

Article
03

Overlay Districts

Howard County
Zoning Ordinance

Airport Hazard Area Overlay (AH-OL) District

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

District Intent	Effect on Uses	Development Standards
<p>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.</p> <p>Land Use Restrictions</p> <ul style="list-style-type: none"> •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. 	<p>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.</p> <p>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.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> •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 	<ul style="list-style-type: none"> •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.

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.]

Well Restriction Overlay (WR-OL) District

3.05 WR-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The WR-OL (Well Restriction Overlay) District is intended to protect the community from chemicals contaminating ground water. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none"> • All areas designated by an engineering study necessary for protecting the community. <p>Development Standards</p> <ul style="list-style-type: none"> • Restrict the drilling of water wells which may bring contaminated ground water to the surface. 	<p>Permitted Uses All uses permitted in the base zoning district are permitted in the WR-OL zoning district.</p> <p>Special Exception Uses All uses permitted as special exceptions in the base zoning district are permitted as special exceptions in the WR-OL zoning district.</p>	<ul style="list-style-type: none"> • No water wells may be dug or drilled within the WR-OL District except for monitoring wells, extraction wells for a groundwater remediation system, or other wells required or approved by the Indiana Department of Environmental Management.

Well Restriction Overlay (WR-OL) District

3.06 WR-OL Applicability

The requirements of the Well Restriction Overlay (WR-OL) District apply to all land designated by an engineering study necessary to protect private or public drinking water supply and established as the Well Restriction Overlay District.

3.07 WR-OL Jurisdictional Boundary

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

Hydric Soil Overlay (HS-OL) District

3.08 HS-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The HS-OL (Hydric Soil Overlay) District is intended to protect the community from inappropriate development on hydric soils. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none"> • All areas designated by U.S. Department of Agriculture, Natural Resource Conservation Service or other engineering study determined to be hydric soils. <p>Restriction of Uses</p> <ul style="list-style-type: none"> • Restrict all buildings from being constructed in these designated areas. <p>Development Standards</p> <ul style="list-style-type: none"> • Restrict encroachment into riparian areas and filtration strips along water courses. • Restrict encroachment into filtration strips around wetlands. 	<p>Permitted Uses</p> <p>All uses permitted in the base zoning district are restricted in the HS-OL zoning district. However, all the following land uses are permitted.</p> <ul style="list-style-type: none"> • agricultural crop production • nature center • nature preserve • orchard • park, public • plant nursery • tree farm <p>Special Exception Uses</p> <p>All uses permitted as special exceptions in the base zoning district are restricted as special exceptions in the HS-OL zoning district. However, all the following land uses are permitted as special exceptions.</p> <ul style="list-style-type: none"> • golf course 	<ul style="list-style-type: none"> • The integrity of any existing natural filtration strip and riparian corridor must be maintained. Prior to construction of any playground, golf course, shelter or the like, a filtration strip shall be installed if a filtration strip or riparian plants do not exist. The new filtration strip and riparian plants shall be at least 66 feet wide.

Hydric Soil Overlay (HS-OL) District

3.09 HS-OL Applicability

The following requirements apply to all land designated by the U.S. Department of Agriculture, Natural Resource Conservation Service (formerly the Soil Conservation Service) or an engineering study determining the area is dominantly hydric soils. Small islands of non-hydric soils, surrounded by hydric soils shall also be included in the HS-OL. The list of hydric soils in Howard County include, but are not limited to the following:

- Carlisle muck,
- Lynwood muck,
- Genesee silt loam, and
- Shoals silt loam.

Land types that are applicable include depressions, terraces, till plains, ground moraines, and flood plains.

3.10 HS-OL Jurisdictional Boundary

The jurisdictional boundaries for the Hydric Soil Overlay District (HS-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the Hydric Soil Overlay District (HS-OL). However, the Planning Director may direct an applicant to provide a soil scientist study of their property if there is reasonable suspicion that hydric soils exist on that property. The soil scientist shall first determine if hydric soils exist, and if they do, provide delineation of hydric and non-hydric soils on the property.

