

CLINTON COUNTY CODE
CHAPTER 102
COMPREHENSIVE ZONING ORDINANCE

-TABLE OF CONTENTS-

	Page
6-102-1. PURPOSE.....	102-1
6-102-2. RULES AND DEFINITIONS.....	102-1
6-102-3. DISTRICT REGULATIONS	
3-1, Establishment of Zoning Districts.....	102-17
3-2, Provision for the Zoning Map.....	102-18
3-3, Rules for Interpreting District Boundaries.....	102-19
3-4, Permitted and Conditional Use Provisions Applicable in Special Purpose Overlay Districts.....	102-20
6-102-4. PERMITTED USES AND STANDARDS	
4-1, General Provision for Permitted Uses.....	102-23
4-2, Table of Permitted Uses.....	102-25
4-3, Mobile Home Foundation Plan.....	102-37
SKETCH	
CURB CUTS - A-1, A-2, A-3, B and C	
4-3, Table 1 - Parking Requirements.....	102-43
Table 2 - Loading Space Requirements.....	102-44
Table 3 - Screening and Landscaping Requirements.....	102-45
Table 4 - Minimum Distance from Residential Districts.....	102-48
Table 5A - Setbacks.....	102-49
Table 5B - Farm Accessory Buildings.....	102-50
Table 6A - Residential Uses and Requirements - One-Family Dwelling.....	102-51
Table 6B - Residential Uses and Requirements - Two-Family Dwelling.....	102-51
Table 6C - Residential Uses and Requirements - Multiple Family Dwellings.....	102-52
4-4, Conditional Uses - An Explanation of Restrictions ...	102-53
6-102-5. SUPPLEMENTAL REGULATIONS	
5-1, Sign Regulations - (Additional).....	102-79
5-2, Parking and Loading Requirements.....	102-81

ROBERT J. WILKIN
Clinton County Building Commissioner
(317) 659-1420
- 24 Hour Notice -

6-102-6.	GENERAL PROVISIONS	
	6-1, Severability.....	102-85
	6-2, Legal Notice by Posting on Informing Signs.....	102-85
6-102-7.	ADMINISTRATION AND ENFORCEMENT	
	7-1, Administration.....	102-85
	7-2, Enforcement.....	102-88
	7-3, Remedies	102-99
6-102-8.	REPEALING CLAUSE.....	102-99
6-102-9.	ENACTMENT.....	102-99

THE STATE OF TEXAS
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF TRANSPORTATION
 1100 WEST 11TH STREET
 AUSTIN, TEXAS 78701

6-102-1. Purpose. An Ordinance Concerning The Size Of Buildings, The Size Of Yards, Courts, And Other Open Spaces, The Density Of Populations, The Location And Use Of Buildings And Land For Agriculture, Trade, Industry, Residence, And Other Purposes, Creating Districts For Said Purposes, And Establishing The Boundaries Thereof, Providing For Changes In The Regulations And Boundaries Of Such Districts, Defining Certain Terms Used Herein, Providing For Enforcement, Establishing A Board Of Zoning Appeals, Imposing Penalties For Its Violation, And Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith. BE IT ORDAINED by The Boards of Trustees of participating towns, and the Board of County Commissioners of Clinton County, Indiana, under, authority of Chapter 138, Acts of 1957, General Assembly of the State of Indiana, and all acts amendatory thereto, as follows:

1-1 Short Title - This Ordinance shall be known, cited, and referred to as "The Comprehensive Zoning Ordinance of Clinton County, Indiana".

6-102-2. Rules and Definitions.

In the construction of this Ordinance, the rules and definitions contained in this section shall be observed and applied, except when the context clearly indicates otherwise:

2-1 Words used in the present tense shall include the future tense, and words used in the singular number shall include the plural number, and the plural the singular.

2-2 The word "shall" is mandatory, not discretionary.

2-3 The word "may" is permissive.

2-4 The word "lot" shall include the words "tract" and "parcel", the word "building" includes all other structures of every kind regardless of similarity to buildings, and the phrase "used for" shall include the phrase "arranged for", "designed for", "intended for", "maintained for", and "occupied for".

2-5 The word "person" includes a corporation, firm, partnership, or similar, as well as an individual.

2-6 All measured distances shall be to the nearest integral foot. (If a fraction is one-half foot or less, the integral foot next below shall be taken).

2-7 Parenthetical words or statements are integral parts of the definitions in which they are located.

2-8 Any words not defined in this section shall be construed in their generally accepted meanings as defined by Webster's Third New International Dictionary (unabridged):

- 2-8-1 ABANDON - The act of abandonment or desertion as the intent to abandon or desert.
- 2-8-2 ACCESSORY BUILDING OR USE - An accessory building or use is one which:
- 2-8-2-1 Is subordinate to and serves a principal building or principal use;
- 2-8-2-2 Is subordinate in area, extent, or purpose to the principal building or principal use served;
- 2-8-2-3 Is clearly incidental to, and customarily found in connection with, the principal use to which it is related, and;
- 2-8-2-4 Is conducted on the same lot as the principal building or principal use, but which is clearly incidental to and customary to the principal use, with the exception or such necessary off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.
- 2-8-3 ACT - Area Planning Act, Chapter 138, Acts of 1957, Indiana General Assembly and all acts amendatory thereto.
- 2-8-4 ADVERTISING DEVICE - An advertising sign, billboard, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.
- 2-8-5 AGRICULTURE - The use of land for agriculture uses, including crop and livestock farming, dairy farms, and truck gardens, greenhouses and plant nurseries, and accessory uses normally associated with agriculture operations.
- 2-8-6 ALLEY - Minor ways primarily for vehicular service access to the back or side of property otherwise abutting a street.
- 2-8-7 ALTERATION - A change in size, shape, character, occupancy, or use of a building or structure.
- 2-8-8 ALTERATION, STRUCTURAL - Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 2-8-9 AMUSEMENT CENTER - A commercially operated open or closed space having various devices or mechanisms that are used primarily for entertainment. If any location or use has five (5) or more entertainment contrivances, devices, or mechanisms that use coin, token, slug, or other precuniary compensation as any part of the process of operation, such location or use may be required to have and display a license and/or certificate showing compliance with State and local regulations.
- 2-8-10 ANATOMICAL AREA, SPECIFIED - 1) Less than completely and opaquely covered: (a) human genitals and pubic region, (b) buttock, and (c) female

breast below a point immediately above the top of the areola mammae; and (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2-8-11 ANIMAL HOSPITAL - A building or portion thereof, designed or used for the care, observation, or treatment of domestic animals.

2-8-12 AUTOMOBILE LAUNDRY - A building, or portion thereof, containing facilities for washing two or more automobiles at the same time, using production line methods with a clean conveyor, blower, steam cleaning device, or other mechanical devices.

2-8-13 AUTOMOBILE SERVICE STATION - A building or portion thereof or premises used for dispensing, or offering for sale at retail, gasoline when stored only in underground tanks, kerosene, lubricating oil or grease, for operation of an automobile; and may include facilities, other than an automotive laundry, for washing cars, only if enclosed in a building. Accessories may be offered for sale on the premises at retail, including minor services and installations customarily incidental thereto. Automobile service stations do not include open sales lots as defined herein.

