the President of the PC; and
 - iv) recorded in the Huntington County Recorder's Office. The commitment shall be recorded prior to the final approval of the PC.
- d. A written commitment made regarding a Development Plan takes effect upon final approval of the Development Plan.

- e. The terms of the commitment made as a part of a proposal for Development Plan approval can only be modified as follows:
 - i) An application for modification of a commitment may be filed by the owner of the property, which is subject to the commitment.
 - ii) The PC 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 PC approve, amend, and then approve, or disapprove the modified commitment. If the modified commitment is disapproved, the modified commitment shall be void.
 - iii) A written modification is effective upon final approval of the PC.
 - iv) A commitment made under this section automatically terminates if:
 - v) the proposal to amend the zone map is not approved by the appropriate legislative body;
 - vi) the Development Plan is not approved;
 - vii) the zone map applicable to the parcel upon which the commitment is made is changed; or
 - viii) the parcel upon which the commitment is made is designated as a planned unit development district.
 - f. A commitment may be enforced by the Administrator, PC, or appropriate legislative body in any manner provided by law or equity.
- I. Improvement Location Permits (ILPs).
- a. General.
 - i) 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.
 - ii) No building or structure shall be erected, moved, or increased in size without an ILP (hereinafter referred to as permit) issued by the Administrator. Permits shall be issued only in conformity with the provisions of the UDO and with all other County Ordinances, unless the Administrator receives a written order

from the BZA or Hearing Officer deciding an appeal, special exception, or variance.

iii) The Administrator is hereby authorized to issue ILPs within the jurisdiction of the PC.

iv) Prerequisites.

a) Approval by County Highway Department or INDOT. 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 Administrator.

b) Approval by the 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 Administrator.

c) Approval by County Surveyor's Office. Prior to the issuance of any permit, verification shall be obtained from the 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.

d) Approval by the 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 Administrator.

v) Contents of Application for an ILP. 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 Administrator that relates to compliance review.

vi) ILP Review Process.

- a) The Administrator 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 PC.
- vii) Approval of Improvement Location Permit (ILP).
- a) If the proposed project conforms to applicable law, and upon payment of permit fees as required by this UDO, 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 ILP 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 Administrator.

viii) Access to Property/Inspections.

- a) When reviewing an application for a permit, the Administrator, Plat Committee, PC, 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 UDO
 - b) By making application for a permit as provided in this UDO, 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
- ix) Expiration of the ILP. 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 4.4 Enforcement, Violations, and Remedies.

1. Enforcement.

- a. Enforcement Official. The Administrator is an enforcement official who is authorized and directed to implement the enforcement of this UDO.
- b. Complaints Regarding Violations. Any person may file a written complaint whenever a violation of this UDO occurs or is reasonably believed to have occurred. The complaint shall state reasonably, fully, and accurately the particulars thereof, and be filed with the Administrator. The Administrator shall investigate and may take action upon such complaint as provided in this UDO.

2. Violations.

- a. The following shall constitute a violation of this UDO and be subject to the enforcement remedies and penalties provided by this UDO:
 - i) The construction, erection, or location of any improvement in violation of the provisions of this UDO;
 - ii) the construction, erection, or location of an improvement without an ILP being issued;
 - iii) the construction, erection, or location of an improvement other than in accordance with the approved ILP;
 - iv) the use of any lot or improvement in violation of the specific approval granted by the BZA, Hearing Officer, or any provision of this UDO;

- v) the construction, erection, or location of any improvement in violation of the provisions of this UDO;
 - vi) the use or development of property in a manner which does not conform to the provisions of this UDO;
 - vii) failure to comply with a condition of approval imposed by the PC, Hearing Officer, or BZA;
 - viii) failure to comply with the terms of a Commitment of Use recorded in accordance with the provisions of this UDO;
 - ix) any act contrary to the provisions and requirements of this UDO;
 - x) altering, damaging, or removing any improvements required by the PC as part of a development plan approval, by the BZA as part of a variance or special exception approval, or by this UDO; or
 - xi) failure to comply with a Stop Work Order issued by the Administrator.
- b. The following shall constitute a violation the subdivision provisions and be subject to the enforcement remedies and penalties provided by this UDO:
- i) The transfer or sale of any lot or parcel of land created by subdivision before such lot or parcel has been approved by the Plat Committee or PC;
 - ii) The division of any lot or parcel of land which was not completed in compliance with the requirements of this UDO;
 - iii) Use or development of property in a manner which does not conform to the approved subdivision or plat;
 - iv) Failure to correctly install or properly maintain the improvements required by this UDO, as shown on the approved plat or construction plans. Such improvements include, but are not limited to streets, sidewalks, water lines, sanitary sewer lines, drainage improvements, or signage;
 - v) Altering, damaging, or removing any improvements required by this UDO;
 - vi) Failure to comply with a condition of approval;
 - vii) Breach of an executed improvement guarantee posted with the County;
 - viii) Act contrary to the provisions and requirements of this UDO; or
 - ix) Failure to comply with a Stop Work Order issued by Administrator.
- c. Any activity considered a violation of this UDO 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 UDO, shall be liable for maintaining a common nuisance.

- e. Private covenants or agreements imposing standards different than those in this UDO shall not impose an enforcement obligation on the Administrator or PC.
 - 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 UDO may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
3. Process for Pursuing a Violation.
- a. The following process shall be followed by the Administrator when pursuing a violation of this UDO:
 - i) The Administrator 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.
 - ii) If the violation(s) is not corrected, the Administrator shall send a written notice identified as being the final notice and shall state what action the Administrator can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the PC and the procedure for filing an appeal.
 - iii) In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
 - iv) If compliance is not achieved by the deadline specified in the final notice, the Administrator may impose one or more of the remedies listed in Section 4.4: Enforcement, Violations, and Remedies.
 - v) The Administrator working with the County Attorney may file a complaint against the person(s) responsible for and prosecute the alleged violation.
4. Remedies.
- a. The Administrator may impose any one or all of the following remedies listed below for any violation of this UDO:
 - i) 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 UDO.
 - ii) A revocation of any permit issued for work on the property.
 - iii) The PC or Administrator may bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this

UDO, or action taken under this UDO. Further, an action may also seek the imposition of a penalty under *IC 36-7-4-1018* or its successor provision.

- iv) 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 UDO and/or maintaining a common nuisance. This action may also seek to revoke approval that was granted by the BZA 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.
 - v) Any other remedy or penalty provided for herein, or by other applicable authority.
- b. Any person found to be in violation of this UDO in an enforcement action brought under this UDO shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the PC or the Administrator in connection with the prosecution of such action.

