

FCO 2012 - V

**Floyd County Board of Commissioners
Resolution Pertaining to Text Amendments to the Floyd County Zoning Ordinance 2006-6**

Whereas, the Floyd County Board of Commissioners met on March 6, 2012 on this matter pursuant to IC 36-7-4-607;

Whereas, the Board received from the Floyd County Plan Commission a favorable recommendation of the proposed text amendments listed in Exhibit A

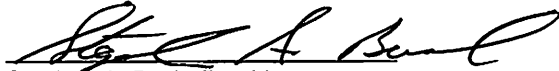
Whereas, the Plan Commission held a public hearing on the matter and heard from both proponents and opponents of the text amendments to the zoning ordinance.

NOW, THEREFORE,

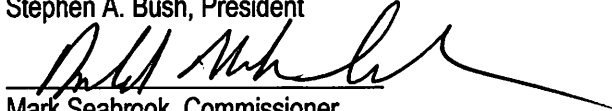
BE IT RESOLVED that Floyd County Zoning Ordinance is amended.

SO RESOLVED this 6th day of March 2012.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD



Stephen A. Bush, President



Mark Seabrook, Commissioner


Charles Freiburger, Commissioner

ATTEST:



Darin Coddington, County Auditor

Exhibit A Zoning Ordinance Amendments

Section 2 - Definitions

SIGN, MARQUEE/READER BOARD means any sign made a part of a marquee and/or reader board and designed to have changeable copy either electronically or manually. Any electronic portion of a reader board sign shall contain only static on-site messages that can change once ~~an hour~~ **a minute**. Any display that contains or displays animated, variable, moving video or scrolling advertising shall be considered an Electronic Variable Message Sign. **(Amended 5)(Amended 9)**

Section 3.06 B. D.1 Legal Non-Conforming Structures and Uses

~~B. A legal non-conforming use which ceases operation for a period of 1 year shall no longer be considered legal non-conforming and shall be thereafter prohibited. Exempt from this provision is when the legal non-conforming use is discontinued due to the results from fire, flood, wind, earthquake, or other calamity or act of God. Such exempt uses if rebuilt or restored, shall be identical in scale, lot coverage and all other aspects to that which was discontinued and shall be started within 1 year from time of discontinuation and is diligently prosecuted to completion.~~

D. Any enlargement, alteration, or expansion of a legal non-conforming structure that increases the degree of nonconformity shall be prohibited except as stated below.

1. For structures used for single-family residential, commercial and/or industrial activities, the floor area of the structure(s) can be expanded by ~~40~~ **(50)** percent of the floor area at the

D1. For structures used for single-family residential, commercial and/or industrial activities, the floor area of the structure(s) can be expanded by ~~40~~ **50** percent of the floor area at the time the structure(s) became legal non-conforming, provided either:

Section 4. 19 and 4.24 – Reduce front setback line 25 feet to 20 feet for lots on subdivision roads

Section 5.03 Height Standards

B.3 The height of Small Wind Turbines shall meet the requirements of the Small Wind Turbine standards of this Ordinance.

Section 5.10 Fences and Wall

A.2 May not be greater than 4 feet in height in front yard excepting fences used for primary agricultural uses.

B1. All commercial and industrial districts including those commercial and industrial legal non-conforming uses may have a fence no greater than 8 feet in height in the front yard. These uses must meet all other zoning standards regarding fencing.

Section 5.13 Landscaping

To erect, operate, or maintain any outdoor illuminating device except in accordance with the provisions of this Ordinance.

- G. To install, erect, or maintain any outdoor illuminating device which shall not be shielded as follows:

| FIXTURE LAMP TYPE | SHIELDING |
|----------------------------|------------|
| Low Pressure Sodium | Partially |
| High Pressure Sodium | Partially* |
| Quartz | Fully |
| All Other Lighting Sources | Fully** |

* 100 watts or less used for residential security

** Outdoor advertising signs constructed of translucent materials and wholly lighted from within needed not be shielded.

- H. To erect, operate, or maintain one or more non-exempt outdoor illuminating devices shall, in aggregate, create a maximum illumination which exceeds 0.1 horizontal foot-candles and 0.1 vertical foot-candles, as measured: (1) at a distance of 5 feet within the property line of an adjacent (occupied) residential parcel, or (2) at a distance of 10 feet from property line of an adjacent (occupied) commercial or industrial parcel, or (3) from the traveled portion of a public street, road, or highway.
- I. To erect, operate, or maintain a non-exempt outdoor illuminating device which permits a line of sight to its bulb by an observer who is level with or higher than the ground below the fixture, if viewed from a distance of 5 feet within the property line of an adjacent (occupied) residential parcel or from the traveled portion of a public street, road, or highway.
- J. To illuminate any outdoor advertising sign by means of one or more outdoor illuminating devices which; (1) are not mounted on or at the level of the top of the sign structure, or (2) permit line of sight to its bulb when viewed at the edges of the sign or beyond, or (3) that create, in aggregate, a maximum illumination on the vertical surface of the sign which exceeds 3.0 foot candles.
- K. To erect, install, operate, or maintain on any telephone, television, radio, microwave, electrical transmission, or similar tower or structure, any outdoor illuminating device which: (1) is not required by local, state, or federal agency or entity having jurisdiction, or (2) which produces an illumination which exceeds the minimum required by such agency or entity or (3) which is not red in color, unless a color other than red is required by such agency or entity.
- L. To create a unified and consistent lighting package for the development. The lighting standards in parking areas shall not exceed 20 feet in height. **(Amended 1)**

Section 5.20

B Parking spaces may extend into any required front and/or side setback requirement up to a maximum of 50 75 percent of the required setback.