2-8-14 AUTOMOBILE WRECKING YARD - An area of land where three or more motor vehicles, or items of machinery or equipment drawn or operated by attaching to a motor vehicle or mechanical unit - (not in running or operable condition), or parts thereof, are stored in the open, and shall include any land, building, or structure used for wrecking or storing of such motor vehicles, machinery, or equipment or parts thereof.

2-8-15 AWNING - A rooflike mechanism stationary or retractable in operation, and covered with rigid or flexible material, which projects from the walls of a building.

2-8-16 BASEMENT - A story wholly or partly underground but having more than one-half of its height below finished grade. (see grade)

2-8-17 BLOCK - A tract of land bounded by streets, or by a street or streets and any combination of boundary lines of public or institutionally-owned lands, railroad rights-of-way, rivers and lakes and other lines of demarcation.

2-8-18 BOARD - BOARD OF APPEALS - Any Board(s) of Zoning Appeals in Clinton County, Indiana, established to administer this Ordinance.

2-8-19 BOARDING HOUSE - A building other than a hotel or motel where meals are provided for three or more persons other than the members of the family as defined herein, for compensation.

2-8-20 BUILDING - A structure built for the support, enclosure, shelter, or protection of persons, animals, chattels, or moveable property of any kind, and which is permanently affixed to the land.

2-8-21 BUILDING, DETACHED - An accessory building surrounded by open space on the same lot.

- 2-8-22 BUILDING HEIGHT - The vertical distance of a building or structure measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched roof. Chimneys, spires, towers, elevators, penthouse, tanks, and similar projections other than signs shall not be included in calculating the height.
- 2-8-23 BUILDING LINE - The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.
- 2-8-24 BUILDING PRINCIPAL - A non-accessory building in which is conducted the principal use of the lot on which it is located.
- 2-8-25 BUILDING, RESIDENTIAL - A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or lodgers and which includes, but is not limited to, the following types:
- 2-8-25-1 Single-family detached dwellings;
- 2-8-25-2 Two family dwellings;
- 2-8-25-3 Single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;
- 2-8-25-4 Multiple-family dwellings.
- 2-8-26 BUILDING SETBACK LINE - The line indicating the minimum horizontal distance between the right-of-way of any street, and any part of any building, except an eave or cornice overhang not to exceed four (4) feet.
- 2-8-27 BULK - The cubic content to a building in relation to the area of the building site.
- 2-8-28 BUSINESS - An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- 2-8-29 CERTIFICATE OF OCCUPANCY - A certificate stating that the occupancy and the use of land or a building or structure referred to herein complies with the provisions of this Ordinance. A certificate issued by the Zoning Administrator under the provisions of this Ordinance, prior to the occupancy of a building or structure or commencement of a use not requiring a building.
- 2-8-30 CITY - Any classified city or incorporated town.
- 2-8-31 CLINIC, MEDICAL OR DENTAL - A building or portion thereof, the principal use of which is for offices or an organization of physicians or dentists or both, including laboratory facilities in conjunction therewith. Patients shall not remain on the premises of such facility overnight.

2-8-32 CLUB OR LODGE, PRIVATE - Not-for-profit association of persons, who are bonafide members paying dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. (The affairs and management of such "Private Club or Lodge" are conducted by a Board of Directors, Executive Committee, or similar body chosen by the members). It shall be permissible to serve food on such premises. The sale of alcoholic beverages to members and their guests shall be permitted provided it is secondary and incidental to the promotion of some other common objective of the organization.

2-8-33 COMMISSION - PLAN COMMISSION - The Area Plan Commission of Clinton County, Indiana.

2-8-34 COMPREHENSIVE PLAN - The complete plan, or portion thereof, of the mapped and written proposals and recommendations relative to the development of Clinton County and its political sub-divisions; shall have been adopted by the Area Plan Commission, but not necessarily adopted by any legislative body.

2-8-35 COMPACT HOME - MODULAR UNIT - A portable structure, designed for permanent occupancy, 20 feet or more wide and 45 feet or more long, with the four outside walls supported by a permanent foundation.

2-8-36 CONDITIONAL USE - A use permitted subject to the special conditions set forth in this Ordinance.

2-8-37 CONFINED FEEDING - The feeding and/or watering, for any period of time, of livestock and/or poultry in confinement on a tract or contiguous tracts of land, in lots, pens, sheds, and buildings where food and/or drink is supplied to the animals by means other than grazing.

2-8-37-1 CONFINED FEEDING OPERATION - shall mean the confined feeding of:

2-8-37-1-1 300 or more head of cattle, sheep or goats - or any combination thereof; or

2-8-37-1-2 600 or more head of swine; or

2-8-37-1-3 1,500 or more head of poultry; or

2-8-37-1-4 50 head or more of other unlisted livestock.

2-8-37-1-5 Or any confined feeding of livestock and/or poultry at anytime that exceeds per acre for the tract or contiguous tracts so used as follows:

2-8-37-1-5-1 3 head of cattle, sheep or goats - or any combination thereof; or

2-8-37-1-5-2 10 head of swine; or

2-8-37-1-5-3 20 head of poultry; or

2-8-37-1-5-4 20 head of other unlisted livestock.

- 2-8-38 CONFORMING BUILDING OR STRUCTURE - Any building or structure which:
- 2-8-38-1 Complies with all the regulations of this Ordinance and any amendment hereto governing the zoning district in which such building or structure is located, and;
- 2-8-38-2 It is designed or intended for a conforming use.
- 2-8-39 COUNTY - County of Clinton, Indiana.
- 2-8-40 DENSITY - A unit of measurement. For purposes of this Ordinance the gross density shall be determined by the number of dwelling units permitted per acre in the A-Agriculture District, in R-1 Low Density and R-2 Medium Density Residential District and in the MH-Mobile Home District.
- 2-8-41 DEVELOPED RECREATIONAL AREA - An area of land containing two (2) or more acres with specific delineated boundaries, which has been designated by any person, partnership, corporation, or governmental agency to be used for entertainment, amusement, sports, or diversion from customary daily toil.
- 2-8-42 DIRECTOR - EXECUTIVE DIRECTOR - The Executive Director of the Area Plan Commission.
- 2-8-43 DISTRICT - A geographical area within which certain generally uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
- 2-8-44 DRIVE-IN ESTABLISHMENT - An establishment which offers merchandise or service or entertainment to persons remaining in motor vehicles.
- 2-8-45 DWELLING - A permanent building, or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels, or boarding, lodging, and rooming houses.
- 2-8-46 DWELLING UNITS - One or more rooms which are arranged, designed, or used as living quarters for one family only and having an independent housekeeping establishment physically separated from any other dwelling units in the same structure.
- 2-8-47 DWELLING, SINGLE-FAMILY - A building containing one dwelling unit only.
- 2-8-48 DWELLING, SINGLE-FAMILY - MOBILE HOME - A mobile home on a perimeter foundation, wheels removed and unit anchored.
- 2-8-49 DWELLING, TWO-FAMILY - A building containing two separate dwelling units only.
- 2-8-50 DWELLING, MULTIPLE-FAMILY - A building containing three or more separate dwelling units.
- 2-8-51 EASEMENT - A grant by the property owner for the use of a strip of land by the public, a corporation or persons for specific uses and purposes.

AMENDED 10-6-86

2-8-52 ELEEMOSYNARY INSTITUTION - A building or group of buildings devoted to public service of charitable purposes and operated or supported by an organization related to or supported by charity or grants.