Section 4.5 Schedule of Fees, Charges, and Expenses.

- a. See the adopted Fee Schedule.

Chapter 5. Special Provisions for Towns within Huntington County

If you can identify the language that's different from your ZO/SCO, I can insert it into this section.

Section 5.1 General.

- A. The following provisions are for specific Towns within Huntington County that may have standards that differ from the rest of the UDO. These specific deviations are exclusive to the respective Town and outlined in this section.

Section 5.2 Town of Andrews.

Section 5.3 Town of Markle.

Section 5.4 Town of Mt. Etna.

Section 5.5 Town of Roanoke.

Section 5.6 Town of Warren.

Section 5.1

Chapter 6. Definitions

Section 6.1 Intent. For the purpose of this UDO, certain terms or words used herein shall be interpreted according to the rules and definitions of this Chapter, except when the context clearly indicates otherwise. Whenever any words and phrases used herein are not defined 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. All other words not herein defined, shall be defined according to any recent edition of a dictionary of the American language.

Section 6.2 Rules. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:

- A. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
- B. The masculine includes the feminine.
- C. The present tense includes the past and future tense; the singular number includes the plural.
- D. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- E. The words "used" or "occupied" include the words "intended, arranged, or designed to be used or occupied".
- F. The word "lot" includes the words "plot", "parcel", and "tract".
- G. 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 6.3 Definitions Formatting. Each of the following definitions is organized into three (3) columns.

- A. Term. The first column is the term to be defined.
- B. Applicable Ordinance. The second column identifies if the term is relevant to the Zoning Ordinance Provisions (ZO) or the Subdivision Control Ordinance Provisions (SCO).
- C. Definition. The third column contains the definition of the term.

TERM	ORDINANCE	DEFINITION
ACCESS	ZO	The principal means of ingress and egress to abutting property from a street.
ACCESSORY USE	ZO	As used in Section 2.3(J) only, a use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates the primary use or building in area, extent, or purpose shall not be considered an accessory use.
ACRE	ZO	A measurement of land area containing 43,560 square feet of land, water, or combination thereof.

ADDITION	ZO	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.
ADJACENT	ZO	Lying near, close; contiguous; adjoining; neighboring.
ADJOINING	ZO	Being in contact at some point or line; contiguous; bordering.
ADMINISTRATOR	SCO, ZO	The person designated by the PC to provide staff support to the PC and BZA and to enforce the UDO under the supervision of the PC. If a designated person does not exist, then the PC itself shall serve as the Administrator.
ADULT ENTERTAINMENT ESTABLISHMENT	ZO	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.
AGRICULTURAL BUILDING	ZO	A structure principally utilized for the storage of machinery used for purposes of crop production or for the shelter and feeding of livestock.
AGRICULTURE	ZO	The use of land for crop production and/or the raising of livestock.
AIRPORT	ZO	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	ZO	Eight hundred six (806) feet above mean sea level.
ALLEY	SCO, ZO	A public or private access way primarily designed to serve as secondary access to the side or rear of a property.
ALTERATION	ZO	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	ZO	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	ZO	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	ZO	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	ZO	Means a device used to receive or transmit electromagnetic waves.
APPLICANT	SCO, ZO	The owner(s) or designated representative of land proposed for development.
APPROACH, SURFACE	ZO	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 <i>Section 2.1.21: Airport Height Restriction Overlay (AHR) District</i> of this UDO. The perimeter of the approach surface coincides with the perimeter of the approach zone.
APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES	ZO	These zones are set forth in <i>Section 2.1.21: Airport Height Restriction Overlay (AHR) District</i> of this UDO.
ARCADE	ZO	Any establishment, room, place, or business location in which there are available to the public more than six (6) amusement devices.
ARTERIAL	SCO	A street intended to carry a high proportion of the total vehicular traffic of the County.

ATTACHED WIRELESS COMMUNICATION FACILITY (ATTACHED WCF)	ZO	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.
AVIAN IMPACT STUDY AND ANALYSIS	ZO	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.
A-WEIGHTED SOUND LEVEL	ZO	With regard to WECS, 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.
BASEMENT	ZO	That portion of a building that is partly or completely below grade.
BATTERY BACK-UP	ZO	A battery system that stores electrical energy from a solar PV system, making the electricity available for future use. Battery Back-Up systems are common in OffGrid Systems and Hybrid Systems. The provisions in Section 2.3(J) dealing with SESs do not apply to Battery Back-Ups if used for private consumption and electricity generated is not sold to third parties except for Net Metering.
BATTERY ENERGY STORAGE SYSTEM (BESS)	ZO	As defined in Indiana Code 22-14-8-2, a BESS means an energy storage system (as defined in NFPA 855) that is capable of storing and releasing more than one (1) megawatt of electrical energy for a minimum of one (1) hour using an AC inverter and DC storage. In addition to the requirements in this ordinance, a BESS shall follow state law, Indiana Code 22-14-8 and federal law, NFPA 855
BLADE GLINT	ZO	The intermittent reflection of the sun off the surface of the blades of a single or multiple WECS.
BLOCK	SCO, ZO	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 OF AVIATION	ZO	A board appointed by the City of Huntington as required by <i>IC 8-22-2-1 et. seq.</i>
BOARD OF ZONING APPEALS (BZA)	SCO, ZO	The Huntington County Advisory Board of Zoning Appeals.
BUFFER	ZO	Land area used to visibly separate one (1) use from another or to shield or block noise, lights, or other nuisances.
BUILDABLE AREA	ZO	That portion of the established parcel which can be devoted to buildings, ponds, parking lots, driveways, and other structures. Generally, this area excludes any applicable building restriction lines, setback requirements, floodplain boundaries, easements, rights-of-way or other similar areas in which buildings, ponds, parking lots, driveways and other structures shall not be located. Does not include landscaping or designated wetlands.
BUILDING	SCO, ZO	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 LINE	ZO	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 INTEGRATED PHOTOVOLTAIC SYSTEM	ZO	A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other façade material, semitransparent skylight systems, roofing materials, and shading over windows. The provisions in Section 2.3(J) dealing with SESs do not apply to Building Integrated Photovoltaic System if used for private consumption and electricity generated is not sold to third parties except for Net Metering.
BUILDING WIDTH	ZO	The dimension of a building or structure from side to side.
BUILDING, AREA	ZO	The area within the outside perimeter of exterior walls of the ground floor

