

ORDINANCE NO. 2009-15
AN ORDINANCE AMENDING THE CARROLL COUNTY
ZONING ORDINANCE, CREATING THE HOOSIER
HEARTLAND OVERLAY DISTRICT

WHEREAS, the County of Carroll adopted its Zoning Ordinances so that adequate light, air, convenience of access, and safety from fire, flood, and other danger may be secured; that congestion in the public streets may be lessened or avoided; and that the public health, safety, comfort, morals, convenience and general public welfare may be promoted, and

WHEREAS, from time to time said Ordinances need to be amended to deal with new or changing circumstances, and

WHEREAS, the State of Indiana has begun construction of a link to the Hoosier Heartland Highway of which a major portion of the thoroughfare passes through Carroll County and will be an important factor in supporting economic growth and development for our communities, and

WHEREAS, the County of Carroll should work to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated standards for the properties adjacent to or near the Hoosier Heartland Corridor through the county.

NOW THEREFORE BE IT ORDAINED BY THE COMMISSIONERS OF THE COUNTY OF CARROLL that the Carroll County Zoning Ordinance is hereby amended to include the Hoosier Heartland Overlay District. The County incorporates herein below by reference Exhibit "A" which is attached hereto. Said Exhibit "A" is, by the passage of the ordinance, adopted as the Hoosier Heartland Overlay District Ordinance of the County of Carroll.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage and publication as provided for by law.

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Carroll County Hoosier Heartland Corridor Overlay District

Article 1 Introduction

The Lafayette to Logansport section of the Hoosier Heartland Highway is the final link in the state's plan for a transportation corridor that will stretch from Lafayette to Fort Wayne. The purpose of this project is to reduce congestion and improve the efficiency and capacity of transportation along the corridor. Because a major portion of this thoroughfare passes through Carroll County and will be an important factor in supporting economic growth and development for our communities, the implementation of an organized plan for development along the Hoosier Heartland Highway is necessary.

Article 2 Purpose, Intent and Authority

Section A. Purpose and Authority

The purpose of the Carroll County Hoosier Heartland Corridor Overlay District is to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated standards for the properties adjacent to or near the Hoosier Heartland Corridor through Carroll County, Indiana. The Carroll County Area Plan Commission and County Commissioners, in establishing this district, are relying on IC 36-7-4-600 et. seq. and IC 36-7-4-1400 et. seq.

Section B. Intent and Further Purpose

This overlay district is intended to serve as a tool for implementing the development policies and guidelines set forth in the Carroll County Comprehensive Plan. The corridor's character, viability, quality and functionality are vital to Carroll County because it is a major east-west thoroughfare, and also an important location for commercial uses that contribute to the local economy, and as such carries high numbers of local travelers and visitors. Therefore, a further purpose of the Carroll County Hoosier Heartland Corridor Overlay District is to preserve and enhance the aesthetic qualities of properties both adjacent and visible from the corridor through:

1. The promotion of coordinated development within the Carroll County Hoosier Heartland Corridor Overlay District;
2. The establishment of high standards for development on properties within the overlay zone, including buildings, signs, landscaping, parking and other site improvements, which permit innovative site design while encouraging efficient land use; and
3. The establishment of development and use standards that will promote the quality, scale, character and type of development consistent with the corridor's high level of importance to the County.

Article 3 District Boundaries

The boundaries of the Carroll County Hoosier Heartland Corridor Overlay District can be generally described as follows:

Section A. Extending one thousand (1,000) feet from each side of the Hoosier Heartland Highway right-of-way for the entire length of the Hoosier Heartland Highway through Carroll County, Indiana.

Section B. If only a portion of a lot or tract falls within the Carroll County Hoosier Heartland Corridor Overlay District, the entire property must be developed using the standards of the overlay district.

Section C. The official Zone Maps for Carroll County, in the State of Indiana, are officially amended by the adoption of this Ordinance to include the Carroll County Hoosier Heartland Corridor Overlay District per the boundaries as set forth in this Article.

Article 4 APC Approval

The Carroll County Plan Commission must approve, approve with conditions, or disapprove the Development Plan for any tract of land in the Carroll County Hoosier Heartland Corridor Overlay District per the provisions of this Ordinance. All Development Plans should adhere to the requirements set forth by the County.

