

24

**THE
FLOYD COUNTY, INDIANA
ZONING ORDINANCE
ORDINANCE NO. A 67-4**

AN ORDINANCE CLASSIFYING, REGULATING AND RESTRICTING THE LOCATION,
HEIGHT, AREA, BULK, AND USE OF BUILDINGS AND STRUCTURES AND THE USE
OF LAND IN THE UNINCORPORATED TERRITORY OF FLOYD COUNTY, INDIANA

TITLE I - PURPOSE
Section 1.01

The zoning regulations as herein set forth are made with regards to the Floyd County Comprehensive Plan in order that adequate light, air, convenience of access, and safety from fire, flood and other danger may be secured; that congestion in public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted.

TITLE II - GENERAL PROVISIONS
Section 2.01

SHORT TITLE. This ordinance shall be known and may be cited as "THE FLOYD COUNTY, INDIANA, ZONING ORDINANCE."

Section 2.02

DEFINITIONS

For the purpose of this ordinance, certain terms and words used herein shall be interpreted and defined as follows:

Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not directory.

1. **ACCESSORY BUILDING AND USE**

- (a) A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and

which is not used for human occupancy.

- (b) Public utility communication, electric, gas, water and sewer lines, their supports and incidental equipment.
- 2. ALLEY - A right of way other than a street, road, crosswalk or easement, designed to provide a secondary means of access for the special accommodation of the property it reaches.
- 3. BLOCK - Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersection of an intercepting street and railroad right-of-way, waterway or other definite barrier. For purposes of this definition, a cul-de-sac less than 100 feet in length does not constitute an intersecting or intercepting street.
- 4. BLOCK, RESIDENTIAL - A block in which business or industrial uses are not permitted.
- 5. BOARDING HOUSE - A building not open to transients, where lodging and/or meals are provided for three (3) or more, but not over 30 persons regularly; a lodging house.
- 6. BUILDING - A structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels or property. When separated by party walls, without opening through such walls, each portion of such building shall be considered a separate structure.
- 7. BUILDING, DETACHED - A building having no structural connection with another building.
- 8. BUILDING, ACCESSORY - A subordinate building, or a portion of a main building the use of which is incidental to that of the main building.
- 9. BUILDING, FRONT LINE OF - The line of the face of the building nearest the front lot line.
- 10. BUILDING, HEIGHT OF - The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip and gable roofs.
- 11. BUILDING PRINCIPAL - A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

12. **BUILDING AREA** - The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.
13. **BUILDING SETBACK LINE** - The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the street right of way.
14. **BUSINESS OR COMMERCIAL** - The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.
15. **CAMP, PUBLIC** - Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, mobile homes, or two (2) or more camping parties, including cabins, tents, or other camping outfits.
16. **CEMETERY** - Land used for the burial of the dead and dedicated for cemetery purposes, including columbari urns, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
17. **CERTIFICATE OF OCCUPANCY** - A Certificate stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this ordinance.
18. **CLINIC OR MEDICAL HEALTH CENTER** - An establishment where patients are admitted for special study and treatment by two or more licensed physicians and their professional associates, practicing medicine together.
19. **DWELLING** - A building or portion thereof, used primarily as a place of abode for one or more human beings but not including hotels, lodging or boarding houses or tourist homes.
20. **DWELLING UNIT** - A dwelling or a portion of a dwelling or of an apartment hotel used by one family for cooking, living and sleeping purposes.
21. **FAMILY** - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, nursing home, fraternity or sorority house.
22. **FARM** - A tract of land consisting of 5 acres or more and comprising an area which is devoted to agricultural operations, such as forestry, the growing of crops, pasturage, the production of livestock and poultry, the growing of trees, shrubs and plants, and other recognized agricultural pursuits, and including accessory buildings

essential to the operation of the farm. (FCO-5 adopted Oct 5, 1987).

23. GARAGE, PRIVATE - An accessory building with capacity for not more than four (4) motor vehicles per family, no more than two (2) which may be a commercial vehicle of not more than three (3) tons capacity. A garage designed to house two (2) motor vehicles for each family housed in an apartment shall be classed as a private garage.
24. GARAGE, PUBLIC - Any building, or premises, except those defined herein as a private garage, used for the storage, or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.
25. GROUND FLOOR AREA - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior and interior stairways.
26. HOME OCCUPATION - Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof and in connection with which there is no commodity sold upon the premises except that which is produced therein, provided, however, in no event shall a barber shop, beauty parlor, tea room or animal hospital be construed as a home occupation.
27. HOTEL OR MOTEL - A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.
28. IMPROVEMENT LOCATION PERMIT - A permit stating that the proposed erection, construction, enlargement or moving of a building or structure referred to therein complies with the provisions of the proposed master plan.
29. JUNKYARD, INCLUDING AUTOMOBILE WRECKING - A lot or a part thereof used for the storage, keeping, dismantling, abandonment or sale of junk, scrap metal, scrap vehicles or scrap machinery or parts thereof.
30. KENNEL - Any lot or premises on which four (4) or more dogs, and/or cats, at least: four (4) months of age, are kept commercially.
31. LOADING OR UNLOADING BERTHS - The off-street area required for the receipt or distribution of vehicles of material or merchandise, which in this ordinance is held to be twelve (12) foot by thirty-five (35) foot loading space with a fourteen (14) foot height clearance.