		of a building.
BUILDING, COMMERCIAL	ZO	A building within which a commercial use is conducted.
BUILDING, DETACHED	ZO	A building that has no structural connection with another building.
BUILDING, HEIGHT	ZO	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	ZO	A building within which an industrial use is conducted.
BUSINESS OFFICE	ZO	The office of a business designed and used primarily to conduct the administrative and clerical affairs of the business.
BZA	SCO, ZO	See Board of Zoning Appeals.
CEMETERY	ZO	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.
CENTRAL SEWAGE SYSTEM	SCO	A community sanitary sewer system including collection and treatment facilities established by the developer to serve a new subdivision; or an existing public sanitary sewer system.
CENTRAL WATER SYSTEM	SCO	A community water supply system, including wells and/or surface water sources, treatment facilities, and distribution lines established by the developer to serve a new subdivision; or an existing public water system.
CERTIFICATE OF OCCUPANCY	ZO	A document issued by the Administrator allowing the occupancy or use of a building.
CHILD CARE HOME	ZO	With regard to <i>IC 12-17.2</i> , a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider: While unattended by a parent, legal guardian, or custodian; For regular compensation; and For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive calendar days per year, excluding intervening Saturdays, Sundays, and holidays. This definition includes Class I Child Care Homes that serve any combination of full-time and part-time children under the age of seven (7) but not to exceed twelve (12) children at any one time; and Class II Child Care Homes that serve more than twelve (12) children but not more than any combination of sixteen (16) full-time and part-time children under the age of seven (7) at any one time. A child care home shall not be considered a home occupation.
CLINIC	ZO	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	ZO	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.
COLLECTOR STREET	SCO	A street intended to move traffic from local streets to arterial streets.
CO-LOCATION	ZO	The use of common WCF or common site by two (2) or more wireless license holders or by one (1) wireless license holder for more than one (1) type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.
COMBINATION LEGAL	SCO	A document requirement for a non-conforming parcel request to be

		adjoined with an existing contiguous taxable parcel of record.
COMMERCIAL RECREATION AREA	ZO	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	ZO	Activity involving the sale or offering of goods or services.
COMMON AREA	ZO	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.
COMPREHENSIVE PLAN	ZO	The <i>Comprehensive Plan</i> for the jurisdiction as approved by the legislative body under <i>IC 36-7-4-500 series</i> and as amended from time to time.
THERMAL POWE (CST) (AKA CONCENTRATED SOLAR POWER (CSP))	ZO	Solar Energy Systems that use lenses or mirrors, and often tracking systems, to focus or reflect a large area of sunlight into a small area. The concentrated energy is absorbed by a transfer fluid or gas and used as a heat source for either a conventional power plant, such as a steam power plant, or a power conversion unit, such as a sterling engine. Although several concentrating solar thermal technologies exist, the most developed types are the solar trough, parabolic dish, and solar power tower.
CONDOMINIUM	SCO	The division of building(s) and the related land into horizontal property interests meeting the requirements of and controlled by Indiana statutes for condominiums as prescribed by the <i>IC 32-1-6 series</i> .
CONICAL SURFACE	ZO	A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty-to-one (20:1) for a horizontal distance of four thousand (4,000) feet.
CONSTRUCTION, ACTUAL	ZO	Work done which is beyond the preparation stage and into the stage where the changes or additions are made permanent.
CONSTRUCTION, START OF	ZO	For purposes of permit expiration criteria, the installation of a permanent building foundation.
CONTIGUOUS	ZO	Lands which are actually joined, united, or touching each other.
COPY AREA	ZO	The entire face of a sign including the advertising surfaces of any framing, trim or molding but not including the supporting structure.
COUNTY	SCO, ZO	Huntington County, Indiana.
COUNTY COMMISSIONERS	SCO, ZO	The Board of County Commissioners of Huntington County, Indiana.
COVENANT	SCO	A restriction placed on the use or development of land through a recorded document. Covenants are binding on subsequent owners and may run for specific periods of time.
CUL-DE-SAC	SCO, ZO	A local street with only one (1) vehicular traffic outlet, and a turnaround at the end of the street.
DEAD-END STREET	SCO	A street with only one (1) vehicular traffic outlet, and no turnaround at the end of the street.
DECK	ZO	An exterior floor system supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent system.
DENSITY	ZO	The number of dwelling units per unit of land.
DEPARTMENT	SCO, ZO	The Huntington Countywide Department of Community Development.
DETENTION BASIN	SCO	A manmade or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same at a rate acceptable to the PC.
DEVELOPER	SCO	The owner(s), or designated representative thereof, of land proposed to be subdivided.
DEVELOPMENT	SCO, ZO	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 the PC.
DEVELOPMENT	ZO	With regard to ponds, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; or any

clearing, grading, or other movement of land.

DEVELOPMENT PLAN	ZO	Approval granted by the Administrator (or the PC) in accordance with <i>IC 36-7-4-1400 series</i> for a specific plan for the development of a parcel that: Includes a site plan; Satisfies the development requirements specified in the UDO regulating the development; and Contains the plan documentation and supporting information required by the UDO regulating development.
DEVELOPMENT REQUIREMENT	ZO	A requirement for development of real property in a zoning district for which a Development Plan is required.
DEVELOPMENT STANDARDS	ZO	The minimum development requirements established by the UDO. These requirements include, but are not limited to, setback, building height, ground floor area, lot size, lot width, lot frontage, parking, signage, and landscaping.
DISTRICT	ZO	A specifically delineated area within which regulations and requirements uniformly govern the use and development of the land.
DOMESTIC ANIMALS	ZO	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.
DRAINAGE	SCO	The removal of surface water or groundwater from land by drains, grading, or other means.
DRAINAGE BOARD	ZO	The Huntington County Drainage Board.
DRAINAGE SYSTEM	SCO	The conveyance system through which water flows from the land, including all watercourses, water bodies, and pipes.
DRAINAGE PLAN	SCO, ZO	The proposed drainage system designed to manage the amount and rate of the stormwater runoff from a site as well as the quality of the runoff discharged from the site.
DRIVEWAY	SCO, ZO	A private means of vehicular access to not more than two (2) lots which provides access to parking spaces, garage, dwelling, or other structure.
DWELLING UNIT	ZO	A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family and its household employees, including provisions for living, eating, sleeping, and cooking. The term shall include manufactured homes but shall not include RVs.
DWELLING, ACCESSORY	ZO, SCO	An attached or detached dwelling unit that is smaller than the existing, on-site single-family structure and provides complete independent living facilities for one (1) or more persons. An accessory dwelling unit provides permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the primary single-family dwelling unit.
DWELLING, MULTI-FAMILY	ZO	A building or structure containing three (3) or more dwelling units with the number of families in residence not exceeding the number of dwelling units provided.
DWELLING, SINGLE-FAMILY	ZO	A building or structure containing one (1) dwelling unit and that is surrounded by open space or yards and is not attached to any other dwelling by any means.
DWELLING, TWO-FAMILY	ZO	A building or structure on a single parcel containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extended from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common