Section A. Application Procedure. Application must be made to the Carroll County Planning Administrator on forms developed by the administrator.

Section B. Findings for Approval by the Plan Commission. The Plan Commission may approve a Development Plan upon finding that:

1. The Development Plan complies with all applicable Development Standards of the underlying district in which the site is located;
2. The Development Plan complies with all applicable provisions of the Subdivision Control Ordinance;
3. The Development Plan complies with all applicable provisions of the Carroll County Hoosier Heartland Corridor Overlay District;
4. The proposed development is appropriate to the site and its surroundings; and
5. The proposed development is consistent with the intent and purpose of this Ordinance

Article 5 Permitted Uses

Section A. Application to Existing Development

Existing development, which was developed legally, shall be considered conforming with respect to the overlay district standards. In the event of a casualty, natural disaster, or other unexpected event that destroys a structure beyond 50% of its value, a legally existing structure may be rebuilt as it was. If it is to be larger than the structure that was destroyed, than the new structure must comply with these overlay district standards.

Any of the following proposed changes to an existing structure or site shall require that the improved area comply with the overlay district standards associated with the improvement(s):

1. If a proposed addition to a structure equals or exceeds 35% of the total existing building gross floor area of that structure; or
2. If a proposed change to a parking area would result in an increase of 35% or more parking spaces, or an increase in parking lot area of 35% or more.
3. The addition of landscaping to a site, that is not in association with improvements listed in numbers 1 and 2 above.

Section B. Uses.

When determining whether a use is allowed in the Hoosier Heartland Corridor Overlay Zoning District, first consult the underlying zoning district. If the use is allowed, then consult Article 6 and 7 below to determine if the use is prohibited in the overlay, or if the use requires a special exception in the overlay zone. If a use

is legally established at the time the overlay ordinance is enacted, but is no longer permitted according to this section, it shall be considered legally conforming.

Article 6 Permitted Special Uses

All Special Uses which are permitted (upon obtaining a Special Exception approval from the Board of Zoning Appeals) in the underlying primary zoning district(s), except the uses expressly excluded in Article 7 of this ordinance, are permitted in the Overlay District.

Article 7 Excluded Uses

- Section A. The following uses will not be permitted in the Hoosier Heartland Corridor Overlay District:
1. Junk Yard
 2. Manufacturing, Use, or Storage of Explosives
 3. Adult Entertainment Business
 4. Any other uses excluded by the underlying primary zoning district

Article 8 Green Design

All new development and major redevelopment within the Hoosier Heartland Corridor Overlay Zoning District is encouraged, but not required to meet the Leadership in Energy and Environmental Design (LEED®) Green Building Rating System certification requirements.

Carroll County believes green design not only makes a positive impact on public health and the environment, but it also reduces operating costs, enhances building and organizational marketability, potentially increases occupant productivity, and helps create a sustainable community.

Article 9 Accessory Building and Uses

All accessory uses and buildings that are permitted in the underlying primary zoning district(s) shall be permitted, unless they are otherwise prohibited in this overlay zoning district. Any attached or detached accessory building shall meet all standards of this overlay district and shall be architecturally compatible with the Principal Building(s) with which it is associated, unless the Plan Commission approves alternative architecture. No accessory buildings are permitted unless there is a principal building on the lot or tract.

Article 10 Minimum Tract Size

The minimum tract size for new lots or parcels within the overlay zoning district shall be three (3) acres.

Article 11 Setbacks

- Section A. **Minimum Front** – The minimum front setback for all lots within is 60 feet.
- Section B. **Maximum Front** – The maximum front setback for all lots shall be 125 feet.
- Section C. **Minimum Side and Rear** – The minimum side and rear setbacks for all lots within the overlay shall be as required in the underlying zoning district, except where adjacent to any residential use or zone, the minimum shall be 45 feet.

Article 12 Architectural Design Requirements

- Section A. **Building Heights.** Building height shall comply with the standard in the underlying zoning district.

Section B. **Utility Lines.** All new on-site utility services lines shall be buried underground. As any improvements to existing structures are implemented, all overhead utilities lines should be buried.