32. LOT - A tract or parcel of land which, (1) meets the minimum requirements of the Floyd County Zoning Ordinance with respect to size, coverage, and area, (2) contains a suitable building site, and (3) except as may be permitted under Article III, has the required frontage on a dedicated, maintained county road.
33. LOT, CORNER - A lot at the junction of and abutting two or more intersecting streets or roads.
34. LOT, INTERIOR - A lot other than a Corner Lot or Through Lot.
35. LOT, THROUGH - A lot having frontage on two parallel or approximately parallel streets.
36. LOT COVERAGE - The percentage of the lot area covered by the building area.
37. LOT WIDTH - The distance between side lot lines as measured at and along the front setback line.
38. LOT LINE, FRONT - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.
39. LOT LINE, REAR - A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
40. LOT LINE, SIDE - Any lot boundary line not a front line or a rear lot line.
41. PACKAGE WASTEWATER TREATMENT PLANT (hereinafter referred to as Plant) - A mechanical facility, whether prefabricated or site-built, used by a sewage disposal company in providing a sewage disposal service, as permitted under a certificate of territorial authority (CTA) issued by the Indiana utility Regulatory Commission pursuant to Title 8 of the Indiana Code or other applicable law or regulation. For purposes of this definition, the term "facility" shall include all sewage treatment plants, main sewers, submain sewers, force mains, pumping stations, ejector stations, and all other equipment and appurtenances necessary or useful and convenient for rendering a sewage disposal service. The term "Wastewater Treatment Plant" shall not include those facilities owned or operated by a municipal corporation, as defined by Indiana Code 36-1-2-10, or those which process sewage exclusively from one or more public or private schools located in Floyd County. For purposes of this Ordinance, a wastewater treatment plant shall not be deemed a residential or agricultural use; an accessory thereto under Section 2.03; or, a contingent use under Section 2.04.

42. **PARKING AREA, PUBLIC** - An open area, other than a street or alley designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, as an accommodation, for clients or customers.
43. **PARKING SPACE (OFF-STREET, ONE)** - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and twenty (20) feet long exclusive of passageways.
44. **PERSON** - An individual, corporation, firm, partnership, association, organization or any other unit or legal entity.
45. **PLACE** - An open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.
46. **PRIVATE SCHOOL** - Private pre-primary, primary, grade, high or preparatory school or academy.
47. **PROFESSIONAL OFFICE** - Office of members of recognized professions, such as architect, artist, dentist, engineer, musician, physician, surgeon, or other professional person.
48. **SEWAGE DISPOSAL COMPANY** - (hereinafter the Company) Any natural person, firm, association, corporation, or partnership, owning, leasing, or operating and sewage disposal service within Floyd County, Indiana, pursuant to a CTA issued by the Indiana Utility Regulatory Commission.
49. **SEWAGE DISPOSAL SERVICE** - (hereinafter referred to as Services) Any public utility service performed by a sewage disposal company whereby liquid and solid waste, sewage, night soil, and industrial waste (hereinafter "Sewage") of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner.
50. **SIGNS** - Any board, devise or structure or part thereof used for advertising, display or publicity purposes. Signs placed or erected by governmental agencies for the purposes of showing street names or traffic directions or regulations for other governmental purposes shall not be included herein.
51. **STREET** - A right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name. A street may also be classified according to function as follows:

- 1) Freeways/expressways are limited-access highways which carry large volumes of traffic and have more importance regionally than locally. They often contain four or more moving lanes and permit a continuous high-speed traffic flow. These highways have a high order of design and construction requirements.
 - 2) Arterials are high capacity/high volume thoroughfares. They provide access to and through the County. The main function of these roads is mobility, not access to property. Three different types of arterials are classified for the purposes of this title. They are: major arterials, minor arterials and one-way arterials.
 - 3) Collector roads function as a collection and distribution system. These medium-volume and capacity roads collect and distribute traffic to and from streets of lower classification to arterial roads and/or activity centers. Mobility has a much higher priority than access to property on these roads. Collector roads may be characterized as major or minor.
 - 4) Local roads are medium-volume roads that form the majority of the county road network. Often they are part of the numbered street system and are typically longer than subdivision streets. While in some cases these streets may provide direct access to property, their primary function is traffic movement.
 - 5) Subdivision streets are low capacity and low speed roads whose function is to provide access to homes and property. Through traffic and heavy use of these roads should be discouraged. To the extent possible, residential driveways and ingress and egress points to other uses or structures should be oriented to the local roads rather than to arterials or collectors.
 - 6) Marginal access streets are local roads that are parallel to, and separated by a limited access landscape buffer strip from arterial streets and highways. These roads provide for access to abutting property on one side only.
 - 7) Cul-de-sac street is a local road or subdivision street with only one outlet, having a paved, circular turn-around area at the closed end.
 - 8) Alley is a minor way that is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
52. **STRUCTURE** - Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.
53. **STRUCTURAL ALTERATION** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.
54. **SUBDIVISION** - Except as otherwise expressly provided in the Floyd County Subdivision Control Ordinance, this term shall mean the division of a parcel of land into two or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development.

55. **TOURIST HOME** - A building in which one but not more than five guest rooms are used to provide or offer overnight accommodations transient guests for compensation.
56. **TRADE OR BUSINESS SCHOOL** - Secretarial or Business School or College when not publicly owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.
57. **USE** - The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.
58. **USE, NONCONFORMING** - An existing use of land or building which fails to comply with the requirements set forth in this ordinance.
59. **VARIANCE** - A modification of the specific requirements of this ordinance granted by the Board in accordance with the terms of this ordinance for the purpose or assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.
60. **VISION CLEARANCE ON CORNER LOTS** - A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above established grade, determined by a diagonal line connecting two points measured 15 feet equidistant from the street corner along each property line.
61. **YARD** - A space on the same lot with a main building, open, unoccupied and unobstructed by structures, except as otherwise provided in this ordinance.
62. **YARD, FRONT** - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the street right of way line and the building line.
63. **YARD, REAR** - A yard extending across the full width of the lot, between the rear of the main building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than 30 percent of the required space, the depth of which is the least distance between the rear lot line and the rear of such main building.
64. **YARD, SIDE** - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear

yard. The width of the required side yard is measured horizontally, at 90° with the side lot line, from the nearest part of the main building.

