Agricultural Commercial (AC) District

2.07 AC District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses

District Intent

The AC (Agricultural Commercial) District is intended to be used as follows:

Use Type and Intensity
- commercial and industrial uses directly related to agriculture and compatible with rural character

Application of District
- existing and new development
- spot zoning

Development Standards
- recognize the need for quality time, place and manner development standards to minimize impacts on adjacent properties while encouraging economic vitality

Appropriate Adjacent Districts
- PR, AG, IA, AC, RR, VM, C1, C2, I1, I2 and AP

Plan Commission
- should be utilized for agricultural uses and other business and industrial uses that are supportive of agricultural operations
- careful consideration should be taken when reviewing any development that is in conflict with agricultural operations

Board of Zoning Appeals
- require significant buffering and separation from adjacent uses and environmental features
- be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses

Permitted Uses

Agricultural Uses
- agricultural crop production
- farm implement repair
- farm implement sales
- grain elevator
- orchard
- plant nursery
- raising of farm animals (limited)
- roadside produce sales
- stable, commercial
- storage of agricultural product
- tree farm

Commercial Uses: General
- animal hospital
- farmers market

Commercial Uses: Office
- veterinarian office/hospital

Industrial Uses
- liquid fertilizer storage/distribution
- storage tanks (nonhazardous)
- warehouse

Utility Uses
- wind energy facility, small
- wind energy facility, medium

Add to utility uses: dwelling, mobile home (2011-BCCO-09) Case 2-CZ-11

Special Exception Uses

Agricultural Uses
- processing of agricultural product

Commercial Uses: General
- kennel (commercial)

Industrial Uses
- food production/processing

Utility Uses
- above ground utility facility
- dwelling, single family
- farm tenant housing
- farm seasonal worker housing
- meteorological tower
- power generation facility
- telecommunication facility

Borrow pits, mineral extraction, topsoil removal, artificial lakes or ponds of 3 acres or more in area (2011-BCCO-09) Case 2-CZ-11

Intense Agricultural (IA) District

2.05   IA District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The IA (Intense Agricultural) District is intended to be used as follows: **Use Type and Intensity** • intense agricultural operations such as confined feeding operations and commercial stables **Application of District** • existing land • spot zoning **Development Standards** • recognize the need for quality time, place and manner development standards to minimize impacts on adjacent residential properties while encouraging economic vitality **Appropriate Adjacent Districts** • PR, AG, IA, AC, RR, R1, MP, IS, C1, C2, I1, I2, I3, AP and IU **Plan Commission** • should use this district for existing intense agricultural activities and cautiously for new intense agricultural activities **Board of Zoning Appeals** • require significant buffering and separation from adjacent uses and environmental features • be very sensitive to the potential for water pollution and impacts to nearby residential and commercial uses	**Agricultural Uses** • agricultural crop production • confined feeding operation (small) • confined feeding operation (medium) • orchard • plant nursery • raising of farm animals (limited) • roadside produce sale • stable, commercial • storage of agricultural product • tree farm **Utility Uses** • wind energy facility, small • wind energy facility, medium • wind energy facility, large	**Agricultural Uses** • confined feeding operation (large) • grain elevator • processing of agricultural product **Utility Uses** • above ground utility facility • dwelling, single family • farm tenant housing • farm seasonal worker housing • meteorological tower • power generation facility • telecommunication facility Borrow pits, mineral extraction, topsoil removal, artificial lakes or ponds of 3 acres or more in area (2011-BCCO-09-Case 2-CZ-11

2.09   RR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses

The RR (Rural Residential) District is intended to be used as follows:
 	
Use Type and Intensity
• agricultural activities
• rural estates
• single-family detached homes
• medium to large sized homes
• large sized lots
 	
Application of District
• existing and new development
• small area zoning
 	
Development Standards
• promote low-impact development in concert with farmland and other natural settings
• Promote long term planning of property development by requiring any petition for rezoning of property to RR include:
  • An area of at least 5 acres of land; and
  • A drawing of the parent tract(s) of the parcel(s) proposed for rezoning showing any properties separated from the parent tract since the date of adoption of this zoning ordinance
 	
Appropriate Adjacent Districts
• PR, AG, IA, AC, RR, R1, R2, R3 and VR
 	
Plan Commission
• should use this district for existing developments and carefully for new residential development
 	