Section C. **Loading, Drive-Throughs and Trash.**

1. Loading – Loading and unloading areas shall not be oriented to the Hoosier Heartland Corridor or any other public street and shall in all cases be placed behind the building.
2. Drive-Throughs – All components of a drive-through, including stacking spaces, menu boards, and pick-up windows shall be located within the side or rear yards of a lot. In no case shall any of these drive-through components be located within the front yard, or in the case of a corner lot, shall not be located in the front yard that faces the Hoosier Heartland Corridor
3. Trash and Recycling. Trash collection and recycling areas shall be enclosed and screened on all sides, with an opaque wall, a minimum of 7 feet in height, but not exceeding 10 feet in height. Screening walls shall be constructed of the same building materials as the principal building. Trash collection and recycling areas shall be located in the rear of all buildings, unless the plan commission approves an alternative location.

Section D. **Landscaping, Screening**

Landscaping. At the time of planting, all plant materials shall comply with the standards found in the most recent edition of the American Standard for Nursery Stock published by the ANLA. Native/adapted plants should be used whenever possible. Native/adapted plants are indigenous to a locality or cultivars of native plants that are adapted to the local climate and are not considered invasive species or noxious weeds. Landscaping that does not require permanent irrigation systems should be installed whenever possible. Required plantings may be clustered as long as their placement meets the spirit and intent of the pertinent landscape regulation. The plan commission may approve an alternative-landscaping plan if they determine that it meets the spirit and intent of this ordinance

Section E. **Lighting**

1. **Lighting Plan.** A Lighting Plan, meeting the following standards, for the proposed development shall be filed as part of the Development Plan.
2. **Design.** All lighting standards, including those on buildings, security lights and architectural lights within the development area shall be of uniform design and materials. Parking lot and streetlights shall also be of uniform height not to exceed thirty (30) feet. Luminaries for such lights shall be in proportion to the pole diameter and height. All lights within gas station canopies and adjacent to residential areas shall be of a "down lighting" type with the light element completely shielded on all sides and top. The APC may approve decorative lighting should it be more appropriate to the overall site design.
3. **Intensity.** Lighting shall not cause illumination beyond any residential lot line or road right-of-way line in excess of 0.1 footcandle of light. Lighting shall not cause illumination beyond any non-residential tract or parcel line or road right-of-way line in excess of 0.3 footcandle of light.

Article 13 Emergency Access

All emergency access areas and facilities shall be shown on the Site Plan and reviewed and approved by the location appropriate Fire Chief of the proposed location.

Article 14 Access to Individual Lots

The streets that are considered by their functional nature as primary thoroughfares, must have reasonable restrictions as to the number and location of access points within the Overlay Zone. The Hoosier Heartland Corridor represents a total barrier to certain streets and county roads. Therefore, in order to provide safe and efficient traffic movement to and from adjacent lands and to protect the functional integrity of the corridor's primary thoroughfares, in many cases the building of frontage roads, access roads, or distributor roads will be required. Such roads shall be coordinated with those of contiguous lots and designed to preserve the aesthetic benefits provided by greenbelt and other landscaped areas. Access at the side or rear of buildings is to be encouraged. New access points onto the primary thoroughfare in the corridor shall be coordinated with existing access points whenever possible

Article 15 Signage and Billboards

Section A. **A sign plan shall be required during development plan review for general signage.**

1. Pylon Signs, Ground Signs, and Temporary Signs – Pylon Signs, Ground Signs and Temporary signs shall follow the standards set in the underlying zoning district
2. Electronic Message Signs -- Electronic message signs are prohibited within the Hoosier Heartland Corridor Overlay District

Section B. **Off-Premise Advertising or Billboard Signs – Off-Premise Advertising or Billboard Signs are prohibited within the Hoosier Heartland Overlay District, except as follows:**

1. Except as provided in this Overlay District Ordinance, all billboards shall comply with the INDOT Outdoor Advertising Control Manual, as adopted November 2, 1994, and as amended from time to time.
2. Districts Allowed – Off-premise advertising signs shall be a permitted use in any Business, Industrial or Agriculture District, except the Local Business District.
3. Type of Signs – Off-premise advertising signs shall be pole, wall or ground signs.
4. No LED or Electronic Lighting – No LED or electronic lighting is permitted. All lighting shall be downward-facing illumination to minimize light pollution outside of the Overlay District.
5. Maximum Sign Display Surface Area for Off-Premise Advertising Signs –
 - a. Sign Display Surface Area - an off-premise advertising sign shall not exceed six hundred and seventy two (672) square feet in sign display surface area;
 - b. Number of Displays - an off-premise advertising sign shall not contain more than two (2) advertising signs per sign display surface area;
 - c. Extensions Allowed - temporary extensions integrally incorporated into the sign display surface and containing no more than fifteen (15%) percent of the total square footage of the sign display surface shall be allowed
 - d. Spacing Between Off-Premise Advertising Signs – The minimum distance between off -premise advertising signs shall be as specified below.