		stairwell exterior to both dwelling units.
DWELLING, ZERO LOT LINE	ZO	A dwelling on a lot that is placed in such a manner that one (1) or more of the building's sides rest directly on a lot line.
EASEMENT	SCO, ZO	An authorization or grant by a property owner to specific person(s) or to the public to use land for specific purposes.
EGRESS	ZO	An exit from a property.
ELECTRICAL EQUIPMENT	ZO	With respect to SES, any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.
ELECTRICITY GENERATION	ZO	With respect to SES, the amount of electric energy produced by transforming other forms of energy, commonly expressed in kilowatt-hours (kWh) or megawatt- hours (MWh).
ENFORCEMENT OFFICIAL	ZO	The Administrator or the individual(s) appointed by the County Commissioners as the designated enforcement official(s) of the provisions of this UDO.
EPA		The Environmental Protection Agency.
EQUIPMENT FACILITY	ZO	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.
EROSION	SCO	The detachment and movement of soil or rock fragments, or the wearing away of the land surface, by water, wind, ice, or gravity.
ESTABLISHMENT	ZO	An economic unit, generally at a single physical location, where business is conducted, or services are offered.
EXCAVATION	ZO	With regard to ponds, the process in which dirt is hauled into or out of the given area.
EXEMPTION CLAUSE	SCO	Any lot(s) that is subdivided from a parent parcel that is greater than twenty (20) acres in size (as long as the parent parcel itself remains at least twenty (20) acres in size) will be exempt from counting towards the two (2) permitted Minor Subdivisions. The lot(s) divided from the parent parcel will not be deemed a new parent parcel and will require Major Subdivision approval for further subdivision.
FACTORY BUILT STRUCTURE	ZO	A structure built or constructed in a factory and installed or assembled on a building site.
FARM	ZO	A lot utilized for agricultural purposes.
FENCE	ZO	Any artificially constructed barrier of any material or combination of materials constructed or erected to enclose or screen areas of land.
FENCE, DECORATIVE	ZO	Any fence constructed of boards or similar material no greater than three inches in width, with the spacing between those boards or pieces of materials being no less than three inches. This term shall also include wire and chain-link fencing which do not contain privacy slats.
FENCE, PRIVACY	ZO	Any fence constructed of boards or similar material, with the spacing between those boards or pieces of material being less than three inches.
FLOODPLAIN	SCO	The channel proper and the areas adjoining any wetland, lake, or watercourse, which have been or hereafter may be covered by the regulatory flood. (Additional Flood definitions and regulations are contained in <i>Section 2.1.19: Flood Hazard Overlay District</i> , as amended).
FLOOR AREA, GROSS (GFA)	ZO	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	ZO	The sum of the horizontal areas of the ground floor of a building containing a dwelling unit measured from the exterior face of exterior walls, but not including open porches, decks, terraces, garages, or exterior stairways.
FRONTAGE	SCO	The width of a lot measured along a street or private road.
GRADE	ZO	The average finished surface elevation of land adjacent to a sign, building, or other structure.

GROUND COVER	ZO	Low growing living plant material that is planted to form a continuous cover over the ground.
GROUND-MOUNTED SYSTEM	ZO	A solar energy system that is directly installed on specialized solar racking systems, which are attached to an anchor in the ground and wired to connect to an adjacent home, building or utility. Ground-mount systems may be applicable when insufficient space, structural and shading issues or other restrictions prohibit rooftop solar. The provisions in Section 2.3(J) dealing with SESs do not apply to Ground-Mounted Systems if for private use and electricity is not sold to a third party except for Net Metering.
GROUP HOME	ZO	A non-profit or for-profit group home regulated under <i>IC 31-27</i> for the sheltered care of persons with special needs, which in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
HAZARD TO AIR NAVIGATION	ZO	An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
HEALTH DEPARTMENT	SCO	The Huntington County Department of Health.
HEARING OFFICER	ZO	The individual appointed by the PC with the authority granted by the PC to review and act upon applications for a variance from development standard.
HEIGHT	ZO	For the purpose of determining height limits within the Airport Height Restrictions Overlay (AHR) District, the datum shall be mean sea level elevation unless otherwise specified.
HEIGHT OF TOWER	ZO	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	ZO	A permit issued by the Administrator for lands located in the Airport Height Restrictions Overlay (AHR) District, and in addition to any other applicable building permit requirements found elsewhere in this code.
HEIGHT, TOTAL	ZO	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.
HOME OCCUPATION	ZO	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 an accessory structure on the premises.
HORIZONTAL SURFACE	ZO	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	ZO	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.
HUNTINGTON COUNTY ROAD MANUAL	SCO	The Huntington County Manual of Standard Specifications for Roads and Streets (Ordinance No. 1985-3, as amended).
HYBRID SOLAR PHOTOVOLTAIC SYSTEMS (AKA GRID-TIED PV WITH BATTERY BACK-UP)	ZO	Solar photovoltaic electricity generation systems designed to serve the electricity needs of the building to which it is connected, thus offsetting a home or business's electricity usage, while also utilizing a battery back-up in the event of a power outage. This is the only system that provides the ability to have power when the utility grid is down. Typical system components include PV panels, inverter(s) and required electrical safety gear, battery bank, and a charge controller. The provisions in Section 2.3(J) dealing with SESs do not apply to Hybrid Solar Photovoltaic Systems if for private use and electricity is not sold to a third party except for Net Metering.
IDEM		The Indiana Department of Environmental Management.

