

FCO 2018-3

Floyd County Board of Commissioners
Ordinance Amending FCO-2006-6 Zoning Ordinance and Floyd County Subdivision 68-1 as
Amended

Whereas, the Floyd County Board of Commissioners met on ^{Feb. 4} January 29, 2018, on this matter pursuant to IC 36-7-4-600 series

Whereas, the Board of Commissioners received a favorable recommendation to amend the Floyd County Zoning Ordinance and Floyd County Subdivision Ordinance from the Floyd County Plan Commission by a vote of 8-0;

NOW, THEREFORE,

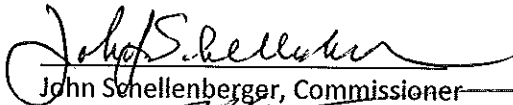
BE IT ORDAINED that Floyd County Board of Commissioners hereby amends the Floyd County Ordinance 2006-6 with the language attached in Exhibit A.

SO ORDAINED this 6th day of February 2018.

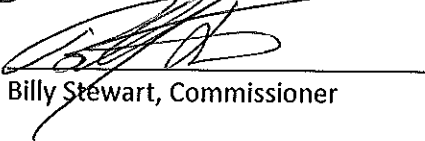
BOARD OF COMMISSIONERS
COUNTY OF FLOYD



D. Mark Seabrook, President



John Schellenberger, Commissioner



Billy Stewart, Commissioner

ATTEST:


Scott Clark, County Auditor

Exhibit A

NEW DEFINITIONS FOR ZONING ORDINANCE

BUILDING AND DEVELOPMENT SERVICES DEPARTMENT means Floyd County Building and Development Services Department

COUNTY INFRASTRUCTURE COORDINATOR means Floyd County Infrastructure Coordinator

PROPOSED CHANGES FROM PLANNING DIRECTOR TO COUNTY PLANNER

PERFORMANCE BOND means an amount of money or other negotiable security paid by the developer, property owner or his/her surety to the County which guarantees that the developer or property Owner will perform all actions required by the County in regards to an approved plat or other situations stated in this Ordinance and/Or as deemed by the Planning Director (County Planner) that Provides that if the Developer or Property Owner defaults and fails to comply with the provisions of his/her approval, the developer or Property Owner or his/Her Surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

Section 3.04 Burden of Proof

The burden of proof regarding whether a use, structure, lot, sign or other characteristic of property is legally established as nonconforming shall be on the owner solely. The Planning Director, (County Planner) or selected designee, shall make the determination as to whether the evidence is sufficient to consider the property legal non-conforming. Such determination may be appealed to the Planning Director (Plan Commission) by the property owner within 30 calendar days of receipt of written notice from the Plan Commission Director (County Planner). The property owner must file a written notice of appeal with the Plan Commission.

Section 4.05 Unlisted or Questionable Land Uses

Any use not listed as permitted or conditional use is considered a non-permitted unless the Planning Director (County Planner) makes a determination otherwise. The Planning Director (County Planner) may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is permitted use or conditional use. This determination may be appealed to the Board of Zoning Appeals.

Section 5.12 (B)

B. Home occupation uses that meet the all above described standards may be permitted through a conditional use by the Building and Development Services Department. Home occupations uses that do not meet all of the above described standards shall be directed to apply through the conditional use process. If the Board of Zoning Appeals receives a complaint regarding the operation of the Home Occupation and/or believes the conditions imposed by the condition use permit have not been met, the Board of Zoning Appeals may modify or revoke the conditional use.

Section 5.20 (I) Parking Standards

A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and the joint lot provides at least 75 percent of the total spaces required for each use. The Planning Director (County Planner) must approve all joint parking areas. A written reciprocal parking agreement signed by all property owners involved is required and must include provisions concerning at least the following items.