- (1) Spacing - The minimum distance between off-premise advertising signs on either side of a public street shall be **one** thousand five hundred (1,500) radial feet subject to the following:
 - (a) The spacing requirement shall be applied continuously along a street to all signs oriented towards that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street;
 - (b) For purposes of applying the spacing requirement to off premise advertising signs, pole, wall, or ground signs shall be treated the same, whether double-faced or single-faced; and,
 - (c) Off-premise signs located at the same intersection are not in violation of the minimum spacing requirement specified in (b), above, because of their nearness to one another, if they are located so that their messages are directed towards traffic flowing in different directions.

6. Minimum Setback for Off-Premise Advertising Signs.

- a. Front Setback - The front setback for an off-premise advertising sign shall be provided along all street rights-of-way as follows:
 - (1) along a minor or local street - 25'
 - (2) along a sub collector street - 30'
 - (3) along a collector - 40'
 - (4) along an arterial - 60'
- b. Side and Rear Setback - The side and rear setback for an off-premise advertising sign shall be the same as that required for a principal building in the applicable district.
- c. Setback from Intersections – Setback from intersections shall be 600 feet from the center of the intersection.
- d. Maximum Height of Off-Premise Advertising Signs – The maximum height of an off-premise advertising sign shall not exceed forty (40) feet in height above grade level.
- e. Separation from Residential Districts. – No off-premise advertising sign shall be located within two hundred (200) feet.

7. Setback from Sensitive Areas. The setback for off-premise advertising signs for the following described locations shall be one thousand (1,000) feet.

- a. National Register of Historic Places. Any building or landmark that is listed in the National Register of Historic Places.
- b. Context Sensitive Land. Context Sensitive Land or "Deer Creek Valley Rural Historic District"
- c. Public or Private Schools, Public Parks, and Residential Healthcare Facilities.

8. Landscaping and Aesthetics. Sign providers shall provide a plan which shows minimal aesthetic impact of signs through the use of landscaping and innovative design and placement of signs.

Article 16 Conforming Uses

A Development Plan shall be submitted to the Area Plan Commission for its approval when a non-conforming use is changed to a conforming use and when either:

- Section A. Any new building is to be constructed; or
- Section B. Any existing building or site development (including addition of parking lot) is expanded by more than thirty-five percent (35%).

Article 17 Non-Conforming Uses

A Development Plan shall be submitted to the Area Plan Commission for its approval when a non-conforming use is altered as follows:

- Section A. A building has been more than fifty percent (50%) destroyed.
- Section B. Any expansion of a building or site development (including addition of parking lot). Normal maintenance and repair is exempt from the Development Plan approval requirement.
- Section C. If property or building is vacated for more than one (1) year.

Article 18 Properties with Agriculture Zoning

Properties within the overlay district which are zoned as Agricultural and which are used in accordance with the standards of that zoning district shall be considered legally conforming upon the adoption of this district. If the agricultural use changes, the property will no longer be considered as legally non-conforming. The adoption of this overlay district should not be construed as a change in zoning.

To: Area Plan Commission

This is to certify that the Commissioners of Carroll County, State of Indiana, at its regular meeting on June 1, 2009 approved the Hoosier Heartland Corridor Overlay District with the exclusion of Article 15: Signage and Billboards as submitted by the Area Plan Commission, effective on June 1, 2009.

The billboard moratorium was extended until October 1, 2009.


CARROLL COUNTY BOARD OF COMMISSIONERS:




LOREN HYLTON, CHAIRMAN



WILLIAM R. BROWN



PATRICK CLAWSON

ATTEST: 

BETH L. MYERS, AUDITOR