Section 2.03 - GENERAL USE PROVISIONS

1. The zoning classification for the unincorporated territory of Floyd County will be henceforth Agricultural and/or Residential.
2. USE - No building or land shall be used and no building shall be erected, reconstructed or structurally altered, which is arranged or designed to be used for any purpose other than an existing use on which such building or land is located.
3. HEIGHT - No buildings shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use.

TALL BUILDINGS AND STRUCTURES - In the interest of public safety, comfort, morals and convenience, the vertical height of any structures or building to be erected in the unincorporated territory of Floyd County, Indiana shall not exceed 1,000 feet to the highest point as measured from the lot ground level. (FCO-70-1 Adopted 7/7/70).

4. **YARD, LOT AREA AND SIZE OF BUILDING** - No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of residential buildings, or lot coverage regulations, established and specified for the use on which such building is located.

LOT SPECIFICATIONS -

A **Frontage:** The minimum public road frontage for any lot in Floyd County shall be eighty (80) feet if the lot uses sanitary sewer system. The minimum public road frontage for any lot in Floyd County shall be one hundred (100) feet if the lot does not use a sanitary sewer system.

B **Size:**

- (1) For lots which do not utilize a sanitary sewer system, the minimum lot size shall be 25,000 square feet, excluding any portion of the established county road or street. Any such lot must have space for two lateral fields.
- (2) For lots which utilize a sanitary sewer system, the minimum lot size shall be 12,000 square feet, excluding any portion of the established county road or street.

C Subdivision lots shall be controlled by these provisions, except to the extent that a subdivision qualifies for density bonuses as defined in the Subdivision Control Ordinance. Density bonuses may alter the depth of a lot, but shall not alter the minimum road frontage required herein. For example, if a subdivision qualifies for the maximum amenity and open space bonuses as defined in the subdivision control ordinance, a lot which is to be served by the municipal sewer system could be 80 ft by 120 ft or 9,600 square feet.

6. **PRIMARY BUILDINGS** - Not more than one primary building may be erected on a lot, a second building could be erected at any time provided the County Plan Commission is given a detailed sketch indicating (1) the boundaries of the land that will go with the second building if ever sold, and (2) the boundary line of a roadway if said boundary lines of said tract do not front on a street or place of forty (40) feet width which will be placed on record in the office of the County Plan Commission and said roadway indicated in said "detailed sketch" shall not be sold without the approval of said Plan Commission, and only then with the providing to the Plan Commission of an alternative roadway of the same in width. Nothing in this section shall be construed to permit more than one (1) primary building on the minimum lot size enumerated in Figure 1 below:

FIGURE 1		
RESIDENTIAL USES AND REQUIREMENTS		
Requirements	Single-family Dwelling	Two-family Dwelling
Maximum building height	2 stories	2 stories
Minimum front yard in feet	Abutting *Arterial Street 60 Feeder Streets 40 Residential Sts 25	Same as for Single Family
Minimum Side Yard (one) in percent of lot width	10, but not less than 5 feet	10, but not less than 5 feet
Minimum Side Yards (both or two) in percent of lot width	20	20
Minimum rear yard in feet	20	20
Minimum ground floor building size in square feet	750	1,250
Number of vehicle parking space to be provided on the lot	2	4
Maximum lot coverage in percent of lot	35	35
Vision Clearance on corner lot	Yes	Yes

*Turn-arounds on driveways of lots fronting on ARTERIAL STREETS are required

and are recommended on all other streets.

Any person not complying with said requirements shall be guilty of a misdemeanor and fined Three Hundred Dollars (\$300.00).

7. **VEHICLE PARKING SPACE. LOADING AND UNLOADING BERTHS** - Every building hereafter, erected shall provide off-street parking space for motor vehicles and loading and unloading berths as specified hereinafter for the use to which such building is to be devoted.

8. **RESIDENTIAL USES & REQUIREMENTS**

A. The residential use defined below are permitted in the district indicated in Figure 1 when complying with the requirements listed therein.

- (1) A single-Family dwelling is a detached building designed for or occupied by one family exclusively.
- (2) A two-family dwelling is a detached building designed for or occupied by two families. A duplex dwelling has one-family unit above the other and a double dwelling has one-family unit beside the other.
- (3) A multi-family dwelling is a building designed for or occupied by three or more families, exclusive for dwelling purposes.

B. **Provisions and Exceptions for Residential Uses:**

(1) **Area and Width**

A single-family dwelling may be located on any lot in which single family dwellings are permitted if the lot was in single ownership or included in a subdivision which was of record in the office of the County Recorder at the time of passage of this ordinance even though the lot does not have the minimum lot width or the minimum lot area specified for the district.

(2) **Rear Yard**

One-half of an alley abutting the rear lot may be included in the required rear yard.

(3) **Accessory Buildings and Uses**

- (a) No accessory building shall be located closer to a side lot line than 3 feet nor exceed 18 feet height and if detached from the principal building, shall be set back at least 75 feet from the front line of the lot.
- (b) Accessory Uses such as walks, driveways, curbs, retaining walls, mail boxes, nameplates, lamp posts, bird baths, and structures of a like nature are permitted in any required front side or rear yard. Fences, lattice-work screens, hedges or walls, not more than 7 feet high, may be located in the required side or rear yard and a hedge or ornamental fence so as not to exceed 4 feet in height may be located in any front yard. Provided, however, that nothing contained in this ordinance shall be deemed to prohibit the construction maintenance of a fence of any height in connection with an agricultural use. Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard.