Board of Zoning Appeals
• allow a special exception use only when it clearly is a benefit to the residential component of the development
	Agricultural Uses
	• agricultural crop production
	• orchard
	• tree farm
	
	Residential Uses
	• accessory uses including private farming
	• child care home
	• dwelling, manufactured home
	• dwelling, single-family
	• fair housing facility (small)
	• home occupation (type 1)
	
	Utility Uses
	• wind energy facility, small
	• wind energy facility, medium
	
	Under Residential Uses Add: dwelling, mobile home (2011-BCCO-09) Case 2-CZ-11
		Agricultural Uses
		• confined feeding operations (small)
		• plant nursery (small)
		• raising of farm animals (limited)
		
		Commercial Uses: General
		• swimming pool
		
		Institutional Uses
		• park, public
		
		Residential Uses
		• bed and breakfast
		• dwelling, two-family
		• fair housing facility (large)
		• home occupation (type 2)
		• home occupation (type 3)
		
		Utility Uses
		• above ground utility facility
		• meteorological tower
		
		Under Commercial Uses Add: dog training (2011-BCCO-09) Case 2-CZ-11

2.31   I1 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The I1 (Low Intensity Industrial) District is intended to be used as follows: **Type and Intensity** • low impact industrial uses • business park, distribution operations, construction trades, and industrial facilities • stand alone buildings or multiple primary structures **Application of District** • new and existing development **Development Standards** • recognize the need for quality time, place and manner development standards to minimize impacts on surrounding properties while encouraging economic vitality • do not require separation or buffering from uses with similar intensity • require extensive buffers when adjacent to lesser intense land uses • assure that there are no negative affects on the natural environment **Appropriate Adjacent Districts** • PR, AG, IA, AC, IS, VM, C1, C2, I1, I2, I3, AP and IU **Planning Commission** • zone property for I1 only after determining that the site is appropriate for any of the possible uses allowed in this district • Require written acknowledgment of the maximum lot area requirement • be very sensitive to environmental protection **Board of Zoning Appeals** • allow a special exception use only when it clearly is a benefit to the surrounding areas • assure environmental protection prior to granting a special exception • be very sensitive to the potential for light pollution, noise pollution, loading bays fronting roads, oversized signs, large truck traffic, ingress/egress, and pedestrian and vehicular safety	**Commercial Uses: General** • mini-storage facility • restaurant (fast food) • restaurant (sit down) **Commercial Uses: Office** • construction trade office • design/planning office • general services office **Commercial Uses: Retail** • convenience store (small) • very high intensity retail **Industrial Uses** • assembly • distribution facility • flex-space • light manufacturing • recycling sorting/distribution • research center • sign painting/fabrication • testing lab • tool and die shop • warehouse • welding **Institutional Uses** • government operations (non-office) **Utility Uses** • above-ground utility facility • wind to energy system, small • wind energy facility, small • wind energy facility, medium • wind energy facility, large	**Commercial Uses: General** • commercial training facility or school **General Uses** • off-site parking lot **Industrial Uses** • bottled gas storage/distribution • food production/processing • outdoor storage • storage tanks (nonhazardous) **Institutional Uses** • crematorium • police, fire or rescue station **Utility Uses** • meteorological tower • radio/TV station • sewage treatment plant • telecommunications facility • water treatment plant ↑ Under Commercial Uses Add: Special Handling Retail (2011-BCCO-09) Case 2-CZ-11

Multiple-Family Residential (MR) District

Article 02

2.19   MR District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The MR (Multiple-Family Residential) District is intended to be used as follows: **Use Type and Intensity** • small-scale multiple-family residential • limited mixes of residential uses • one primary structure per lot • low intensity **Application of District** • existing and new development • small area zoning **Development Standards** • recognize that multiple-family development requires more stringent development standards to protect the quality of life of tenants and surrounding districts **Appropriate Adjacent Districts** • PR, AG, R3, VR, MR, MP, IS, VM and C1 **Plan Commission** • should use this district for existing developments and carefully for new residential development that are located in close proximity to urban areas **Board of Zoning Appeals** • allow a special exception use only when it clearly is a benefit to the residential component of the development	**Residential Uses** • child care home • dwelling, multiple-family (3 or 4 units) • dwelling, single-family (attached) • dwelling, two-family • fair housing facility (small) • home occupation (type 1) **Utility Uses** • wind energy facility, small • wind energy facility, medium	**Commercial Uses: General** • swimming pool **Institutional Uses** • community center • park, public **Residential Uses** • assisted living facility • bed and breakfast • boarding house • dwelling, manufactured home • dwelling, multiple-family (5 to 8 units) • dwelling, single-family • fair housing facility (large) • group home • home occupation (type 2) • nursing home • retirement community **Utility Uses** • above ground utility facility Under Residential Uses Add: dwelling, multiple-family (9 or more units) (2011-BCCO-09) Case 2-CZ-11

