

**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 August 18, 2009 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 (8-1 favorable), Exhibit B (9-0 favorable), Exhibit C (8-1 favorable) and Exhibit D (5-4)


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,

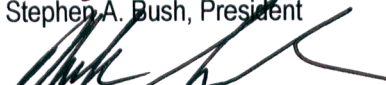
BE IT RESOLVED that Floyd County Zoning Ordinance is amended.

SO RESOLVED this 18th day of August 2009.

BOARD OF COMMISSIONERS
COUNTY OF FLOYD



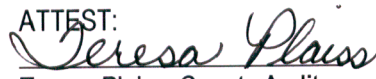
Stephen A. Bush, President



Mark Seabrook, Commissioner



Charles Freiberger, Commissioner

ATTEST:


Teresa Plaiss, County Auditor

Exhibit A

Section 2.01 Definitions:

AGRICULTURAL, SERVICES means establishments primarily engaged in agricultural equipment and implement sales and service, landscaping, and veterinary services.

SMALL WIND TURBINES means a turbine rated 100 kW or less that can be used to power farms, businesses, and homes.

INDOOR AUTOMOTIVE SALES AND SERVICE means retail trade establishments selling or rental of new and used automobiles, motorcycles, mopeds, scooters, golf carts and all terrain vehicles including incidental maintenance and repair facilities located inside a fully enclosed principal structure. Incidental maintenance and repair does not include customizing, body work or painting.

HOME OCCUPATION means any activities carried out for gain by a resident and conducted in the resident's dwelling unit or accessory structures.

**Section 4.01-4.65 Illustrative renderings of development standards
(See attached)**

Removal references to MH district throughout document

Exhibit B

Section 5.02 Lot and Yard Standards

New Definition

F. All single family residential lots in the Residential Suburban (RS) and Residential Urban (RU) not connected to a sanitary sewer system shall meet the development standard requirements set forth in the Rural Residential (RR) District.

Section 5.14 – Home Occupation Standards

5.12 Home Occupation

This Home Occupation Standards section applies to the following districts.

AR RR RS RU MF

Home Occupations shall be allowed as a conditional use consistent with the provisions of this Ordinance.

A. Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Home Occupations shall be permitted as conditional uses, consistent with Accessory Use and Structure Standards, the provisions of this section and the provisions of this Ordinance.

1. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.

2. The home occupation must not involve any exterior storage or display of products, equipment or materials.
3. The home occupation must utilize no more than 25 percent of the total floor area of the structures on that parcel.
4. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
5. Signage must not exceed 6 square feet.
6. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.
7. The home occupation shall not create electrical interference, odors, noise, vibration, light, smoke, fumes or any other offensive problems.
8. No additional parking shall be added to the lot(s) on which the residence is located to accommodate the home occupation.
9. The home occupation must not require the use of commercial vehicles for pick-up and deliveries other than services from the United States Postal Service, UPS and/or other express couriers.

Section 5.26 Temporary Sign Standards

This Temporary Sign Standards section applies to the following districts:

AR RR RS RU MF NC GC HS OB GI PR

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, at the expense of the owner.

Section 5.40 – Small Wind Turbine Standards

As alternative energy development increases and expands in usage, the need for land use standards associated with this land use is required.

Section 5.40 Wind Turbine Standards (Installation)

This Small Wind Turbine Facilities Standards section applies to the following districts

AR RR RS OB GI PR

- A. The installation of new wind turbine(s) shall be allowed as a permitted by right use if the installation

and usage is consistent with the provisions of this ordinance

- B. The maximum height of the wind turbine pole shall not exceed 150 feet.
- C. Wind Turbine(s) shall be a monopole design, and shall be setback from any property line a distance equal to at least 100 percent the height of the tower. No wind turbine(s) shall be mounted on any primary or accessory structures.
- D. Wind Turbine(s) shall be designed and constructed, at a minimum, to withstand wind gusts of at least 80 miles per hour with one-half inch of ice.
- E. No signage is allowed on the turbine, pole, blade(s), wires, fencing or accessory structures.
- F. Any other support structure shall be governed by the setbacks required in the underlying base zoning district.
- G. The rotor blades shall be a minimum 35 feet higher than surrounding obstacles.
- H. An 8 foot high security fence shall completely surround the pole and any accessory building or structure necessary for operation. The fence enclosing the facility shall be opaque and be made of compatible material found in surrounding structures.
- I. The facility shall be equipped with a manual braking system.
- J. No part of the wind turbine facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, or property line except as permitted transmission lines.

Section 5.41 Small Wind Turbine Facilities Standards (Process)

This Small Wind Turbine Facilities Standards section applies to the following districts

AR RR RS OB GI PR

All wind turbine(s) and accessory structure(s) constructed within the Floyd County Plan Commission jurisdiction, shall comply with the following construction requirements:

- A. Any application for a wind turbine facility or accessory structures shall include the following:
 - 1. Copy of the deed or letter from property owner(s) showing evidence of applicant's authority to pursue approval.
 - 2. Detailed drawings detailing proposed improvements. Drawings must depict improvements, including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
 - 3. Line of Sight diagram or photo simulation showing the proposed Support Structure set against the skyline and viewed from at least 4 directions within the surrounding areas.
 - 4. A copy of the manufacturer's electrical drawing
 - 5. Any associated fees with application.

- B. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission shall apply.
- C. Turbine(s) shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Indiana Building Code.
- D. Turbine(s) shall be designed to conform to accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
- E. An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, and strength requirements for natural forces; ice, wind, earth movements, etc.

Section 15.05 Procedure for Violations

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

- A. *The Plan Commission Office will only investigate zoning violation issues once the office has received a signed official written complaint form regarding alleged violations*

Exhibit C

Land Use Matrix

Appendix A

Floyd County Land Use Matrix

P=Permitted

C= Conditional Use

1. Agricultural Services from permitted to conditional uses in AR/RR.
2. Commercial Greenhouse from permitted to conditional use in AR
3. Retail Nursery from permitted to conditional use in AR/RR.
4. Wholesale Nursery from permitted to conditional use in AR/RR
5. Dwelling, Single Family Detached permitted in RU
6. Automotive Repair and Services to conditional in NC
7. Automotive Sales and Services to conditional use in NC/GC
8. Retail Bakery to permitted use in NC.
9. Delicatessen to permitted use in NC
10. Ice Cream Shop to permitted use in NC
11. Laundry Services to permitted use in HS
12. Shoe Repair to permitted use in HS
13. Tailor/Dressmaker Shop permitted use in HS
14. Employment Services to permitted use in NC
15. Commercial Retail Small Scale Uses to permitted use in HS
16. Billiard/Arcade Room to conditional use in NC
17. Bowling Alley to conditional use in NC/HS
18. Dance Studio to permitted use in NC/HS/OB

19. Lodge or Private club to conditional in all districts
20. Research-Business Incubator Center to conditional in NC,GC, HS, OB
21. Institutional-Public Uses to conditional in all districts
22. Community Recreational Center and Community Swimming Facility to conditional in AR/RR/RS/RU/MF/NC/GC/HS/OB/GI

Exhibit D

1. Indoor Automotive Sales and Services to permitted use in GC

FCR 2009 - III

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