

3.18 H-C-O Highway Commercial Overlay

- A. Purpose and Intent. A Highway Commercial Overlay (H-C-O) is established to allow limited, orderly commercial growth along primary highway corridors determined to be appropriate by the Plan Commission while maintaining the integrity of the existing underlying zoning district.**
- B. Character. Development in an H-C-O reflects an orderly combination of uses permitted in the underlying district and the applicable commercial district.**
1. Uses permitted by right in the underlying district shall be permitted in the H-C-O.
 2. Uses permitted by special exception in the underlying district shall be permitted by special exception in the H-C-O.
 3. Uses permitted by special exception in the underlying district and in the applicable commercial district shall be permitted in the H-C-O by administrative exemption, except that when the underlying district is R-1, a special exception shall still be required.
 4. Uses permitted in the applicable commercial district by shall be permitted in the H-C-O only by special exception unless permitted in the underlying district.
 5. Uses permitted in the applicable commercial district by special exception shall not be permitted in the H-C-O unless permitted in the underlying district.
- C. Standards.**
1. The development standards of the underlying district, the applicable commercial district, and any standards specific to a particular use pursuant to 4.4 shall all apply.
 - a. In the case of conflict between the standards of the underlying district and the applicable commercial district, the stricter standards shall apply unless the Board of Zoning Appeals (Administrator in the case of an administrative exemption, 3.18.(B)(3)) determine that the less stringent standards are appropriate given the nature of development on adjacent parcels.
 - b. In the case of conflict between the standards of the underlying district and any use-specific standards, the stricter standards shall apply unless the Board of Zoning Appeals (Administrator in the case of an administrative exemption, 3.18.(B)(3)) determine that the less stringent standards are appropriate given the nature of development on adjacent parcels.
 2. Overlay Depth.
 - a. In rural settings (A-1 underlying; C-2 applicable commercial), a line shall exist 75' back from and parallel to the right-of-way, on either one side or both depending on the determination of the Plan Commission. Any parcel through which this line passes shall be included in full in the overlay.
 - b. In urban/village settings (R-1, R-2, or R-3 underlying; C-1 or C-2 applicable commercial), the overlay shall stretch from the centerline of the highway to the rear property line of the abutting lots, in either one direction or both depending on the determination of the Plan Commission.