General Commercial (C2) District

Article 02

2.29 C2 District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The C2 (Medium to Large Scale General Commercial) District is intended to be used as follows: **Type and Intensity** • moderate to high impact uses • wide variety of retail, commercial, service, eating, and entertainment establishments • stand alone buildings, strip centers and malls **Application of District** • new and existing development **Development Standards** • recognize the need for quality time, place and manner development • standards to minimize impacts on surrounding properties while encouraging economic vitality • assure that there are no negative affects on the natural environment **Appropriate Adjacent Districts** • PR, AG, IA, AC, IS, VM, C1, C2, I1 and I2 **Planning Commission** • zone property for C2 only after determining that the site is appropriate for any of the possible uses allowed in this district • be very sensitive to environmental protection **Board of Zoning Appeals** • allow a special exception use only when it clearly is a benefit to the surrounding areas • be very sensitive to the potential for light pollution, excessive parking lots, oversized signs, aesthetics, and pedestrian and vehicular safety	**Commercial Uses** • automobile oriented facility • bank machine/ATM • banquet hall • bar/tavern • barber/beauty shop • billiard/arcade room • bowling alley • car rental • coffee shop • coin laundry • communication shop • country club • dance/night club • delicatessen • driving range • dry-cleaning service • emergency medical clinic • fitness center/gym • funeral home or mortuary • health spa • hotel/motel • ice cream shop • kennel (commercial) • miniature golf • movie theater • party/event rental • pet grooming/store • photographic studio • play center • print shop/copy center • quick cash/check cashing • restaurant (drive-in) • restaurant (fast food) • restaurant (sit down) • sexually oriented business, accessory • sexually oriented business, entertainment • sexually oriented business, retail • shoe repair • sign shop • skate park • skating rink • studio art • tailor/pressing shop • tanning salon • video/dvd store • business/financial services office • design/planning office • general services office • medical office • very low intensity retail • low, medium, and high intensity retail **Utility Uses** • wind energy facility, small • wind energy facility, medium • wind energy facility, large	**Commercial Uses: General** • commercial training facility or school • equipment rental • golf course • mini storage facility • publishing company • sport field **Commercial Uses: Office** • construction trade office **Commercial Uses: Retail** • very high intensity retail **General Uses** • dwelling, single family (upper floors only) • dwelling, multi-family (upper floors only) • off-site parking lot **Institutional Uses** • church, temple or mosque using an existing building **Utility Uses** • above-ground utility facility • radio/TV station • telecommunications facility Under Retail, Add Special Handling Retail (2011-BCCO-09) Case 2-CZ-11

Airport Hazard Area Overlay (AH-OL) District

3.01 AH-OL District Intent, Effect on Uses and Development Standards

District Intent

The Airport Hazard Area Overlay District (AH-OL) has been created to promote a "buffer" of appropriate land uses around the airport in order to promote the growth and ongoing operations of the airport.

Land Use Restrictions
- strive to minimize land uses which pose a hazard to air traffic, including excessive lighting, tall structures, lighting that resembles a runway, etc.
- restrict any land use that could be adversely affected by the noise related to air traffic.

Effect on Uses

Permitted Uses
All uses permitted in the base zoning district as permitted uses are permitted in the AH-OL zoning district except as listed below in the "Restricted Land Uses" section.

Special Exception Uses
All uses permitted in the base zoning district as special exception uses are permitted as special exceptions uses in the AH-OL zoning district except as listed below in the "Restricted Land Uses" section.