(4) Front Yard

- (a) A sixty (60) foot set back line shall be the minimum front yard requirement, as said set back line to be sixty (60) feet distant from the right of way line of the county road or street upon which the pertinent lot or tract fronts and adjoins, the right of way line of such county road or street to be that which appears of record in the office of the Board of County Commissioners of Floyd County, Indiana or the office of the Recorder of Floyd County, Indiana. (FCO-73-6 Adopted 11/17/73)
- (b) Front yard or set back lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions, except when such set back lines may be less restrictive as provided in Section 3 of this ordinance.
- (c) No through lots shall be permitted.

(5) Tapered Yard

Where a reversed interior lot abuts a corner lot, or an alley separating such lots, an accessory building located on the rear lot line of a corner lot shall be set back from the side street as far as the dwelling on the reversed interior lot. For each foot that such accessory building is placed from the rear line toward the front line of the corner lot, the

accessory building may be set 4 inches closer to the side street line, but in no case closer than five(5) feet.

(6) Height

In the district limiting height to 20, a multi-family dwelling may be increased in height not to exceed 35 feet provided the required side yards are increased an additional foot for each 3 feet such structure exceeds 20 feet in height.

(7) No residential structure nor structure intended for residential use may be moved without a building permit.

Section 2.04 CONTINGENT USES AND REQUIREMENTS.

A. Certain contingent uses as enumerated herein will be permitted in the jurisdictional area.

- (1) A Contingent Use is one which is likely or liable, but not certain to occur, and which is not inappropriate to the principal use of the district in which it may be located. When so located, it shall conform to the requirements of the district in which the Contingent Use is permitted except that the number of parking spaces to be provided shall conform to the requirements of herein. The required number of parking spaces shall be provided on the same lot with the use, or within 300 feet thereof on a site approved by the Board.
- (2) The maximum building height, lot size, width, yard requirement, lot coverage and vision clearance for Contingent Uses shall be as provided in Figure 1.
- (3) Provisions and Exceptions for Contingent Uses:
 - (a) The maximum height requirement in Figure 1 may be increased if buildings are set back, from front and rear property lines, one foot for each two feet of additional height above the maximum requirement.
 - (b) In this area, spires, church steeples chimneys, cooling towers, elevator bulkheads, fire towers, scenery, lofts, and essential mechanical appurtenances may be erected to any height not prohibited by other laws or ordinances.
 - (c) A church or temple requiring parking area at times when nearby uses do not need their parking facilities, may by agreement approved by the Board utilize such facilities in lieu of providing their own parking facilities.

- (d) Open parking area shall be paved with dust-proof or hard surface within three (3) months of completion of the structure.

B. Contingent use and requirements for the district:

TYPE OF USE	NUMBER OF PARKING SPACES TO BE PROVIDED
Farming use & Farm Buildings	Not applicable
Bulletin Board for a Church or Public Building	Not applicable
Church or Temple	One for each 6 seats in main auditorium
College & University	One for each 3 students & staff
Municipal or governmental Bldg	One for each 125 square feet ground floor area of building
Housing for tenant & seasonal workers engaged in agricultural * operations **	Not applicable
Professional Office in residence of practicing professional person	5 Additional
Plant nursery	None required
Public Library or Museum	One for each 125 square feet ground floor area of building
School, Public or Parochial	One for each 3 members of staff plus one for each 4 seats in auditorium and/or gym

* No Maximum Building Heights

** Building Permit not required

Section 2.05 **CONDITIONAL USES AND PROCEDURES**

1. **USES PERMITTED** - The Conditional Uses listed herein and their accessory buildings and uses, may be permitted by the Board in accordance with the procedures set forth in this section. Any expansion of an existing use for which a conditional use permit is required as listed below shall require the approval of the Board under this Section, whether or not the presently existing use received such a permit hereunder.

TYPE OF USE

Airport or Heliport	Penal or Correctional Institution
Apartments	Practice Golf Driving Range
Artificial Lake or Public or Semi-Public Swimming Pool	Private Recreational Development
Amusement Park	Professional Office Building
Baseball Park	Public or Commercial Sewage or Salvage Disposal Plant
Billboards	Public Utilities - Transmission lines, substations and equipment storage
Boarding or Lodging House	Radio or Television Transmitting Tower or Receiving Tower
Cemetery or Crematory	Raising and Breeding of non-farm, fowl, fish and animals, commercially, including kennels
Clinic or Medical Health Center	Railway Right-of-way & uses essential to operation of railroad
Fire Station or Police Station	Riding Stables and Show Ring
Fraternity, Sorority and Student Cooperatives	Sales Barns for Livestock Resale
Hospital	Sanitary Fill or Refuse Dump
Industrial Park	Seasonal Fishing & Hunting Lodge & Seasonal Camps or Campgrounds
Junk Yard (Use must be enclosed by building or solid wall or fence 8 feet high and properly screened)	Sewage or Garbage Disposal Plant
Kindergarten or Day Nursery	Shopping Center
Local Business, General Business, Light Industrial and Industrial	Stadium or Coliseum
Lodge or Private Club (which is a Non-commercial character)	Tourist Home
Mineral Extraction, Borrow Pit, Top Soil Removal and their Storage Areas	Trade or Business School
Mortuary	Trailer Park or Public Camp
Nursing Home or Homes for Aged	Truck Freight Terminal
Outdoor Theater	Vehicle Parking Lot
Outdoor Commercial Recreational Enterprise	

2. **PROCEDURE** - Upon the receipt of an application for a Conditional Use by the Board, it shall be referred to the Commission for investigation as to the manner in which the proposed location and character of the Conditional Use will affect the Comprehensive Plan. The Commission shall report the results of its study of the proposal to the Board and the Board may, after public notice and hearing, according to law, grant the permit, including the imposition of conditions of use, which the Board deems essential to insure that the Conditional Use is consistent with the spirit, purpose and intent of this ordinance and will not substantially and permanently injure the appropriate use of neighboring property, and will substantially serve the public convenience and welfare. The applicant shall provide an accurate sketch plan showing the proposed use, its location on the site in question, and the surrounding area.