2-8-53 FAMILY - The basic biosocial unit consisting of one adult person; or of two or more persons related by blood; legal adoption; or marriage, or of not more than two unrelated adult persons, and with or without the natural or legally adopted children of at least one of them, and with or without foster children placed by the Department of Public Welfare.

2-8-53A GROUP HOME, CHILDREN'S HOME, OR CHILD-CARING INSTITUTION - A dwelling unit owned, leased or otherwise occupied or used by a person or entity for the purpose of providing a home for children who are separated from their parents.

2-8-54 FARM - Any single land parcel of at least twenty (20) acres used for agricultural operations including, but not limited to, truck gardening, forestry, tree or plant nursery, or the production of grain, livestock, or poultry.

2-8-55 FAST FOOD ESTABLISHMENT - An establishment which offers food by drive-in and/or take-out service.

2-8-56 - Development - means any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structure, mining, dredging, filling, grading, paving, excavation, or drilling operations.

2-8-57 - Flood Plain - means the area adjoining the river or stream which has been or may hereafter be covered by floodwaters.

2-8-58 - Flood or Floodwater - means the water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse;

2-8-59 - Flood Hazard Area - means any flood plain district, floodway district, floodway fringe district, or any combination thereof which is subject to inundation by the regulatory flood

or
- any flood plain district as delineated by Zone A on a Flood Hazard Boundary Map.

2-8-59A - Flood Protection Grade - means the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor is considered the lowest floor. Exception: If a commercial or industrial building is flood proofed as hereinafter defined, the term "flood protection grade" applies to the water surface elevation for which the building is protected.

2-8-60 - Natural Resources - means the Indiana Natural Resources Commission.

2-8-61 - Regulatory Flood - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent in any given year.

2-8-62 - Structure - means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers to be placed on a site for more than 180 consecutive days, and other similar items.

AMENDED 10-31-88

- 2-8-63 FRONTAGE (of a block) - All of the property of such block front on one side of a street.
- 2-8-64 FRONTAGE (of a lot) - All the property of such lot fronting on a street, as measured between side lot lines.
- 2-8-65 GARAGE, PRIVATE - An accessory building or portion of a principal building, including a carport, which is intended for or used for storing the private passenger vehicles of the family or families residing upon the premises, (and in which no business, service, or industry connected directly or indirectly with the automotive vehicles is conducted).
- 2-8-66 GARAGE, PUBLIC - Any building where automobile vehicles are painted, repaired, rebuilt, reconstructed, or stored for compensation.
- 2-8-67 GARAGE, STORAGE - A building or premises used for the housing only of motor vehicles pursuant to previous arrangements and not by transients, and where no equipment or parts are sold, and vehicles are not rebuilt, serviced, repaired, hired, or sold.
- 2-8-68 GRADE - The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
- 2-8-69 GRAIN HANDLING OPERATION - A structure or group of structures used for drying and/or storing grain for any use or purpose and having 20,000 bu. or more capacity.
- 2-8-70 GROSS SITE AREA - The entire area within a single continuous perimeter, and relative to a particular use, on which is located the principal and auxiliary buildings, drives, parking lots, and similar structures.
- 2-8-71 HEIGHT - The vertical distance of a building or structure measured from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched roof. Chimneys, spires, towers, elevators, penthouses, tanks, and similar projections other than signs shall not be included in calculating the height.
- 2-8-72 HOME OCCUPATIONS - Any occupation or profession carried on entirely within a dwelling unit, and the use of the dwelling unit for the home occupation is clearly incidental to its use for residential purposes.
- 2-8-73 HOTEL - MOTEL - A building or a group of buildings containing rooms intended or designed to be used or which are used, rented, or leased to be occupied for sleeping purposes and a boarding or lodging house.
- 2-8-74 HOTEL - APARTMENT - A hotel in which at least 60 per cent of the hotel accommodations are occupied by permanent guests.
- 2-8-75 IMPROVEMENT LOCATION PERMIT - A permit issued by the Zoning Administrator stating that a proposed building or structure or use of the premises complies with all the provisions of this Ordinance.
- 2-8-76 INCOMPATIBLE USE - A use or service which is incapable of direct

association with certain other uses because it is contradictory, unsuitable or discordant.

2-8-77 JUNK YARD - An open area where waste or scrap materials are collected, bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings, nor does it include an enclosed establishment engaged only in the processing of scrap iron or other metals to be sold specifically, for the manufacture of steel or metal alloys, nor does it include a recycling center where material is collected but not stored.

2-8-78 KENNEL - Any premises or portion thereof where 5 or more dogs, cats, or other household domestic animals, over four (4) months of age, are kept, or on which 3 or more such animals are maintained, boarded, bred, or cared for in return for remuneration, or are kept for the purpose of sale.

2-8-79 LEGISLATIVE BODY - The Board of Trustees of a town, the Common Council of a city, or the Board of County Commissioners of a county.

2-8-80 LIVESTOCK - Animals of any kind that are kept, fed, or raised by a person, partnership, or corporation for any use or purpose, and may include, but is not limited to, fur bearing, meat, dairy (species kept for their mammary secretive produce), show and draft animals.

2-8-81 LOADING SPACE - A space for bulk pickup and delivery, scaled to the delivery vehicle expected to be used, and accessible to such vehicles whether or not off-street parking spaces are filled.

2-8-82 LODGING HOUSE - A residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms for accommodations of five (5) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods.

2-8-83 LODGING ROOM - A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. (In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one (1) "lodging room" for the purpose of this Ordinance).

2-8-84 LOT - A portion of a subdivision, or other parcel of land, intended as a unit for transfer of ownership or development.

2-8-85 LOT OF RECORD - A lot which is part of a recorded subdivision, or a parcel which has been separately described and recorded in the office of the County Recorder prior to the effective date of this Ordinance.

2-8-86 LOT, CORNER - A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. (The narrowest part of a lot having frontage on a street is the front of the lot.)

- 2-8-87 LOT COVERAGE - The percentage of the lot area covered by the building area. (To include primary and accessory parking and loading areas.)
- 2-8-88 LOT MEASUREMENTS - Depth - The depth of the lot shall be the distance, in a straight line, between the midpoint of the front lot line and the midpoint of the rear lot line. Width - The horizontal distance between the side lot lines measured at right angles to the lot depth at the building setback line.
- 2-8-89 LOT, THROUGH - A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. (Both street lines shall be front lot lines).
- 2-8-90 LOT AREA, NET - The useable or buildable area of a lot, excluding part of the lot which by reason of rock outcropping, grade, flood plain or occupation by water cannot, without corrective modification, be used or built upon.
- 2-8-91 LOT LINE, FRONT - The boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way; where such public way is not a dedicated street the right-of-way of such public way shall be deemed to be sixty (60) feet, unless otherwise provided.
- 2-8-92 LOT LINE, REAR - That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
- 2-8-93 LOT LINE, SIDE - Any boundary of a lot which is not a front or rear lot line.
- 2-8-94 MAJOR RECREATIONAL EQUIPMENT - As defined for purposes of this Ordinance, this shall include travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, boats and boat trailers, and similar.
- 2-8-95 MARQUEE OR CANOPY - A roof-like structure of a permanent nature which projects from the wall of a building and may overhang into a required yard or public right-of-way.
- 2-8-96 MOBILE HOME - A vehicular, portable structure built on a chassis and designed to be used without a permanent foundation as a dwelling unit. A mobile home may be self-propelled or non-self-propelled, ten (10) feet or more in width and forty (40) feet or more in length. For purposes of this Ordinance, the term "mobile home" shall not include modular units or recreational vehicles.
- 2-8-97 MOBILE HOME PARK - A lot, parcel, or tract of land developed with facilities for common use and accommodating two or more mobile homes. Said park shall be used only by non-transient dwellers remaining continuously for more than one month, whether or not a charge is made. (It shall not include a sales lot in which automobiles or more than five (5) unoccupied mobile homes are parked for the purpose of inspection or sale).
- 2-8-98 MOBILE HOME SUBDIVISION - A mobile home development designed and intended primarily for sale of lots for residential occupancy by mobile homes.