1. Maintenance
2. Ownership

3. Snow Removal
4. Liability

Section 5.20 (J) Parking Standards

The agreement must be reviewed and approved by the ~~Planning Director and/or~~ the Plan Commission Attorney. The agreement must be recorded in the Office of Recorder, Floyd County. The recorded agreement must also be submitted for recordkeeping to the Floyd County Plan Commission.

Section 5.21 (B) Parking Standards

The parking requirements will be determined by the ~~Planning Director~~ (County Planner) for any use not listed in Appendix B. Any decision by the ~~Planning Director~~ (County Planner) can be appealed to the Board of Zoning Appeals.

Section 5.25 Sign – General Standards

This General Sign Standards section applies to the following districts:

Except as otherwise provided in this Article, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Floyd County Plan Commission, or cause the same to be done without first obtaining a sign permit from the ~~Planning Director~~ (County Planner). The following general sign standards apply to all signs within the jurisdiction of the Floyd County Plan Commission.

- B. The ~~Planning Director~~ (County Planner) may order the removal of any sign erected or maintained in violation of this Article consistent with the provisions of Article 15 of this Ordinance.
- C. All signs and their components shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the ~~Planning Director~~ (County Planner), a written notice will be given to the owner, business operator or lessee of the property consistent with the provisions of Article 15 of this Ordinance.

Section 5.26 Temporary Sign Standards

B. Any temporary sign maintained in excess of the time limit of the permit or otherwise in conflict with any provisions of this ordinance may be declared a nuisance and hazard and is subject to removal by the ~~Planning Director~~ (County Planner) at the expense of the owner. (Amended 6)

Section 5.30 Telecommunication Facilities Standards (Installation)

- A. The installation of new antenna on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the ~~Planning Director~~ (County Planner) subject to conformance with all applicable requirements of this Ordinance.
- B. The installation of new accessory structures to support the installation of antenna on existing towers or alternative structures may be approved by the ~~Planning Director~~ (County Planner) subject to conformance with the applicable requirements of this Ordinance.

Section 5.32 (C) Telecommunication Facilities Standards (Siting)

The use of residentially compatible materials such as wood, brick, or stucco is required for associated support structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area. Only if the facility will be 100 percent screened, as determined by the Planning Director (County Planner), during all seasons may other materials be used.

Section 5.38 (B) Temporary Use/Structure Standards

The Planning Director (County Planner) will approve all temporary improvement permits with or without stipulations. Any decision of the Planning Director (County Planner) is subject to an appeal to the Board of Zoning Appeals.

Section 5.38 (D) Temporary Use/Structure Standards

The Planning Director (County Planner) may extend the duration of a temporary use or structure 1 time with findings of substantial need. The duration of the extension cannot exceed the length of the permitted time without the application for another temporary use or structure permit.

6.05 Administration (A)

The Board of County Commissioners of Floyd County, Indiana hereby appoints the Executive Director of the Floyd County Plan Commission (County Infrastructure Coordinator) to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

Section 7.05 (A) Planned Unit Development Conceptual Plan Process

Prior to the filing for a re-zone petition, the applicant must submit a conceptual sketch plan to the Planning Director (County Planner). The Planning Director (County Planner) and/or designate will make a review of the conceptual sketch plan. The Planning Director and/or designate will review the conceptual sketch plan and will provide the applicant with comments within 30 days of conceptual sketch plan submission. No approval is given as part of this step and suggestions made by the Planning Director, County Planner, County Engineer and/or designate are advisory only and meant to assist the applicant.

Section 7.05 (C) Planned Unit Development Conceptual Plan Process

A voluntary conceptual sketch plan conference may be conducted with the Planning Director (County Planner) and/or a designated representative and the applicant. The purpose of the conference shall be to allow the discussion by the applicant of the conceptual elements of the proposed development including characteristics of the development in terms of the relationship to existing community policies, and allow the Planning Director (County Planner) to define aspects of the PD classification, procedure, development standards, and policies with the applicant.