IMPERVIOUS SURFACE	ZO	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	ZO	Any structure or man-made feature which becomes part of, placed upon, or is affixed to land.
IMPROVEMENT LOCATION PERMIT (ILP)	ZO	A permit issued by the Administrator 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 UDO.
INDIVIDUAL SEWAGE DISPOSAL SYSTEM	SCO	Any sewage treatment device approved by the Health Department to service an individual lot.
INDUSTRIAL USE	ZO	Activity involving the manufacturing, assembly, or distribution of goods or products.
INFRASTRUCTURE	SCO	Facilities and services needed to sustain residential, commercial, and industrial activities.
INGRESS	ZO	Access or entry to a property.
INTERESTED PARTIES	SCO, ZO	The property owners defined by the <i>PC and/or BZA Rules and Procedures</i> who are required to be notified of public hearings.
INVERTER	ZO	A device that converts the direct current (DC) electricity produced by a solar photovoltaic system to usable alternating current (AC).
KENNEL, PRIVATE	ZO	The keeping, breeding, raising, showing, or training of four (4) or more dogs over six (6) months of age for personal enjoyment of the owner or occupant of the property.
KENNEL, PUBLIC	ZO	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.
KILOWATT (kW)	ZO	A unit of electrical power equal to 1,000 watts.
LANDSCAPING	ZO	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	ZO	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	ZO	A dedicated or recorded street, private drive, or driveway, affording perpetual ingress and egress from a property to a street.
LEGAL DESCRIPTION	SCO	A description which definitively describes property by reference to government surveys, coordinate systems or recorded maps.
LEGAL DRAIN	SCO	Any drainage system that is under the jurisdiction of the Huntington County Drainage Board as provided by <i>IC 36-9-27</i> .
LIVESTOCK OPERATION	ZO	The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, as well as the storage of all necessary materials and equipment.
LIVESTOCK OPERATION, INTENSIVE	ZO	Any proposed livestock operation or an expansion of an existing livestock operation exceeding the per acre limits set forth for a Minor Livestock Operation as described in <i>Section 2.3.E: Livestock Operations</i> , or any one operation regardless of acreage which has more than a specified number of livestock as described in <i>Section 2.3.E: Livestock Operations</i> .
LIVESTOCK OPERATION, MINOR	ZO	A tract of land or tracts of adjacent lands with no more than a specified number of livestock per acre as described in <i>Section 2.3.E: Livestock Operations</i> .
LOADING AREA	ZO	The total area devoted to the parking, unloading, and maneuvering of delivery vehicles.
LOADING SPACE, OFF STREET	ZO	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 outside of any street or alley right-of-way.

LOCATION MAP	SCO	A map showing the location of the property proposed to be subdivided and its relationship with the closest intersecting streets/roads in all directions.
LOT	SCO, ZO	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 single lot of record; a portion of lot of record; 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	SCO, ZO	The size of a lot measured within the lot lines and expressed in terms of acres or square feet.
LOT COVERAGE	ZO	That portion of the area of a lot, expressed as a percentage, occupied by all buildings, structures, and other impervious surfaces.
LOT FRONTAGE	ZO	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 LINE	SCO, ZO	A line dividing one lot from another lot or from a street, alley, or other right-of-way.
LOT LINE ADJUSTMENT	SCO	Any time additional property is obtained and added to an existing taxable parcel of record by means of an approved survey.
LOT LINE, FRONT	SCO, ZO	The line separating a lot from a street right-of-way or private drive.
LOT LINE, REAR	SCO, ZO	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	SCO, ZO	Any lot line other than a front or rear lot line.
LOT OF RECORD	ZO	A lot which exists as shown or described on a plat or deed, in the records of the Huntington County Recorder.
LOT, CORNER	SCO, ZO	A lot located at the intersection of two (2) 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 one hundred thirty-five (135) degrees in front of the lot.
LOT, DOUBLE-FRONTAGE	SCO	A lot which has frontage upon two parallel streets/roads, or which has frontage upon two streets/roads which do not intersect at the boundaries of the lot.
LOT, FLAG	ZO	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, INTERIOR	ZO	A lot with only one frontage on a street.
LOT, REVERSED FRONTAGE	ZO	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.
LOT, THROUGH	ZO	A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
MAINTENANCE BOND	SCO	A form of security which may be required by the jurisdiction to ensure that required public improvements are designed according to Section 3.3.M: Surety and will function as required for a specific period of time.
MANUFACTURED HOME	ZO	Formerly known as a mobile home, a manufactured home is built to the Manufactured Home Construction and Safety Standards (HUD Code) and displays a red certification label on the exterior of each transportable

section. A manufactured home was constructed after June 15, 1976, and is defined in *IC 16-41-27-3.5*, as a structure, transportable in one (1) or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and compiles with the standards established under the cited Federal chapter; and except that such term shall not include any self-propelled RV.

MANUFACTURED HOME PARK	ZO	As defined in <i>IC 16-41-27-5</i> , a manufactured home community on one (1) or more parcels of land that: Contain individual lots that are leased or otherwise contracted; Are owned, operated, or under the control of one (1) or more persons; and 3) on which a total of at least five (5) manufactured homes are located for the purposed of being occupied as principal residences. The term includes the following: All real and personal property used in the operation of the manufactured home community; A single parcel of land; Contiguous but separately owned parcels of land that are jointly operated; Parcels of land jointly operated and connected by a private street;
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		One (1) or more parcels of land, if at least two (2) of the manufactured homes or manufactured homes located on the land are accessible from a private street or interconnected private streets, served by a common water distribution system, or served by a common sewer system or septic system.
MANUFACTURING	ZO	Establishments engaged in the mechanical or chemical transformation of materials or substances into new products.
MANUFACTURING, EXTRACTIVE	ZO	Any mining, quarrying, or other forms of extraction, and processing, storing, separating, cleaning, or marketing of any mineral, oil, gas, or other natural resource.
MEGAWATT (MW)	ZO	A unit of electrical power equal to 1,000,000 watts or 1,000 kW.
METEROLOGICAL TOWER	ZO	A tower used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.
MINIMUM LIVING AREA	ZO	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	ZO	Now known as a manufactured home, a mobile home was constructed prior to June 15, 1976, and even with modifications, does not meet the HUD standards and cannot be accepted as compliant with the HUD Code. A mobile home is defined in <i>IC 16-41-27-4</i> as a dwelling, including the equipment sold that is a dwelling, which is: Factory assembled; Transportable; Intended for year-round occupancy; Designed for transportation on its own chassis; and Was manufactured before the effective date of the federal Manufactured Housing Construction and Safety Standards Law of 1974 (<i>42 USC 5401 et seq.</i>).
MODULAR HOME	ZO	A unit which is fabricated in one or more modules at a location other than the home site, by assembly-line type production techniques or by other construction methods unique to an off-site manufacturing process, designed for occupancy by one family unit. Every module shall bear the Indiana Modular seal certifying that it was built in compliance with the Rules of the Indiana Fire Prevention and Building Safety Commission. A modular home is placed on a permanent foundation and is built to the Indiana One- and Two-Family Dwelling Code.
MONUMENT	SCO	An object which marks the location of a corner of a lot or subdivision, or other survey point.
MOTEL, ADULT	ZO	A sexually oriented hotel, motel, or similar establishment that provides lodging to the public for compensation.
MURAL	ZO	A picture, scene, diagram, or graphic applied on the exterior of a building, wall, or structure generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic which may display as artwork or depicts a scene or event of natural, social, cultural, or historic significance. Murals printed on a textile or vinyl and installed on a frame or wrapping the exterior of a building are also considered murals. A mural that does not function as a sign is not regulated by this UDO.
NACELLE	ZO	The enclosure located at the top of a WECS tower that houses the gearbox, generator, and other equipment.
NATIONAL ELECTRIC CODE (NEC)	ZO	Sets standards and best practices for wiring and electrical systems.
NET METERING	ZO	A billing arrangement that allows customers with grid-connected solar electricity systems to receive credit for electricity generated on-site and provided to the utility grid. The provisions in Section 2.3(J) dealing with SESs do not apply to Net Metering. The generating capacity of the solar electricity system for which Net Metering is used shall not exceed the