2-8-99 MOTOR VEHICLE - A passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

2-8-100 MOTEL - See Hotel.

2-8-101 NAMEPLATE - Non-illuminated sign flush with the front of a building indicating the name or address of a building or the name of an occupant thereof and the practice of a permitted occupation therein.

2-8-102 NON-CONFORMING USE - A structure or land lawfully occupied by a use that does not conform to the regulations for the district in which it is situated.

2-8-103 NOXIOUS MATTER OR MATERIALS - That which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

2-8-104 OCCUPANCY, CERTIFICATE OF - See Certificate of Occupancy.

2-8-105 OPEN SALES LOT - Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but it is not limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments).

2-8-106 PARTICULATE MATTER - Dust, smoke, or any form of air-borne pollution in the form of minute separate particles.

2-8-107 PERSON - Any individual, firm partnership, joint venture, association, club, social or fraternal organization, corporation, estate, trust, receiver, syndicate, or the managers, lessees, agents, servants, officers, of employees of such.

2-8-108 PLAN THOROUGHFARE - That part of the Comprehensive Plan for the county now or hereafter adopted, which includes a Major Thoroughfare Plan and sets forth the general or approximate location, alignment, dimensions, identifications, and classifications of existing and proposed highways and other thoroughfares, located within the jurisdiction of the Commission.

2-8-109 PLANNED UNIT DEVELOPMENT - Residential, commercial, or industrial development, or combination thereof, of a tract of land under single ownership or control according to a site development plan.

2-8-110 PORTABLE STORAGE SHED - A moveable structure that is enclosed on at least three (3) sides and is covered with a rain-proof or water-tight protective roof. Such structure is constructed on a skid or runner base of wood plank, metal or similar material. In any case a portable storage shed shall not be used for temporary or permanent human habitation, but may be used for the storage of equipment, tools, and/or materials.

2-8-111 POULTRY - Birds or Fowl of any kind that are kept, fed or raised by a person, partnership, or corporation for any use, or purpose.

- 2-8-112 RECREATIONAL VEHICLE - A temporary dwelling for recreation, travel, and vacation use, so constructed as to permit its movement by either self-propelled means or non-self-propelled means or by being mounted upon another vehicle and with a body length of not more than forty (40) feet.
- 2-8-113 RESERVOIR PARKING - Those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.
- 2-8-114 ROADSIDE STAND - A structure for the display and sale of agricultural products, with no space for customers within the structure itself.
- 2-8-115 ROOMING HOUSE - A building other than a hotel or motel where one or more lodging rooms are furnished as sleeping or living quarters, for an indefinite length of time to one or more persons, not members of the keeper's family. Such lodging rooms shall have no cooking facilities, but may have individual bathroom facilities.
- 2-8-116 SETBACK - The minimum required horizontal distance between the building line and the front property line.
- 2-8-117 SEXUAL ACTIVITY SPECIFIC - 1) Human genitals in a state of sexual stimulation or arousal; 2) Acts of human masturbation, sexual intercourse or sodomy; 3) Fondling or other touching of human genitals, pubic region, buttock or female breast; 4) Flagellation or torture in the context of a sexual relationship; 5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; 6) Erotic touching, fondling or other contact with an animal by a human being.
- 2-8-118 SIGN - A name, identification, description, display, or illustration which is affixed to, or appears directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include:
- 2-8-118-1 The display of official court or public office notices;
 - 2-8-118-2 The flag, emblem, or insignia of a nation, political unit, school, or religious group, nor;
 - 2-8-118-3 One located completely within an enclosed building except signs located behind window areas intended to be viewed from outside the building.
- 2-8-119 SIGN, ADVERTISING - A sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
- 2-8-120 SIGN, BUSINESS - A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where such a sign is located or to which it is affixed.
- 2-8-121 SIGN, FLASHING - An illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when

such a sign is in use. (A revolving, illuminated sign shall be considered to be a "flashing sign").

2-8-122 SIGN, GROSS AREA OF - The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. (Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display).

2-8-123 SOIL REPORT - A report from the technical personnel of the Clinton County Soil and Water Conservation District if available within a reasonable time as determined by the Area Plan Commission. This report shall include a soils map and interpretations. These shall indicate the degree of soils limitations in the proposed subdivisions concerning proposed building, road, drainage, sewage disposal constructions and erosion control.

2-8-124 STABLE, PRIVATE - A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for housing saddle horses or ponies primarily for the use of occupants of the dwelling, but in no event for hire.

2-8-125 STORY - That portion of a building included between the surface of any floor and the surface of the floor next above or if there is no floor above, the space between the floor and the ceiling next above. (A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a "story").

2-8-126 STORY, HALF - A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three feet above the top level of the story below. (In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use).

2-8-127 STREET - The space of area between the lot lines abutting upon a right-of-way and including an alley, avenue, boulevard, court, highway, lane, parkway, road or thoroughfare. For purposes of this Ordinance, streets shall be classified as follows:

2-8-127-1 Major/Arterial - Any street, existing or proposed, designated as a major thoroughfare on the Major Thoroughfare plan.

2-8-127-2 Secondary/Collector - Any street, existing or proposed, so designated on the Major Thoroughfare Plan.

2-8-127-3 Other - All other streets.

2-8-128 STRUCTURE - Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, mobile homes, walls, fences, and includes among other things stadiums, platforms, radio towers, sheds, storage bins, and display signs.

2-8-129 **STRUCTURAL ALTERATION** - A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal or alteration of bearing walls, columns, beams, girders, foundations, and similar.

2-8-130 **SUBDIVISION** - The division or partitioning off of more than one (1) parcel, site or lot of less than twenty (20) acres each in area from the original parcel, tract, or unit of land as the last preceding transfer of ownership, for the purpose, whether immediate or future, of transfer of ownership and/or subsequent development; or, the division and/or improvement of one (1) or more parcels of land and involving the allocation of land for a dedicated street or streets, open spaces, or access easements and/or the extension and maintenance of a utility service or services for said parcels. The term includes resubdivision and when appropriate, shall relate to subdividing or land subdivided.

2-8-131 **SUBDIVISION, MINOR** - A subdivision consisting of the division of a tract of land into five (5) or less parcels, sites or lots of less than twenty (20) acres each in area in any calendar year that does not require any new street or access easement shall be deemed to be a minor subdivision.

2-8-132 **TABLES** - Refers to the Tables of uses and Requirements set forth in section 4-2 and 4-3 of this Ordinance.

2-8-133 **TOURIST CAMP (CAMPGROUNDS)** - A parcel or tract of land containing facilities for locating three or more trailers, camper trailers, tents and similar, and for use only by transients remaining less than one month, whether or not a charge is made. (It shall not include an open sales lot in which automobiles or unoccupied trailers are parked for the purpose of inspection or sale.)