U.S. 31 Freeway Corridor Overlay (FC-OL) District

3.11 FC-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The FC-OL (U.S. 31 Freeway Corridor Overlay) District is intended to protect the corridor from inappropriate development which damages the corridor's ability to convey traffic on an off at interchanges and to preserve aesthetic qualities along the corridor. This District should be used as follows:</p> <p>Application of District</p> <ul style="list-style-type: none"> • All areas immediately adjacent to the realigned route for U.S. 31 and adjacent to each roadway leading to and from the interchanges. <p>Restriction of Uses</p> <ul style="list-style-type: none"> • Limit noise sensitive uses adjacent to the U.S. 31 corridor. <p>Development Standards</p> <ul style="list-style-type: none"> • Limit driveway (ingress/egress) near interchanges to reduce congestion and limit risks of traffic accidents. • Restrict pole signs and off premise signs along the U.S. 31 corridor. 	<p>Permitted Uses All uses permitted in the base zoning district are permitted in the FC-OL zoning district, except:</p> <ul style="list-style-type: none"> • single family residential • two-family residential <p>Special Exception Uses All uses permitted as special exceptions in the base zoning district are permitted as special exceptions in the FC-OL zoning district, except:</p> <ul style="list-style-type: none"> • single family residential • two-family residential 	<ul style="list-style-type: none"> • When the development standards outlined in § 3.14 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.14 will still apply in accordance with the base zoning district. • FC-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the U.S. Freeway Corridor Overlay District.

U.S. 31 Freeway Corridor Overlay (FC-OL) District

3.12 FC-OL Applicability

The following requirements apply to all lots, or fractions of lots contained within an area extending from the U.S. 31 Freeway Corridor 530 feet (1/10 mile) as measured from the corridor's right-of-way. Also, all lots or fraction of lots within 200 feet of corridors leading to or from interchanges along the U.S. 31 Freeway Corridor, for a distance of 2,640 feet (1/2 mile) from the U.S. 31 Freeway Corridor's right-of-way.

3.13 FC-OL Jurisdictional Boundary

The jurisdictional boundaries for the U.S. 31 Freeway Corridor Overlay District (FC-OL) shall be shown on the Official Zoning Map as a hatch or textured pattern and noted on the map legend as the U.S. 31 Freeway Corridor Overlay District (FC-OL).

3.14 FC-OL Additional Development Standards

The following development standards are required in order to promote the intent of the U.S. 31 Freeway Corridor Overlay District and meet the goals of the Howard County Comprehensive Plan.

A. Driveways: The following limitations on driveway and curb-cut locations shall apply.

1. No driveway or local street may enter onto a road leading to or from a U.S. 31 Freeway Corridor interchange within 1,000 feet of the intersection of the center lines of the road and the U.S. 31 Freeway Corridor. Frontage roads are encouraged for allowing safe access to properties close to the U.S. 31 Freeway Corridor.
2. All driveways or curb-cuts shall be spaced a minimum of 150 feet from one another, and if driveways or curb-cuts are to be located across from one another, they shall be directly across from one another or spaced 150 feet apart, as if they were on the same side of the street.

B. Signs: The following requirements shall apply to all signs within the U.S. 31 Freeway Corridor Overlay District.

1. All signs types allowed in the base zoning district by Article 5 §Sign Standards are permitted in the U.S. 31 Freeway Corridor Overlay District except for pole signs. Signs shall not exceed 300 square feet in area. The height of any freestanding sign shall not exceed twenty (20) feet.
2. On lots without a building, only one sign is permitted and it shall not exceed thirty-two (32) square feet in area and eighty (8) feet in height. This type of sign may be mounted on one or two posts.

Wellhead Overlay (WH-OL) District

3.15 WH-OL District Intent, Effect on Uses and Development Standards.

District Intent	Effect on Uses	Development Standards
<p>The WH-OL (Wellhead Overlay) District is intended to protect the public drinking water quality. This district should be used as follows.</p> <p>Land Use Restrictions</p> <ul style="list-style-type: none"> • restrict any use that utilizes or contains volatile, poisonous, toxic or other material hazardous to the potability of water. <p>Development Standards</p> <ul style="list-style-type: none"> • minimize the risk of contaminants getting into the community's drinking water. 	<p>Permitted Uses All uses permitted in the base zoning district as permitted uses are permitted in the WH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Special Exception Uses All uses permitted in the base zoning district as special exceptions uses are permitted as special exceptions uses in the WH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> • automobile oriented facility • bottled gas storage/distribution • cemetery • confined feeding operation • dry-cleaning service • food production/processing • gravel and sand mining • heavy industry • incinerator • junk yard • liquid fertilizer distribution • radio/TV station • raising of farm animals • rendering plant • sanitary landfill/refuse dump • scrap yard • storage tanks (hazardous) 	<ul style="list-style-type: none"> • When the development standards outlined in § 3.18 conflict with the base zoning district development standards in Article 05, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.18 will still apply in accordance with the base zoning district. • WH-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the Wellhead Overlay District.