3. REQUIREMENT STANDARDS

- (1) Industrial Parks, which may include all permitted Light Industrial Uses:
 - (a) The tract of land involved, shall be of not less than forty acres.
 - (b) The owner or owners of such tract of land shall have:
 - (I) Prepared a plat for a subdivision of the entire tract:
 - (II) Prepared a development plan for such entire tract:
 - (III) Obtained Commission approval of both the plat for the subdivision and the development plan according to the requirements of the Subdivision Control Ordinance and this ordinance.
 - (c) There shall lie one principal entrance to the Industrial Park from any major thoroughfare (frontal highway) bordering the tract, which shall be designed so that traffic at its intersection with the frontal highway may be controlled and so that there will be adequate storage space for traffic destined to enter the frontal highway or to leave the Industrial Park.
 - (d) There shall be no direct entrances or exits from parking areas or structures into the frontal highway (or highways), but a service drive parallel to the main traffic way may be provided for such access. Traffic on the service drive shall enter the main traffic way via the principal entry.
 - (e) Wherever the Industrial Park and adjacent residential districts have a common or joint boundary, an area with a width of at least twenty-five (25) feet shall be provided for the full length of such boundary for a planting screen, planted with shrubs and trees so as to provide a tight screen effective at all seasons of the year.
 - (f) The owner or owners shall provide a plan for the installation of adequate facilities for the disposal of human and industrial wastes meeting the approval of the State Department of Health.
 - (g) The owners or owners of the district shall establish in the restrictions which are a part of the plat for the subdivision a perpetuating organization for the maintenance of the Industrial Park property, such as roads and planting area, the approval of building plans and

other improvements, and the future maintenance of the Park.

- (h) The development plan shall indicate the arrangement of the interior roads to provide a unified, self-contained arrangement of industrial sites. The basic concept to the interior road plan shall be subject to the approval of the Commission and any modification or alterations in the basic plan shall likewise be subject to such approval.
 - (i) The development plan shall show building lines established so that no building or structure shall be erected on any tract within the Park nearer to the center line of any interior road than eighty-five (85) feet nor nearer than one hundred (100) feet to the property line of any bordering highway, and no building shall be erected closer to the side line of a tract than thirty-five (35) feet and not closer to an adjoining residential district than seventy-five (75) feet.
 - (j) No loading docks may be erected or used fronting on a bordering highway. Provisions for loading and unloading operations and any handling of freight or materials outside of buildings shall be located so as not to face on bordering highways.
 - (k) No part of a parking area for passenger vehicles shall be closer than twenty-five (25) feet and no part of a loading and unloading area or parking area for trucks shall be closer than one hundred (100) feet to an adjoining residential district. All parking, loading and unloading area shall be paved with concrete or black top surface.
 - (l) The areas in front and on the sides of building shall be developed in accordance with a well-designed landscape plan, and such areas shall be perpetually maintained to the satisfaction of the Park organization.
- (2) Shopping Center - In determining its approval or disapproval of a proposed Development Plan, the Commission shall be governed by the following:
- (a) The Tract of land involved shall be an area of not less than five (5) acres.
 - (b) The owner or owners of such tract of land shall have
 - (I) Prepared a plat for a subdivision of the entire tract.
 - (II) Prepared a development plan for such entire tract.
 - (III) Obtained Commission approval of both the plat for the

subdivision and the development plan according to the requirements of the subdivision control ordinance.

- (c) The area to be occupied by buildings shall be twenty-five (25) percent or less of the net area of the tract.
 - (d) The location of the shopping center shall be on property which has an acceptable relationship to major thoroughfares. The Commission shall satisfy itself as to the adequacy of the thoroughfares to carry the additional traffic engendered by the development.
 - (e) The plan for the proposed shopping center must present a unified and organized arrangement of buildings and service facilities which shall have a functional relationship to the properties comprising the planned development, and to the uses of property immediately adjacent to the proposed development.
 - (f) The location, size and use of all buildings and structures: the nature and intensity of the operations involved in or conducted in connection with the center; its site layout, including the location, size, arrangement, and capacity of all areas to be used for vehicular access, parking, loading and unloading, and its relation to streets giving access to it so that vehicular traffic to and from the center will not create undue hazards to the normal traffic of the vicinity.
 - (g) The location, size and arrangement of areas to be devoted to planting lawns, trees, or other purposes so that the center will be harmonious to the neighborhood in which it is situated.
- (3) Wastewater Treatment Plant - In considering an application for a conditional use permit for the location of a Wastewater Treatment Plan (Plant), the Board shall consider and be guided by the following:
- (a) The safe and sanitary collection, treatment, and disposal of sewage, as by a properly designed, constructed, and maintained Sewage Treatment Plan of appropriate size, in a manner so as not to pollute the ground, air, or water with improperly or inadequately treated sewage or with noxious or offensive gases or odors is deemed to substantially serve the public convenience and welfare. A proposed plant which is of the latest design generally accepted and approved by those governmental entities having jurisdiction as of the commencement of construction, which is in conformity with

the terms and provisions of this ordinances and the Floyd County Subdivision Control Ordinance, is deemed to satisfy this guideline.

(b) A proposed plant having the minimum capacity specified by this ordinance; which is designed so as to be expanded as herein provided; and, which is to be located not closer than ½ mile to an existing wastewater treatment plant (whether privately or publically owned and/or operated), is deemed to satisfy this guideline, even though only a single subdivision or development will be initially served. The proliferation of Wastewater Treatment Plants of small capacity or which are intended to serve but a single subdivision is found to be inconsistent with the achievement of the most cost efficient and environmentally sound waste disposal system for Floyd County, and is in contravention of the goals and policies of the Comprehensive Plan for Floyd County.