		anticipated peak electric demand of the use on the property.
NOISE	ZO	With regard to WECS, any sound which annoys or disturbs humans, or which causes or tends to cause an adverse psychological or physiological effect on humans.
NOISE DISTURBANCE	ZO	With regard to WECS, any sound which endangers or adversely impacts the safety or health of humans or animals; or annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.
NON-CONFORMING COMPONENT OF USE	ZO	A component of use lawfully existing at the time of enactment of the UDO or amendments thereto, which does not conform to the applicable development standards.
NON-CONFORMING LOT	ZO	A parcel, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
NON-CONFORMING STRUCTURE	ZO	A structure, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the UDO.
NONPARTICIPATING PROPERTY	ZO	With respect to SES, means a lot or parcel of real property: (1) that is not owned by a project owner; and (2) with respect to which the project owner does not seek (A) to install or locate one (1) or more SES facilities or other facilities related to a SES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure); or to otherwise enter into a lease or any other agreement with the owner of the property for use of all or part of the property in connection with a SES system project; or (B) The owner of the property does not consent to having one (1) or more SES system or other facilities related to a SES system project (including power lines, temporary or permanent access roads, or other temporary or permanent infrastructure) installed or located; or to otherwise enter into a lease or any other agreement with the project owner for use of all or part of the property in connection with a SES system project. The term does not include a lot or parcel of real property otherwise described in subsection (a) if the owner of the lot or parcel consents to participate in a CSE system project through a neighbor agreement, a participation agreement, or another similar arrangement or agreement with a project owner.
NON-CONFORMING USE	ZO	A use or activity that was lawful prior to the adoption, revision, or amendment of the UDO but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the district.
NON-PRECISION INSTRUMENT RUNWAY	ZO	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.
NUISANCE	ZO	A condition or situation that results in an interference with the enjoyment and use of property.
NUISANCE GLARE	ZO	A continuous source of excessive brightness. It could be experienced by a stationary observer located in the path of reflected sunlight from the face of the panel.
NURSERY, PLANT MATERIALS	ZO	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	ZO	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	ZO	Any structure or other object, including a mobile object, which exceeds a

limiting height, set forth in *Section 2.1.21: Airport Height Restriction Overlay (AHR) District* of this UDO.

OCCUPANT	ZO	The person or persons in actual possession of a building, structure, or lot.
OCCUPIED SPACE	ZO	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-GRID SOLAR PHOTOVOLTAIC SYSTEMS WITH BATTERY BACK-UP	ZO	Solar photovoltaic electricity systems designed to operate independently from the local utility grid and provide electricity to a home, building, boat, RV (or remote agricultural pumps, gates, traffic signs, etc.). These systems typically require a battery bank to store the solar electricity for use during nighttime or cloudy weather (and/or other back-up generation). Typical system components include PV panels, battery bank, a charge controller, inverter(s), required disconnects, and associated electrical safety gear. The provisions in Section 2.3(J) dealing with SESs do not apply to Off-Grid Solar Photovoltaic Systems with Battery Back-Up if for private use and electricity is not sold to a third party except for Net Metering.
OFF-STREET PARKING SPACE	ZO	A parking space which is located entirely upon private property.
ON-SITE SEWAGE SYSTEM (OSS)	SCO	All equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage.
OPACITY	ZO	The state or quality of being opaque; the degree to which something is opaque.
OPAQUE	ZO	Not transparent or translucent; impenetrable to light; not allowing light to pass through. As applied to this article, it refers to completely excluding visual contact (100% opacity) with solar panels and equipment.
OPEN SPACE	ZO	An exterior open area, clear from the ground upward, devoid of any structures and impervious surfaces.
OPEN SPACE ZONING	ZO	A zoning district outlined in this UDO which is intend for outdoor recreational and leisure activity uses and which is intended to experience very limited development.
OPERATOR	ZO	The entity responsible for the daily operation and maintenance of a WECS, including any third-party subcontractor.
ORDINANCE	ZO	Any legislative action, however denominated, of a County or municipality, which has the force of law, including any amendment or repeal of any ordinance.
OUTDOOR STORAGE	ZO	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.
OWNER	ZO	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.
PARCEL, PARENT	SCO	A separate and distinct parcel of land as recorded at the time of adoption of this UDO in its original form as of January 1, 2005. The parent parcels can be subdivided a maximum of two (2) times as a Minor Subdivision with additional Minor Subdivisions occurring under the exemptions clause. All other subdivisions of a parent parcel will constitute a Major Subdivision.
PARK	ZO	An area designated and used for active and passive recreation, aesthetic, and cultural purposes.
PARKING AREA	ZO	The total area devoted to the parking and maneuvering of vehicles.
PARKING SPACE	ZO	An area, enclosed or unenclosed, specifically designed for the sole purpose of parking one (1) vehicle.
PARTICIPATING PROPERTY	ZO	With respect to SES, a property in which land is leased (by a signed contract) by the SES owner in order to facilitate the SES development.