2-8-134 **TOURIST HOME** - A dwelling in which sleeping rooms are provided or offered to transient guests for compensation. (Not including a hotel, apartment hotel, or motel.)

2-8-135 **TRUCKING COMPANY** - A firm, partnership, business, or company that employs one or more open or closed trucks or other conveyances to transport or move goods from point to point. Such trucks or other conveyances may be owned, borrowed, loaned, leased or rented by such firm, partnership, business or company, but in any event, the movement of goods is the principal source of income.

2-8-136 **TRUCKING TERMINAL** - The entire off the street area, including truck maneuvering room, buildings, structures and equipment used by a trucking company facility in connection with the transfer, handling, reception, delivery or storage of goods at any point in a transportation movement and shall also apply to the area, structures, and facilities used for the parking, storage or maintenance of goods transporting equipment.

2-8-137 **UNINCORPORATED DEVELOPMENT** - An area of land containing three (3) or more contiguous separate parcels and containing three (3) or more principal buildings, each of which is within two hundred (200) feet of at least one of the other principal buildings, which area is not within the limits of any

incorporated city or town and is not part of a recorded subdivision.

2-8-138 USE (of property) - The purpose of activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. (This includes any manner of performance of activity or operation with respect to the performance standards of this Ordinance.)

2-8-139 USE, ACCESSORY - See Accessory Building or Use. (2-8-2)

2-8-140 USE, CONDITIONAL - A permitted/^{use}subject to the special conditions set forth in this Ordinance.

2-8-141 USE, NON-CONFORMING - See Non-Conforming use. (2-8-102)

2-8-142 USE, PRINCIPAL - The main use of land or buildings as distinguished from a subordinate or accessory use.

2-8-143 USE, PERMITTED - A use which is lawfully established in a particular district or districts (provided it conforms with all requirements, regulations, and performance standards, if any, of such districts).

2-8-144 VARIANCE - A minimum departure from the strict application of the specific requirements of this Ordinance granted by the Board of Zoning Appeals in accordance with the terms and standards of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity or district.

2-8-145 YARD - An open space on the lot or parcel of land unoccupied and unobstructed from the ground upward.

2-8-146 YARD, FRONT - A yard extending along the full length of the front lot line between the side lot lines to the building line.

2-8-147 YARD, SIDE - A yard extending between a principal building or structure and the side lot line from the front yard to the rear yard.

2-8-148 YARD, REAR - A yard extending along the full length of the rear lot line between the side lot lines. Rear yard requirements shall be waived for through lots.

2-8-149 ZONING ADMINISTRATOR - The administrator of this Ordinance.

2-8-150 ZONING - BOARD(S) OF APPEALS - Any Board(s) of Zoning Appeals in Clinton County, Indiana, established to administer this Ordinance.

2-8-151 ZONING DISTRICT OR DISTRICTS - For purposes of this Ordinance the districts into which Clinton County shall be divided.

2-9 MINIMUM REQUIREMENTS:

2-9-1 In their interpretation and application, the provisions of this Ordinance

shall be held to be minimum requirements. Whenever the requirements of this Ordinance are at variance with the requirements of any other officially adopted governmental rules, regulations, or Ordinances, the most restrictive shall supercede all others.

2-9-2 Within designated special flood areas, the provisions of this Ordinance relative to land use and control and other measures designed to minimize or eliminate existing or potential flood hazards shall take precedence over any conflicting provisions of the Zoning Ordinance.

6-102-3. District Regulations.

3-1 ESTABLISHMENT OF ZONING DISTRICTS - For purposes of this Ordinance, the County is divided into the following zoning districts:

3-1-1 Agricultural Districts - Approximately ninety (90) percent of Clinton County is devoted to agricultural uses, ranging in intensity from orchards and truck farming to grazing and pasturage. Located in a region having favorable soil and terrain, resulting from its geologic history and its climate, the County has historically been rural in character with urban growth most notably taking place during the latter half of the 19th century and in the early part of this century. As the urban areas expand, it is important that we protect our prime agricultural land for agricultural purposes. It is the basic intent of this district and of this Ordinance to establish zoning districts to meet the continuing needs of the agricultural industry.

3-1-1-1 Agricultural District - The full range of land use activities related to the agricultural industry shall be permitted in this district, subject to the conditions set forth in this Ordinance. Residential developments that would be adversely affected by the proximity of certain high intensity agricultural uses shall not be permitted in this district.

3-1-2 Residential Districts - Current planning provides for urban growth to take place in a balanced pattern around the Incorporated urban centers. Higher density residential development, including office and professional uses, as well as apartments, should relate directly to the downtown business districts. Moderate density areas should be related to major commercial and industrial centers and to principal thoroughfares within the urban areas. Lower density residential development should be located on the fringe of the urban areas. It is the intent of this Ordinance to establish zoning districts to implement such planning policies.

3-1-2-1 R-1 - Low Density Residential Districts - Single family dwelling units and accessory uses commonly associated with a family living area shall be permitted in this district, provided that the gross density shall not exceed the dwelling units per acre of the gross site area, as shown in Table 6-A.

3-1-2-2 R-2 - Medium Density Residential Districts - ^{MULTIPLE} ~~Single~~ family dwelling units and accessory uses commonly associated with a family living area shall be permitted in this district, provided that the gross density shall not exceed the dwelling units per acre of the gross site area, as shown in Table 6-B.

3-1-2-3 MH - Mobile Home Districts - Mobile home parks, mobile home subdivisions, and single and two family dwelling units located within a mobile home subdivision, as well as accessory uses commonly associated with a family living area, shall be permitted in this district. The gross density in a mobile home development shall not exceed the dwelling units per acre of the gross site area as established elsewhere in this Ordinance.

3-1-3 Commercial Districts - Current planning provides for commercial facilities to be grouped into and around the central business districts and into secondary retailing centers within the Incorporated urban areas. Small retailing centers will be designed to serve the motorists along certain major arterials.

3-1-3-1 NC - Neighborhood Commercial District - Convenience shopping, eating and drinking establishments, finance, insurance, and real estate services, personal and professional services, and specialty shops shall be permitted in this district.

3-1-3-2 C - Commercial District - The full range of commercial activities, including amusements, business services, drive-in establishments, general merchandising hotels and motels, out-door advertising, printing and publishing, and recreational facilities, shall be permitted in this district.

3-1-3-3 CBD - Central Business Districts - A combination of office and professional, commercial, residential, and public uses shall be permitted in the Central Business Districts to serve the County. The provisions of this Ordinance are intended to encourage renewal activities within the Central Business Districts.

3-1-4 Industrial District - Historically, industrial development in the region began with the processing of local agricultural and forest products, but by the end of the last century, the trend had changed to the manufacturing of durable goods. It is the intent of this Ordinance to encourage industrial development by establishing zoning districts suited to any light industry and warehousing, as well as to any special needs of heavy industry.

3-1-4-1 I - Industrial District - Certain automobile-related uses, building materials, business services, manufacturing, warehousing, and wholesaling, and accessory uses shall be principal uses permitted in this district. It is the intent that the uses permitted in this district could be safely and suitably located in proximity to agricultural, residential, and commercial zoning districts.

3-1-5 FP - Flood Plain District - It is the intent of this Ordinance to eliminate or minimize existing or potential flood hazards by placing special requirements on new construction or substantial improvement to structures, as well as on the use of land located in Flood Plain areas having special flood hazards, by the establishment of this special purpose overlay district. The purpose of the FP Flood Plain District is to guide development in the areas in which special flood hazards have been identified.