Restricted Land Uses
- assisted living facility
- bed and breakfast facility
- boarding house
- bottled gas storage/distribution
- church, temple or mosque
- dwelling, manufactured
- dwelling, multiple-family
- dwelling, single-family
- dwelling, two-family
- electrical generation plant
- fair housing facility (large)
- fair housing facility (small)
- group home
- hospital
- incinerator
- liquid fertilizer distribution
- manufactured home park
- movie theater
- nursing home
- retirement community
- radio/TV station
- sanitary landfill/refuse dump
- school (P-12)
- storage tanks (hazardous)
- telecommunications facility
- trade or business school
- university or college

Remove from Restricted Land Uses: dwelling, single family, manufactured home park, school (P-12) 2011-BCCO-09 Case 2-CZ-11

Development Standards

- When the development standards outlined in § 3.04 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All applicable development standards in Article 05 that are not addressed in § 3.04 will still apply in accordance with the base zoning district.
- AH-OL regulations shall be applicable to all Planned Unit Developments which are overlaid by the Airport Hazard Overlay District.

Add Special Exception Uses if permitted in base zoning district: dwelling, manufactured; dwelling, single-family; manufactured home park; school (2011-BCCO-09) Case 2-CZ-11

Airport Hazard Area Overlay (AH-OL) District

3.02 AH-OL Applicability

The following requirements apply to all land within the Airport Hazard Area Overlay District.

3.03 AH-OL Jurisdictional Boundary

The jurisdictional boundaries for the Airport Hazard Overlay District (AH-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Airport Hazard Overlay District (AH-OL).

3.04 AH-OL Additional Development Standards

The following development standards are required as follows in order to promote the intent of this zoning district and meet the goals of the Howard County Comprehensive Plan.

A. Lighting Standards: Adjustments to lighting standards are as follows:
   1. No parking lot, street, exterior building or landscape lighting shall be allowed to project upward or horizontally. All lighting mounted on a pole, structure or building shall be full cutoff fixture.
   2. No lighting shall spin, oscillate or blink within this district, except the airport's fixtures and equipment installed on or off of the airport property.

B. Site Design Standards: Site design of any property or properties in conjunction shall not resemble an airport, taxiway or runway.

C. Construction Standards: All structures to be used for offices within this district are encouraged to be constructed with extra sound dampening and proofing such to mitigate noise from aircraft.

D. Location Standards: No structure may be located within 1,000 feet of a runway unless it is used as a part of the airport facility or aviation operation.

E. Height Standards:
   1. The maximum height of any structure is forty (40) feet when it is 1,000 feet to 4,500 feet from any airport runway. The Planning Director may mandate a maximum height less than forty (40) feet if the structure is within a precision runway approach (slope of 1 to 50 from the end of runway).
   2. The maximum height of any structure is ninety (90) feet when 4,500 feet to 7,920 feet (1½ mile) from any airport runway.

F. Noise:
   1. The noise restrictions in Article 5 shall not apply to the airport or airport operations.

[Note: All property purchasers and developers in the Airport Hazard Area Overlay District should be aware that noise restrictions in this ordinance do not apply to airport operations and that the airport facility may expand in the future, thus resulting in more air traffic and larger aircraft.]

G. Special Exception Uses
   1. Any use permitted By Special Exception shall add to their property deed, subdivision plat or rental contract, the following: (The owner, The leasee) of this property acknowledges that the real estate listed on this (deed, plat, contract) experiences or may experience significant levels of aircraft operations including noise which may increase in the future.
   2. Shall comply with requirements of IC8-21-10-3(b).

Detached Building: A building that has no structural connection with the primary building or any other building or structure.
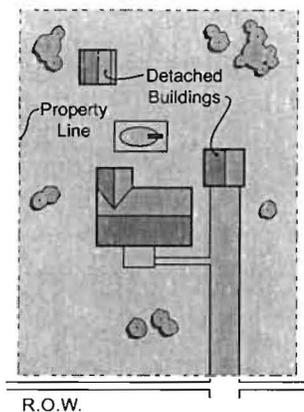
© 2006, Bradley E. Johnson, AICP

Detention Pond: A man made dry pond which is designed to hold storm water from an improvement and release that storm water up to a maximum regulated rate.

Developed Lot: See "Lot, Developed."

Developer: The owner or legal representative of land proposed to be subdivided or residentially/commercially/ industrially utilized.

Development Standards: Height, bulk, density, environmental performance standards, and other standards for development as set forth in this Zoning Ordinance, including landscaping, parking, and other required improvements, excluding those provisions which specifically regulate the use, per se, of property.

Development Standards Variance: See "Variance, Development Standards."

Diameter-at-breast-height: See "DBH."

District: Areas within Howard County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance. Districts are drawn on the Official Zoning Map.

DNR: The Indiana Department of Natural Resources.