PARTY WALL	ZO	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.
PC	SCO, ZO	See Plan Commission.
PERMIT AUTHORITY	ZO	With respect to SES, the Plan Commission is the permit authority concerning the permitting, construction, installation, siting, modification, operation, or decommissioning of SES system in the unit.
PERMITTED USE	ZO	A use allowed in a district and subject to the development standards for that district.
PERSON	ZO	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.
PLACE OF WORSHIP	ZO	A church, synagogue, temple, mosque, or other facility that is used for prayer by persons of similar beliefs; or a special-purpose building that is architecturally designed and particularly adapted for the primary use of conducting formal religious services on a regular basis.
PLAN COMMISSION (PC)	SCO, ZO	The Huntington County Advisory Plan Commission.
PLANNED UNIT DEVELOPMENT	ZO	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	SCO	A map or chart indicating the subdivision or re-plat of land intended to be filed for record.
PLAT AMENDMENT		The process for allowing boundary changes and lot consolidations for lots in recorded subdivisions.
PLAT COMMITTEE	SCO, ZO	A committee established under the <i>PC Rules and Procedures</i> , which is responsible for review of subdivisions requiring PC action.
PLAT, PRIMARY		A drawing indicating the subdivision or re-subdivision of land, prepared in accordance with the requirements of this UDO and submitted by the subdivider as part of the subdivision plan.
PLAT, SECONDARY		A map indicating the subdivision of land, intended to be recorded and prepared in accordance with the requirements of this UDO.
PORCH	ZO	A roofed area, which may be screened in or enclosed as permitted by the UDO, attached to and with direct access to or from a building.
PREMISES	ZO	One (1) 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	ZO	A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface is set forth in <i>Section 2.1.21: Airport Height Restriction Overlay (AHR) District</i> of this UDO. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
PRIME FARMLAND	ZO	Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding. Users of the lists of prime farmland map units should recognize that soil properties are only one of several criteria that

		are necessary. Other considerations include land use, frequency of flooding, irrigation, water table, and wind erodibility.
PRIVATE DRIVE or ROAD	SCO, ZO	Vehicular access way to three (3) or more lots that is not an accepted County Road or a road maintained by the County.
PROFESSIONAL OFFICE	ZO	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 of profession.
PROJECT AREA	ZO	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	ZO	A continuous line which encompasses all WECS and Related Equipment to be used in association with a WECS project.
PROPERTY OWNER	SCO, ZO	With respect to SES, means a person that (1) will own one (1) or more SES systems proposed to be located in a unit; or (2) owns one (1) or more SES systems located in a unit. The term includes an agent or a representative of a project owner.
PROPERTY OWNER, NON-PARTICIPATING	ZO	With regard to WECS, any Property Owner who is neither an "Owner" nor a "Participating Property Owner" as these terms are defined in this section.
PROPERTY OWNER, PARTICIPATING	ZO	A property owner from whom land is leased by the WECS owner in order to facilitate the WECS development.
PUBLIC IMPROVEMENT	SCO	Any improvement, facility, or service, together with its associated site or right-of-way, necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that is usually owned and operated by a governmental agency.
PV-DIRECT SYSTEMS	ZO	The simplest of solar photovoltaic electric systems with the fewest components (no battery back-up and not interconnected with the utility) designed to only provide electricity when the sun is shining. Typical system components include PV panels, required electrical safety gear, and wiring. The provisions in Section 2.3(J) dealing with SESs do not apply to PV-Direct Systems if used for private use and electricity generated is not sold to third parties except for Net Metering.
RACKING	ZO	Solar energy systems are attached securely and anchored to structural sections of the roof-mounted or pole-mounted systems. Specially designed metal plates called flashings prevent leaks and are placed under shingles and over bolts to create a water-tight seal.
RECREATIONAL VEHICLE (RV)	ZO	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. A recreational vehicle shall not be used as a primary residence or for permanent occupancy.
RECYCLING FACILITY	ZO	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.
RELATED EQUIPMENT	ZO	Transformers, tower, electrical conductors, termination points, switches, fences, substations, and any other equipment to operate a WECS.
REPLAT	SCO	The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously approved and recorded according to law; or the alteration of any streets or rights-of-way or the establishment of any new streets or rights-of way within any subdivision made and approved or recorded according to law, but not including conveyances made so as to combine existing lots by deed or other instrument.
RESIDENT	ZO	An individual whose principal place of living and sleeping is in a particular location and is a resident of that location.

RETENTION BASIN	SCO	A manmade or natural water collector facility designed for the permanent storage of water.
RIGHT-OF-WAY	SCO, ZO	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, county drain, special landscaping, or for another special public use.
RUNWAY	ZO	A defined area on an airport prepared for landing and takeoff of aircraft along its length.
SALVAGE YARD	ZO	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	ZO	An area, approved by IDEM, utilized for the disposal of non-hazardous solid waste.
SCREENING	ZO	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	ZO	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 UDO.
SETBACK LINE	ZO	A line parallel to and equidistant from the relevant lot line (front, rear, and side).
SETBACKS	ZO	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.
SEWER, ON-SITE	ZO	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.
SEWER, CENTRAL OR GROUP	ZO	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.
SHADOW FLICKER	ZO	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	ZO	The land area that falls within the setback for shadow flicker.
SIDEWALK	ZO	That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.
SIGN	ZO	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. 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. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

Projecting sign - A building sign which projects outward, either perpendicular or at an angle to the wall or building on which it is mounted.

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.

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.

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.

SIGN, ILLEGAL	ZO	A building, free-standing, or off-premises sign that has been erected and is being maintained in violation of the provisions of this UDO.
SIGN, NON-CONFORMING	ZO	A building, free-standing, or off-premises sign existing at the time of the passage of this UDO 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 UDO.
SIGN, OFF-PREMISES	ZO	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.
SOLAR ACCESS	ZO	The ability of one property to continue to receive sunlight across property lines without obstruction from another's property that contains buildings, foliage, or another impediment.
SOLAR CARPORT	ZO	A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities. The provisions in Section 2.3(J) dealing with SESs do not apply to Solar Carports if used for private use and electricity generated is not sold to third parties except for Net Metering.
SOLAR COLLECTOR	ZO	A solar PV cell, panel, or array, or solar thermal collector device, which relies upon solar radiation as an energy source for the generation of electricity or for the transfer of stored heat.