Section 7.06 C (8) Planned Unit Development Detailed Development Plan Process

Any other data or information that may be requested by the planning director (County Planner) and/or designate to supplement the proposal.

Section 7.08 Minor Modification

The ~~Planning Director~~ (Plat Review Committee) may from time to time in its administration of the Planned Unit Development, approve minor modifications of the Development Plan or Improvement (construction) Plans, without a public hearing in a manner consistent with the purpose or intent of the overall development. Such modifications shall not include any increase in density, any reduction in aesthetic treatment, any alteration of frontage, any change in type of use, or change in access points.

An adversely affected party may appeal any decision by the ~~Planning Director~~ (Plat Review Committee) to the Plan Commission within 30 days of the determination. The Plan Commission has the authority to establish rules governing the nature of the proceedings and notice required to make a modification under this Section.

Section 9.06 (A) Development Plan Approval Process

The applicant is encouraged to submit a conceptual site plan to the ~~Planning Director~~ (County Planner) and/or designate for an informal conference to discuss the existing conditions of the site and the proposed development. No approval is given as part of this step and suggestions made by the ~~Planning Director~~, County Planner, County Engineer and/or designate are advisory only and meant to assist the applicant.

Section 9.06 (B) Development Plan Approval Process

No later than 15 days after the ~~Planning Director~~ (County Planner) and/or designate has received the conceptual site plan and other data, the ~~Planning Director~~ (County Planner) and/or designate will return a copy of plan to the applicant with recommendations.

Section 9.06 (E) (15) (d) Development Plan Approval Process

Proposed Sign Plan shall include:

- a. A site plan indicating the location of any existing and proposed freestanding or ground sign.
- b. Elevations of proposed signs including size, materials, color and illumination details.
- c. Placement, size, color, and illumination of any existing or proposed wall, projecting or window sign.
- d. Any other information requested in writing by the Plan Commission or the ~~Planning Director~~ (County Planner)

Section 9.06 (E) (17) (h) Development Plan Approval Process

17. Proposed Landscape/Buffer Yard Plan submitted in pursuit of development plan approval shall include the following information.

- a. Location and dimension of all existing and proposed structures, parking areas, etc.
- b. Location of floodway and all floodway fringe areas within the site.
- c. Existing elevations and proposed contour lines at 2 foot intervals
- d. Proposed sidewalk or pedestrian ways
- e. Size, species and spacing (or center) of all proposed landscape and Buffer Yard materials
- f. Location of any existing and proposed freestanding or ground signs

- g. Estimated cost of proposed landscaping berms, walls, acceleration-deceleration lanes, bypass lanes, other public improvements or any other site improvement required by the Plan Commission
- h. Any other information requested in writing by the Plan Commission or ~~Planning Director~~ (County Planner)

Section 9.07 Modifications

- A. Minor modifications to an approved development plan may be approved by the ~~Planning Director~~ (Plat Review Committee) if the modification is in the spirit and intent of the overall development and does not involve:
 - 1. An increase in height, area, bulk, or intensity of land uses
 - 2. the designation of additional land uses
 - 3. the reduction of buffer yards
 - 4. the addition of driveways or access points
 - 5. the reduction of parking for any use
- B. The ~~Planning Director~~ (Plat Review Committee) shall report in writing to the Plan Commission the authorized minor modifications. Any interested party may appeal a decision of the ~~Planning Director~~ (Plat Review Committee) regarding the minor modifications of an approved development plan to the Plan Commission within 30 days of the decision.

Section 15.01 Authority

The Plan Commission, Board of Zoning Appeals, ~~Planning Director~~, (County Planner) and/or their designees are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in Indiana Code 36-7-4-1000 et al. and all other applicable state laws.