Domestic Pets: Animals commonly used as household pets, protection, companions, and for assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, ferrets, and snakes if cared for in the manner described above.

Drive, Private: See "Street, Private."

Drive-Through Establishment: A place of business, being operated for the sale and purchase at retail of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their automobiles.

Duplex: See "Dwelling, Two-Family."

Dwelling: A building or structure or portion thereof, conforming to all requirements applicable to the district in which it is located, all Building Codes, and that is used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multifamily dwelling units, but excluding hotels, motels, and boarding houses.

Dog Training: The training & grooming of dogs without overnight housing or boarding; also includes instruction of the owners or handlers. (2011-BCCO-09) Case 2-CZ-11

Agricultural (AG) District

2.03 AG District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
The AG (Agricultural) District is intended to be used as follows: **Use Type and Intensity** • agricultural operations including small scale confined feeding operations **Application of District** • existing agricultural land **Development Standards** • recognize the need for reasonable development standards to maximize protection of agricultural practices **Appropriate Adjacent Districts** • all districts **Plan Commission** • should use this district for existing agricultural areas **Board of Zoning Appeals** • allow a special exception use only when it is clearly a benefit to the adjacent properties	**Agricultural Uses** • agricultural crop production • agricultural tourism • confined feeding operation (small) • farm tenant housing • orchard • plant nursery • raising of farm animals (limited) • roadside produce sales • storage of agricultural product • tree farm **Residential Uses** • dwelling, manufactured home • dwelling, single-family • home occupation (type 1) **Utility Uses** • wind energy facility, small • wind energy facility, medium • wind energy facility, large	**Residential Uses** • farm seasonal worker housing • home occupation (type 2) • home occupation (type 3) **Utility Uses** • above ground utility facility • meteorological tower • power generation facility • telecommunication facility

Under Residential Uses Add: Dwelling, mobile home (2011-BCCO-09) Case 2-CZ-11

Add Borrow Pits, mineral extraction, topsoil removal, artificial lakes or ponds of 3 acres or more in area(2011-BCCO-09) Case 2-CZ-11

EXHIBIT A

AN ORDINANCE OF THE HOWARD COUNTY BOARD OF COMMISSIONERS INITIATING A PROPOSAL TO AMEND THE HOWARD COUNTY ZONING ORDINANCE WITH RESPECT TO WIND ENERGY FACILITIES

WHEREAS, the Howard County Board of Commissioners referred to the Howard County Plan Commission on August 14, 2014, and directed the Plan Commission to prepare a proposal to amend Sections 5.65 through 5.67 of the Howard County Zoning Ordinance in certain specified respects relating to Wind Energy Facilities, and

WHEREAS, the Howard County Plan Commission held a hearing on December 16, 2014, and makes the following proposal:

1. The Plan Commission recommends no changes be made to Article 5.65 concerning Small Wind Facilities.

2. The Plan Commission recommends amending Article 5.66(D) and 5.67(G)(1) to change the set back from 1500 feet to 2000 feet from the nearest Occupied Building.

3. · The Plan Commission recommends that the sound standard for a medium and large Wind Energy Facility as set out in Article 5.67(P)(1) be amended to not exceed 40 dBA, rather than 50, as measured at the exterior of any Occupied Building on a non-participating landowner's property.

4. The Plan Commission recommends that all large wind turbines be placed under special exception uses in all zones which have medium and large Wind Energy Facilities in the Howard County Zoning Ordinance.

5. The Plan Commission recommends that Article 5.67(P) be amended to add: "3) Light shields shall be placed on all exterior lights."

SO ORDERED THIS 5th DAY OF January , 20 15 .

HOWARD COUNTY BOARD OF COMMISSIONERS
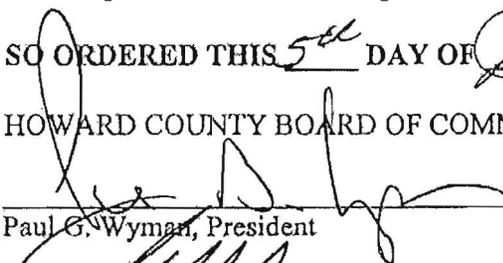
Paul G. Wyman, President
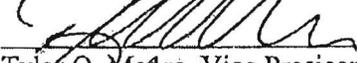
Tyler O. Moore, Vice Presicent

Robert B. Bray, Member