SOLAR ENERGY FACILITY, LARGE	ZO	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	ZO	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.
SOLAR ENERGY SYSTEM (SES)	ZO	The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing, buffer yard, and landscaping. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. The term includes solar panels, collection and feeder lines, generation tie lines, substations, ancillary buildings, battery energy storage systems, solar monitoring systems, and accessory equipment or structures.
SOLAR GLARE	ZO	The potential for solar panels to reflect sunlight, with intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
SOLAR HOT AIR SYSTEM	ZO	(also referred to as Solar Air Heat or Solar Furnace) A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall. The provisions in Section 2.3(J) dealing with SESs do not apply to Solar Hot Air System used exclusively on the property on which it is located.
SOLAR PANEL	ZO	A device for the direct conversion of sunlight into usable solar energy (including electricity or heat).
SOLAR PHOTOVOLTAIC SYSTEM (SOLAR PV)	ZO	Solar systems consisting of photovoltaic cells, made with semiconducting materials, which produce electricity (in the form of direct current (DC) when they are exposed to sunlight. A typical PV system consists of PV panels (or modules) that combine to form an array. Other system components may include racks and hardware, wiring for electrical connections, power conditioning equipment, such as an inverter and/or batteries.
SOUND	ZO	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	ZO	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	ZO	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	ZO	The instantaneous difference between the actual pressure and the average or barometric pressure of a given point in space, as produced by sound energy.
SPECIAL EXCEPTION	ZO	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 BZA utilizes when reviewing the application for special exception approval.

STATE	ZO	State of Indiana
STORM WATER DETENTION	SCO	Provision(s) for storage of storm water run-off and the controlled release of such run-off.
STORY	ZO	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	SCO, ZO	A public right-of-way used or intended to be used for the passage or travel by motor vehicles.
STREET, LOCAL	SCO	A street intended to provide access to other streets from individual properties.
STRUCTURE	ZO	Anything constructed or erected which requires location on the ground or attached to something located on the ground.
STRUCTURE, ACCESSORY	ZO	A detached building or structure incidental and accessory to the principal building or structure.
STRUCTURE, PRINCIPAL	ZO	A building or structure in which the principal use of the lot on which the building or structure is located is conducted.
SUBDIVISION	SCO	Any addition to, moving or creating of property lines on a recorded taxable parcel of record.
SUBDIVISION COORDINATOR	SCO	The person serving as staff to the Subdivision Plat Committee, preparing requested subdivision request.
SUBDIVISION, MAJOR	SCO	The division of a parcel of land wherein a proposed lot(s) is provided access from, or having frontage on, a new or existing street or new private road. Also, any additional lot(s) created from a parent parcel exceeding the two (2) permitted Minor Subdivisions less than the twenty (20) acre size exemption clause.
SUBDIVISION, MINOR	SCO	The division of a parcel of land wherein all proposed lots have contiguous non-limited access road frontage on an existing approved street or private road, and also not exceeding the two (2) permitted Minor Subdivision splits less than twenty (20) acres in size. All subdivisions that have contiguous non-limited access road frontage on an existing approved street or private road and are greater than twenty (20) acres will be processed as Minor Subdivisions and will not count towards the two (2) subdivisions from a parent parcel exemption clause.
SURVEYOR		The Huntington County Surveyor.
SWIMMING POOL	ZO	Any artificial basin of water constructed or erected for wading or swimming.
SWIMMING POOL, IN-GROUND	ZO	Any swimming pool whose sides rest in partial or full contact with the earth.
SWIMMING POOL, ON-GROUND	ZO	Any swimming pool whose sides rest fully above the surrounding earth.
SWIMMING POOL, PERMANENT	ZO	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 FACILITY (TEMPORARY WCF)	ZO	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	ZO	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.
THOROUGHFARE PLAN	ZO	An optional element of the <i>Comprehensive Plan</i> adopted by the PC indicating the general location recommended for arterial, collector and local streets and roads within the County.
TOWER	ZO	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	ZO	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.
TURBINE	ZO	A wind driven machine that converts wind energy into electrical power.
UNIT	ZO	With respect to SES, a unit refers to: (1) A county, if a project owner, as part of a single SES system project or development, seeks to locate one (1) or more SES systems: (A) entirely within unincorporated areas of the county; within both unincorporated areas of the county and one (1) or more municipalities within the county; or (3) entirely within two (2) or more municipalities within the county; or (2) A municipality, if: the project owner seeks to locate one (1) or more SES systems, in more than one (1) county as part of a single SES system project or development; and each municipality in which a project owner seeks to locate one (1) or more SES systems, if the project owner seeks to locate SES systems in two (2) or more municipalities, each of which located in a different county.
UNSAFE STRUCTURE	ZO	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.
USE	ZO	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.
USE, COMPONENT OF	ZO	An element of use of land including but not limited to, off street parking, off street loading, landscaping, and signage.
USE, PRINCIPAL	ZO	The primary or predominate use of any lot, building, or structure.
UTILITY RUNWAY	ZO	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	ZO	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 FROM DEVELOPMENT STANDARDS	ZO	A specific approval granted by the BZA or Hearing Officer to deviate from a requirement the Zoning Ordinance Provisions of this UDO.
VEHICLE	ZO	A self-propelled device used for transportation of people or goods over land surfaces.
VETERINARY ANIMAL HOSPITAL OR CLINIC	ZO	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.
VIBRATION	ZO	An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.
VICINITY MAP	ZO	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	ZO	A runway intended solely for the operation of aircraft using visual approach procedures.
WATTS (W)	ZO	A measure of the use of electrical power; [power (Watts) = voltage (volts) x current (Amps) or by the formula $W=VA$]
WECS, COMMERCIAL	ZO	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.
WECS, NON-COMMERCIAL	ZO	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.
WIND ENERGY CONVERSION SYSTEM (WECS)	ZO	All necessary devices 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.
WIRELESS COMMUNICATION	ZO	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)	ZO	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)	ZO	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)	ZO	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	SCO, ZO	A required open space clear from the ground upward, unoccupied, and unobstructed by any building or structure except as expressly permitted by the UDO.
YARD, FRONT	SCO, ZO	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	SCO, ZO	A yard extending the full width of the lot between the nearest line of the building or structure and the rear lot line.
YARD, SIDE	SCO, ZO	A yard extending the full length of the lot between the nearest line of the building or structure and the side lot lines, which extend from the front lot line to the rear lot line.
ZONING	ZO	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 <i>Comprehensive Plan</i> .
ZONING MAP	ZO	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	SCO, ZO	The Huntington County Zoning Ordinance.
ZONING, AMENDMENT	ZO	Any additions or deletions to the UDO as enacted by the County Commissioners upon the recommendation of the PC.