3-2 PROVISION FOR THE ZONING MAP

3-2-1 The zoning districts are bounded and defined as shown on maps titled "Zoning Map - Clinton County", and "Zoning Map Colfax", "Zoning Map Kirklin", "Zoning Map Michigantown", "Zoning Map Mulberry", "Zoning Map Rossville", which, with all explanatory matter thereon, are hereby made a part of this Ordinance.

3-2-2 The Zoning Map is a public document, the original of which shall be located in the office of the Area Plan Commission. Certified copies of the zoning map shall be located with the Clerks of the legislative bodies and with the Zoning Administrator.

3-2-3 The zoning district boundaries shall be shown on the Zoning Map. The abbreviations for the zoning districts appearing throughout this ordinance shall be used to identify the zoning districts on the map. Planned Unit Developments shall be shown on the map by dashed lines and shall be identified by the number and date of passage of this Ordinance approving the Planned Unit Development.

3-2-4 Changes to the Zoning Map shall be made in accordance with the provisions of the Enabling Act (I.C. 18-7-4-42) and with the provisions of this Ordinance.

3-2-5 The Zoning map shall be revised annually, or as the Plan Commission determines, with certified copies made thereof, to show the amendments adopted by the legislative body during the previous year. Such revision may correct drafting or other errors or omission in the prior map but shall not have the effect of amending the Zoning Map except as adopted by the legislative body during the previous year, such revision shall be necessary only to correct previous errors.

3-2-6 In the event that the Zoning Map becomes damaged, destroyed, or lost, a legislative body may by resolution adopt a new Zoning Map. Unless the prior map has been lost or totally destroyed, it shall be preserved, together with all available records pertaining to its adoption or amendment.

3-3 RULES FOR INTERPRETING DISTRICT BOUNDARIES

3-3-1 Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

3-3-1-1 Boundaries indicated as approximately following recorded lot lines or City or County limits shall be construed to follow such lines. Boundaries indicated as parallel to such lines shall be so construed. Where a planned development boundary is the same as a zoning district boundary, it shall be shown parallel to said boundary but shall be construed as being the same location as the zoning district boundary.

3-3-1-2 Distances not specifically indicated on the map shall be determined by the scale of the map.

3-3-1-3 In circumstances not covered by these provisions the Boards of Zoning Appeals shall interpret the district boundaries.

3-3-2 Application of District Regulations:

(a) The provisions of this Ordinance shall be held to be the minimum requirements.

(b) District regulations shall be applicable uniformly throughout the district.

(c) After the effective date of this Ordinance, areas annexed by the legislative bodies shall remain zoned as they were on the date of the annexation. However, if not zoned, the annexed area will be zoned R-1 Low Density Residential as of the date of annexation. In any case:

3-3-2-1 Within 60 days after the date of annexation, the Plan Commission shall submit to the legislative body a recommended zoning plan for the area,

3-3-2-2 The procedure for amendment of this Ordinance, as established, shall be followed in adopting the zoning plan, and;

3-3-2-3 An Improvement Location Permit shall not be issued in an area annexed by a legislative body until a zoning plan for the area has been adopted, provided, however, that such permit may be issued for a single or two family dwelling unit on a lot of record in a recorded sub-division, provided that all other provisions of the Ordinance are complied with.

3-4 PERMITTED AND CONDITIONAL USE PROVISIONS APPLICABLE IN SPECIAL PURPOSE OVERLAY DISTRICTS.

The unique characteristics of overlay districts are such that permitted and conditional uses do not fall into the Table of Permitted Uses set forth in this Section. Overlay districts shall supplement other zoning district regulations set forth in the Ordinance, provided, however, that wherever a conflict occurs, the provisions of the overlay districts shall take precedence over other provisions of the Ordinance.

3-4-1 - Basis for Establishing Flood Plain Districts

The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clinton County, Ind." dated February 13, 1976, with the accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the office of the Auditor of Clinton County, Indiana.

3-4-2 - Designation and Duties of the Administrator

The Zoning Administrator for Clinton County, Indiana, shall review all development and subdivision proposals to insure compliance with this ordinance.

3-4-2-1 - The Zoning Administrator during his review of improvement location permits, shall assure that all NFIP* regulations (contained in 44 CFR, Chapter 60.3(d), as currently amended, pertaining to State and Federal permits, subdivision review, building permit review, flood proofing non-residential structures, manufactured home tie down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

AMENDED 10-31-88

The standards of Chapter 60.3(d) as currently amended, is hereby adopted by reference. Although the specific requirements are not explicitly stated in the above section, the Zoning Administrator shall enforce these standards.

3-4-3 - Permitted Uses in the Flood Plain District (Uses by Right)

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted by right within the Flood Plain District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment.

- 6.1 Agricultural uses such as general farming, pasture grazing, orchards, plant nurseries, and vineyards.
- 6.2 Forestry, wildlife areas, and nature preserves.
- 6.3 Parks and recreational uses, such as golf courses, driving ranges, and play areas.

3-4-4 - Other Uses in the Flood Plain District

All development applications located in the Flood Plain District which are not permitted by right (Section 6.0) will require the review and approval by Natural Resources prior to the issuance of a local permit. The Zoning Administrator shall forward all these applications along with plans and specifications to Natural Resources for review and comment. All terms, conditions and recommendations imposed by Natural Resources shall be incorporated into the issuance of any local permit.

3-4-5 - Non-conforming Uses

Any building, structure, or use of land in the Flood Plain District which is not in conformance with this ordinance constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

3-4-6 - Variances

Applications for variances to the provisions of this ordinance shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

In addition to incorporating all terms and conditions of Natural Resources, the Board of Zoning Appeals shall do the following:

1. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
2. Issue a written notice to the recipient of a variance of exception that the proposed construction will be subject to increased risks to life and property and would require payment of excessive flood insurance premiums.

3-4-7 - National Flood Insurance Program Regulation

AMENDED 10-31-88

10-31-88

The Zoning Administrator, during his review of improvement location permits, shall assure that all NFIP regulations (contained in CFR rr- Chapter 60.3(d) and as specified on Attachment A (Section 3-4-7 Review Requirement Sheet for NFIP Regulations) which is hereby made a part of this ordinance pertaining to state and federal permits, subdivision review, building permit review, flood proofing non-residential structures, manufactured home standards, utility construction, record keeping (including lowest flood elevations), and water course alteration and maintenance have been met.

AMENDED

3-4-8 - Disclaimer

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Clinton County, Indiana, The Department of Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ATTACHMENT "A" CLINTON COUNTY CODES 6-102-3-4-7 REQUIREMENTS: [No.88-7 Cont'd]

The Standards of Chapter 60.3(d), as currently amended, are adopted by reference and the Zoning Administrator shall enforce these standards. Therefore, this review is provided to briefly describe the specific regulatory requirements of Chapter 60.3(d) as referenced in Section 3-4-7 of the Clinton County, Indiana, Zoning Ordinance.

State and Federal permits

Require that all other State/Federal permits are obtained.

Subdivision review

1. Review subdivision proposals to assure that
 - a) such proposals minimize flood damage
 - b) public utilities and facilities are constructed so as to minimize flood damage
 - c) adequate drainage is provided
2. Require base flood elevation data for subdivision proposals greater than 50 lots or 5 acres.