Wellhead Overlay (WH-OL) District

3.16 WH-OL Applicability

The following requirements apply to all land designated by an engineering study necessary to protect the public drinking water supply and established as the Wellhead Overlay District, with the exceptions of single and multiple-family residential land uses connected to municipal sanitary and storm sewers.

3.17 WH-OL Establishment of Wellhead Protection Zone

For purposes of this ordinance, any area contained within a five year time-of-travel to a public water supply well or wellfield, as defined by a modeled delineation performed in compliance with 327 Indiana Administrative Code 8-4.1 is designated as a Wellhead Protection Zone. The modeled delineation shall be shown and maintained on the County GIS.

3.18 WH-OL Additional Development Standards

The following development standards are required in order to promote the intent of the Wellhead Overlay District and meet the goals of the Howard County Comprehensive Plan.

- A. Treatment of Land: No natural area or vegetated buffer shall be treated with any herbicide, insecticide, fertilizer, or the like without EPA (Environmental Protection Agency) or DNR (Department of Natural Resources) approval for a specific treatment and recommended frequency of treatment presented to the Planning Director in writing. Only lawn fertilizer and lawn weed control chemicals available over-the-counter are exempt from this regulation.

Flood Hazard Overlay (FH-OL) District

3.19 FH-OL District Intent, Effect on Uses and Development Standards

District Intent	Effect on Uses	Development Standards
<p>The FH-OL (Flood Hazard Overlay) District is intended to minimize risk to life, protect property from damage, reduce risk of flooding, and improve storm water quality.</p> <p>Application of District</p> <ul style="list-style-type: none"> any area within the 100 year floodplain and any other areas along regulated ditches, streams, rivers, ponds and ponds deemed necessary. <p>Land Use Restrictions</p> <ul style="list-style-type: none"> restrict any use that utilizes or contains volatile, poisonous, toxic, or otherwise hazardous to flora, fauna and the potability of water. <p>Development Standards</p> <ul style="list-style-type: none"> restrict the construction of habitable or occupiable structures within the 100 year floodplain. assure no net loss of floodplain storage capacity due to building or filling within the 100 year floodplain. preserve riparian corridors and buffer areas around bodies of water from direct, indirect and inadvertent disturbances and removal of plant material. reduce the speed at which storm water reaches regulated ditches, streams and rivers. 	<p>Permitted Uses</p> <p>All uses permitted in the base zoning district are permitted in the FH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Special Exception Uses</p> <p>All uses permitted in the base zoning district as special exceptions are permitted as special exceptions in the FH-OL zoning district except as listed below in the "Restricted Land Uses" section.</p> <p>Restricted Land Uses</p> <ul style="list-style-type: none"> auto oriented facility auto salvage yard bottled gas storage/distribution cemetery dry-cleaning service food production/processing gravel and sand mining heavy industry incinerator liquid fertilizer storage/distribution radio/TV station raising of farm animals rendering of farm animals sanitary landfill/refuse dump scrap yard storage tanks (hazardous) junk yard 	<ul style="list-style-type: none"> When the development standards outlined in § 3.22 conflict with the base zoning district development standards in Article 05 or other Development Standards in this Article, the more restrictive shall apply. All development standards in Article 05 that are not addressed in § 3.22 will still apply in accordance with the base zoning district. FH-OL regulations shall be applicable to all Planned Unit Developments that are overlaid by the Flood Hazard Overlay District.

Flood Hazard Overlay (FH-OL) District

3.20 FH-OL Applicability

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

3.21 FH-OL Jurisdictional Boundary

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

3.22 FH-OL Additional Development Standards

The following development standards are required as follows in order to promote the intent of the Flood Hazard Overlay District and meet the goals of the Howard County Comprehensive Plan.

- A. Flood Hazard Areas Ordinance: The development standards of the Flood Hazard Areas Ordinance, No. O-1994-53, as amended, shall apply.
- B. Prohibited: No lot or building site, created after the adoption of this Zoning Ordinance, shall locate any buildings within Flood Hazard Overlay District.
- C. Buffer Area: No habitable or occupiable structure shall be constructed partially or fully within 200 feet of the 100-year floodplain.