(4) Determination - In determining whether to approve or disapprove an application for a conditional use permit for a wastewater treatment plant, the Board shall be governed by the following:

(a) The capacity of the proposed Plant shall not be less than 40,000 gallons per day, and the tract upon which the treatment plant is to be located shall be of sufficient size to permit reasonable expansion of the facility and the replacement of same, or its major components, without interrupting operations. Unless otherwise demonstrated by the applicant, it shall be presumed that the capacity of the plant and its footprint shall be increased to a minimum 100,000 gallon per day capacity (hereinafter "Expanded Plant"). If a proposed Plant has an initial planned capacity of 100,000 gallons per day or more, the Plant shall have the capacity to expand by 100% from the initial planned capacity.

(b) The applicant shall file with the Board a site/development plan disclosing the location of, (1) the Expanded Plant and all associated structures and improvements on the tract with setback from the front, rear, and side lines of not less than 50 feet, (2) utility services and easement, and (3) the entrance to

the tract and the access roadway. This plan shall be accompanied by a narrative describing each structure to be located on the tract and its function; the Services to be provided; the area included or to be included in the CTA and the number of lots to be served; the excess capacity of the treatment plant, if any; the suitability of the proposed site for providing safe and efficient Services; potential environmental hazards and adverse impacts, if any; and, a statement as to why the applicant believes the approval of the permit is (1), consistent with the spirit, purpose, and intent of the Zoning Ordinance, (2), will not permanently injure the appropriate use of neighboring property, and (3) will substantially serve the public convenience and welfare. The legal description of the site for which the conditional use is requested, as well as plans and specifications for all improvements to be located thereon, shall be furnished the Board.

- (c) To the extent practicable, the Plant shall be located and/or adequately screened so as not to be visible from any public street or way, lots in the subdivision to be served, or occupied structures on adjoining property. The Plant site shall be landscaped in a manner consistent with residential tracts in its immediate vicinity, and all natural screening, approved plantings, or screening structures shall be continually maintained and replaced by the Company as necessary during the term of use of the Plant. In reviewing the proposed plant location, the board shall consider the possibility of objectionable odors, the direction of prevailing winds, and the effect of the combination of same on occupied lands.
- (d) The Plant and related equipment shall be fenced to prevent unauthorized access, and admittance to the site shall be gained by a private road which shall be surfaced with concrete or blacktop and properly maintained by the Company at all times. Use of the roadway and access to the Plant shall be controlled, but, by express recorded covenant, representatives of the Floyd County Plan Commission, Floyd County Health Department, Indiana State Board of Health, IDEM, DNR, and other entities or agencies having

jurisdiction shall have the use of said road and access to the site and Plant at all reasonable times upon reasonable notice.

- (e) In addition to the requirements of this Section and those conditions which may be imposed by the Board, the approval of a permit hereunder shall be further conditioned upon the requirement that the plant and all related structures and equipment shall be constructed and installed in accordance with the plans and specifications approved by those governmental entities having jurisdiction, and that the applicant shall have and/or acquire all federal, state, and local permits, licenses and franchises, if any be required, authorizing and permitting the construction and operation of the plant and the rendering of Services.
- (f) If it is the intent of the Company to provide Services to a proposed or existing subdivision, the conclusion of a sewage disposal agreement by and between the Company and the Owner, in accordance with the terms and provisions of the Floyd County Subdivision Regulations, being Floyd County Ordinance 68-1, shall be a condition of a permit approved hereunder, and those terms and provisions of such agreement as are applicable to, binding upon, and which set forth the duties and obligations of the Company, either concerning the use or development of the permitted site or the rendering of Services, shall be, if so directed and required by the Board, the written commitment of the Company, as the same is permitted by the provisions of IC 36-7-4-921, and with the same to be enforced by the Floyd County Plan Commission and those persons or entities specified by said Regulations.
- (g) In determining whether to grant a conditional use for a new wastewater treatment plant, the Board shall consider whether another wastewater treatment plant is available within ½ mile of a proposed plant. If another wastewater treatment plant is available and has future capacity, the Board shall deny the request unless the applicant establishes good cause to construct a new wastewater treatment plant.

4. **Billboards - All billboards erected shall comply with the agreement between the state and the U.S. Secretary of Commerce as per I.C. 8-23-20-1 and all acts or agreements amendatory thereto except where this code poses a greater restriction.**

Location -

- (a) No billboard shall be located beyond 300 feet of the right-of-way of an interstate highway.
- (b) No billboard shall be located within 100 feet of a residence.
- (c) No billboard shall be located within the interstate scenic corridor, the corridor lying within 300 feet of the right-of-way of any interstate highway.
- (d) No billboard shall be located within 500 feet of an interchange, the 500 feet to be measured along the interstate from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.
- (e) A billboard shall be located a minimum of 50 feet from the right-of-way of any county road, state highway or interstate highway.

Spacing - No billboard shall be erected within 1,500 feet of another billboard on the same side of an interstate highway, state highway or county road, the 1,500 feet to be measured along the interstate between points essentially perpendicular to the center of the billboard facings.

Size -

- (a) A billboard facing may contain up to 672 square feet with a maximum height of 14 feet and maximum length of 48 feet. In addition, embellishments are permitted not to exceed 80 square feet per facing.
- (b) A billboard may contain up to two facings provided that the rears of the two facings are so positioned that they do not create an acute angle greater than 30 degrees.
- (c) A billboard shall contain no more than one

advertisement per facing.

- (d) A billboard facing shall be elevated at least ten feet above the ground.