Building permit review

1. Review permits to assure sites are reasonably free from flooding.
2. Review permits of proposed construction and development and require:
 - a) anchoring (including manufactured homes) to prevent flotation and lateral movement.
 - b) use of flood resistant materials
 - c) construction methods which minimize flood damage
 - d) electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities to be designed or located to prevent entry or accumulation of water
 - e) fully enclosed areas below the lowest floor in an elevated building (if permitted by local ordinances) to be designed to automatically equalize hydrostatic flood forces by allowing for the entry and exit of flood waters.

Flood proofing non-residential structures

Require certification of floodproofing by engineer/architect (Structural dry flood proofing is allowed for non-residential structures. The engineer/architect must certify to the elevation to which the structure is dry flood proofed).

Manufactured Home Standards

Require all manufactured homes to be installed using methods and practices which minimize flood damages. Manufactured homes must be elevated and anchored as required by Clinton County tie-down regulations to resist flotation, collapse or lateral movement.

Utility construction

- 1) require new and replacement water and sewer systems to be designed to minimize infiltration.
- 2) require on-site waste disposal systems to be designed to avoid impairment.

Record keeping

Obtain and maintain records of elevation and floodproofing levels for new construction or substantial improvements.
Obtain certification of floodproofing by engineer/architect.
Lowest flood elevations must be obtained for all new construction and substantial improvements.
All information concerning and justifying any variances.

Water course alteration and maintenance

- 1) Notify neighboring communities of watercourse alterations.
- 2) Maintain carrying capacity of altered watercourse.

6-102-4. Permitted Uses and Standards.

4-1 GENERAL PROVISIONS FOR PERMITTED USES

4-1-1 Buildings or premises may be used and buildings may be erected or structurally altered only for the purposes set forth in the following TABLE OF PERMITTED USES and only within those districts specified in said table.

4-1-2 In the interpretation of the following TABLE OF PERMITTED USES, it is recognized that in the development of a Zoning ordinance, not all uses of land can be listed, nor can all future uses be anticipated. A "use" may have been omitted from the list of those specified as permissible in the various Districts established by this Ordinance, or questions may arise concerning words which are similar. Such instances shall be referred to the Board of Zoning Appeals and the following procedures shall apply:

4-1-2-1 When classification of use is appealed or referred to the Board of Zoning Appeals, it shall be the duty of the Board to ascertain all pertinent facts concerning said use and set forth in writing its findings and the reasons for designating a specific classification for such use. In any case the decision, restrictions, and Conditions set forth shall not be considered as having established a Custom or set a precedent but instead shall be on a Case by Case basis.

4-1-2-1-1 The applicant shall file a request with the appropriate Board of Zoning Appeals for a decision by the Board.

4-1-2-1-2 The Board shall render a decision not less than 30 days after such application is made, and shall notify the applicant and any person requesting such notice of such decision.

4-1-2-2 In classifying use, the Board shall first make a finding that all of the following conditions exist:

4-1-2-2-1 That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the District wherein it is proposed to be located;

4-1-2-2-2 That the subject use is similar to one or more use permitted in the District within which it is proposed to be located; and

4-1-2-2-3 That the subject use will not cause substantial injury to the values of property in the neighborhood or District within which it is proposed to be located; and

4-1-2-2-4 That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.

4-1-2-3 The Board shall classify such use as to permitting such use by right, or permitting such use subject to specific conditions.

4-1-3 One of the purposes for having this ordinance is to protect agriculture and farming shall be permitted in all districts except C.B.D. unless otherwise prohibited by the provisions of this or other Ordinances.

4-1-4 Any provisions in this Ordinance to the contrary notwithstanding, no structure shall be erected within less than 1,320 feet of an existing municipal sewage treatment facility, except upon approval of such proposed erection and use by the Board of Zoning Appeals, based upon its finding that such proposed erection and use will not be incompatible with the present and future operation of said municipal sewage treatment facility.

4-1-5 Subject to the requirements of section 4-1-4, and so long as the minimum requirements of setback, tie-downs, and distances, as stated elsewhere in this Ordinance, are complied with, and the proper permits obtained:

4-1-5-1 Except for the requirements under Conditional Use #11, nothing in this Ordinance shall prevent the owner of a farm from erecting those buildings and/or structures, including residential buildings for owner and/or operator, and any hired help, necessary to the operation of said farm, and;

4-1-5-2 Nothing in this Ordinance shall prevent the owner of a farm from conveying a parcel of 1/2 acre or more from said farm to his son or daughter, grandson or granddaughter, for the purpose of establishing a dwelling. Such conveyance shall be limited to one parcel to each son or daughter, grandson or granddaughter and this provision shall not restrict the future conveyance of that parcel by said son or daughter, grandson or granddaughter.

4-1-6 Except as otherwise provided in sub-section 4-1-5-1, and except in the case of a Planned Unit Development, no more than one principal or primary building and the customary accessory structures generally associated with such use shall be located on any single lot, tract, or parcel of land in any zoning district.

4-1-7 Any provisions in this ordinance to the contrary notwithstanding, no livestock or poultry structures or equipment of a permanent or portable nature, shall be erected, placed, or put within less than 700 feet of an unincorporated development, a recorded subdivision, or incorporated area. This restriction shall include the across-the-fence feeding, for any length of time, of any livestock or poultry.

4-1-8 An application for an Improvement Location Permit to build any structure within a distance of less than one (1) mile (5,280 feet) from any "public-use airport", as defined by Indiana statute, I.C. 8-21-10, as the same may be amended from time to time, shall be accompanied either by a permit for such structure issued by the State of Indiana Department of Transportation, Division of Aeronautics, or by a letter from the above-mentioned Division stating that the proposed structure conforms to all of the requirements of I.C. 8-21-10 or that said Division has granted a variance to such statutory requirements for such proposed structure.

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	MC	C	CBD	I
Abstractors					P	P	P	
Accounting & Bookkeeping Service					P	P	P	
Addressing Services					P	P	P	P
Air Cargo Services								P
Air Pollution Control Equip. Rentals, Sales & Service					P	P	P	P
Air Pollution Measuring Services						P	P	P
Aircraft Charters, Leasing & Rentals								P
Aircraft Dealers								P
Aircraft Maintenance & Service								P
Aircraft Storage								P
Airports								4-4-2
Ambulance Services	4-4-18	4-4-18	4-4-18	4-4-18	P	P	4-4-18	P
Amusement Centers & Amusement Parks						P		P
Animal Hospitals	P					4-4-10		
Antique Shops		4-4-43	4-4-43	4-4-43	P	P	P	
Apiaries	P							P
Apparel and Accessories Shops					P	P	P	P
Appliance Dealers-Household					P	P	P	
Appraisers					P	P		
Archery Ranges	P					P		