Section 15.02 Violations

Complaints made pertaining to this Ordinance shall be investigated by the ~~Planning Director~~, (County Planner) Also, any violations suspected by the Plan Commission, Board of Zoning Appeals, or ~~Planning Director~~ (County Planner) shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the ~~Planning Director~~ (County Planner) and/or Board of Zoning Appeals and should reflect what is warranted by the violation.

Section 15.03 Types of Violations

The following items in addition to any other violation(s) of other local ordinances shall be deemed zoning violations. These violations shall be enforceable by the Plan Commission, Board of Zoning Appeals, and/or the ~~Planning Director~~ (County Planner). Penalties may be imposed based on the provisions set forth in this section.

Section 15.03 (A) Types of Violations

The maintenance of a primary structure, accessory structure, sign, or any other element determined by the ~~Planning Director~~ (County Planner) that does not conform to the provisions or explicit intent of the Zoning Ordinance.

Section 15.05 (A) Procedure for Violations

There shall be a two step procedure for violations of this Ordinance. These steps are as follows:

The ~~Planning Director~~(County Planner)and/or Building Commissioner shall issue a Notice of Violation to the person(s) who has committed in whole or part a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within 15 calendar days of the mailing date or posting of notice. The ~~Plan Commission Office~~ Building and Development Services Department will only investigate zoning violation issues once the office has received a signed official written complaint form regarding alleged violations. (Amended 6)

Section 15.05 (C) Procedure for Violations

In the opinion of the ~~Planning Director~~ (County Planner) and/or Building Commissioner, if an emergency situation arises with a structure or use that is an immediate risk to the public health, safety or welfare, the ~~Planning Director~~ (County Planner) and/or Building Commissioner shall have the right to seek immediate relief to remedy the situation.

Section 15.06 (A) Types of Petitions and Permit Applications

All applications shall be obtained through the ~~Plan Commission Office~~ (Building and Development Services Department. Fees shall be paid at the Plan Commission Office at the time petition and permit applications are submitted.

- A. All applications shall be made on forms provided by the ~~Planning Director~~ (Building and Development Services Department. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed.

Section 15.14 (D) Board of Zoning Appeals

Any decision of the County Building Commissioner and/or ~~Planning Director~~(County Planner) in enforcement of this ordinance may be appealed to the BZA by any person claiming to be adversely affected by such decision in accordance with Indiana Code 36-7-4.918.1.

Section 15.14 (E) Board of Zoning Appeals

The BZA shall have the following powers and it shall be its duty to: (Amended 3)

Hear and determine appeals from and review any order, requirement, decision or determination made by the Building Commissioner and/or ~~Planning Director~~(County Planner) in the enforcement of this ordinance.

Section 16.06 E

Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than 25 feet into the more restricted portion, provided the lot has frontage on the street in the less restricted district. Further, the exact location of where lines cross the property shall be determined by the ~~Planning Director~~(County Planner).

Section 16.06 G

When the ~~Planning Director~~ (County Planner) cannot definitely determine the location of a district boundary by the center lines, by scale or dimensions stated on the Official Zoning Map, because the boundary does not clearly coincide with a property line, the Director may refuse action and the Plan Commission may interpret the location of the district boundary with the references to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

NEW DEFINITIONS FOR SUBDIVISION CONTROL ORDINANCE

County Planner Office means the Floyd County Planner Office

PROPOSED CHANGES

Article VI General

The Director is hereby designated as the official having authority to grant secondary approval to subdivisions.

Article VI Section 2 (A). Applications

All applications for subdivision approval shall be filed with the Department. The Commission shall prepare annually a schedule of its regular meetings and, by rule, the deadlines for applications to be considered at those meetings. Any submission that is found by the Department to be incomplete will not be considered as an application which has been filed and will not be scheduled for consideration. The Commission by rule will prescribe the form of the Application. For purposes of these rules, the term Department (staff) shall mean and include, ~~as appropriate, the Executive Director, staff, and employees of the Floyd County Plan Commission~~ (the County Planner and employees under the County Commissioners department.)