Lighting -

- (a) Billboards which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather or similar information.
- (b) Billboards which are not effectively shielded to prevent beams or rays of light from being directed to any portion of the traveled ways of any city street, state highway or interstate highway and which are of an intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

Construction -

- (a) Any billboard erected shall be of a monopole design and of structural metal construction.
- (b) Exclusive of its facings, any billboards erected shall be of a dark, earth-tone or neutral color.
- (c) Any billboard erected shall possess security devices to reasonably deter access by children and other unauthorized individuals.

Landscaping - The site of any freestanding billboard or billboard located within the front yard or street side yard of a commercial development shall be landscaped with evergreen bushes, shrubs or trees within ten feet of the billboard standard.

Section 2.06 NONCONFORMING USE, SPECIFICATIONS

The lawful use of a building or premises, existing at the time of passage of this ordinance, may be continued although such use does not conform to all the provisions of this ordinance, except as hereinafter provided.

- (1) A nonconforming use may be extended throughout a building provided no structural alterations are made therein, except those required by law.
- (2) A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided no structural changes are made in the building. Whenever a nonconforming use has been changed to a conforming use or to a use permitted in the district of greater restrictions, it shall not thereafter be changed to a nonconforming use of a less restricted one.
- (3) No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with regulations of the ordinance.
- (4) The Board may authorize, by written permit, for a period of not more than one (1) year from the date of such permit a temporary building for commercial or industrial use incidental to the residential construction and development.
- (5) In the event that a nonconforming use of any building or premises is discontinued for a period of one (1) year, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.
- (6) These provisions apply in the same manner to a use which may become a nonconforming use due to a later amendment to this ordinance.

TITLE III - ADMINISTRATION, ENFORCEMENT & REMEDIES

Section 3.01 - ADMINISTRATION

The County Building Commissioner is hereby designated and authorized to enforce this ordinance.

1. Any person, persons, firms, or corporations which shall make application for an Improvement Location Permit shall, at the time of making such application, furnish the Building Commissioner with a site plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived by the Commissioner. Said site plan shall be drawn to scale showing the following items:
 - (a) Legal or site description of the real estate involved.
 - (b) Location and size of all buildings and structures.
 - (c) Width and length of all entrances and exits to and from said real estate.
 - (d) All adjacent and adjoining roads or highways.

2. Site plans so furnished to the Commissioner shall be filed by the Commissioner and shall become a permanent record.
3. The Commissioner may require the relocation of any proposed building or structure or exit or entrance shown on said site plan and/or the location of new exits or entrances now shown on said site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of this ordinance.
4. The Commissioner shall issue an Improvement Location Permit for a Conditional use only following receipt of notice from the Board that the application therefore has been approved by the Board.
5. Any person, to whom is issued an Improvement Location Permit pursuant to subsection 4 above, who fails to commence construction of an authorized Industrial Park or Shopping Center within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty (30%) of the total Development Plan thereof within three years after such permit is issued or within one year after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit is issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved to show cause why such approval should not be withdrawn and such permit revoked; provided, however, that no such order to show cause shall be issued for failure to commence construction within 24 months, after such construction has in fact commenced after the expiration of such 24 period.
 - (a) Upon the determination of the Board of a petition by such person to require the holder of such permit to show cause pursuant to the provisions of subsection (1) hereof, the Board shall set the same for public hearing, and cause written notice thereof to be sent by registered mail to the permit holder and to be published according to law. Such notice shall name a day not less than ten days after the date such notice is mailed and after the second of such publications upon which such hearing will be held.
 - (b) If after such hearing, upon evidence publicly presented to the Board by members of the public or officers or employees of the County, including members of the Board, present in person at such hearing, the Board shall find that the holder of permit in question has failed to commence construction of the Industrial Park or Shopping Center within twenty-four (24) months from the date the Improvement Location Permit was issued, has failed to carry to completion thirty percent (30%) of the Development Plan within three years after said date or has failed materially to conform to the provisions of the

Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, the Board shall withdraw its approval of such Development Location Plan and order such permit revoked; provided, however, that the Board may, if it deems such failure correctable within a period of six (6) months, extend the time within which such permit holder may purge himself of such failure for not longer than such period, during which period such hearing, shall be continued to a day certain at the end thereof.

6. No more than two (2) Improvement Location Permits for the same piece of property may be issued and outstanding at any one time.
7. In the event the Board shall revoke an Improvement Location Permit under the authority of subsection (5) hercof, it may thereafter grant approval for another shopping center development on the same property subject to all of the provisions and requirements of this ordinance.
8. The holder of an Improvement Location Permit for an Industrial Park or Shopping Center may apply to the Board at any time for an alteration, change, amendment or extension of the Development Plan upon which such permit is based.
 - (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for Conditional Uses.
 - (b) In the event the Board shall approve and order such Development Plan changes, altered, amended or extended it shall so notify the County Building Commissioner who shall issue an Amended Improvement Location Permit accordingly.
9. No land shall be occupied or used and no building hereafter erected, reconstructed or structurally altered which shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued by the Building Commissioner stating that the building and use comply with all of the provisions of this ordinance applicable, to the building or premises or the use in the district in which it is to be located.
10. No change in use shall be made in any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued by the Building Commissioner, and such permit shall be issued to make such change unless it is in conformity with the provisions of this ordinance.
11. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building shall have

been completed.

12. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Commissioner and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.
13. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration, of any building, before application has been made for a Certificate of Occupancy.
14. Prior to the issuance of a building permit or Improvement Location Permit, the Building Commissioner must make a determination as to whether the proposed building site presents a dangerous situation insofar as ingress and egress to said county road before said permit will issue. If said decision is that the proposed site presents a dangerous situation, then said application must be presented to the Floyd County Plan Commission to pass or reject said application. (Ordinance No. 73-4 adopted Oct. 20, 1973.)