Section 5.27

A 2.0 2.5 square foot of sign area shall be allowed for every 1 linear foot of the front façade of the building that is occupied by that use or for every 1 linear foot of lot frontage.

- E. Free-standing signs shall be placed a minimum of 10 feet from the public right-of way. No pole sign may exceed 18 feet in height and 75 64 square feet in area. No ground signs may exceed 12 feet in height and 75 square feet in total area. Free-standing signs may be double-faced. **(Amended 1)** Marquee/ Reader board signs can not exceed 40 percent of the total square footage of a free-

standing sign. (Amended 5)

Section 5.29 Permanent Off-Premise Signs Standards A.3

Total square footage shall not exceed 36 75 square feet in sign area.

Section 10.01

D. Outdoor seating for restaurants shall be considered a permitted use in all commercial districts if the seating area meets the following setback requirement from residential zoning district. Seating shall not be closer than 150 feet from a residential zoning district. Any outdoor seating not meeting this requirement shall be considered a conditional use under this ordinance.

Section 13.01 Lighting Purpose and Intent - Vacated

Appendix A Land Uses

Agricultural Uses

Farm Stand – Permitted all districts

Farmer’s Market – Permitted NC, GC, HS, and OB

Home Agriculture – Permitted all districts

Retail Nursery – Permitted NC, GC, HS, OB and GI districts

Assisted Living – Permitted NC, GC, HS, and OB

Child Care (Owner Occupied) – Permitted all districts

Adult Businesses – Permitted in GI

Auto Repair – Permitted NC, GC, HS, OB and GI

Auto Sales – Permitted in GC, HS, and OB

Car Wash – Permitted in NC, HS, GC and OB

Indoor Sales and Services – Permitted in HS, GC, and OB

Oil Change – Permitted in NC, HS, GC , and OB

Grocery – Permitted in NC

Outdoor seating more than 100 feet from Residential dwelling – permitted in NC, HS, GC, and OB

Outdoor seating less than 100 feet from residential dwelling – conditional use in NC, HS, GC, and OB

Full Service Restaurant – permitted in NC and OB

Commercial Personal Services – permitted in NC, HS, GC, and OB

Professional Services - permitted in NC, HS, GC and OB

Commercial Recreational – Permitted in NC, HS, GC, OB, and GI

Institutional – Permitted in NC. HS, GC OB and GI

APPENDIX C -Delete

Floyd County Plan Commission
Resolution Pertaining to Amendment to the Floyd County Zoning Ordinance

WHEREAS, the Floyd County Plan Commission met on February 27, 2012, and conducted a public hearing on this matter pursuant to I.C. 36-7-4-607; and

WHEREAS, the Plan Commission heard from both proponents and opponents of the text amendment of Section 2 – Definitions (SIGN, MARQUEE/READER BOARD); Section 3.06 (B; D1); Section 4.19 and 4.24; Section 5.03 (B3); Section 5.10 (A2); Section 5.13 (G;H;I;J;K;L); Section 5.20 (B); Section 5.27 (A;E); Section 5.29 (A3); Section 10.01 (D); Section 13.01-Vacated; Appendix A; Appendix C-Deleted; and voted to forward a favorable recommendation by a vote of 8-0;

WHEREAS, the Plan Commission heard from both proponents and opponents of the text amendment Section 2 – Definitions (LOT FRONTAGE); APPENDIX B (PARKING STANDARDS MATRIX and voted to table by a vote of 8-0;

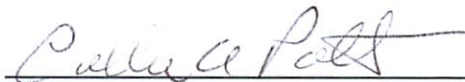
WHEREAS, the text amendment Section 5.14 – Loading Standards; Table 5.14 Loading Requirements was withdrawn to be heard at a later date;

NOW THEREFORE,

BE IT RESOLVED that the Floyd County Zoning Ordinance is amended as indicated on Exhibit "A"

BE IT FURTHER RESOLVED that the staff of the Floyd County Plan Commission shall forward a certified copy of this resolution to the Floyd County Commissioners for any further action which they may desire.

SO RESOLVED this 27th day of February, 2012.



Callie Potts, President
Floyd County Plan Commission

Attest



Linda Barksdale, Executive Plan Director
Floyd County Plan Commission

Certification of Action

Comes now the Floyd County Plan Commission pursuant to I.C. 36-7-4-607, and hereby certifies that the attached resolution is a true and accurate copy of a Resolution regarding text changes to the Floyd County Zoning Ordinance of its meeting on February 27, 2012. The attached Resolution is available for review in the Office of the Floyd County Plan Commission and accurately reflects the vote of the Floyd County Plan Commission approving the resolution.



Linda Barksdale, Executive Plan Director
Floyd County Plan Commission