Section 3.02 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby established with membership and appointment provided in accordance with Paragraph 66 through 69 inclusive of Chapter 174 of the Acts of Indiana General Assembly of 1947 and all acts now or hereafter amendatory thereto.

1. At the first meeting of each year, the Board shall elect a Chairman and a Vice-Chairman from among its members, and it may appoint and fix the compensation of a secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the legislative authority.
2. The Board shall adopt rules and regulations as it may deem necessary to effectuate the provisions of this ordinance.
3. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Board and shall be a public record.
4. Any decision of the County Building Commissioner in enforcement of this ordinance may be appealed to the Board by any person claiming to be adversely affected by such decision.
5. The Board shall have the following powers and it shall be its duty to:

- (a) Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner in the enforcement of this ordinance.
 - (b) Hear and decide on permits for conditional uses, development plans or other uses upon which the Board is required to act under this ordinance.
 - (c) Authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, fully demonstrated on the basis of the facts presented, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.
6. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from as in its opinion ought to be done in the premises, and to that end shall have all the powers of the County Building Commissioner from whom the appeal is taken.
7. Every decision of the Board shall be subject to review by certiorari.
8. No variance in the application of the provisions of this ordinance shall be made by the Board relating to buildings, land or premises now existing or to be constructed, unless after a public hearing, the board shall find:
- (a) That there are exceptional or extraordinary circumstances of conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
 - (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
 - (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.
 - (d) That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets.

Section 3.03 - FEES

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied

by the filing fees hereinafter specified:

Residential

Single Family Dwelling or Two Family Dwelling	\$200 base fee plus \$.10 per sq ft of floor area (excluding garage, attic areas, etc.)
Multi Family Dwelling (3 or more units)	\$225 per unit
Accessory Structures, Attached and Detached Garages	\$.10 per sq ft of floor area, minimum \$100
Additions	\$55 base fee plus \$.10 per sq ft of floor area
Interior Remodel	\$40 base fee plus \$.10 per sq ft of floor area
Swimming Pool	\$175
Temporary Mobile Home	\$155, for the first two years, \$300 per year after the first two years

Commercial and Industrial

Commercial and Industrial Structures	\$350 base fee plus \$.10 per sq ft of floor area
Interior Remodel	\$75 base fee plus \$.10 per sq ft of floor area
Accessory Structures and Additions	\$.10 per sq ft of floor area, minimum \$140

Other Structure Fees & Fines

Change in Electrical Service	\$65
Parking Structure	\$9 per parking space
Re-inspection	\$50 residential/\$120 other
Early Bird Fine (start of construction prior to permit issuance)	the amount of the permit in addition to the cost of the permit issued

Appeals, Special Exceptions, Variances, Exclusions, and Zoning Amendments

Zoning Amendment (change of zoning classification or text)	\$325 base fee plus \$18 per acre of project area, including underdeveloped areas
Special Exception/Conditional Use	\$275 (\$650 for mineral extraction, sanitary landfill, waste transfer station, hotel, shopping center, mobile home park, or junkyard); \$50 for an in-home business
Variance	\$275

Variance Fine (variance required because construction did not occur as per approved site plan)

5 times the cost of the approved building permit in addition to the cost of the variance

Section 3.04 REMEDIES

1. The Commission, the Board, the Building Commissioner, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of the County to restrain an individual or governmental unit from violating the provisions of this ordinance.
2. The Commission or the Board may also institute a suit for mandatory injunction directing any individual, a corporation or a government unit to remove a structure erected in violation of the provisions of this ordinance.
3. Any building, erected, raided or converted, or land or premises used in violation of any provisions of this ordinance or the requirements thereof is hereby declared to be a common nuisance and as such may be abated in such manner as nuisances are now or may hereafter be abated under existing laws.

Section 3.05 ONE AND TWO FAMILY DWELLING CODE

1. Within the geographical limits of the County of Floyd, Indiana, as defined by I.C. 36-2-1-1, but not including the jurisdictional limits of the Civil City of New Albany, Indiana or other incorporated areas within said County wherein planning and zoning functions shall have been assumed in accordance with the applicable laws of the State of Indiana, the Floyd County Plan Commission shall undertake the responsibility of and for the application, interpretation and enforcement of the One and Two Family Dwelling Code promulgated by the Administrative Building Council of the State of Indiana, pursuant to I.C. 22-15-1-1, et seq., as said Code may be from time to time amended, and said Commission shall have such duties, responsibilities and powers as provided by and under said Code and which are not specifically reserved to the State of Indiana.
2. In the performance of its duties and responsibilities under the delegation and grant of authority of this Ordinance, the Floyd County Plan Commission may hire such employee(s) as it shall deem necessary and appropriate to the fulfillment thereof, and said Plan Commission shall prescribe the qualifications and duties, and fix the compensation for such employee(s) in accordance with the provisions of I.C. 191, 18-75-23. (Ordinance no. 76-1 adopted 12/18/76)

TITLE IV - AMENDMENTS TO ORDINANCE

Section 4.01 - AMENDMENTS

All amendments to this ordinance shall be in conformance with Sections 63 and 64 and 37 and 40 inclusive of Chapter 174 of the Acts of the Indiana Assembly of 1947 as amended.

TITLE V. - VALIDITY, ADOPTION, & REPEALER

Section 5.01 - SEVERANCE CLAUSE

If any section, clause, provision, portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this ordinance.

Section 5.02 - EFFECTIVE DATE

This ordinance shall take effect upon its passage by approval of the Board of County Commissioners.

Section 5.03 - REPEALER

All ordinances or parts thereof that are in conflict with the terms and conditions of this ordinance are hereby repealed.