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Architects' Offices					P	P	P	P
Armored Car Services						P		P
Art Dealers					P	P	P	
Art Galleries					P	P	P	
Artists' Materials & Supplies		4-4-43	4-4-43	4-4-43	P	P	P	
Arts & Crafts Supplies		4-4-43	4-4-43	4-4-43	P	P	P	
Athletic Clubs					P	P	P	
Attorneys' Offices					P	P	P	
Auction Houses						P		P
Auction Houses-	4-4-53							
Auditoriums						P	P	
Automobile Dealers					P	P	P	
Automobile Dismantling & Impoundment Yards								4-4-3
Automobile Parts & Supplies Sales					P	P	P	
Automobile Rental & Leasing Services					P		P	
Automobile Service Stations					4-4-4			
Automobile Washing & Waxing Facilities - Mechanical					4-4-5		4-4-5	
Bakeries - Non Retail					P		P	
Bakeries - Retail				4-4-43	P	P	P	
Bars, Lounges, and Niteclubs						P	P	
Beauty and Barber Shops	4-4-43	4-4-43	4-4-43	4-4-43	P	P	P	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Bicycle Rentals, Sales & Services					P	P	P	P
Blacksmith Shops	4-4-1							P
Blueprinting Shops					P	P	P	P
Boarding Houses			4-4-6			4-4-6	4-4-6	
Boat Dealers						P		P
Bonding Companies					P	P	P	
Bookstores		4-4-43	4-4-43	4-4-43	P	P	P	
Bottling Companies								P
Broadcasting Studios						P	P	
Bus Garages and Terminals						P	P	P
Business Machine Rentals, Sales & Service					P	P	P	
Business Organizations					P	P	P	P
Butcher Shops				4-4-43	P	P	P	
Campgrounds	4-4-7							
Camping Equipment Rental, Sales					P	P	P	
Candy & Confectionaries Non-Retail						P		P
Candy & Confectionaries Retail					P	P	P	
Cemeteries	4-4-9	4-4-9	4-4-9					
Chemical Dealers - Offices Only	4-4-1					P	P	
Child Day Care Centers	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Civic Organizations					P	P	P	
Cleaning-Pickup & Self Service		4-4-43	4-4-43	4-4-43	P	P	P	
Clinic & Out Patient Services					P	P	P	
Collection Agencies					P	P	P	
Communications Equipment, Service, & Systems						P	P	
Computer Data Services					P	P	P	
Concrete Products - Mfg. & Sales								P
Confined Feeding Operations	4-4-11							4-4-11
Conservation Clubs	P							
Consulting Services					P	P	P	P
Contractor's Equipment, Sales, Rent, Service						P		P
Credit Reporting Services					P	P	P	
Credit Unions					P	P	P	P
Crop Dusting - Including Onsite Equip., Stores	4-4-1							P
Crop Dusting-Offices Only	4-4-1					P	P	P
Cultural Centers						P	P	
Delicatessens					P	P	P	P
Department Stores						P	P	
Detective Agencies					P	P	P	
Doctors' Offices					P	P	P	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Drive-in Establishments					4-4-12	4-4-12		
Drug Stores				4-4-43	P	P	P	
Dry Goods Stores						P	P	
Dwellings, Farm Labor - Temporary	4-4-13							4-4-13
Dwelling Units-Multi-Family			4-4-14					
Dwelling Units-Single Family	4-4-15	4-4-15	4-4-15	4-4-15				
Dwelling Units-Two-Family			4-4-15	4-4-15				
Employment Agencies						P	P	
Eleemosynary Institutions	4-4-16	4-4-16	4-4-16		4-4-16	4-4-16		
Extraction Industries	4-4-17							4-4-17
Fabric Shops				4-4-43	P	P	P	
Factories								P
Fairs - Temporary	4-4-8	4-4-8	4-4-8	4-4-8	4-4-8	4-4-8	4-4-8	4-4-8
Farm Equip. Rentals, Sales & Services	4-4-1					4-4-1		P
Farming, General	P	P	P	P	P	P		P
Fast Food Establishment					4-4-12	4-4-12		
Feed & Grain Dealers	4-4-1					P		P
Feed & Grain Processing	4-4-1							P
Fertilizer Dealers	4-4-1							P

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Finance Companies					P	P	P	
Fire Stations	4-4-18	4-4-18	4-4-18	4-4-18	4-4-18	4-4-18	4-4-18	4-4-18
Florists	P				P	P	P	
Foundries								P
Freight Distributors & Terminals						4-4-51		4-4-51
Frozen Food Lockers	4-4-44				P		4-4-44	
Furniture Dealers-Office & Institutional						P	P	P
Furniture Stores					P	P	P	
Garden Supply Shops						P		P
Gift Shops				4-4-43	P	P	P	
Golf Courses	P							
Governmental Offices					P	P	P	
Grain Elevators	4-4-1							P
Grazing	P							P
Grocery Stores				4-4-43	P	P	P	
Group Housing Quarters			4-4-19					
Growing of Nursery Stock	P							P
Hardware Stores					P	F	P	
Health Studios					P	P	P	
Hobby Shops		4-4-43	4-4-43	4-4-43	P	P	P	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Home Occupations	4-4-20	4-4-20	4-4-20	4-4-20				
Horticulture	P							P
Hospitals & Sanitariums	4-4-21	4-4-21	4-4-21			4-4-21		
Hotels						4-4-23	4-4-23	
Ice Manufacturing								P
Ice & Roller Skating Rinks						P		P
Industrial Equip. Rental & Sales						P		P
Industrial Uses								4-4-5?
Insurance Agencies					P	P	P	
Interior Decorating Studios					P	P	P	
Investment Companies					P	P	P	
Jewelers					P	P	P	
Junk Yards								4-4-25
Kennels	4-4-26					4-4-26		
Knit Shops				4-4-43	P	P	P	
Labor Organizations						P	P	
Land Reclamation Projects	4-4-27	4-4-27	4-4-27					4-4-27
Landscaping Companies						P		P
Laundries - Commercial								P
Laundries - Pickup & Self Service			4-4-43	4-4-43	P	P		
Legal Services					P	P	P	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Libraries - Branches		P	P	P	P	P	P	
Libraries - Main					P	P	P	
Liquor Stores					P	P	P	
Lumber Yards						P		P
Manufacturing								4-4-52
Meat Packing	4-4-44							4-4-44
Mining	4-4-17							4-4-17
Mobile Home	4-4-28	4-4-23		P				
Mobile Home Dealers				4-4-43		P		P
Mobile Home Parks				4-4-29				
Mobile Home Subdivisions				4-4-30				
Mortuaries						P		
Motels						4-4-23	4-4-23	
Motorcycle Rentals, Sales & Service					P	P	P	
Music Stores				4-4-43	P	P	P	
Nurseries - Plant Material	P					P		P
Nursery Schools	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	4-4-41	
Office Buildings					P	P	P	P
Orchards	P							P
Outdoor Shooting Range	4-4-24							

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	G	CBD	I
Paint Stores					P	P	P	
Paper & Paper Products Distributor						P		P
Parking Garages & Lots						P	P	
Parking & Storage of Large Vehicles							P	P
Parks & Playgrounds	4-4-33	4-4-33	4-4-33	4-4-33	4-4-33	4-4-33	4-4-33	4-4-33
Pasturage	P							P
Pest Control Services	4-4-1					P		P
Pet Shops					P	P	P	
Photography Studios & Developing			4-4-43	P	P	P		
Pitch & Putt Centers						P		
Planned Unit Developments		4-4-34	4-4-34	4-4-34	4-4-34	4-4-34	4-4-34	4-4-34
Poultry Dressing	4-4-44							4-4-44
Printing - Duplicating Only					P	P	P	
Printing - Full Service Operators						P	P	P
Produce Markets					P	P	P	P
Professional Organizations							P	
Race Track							P	
Real Estate Agents or Brokers					P	P	P	
Recreational Facilities - Indoor						P	P	
Rental & Leasing Services						P	P	P

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Repair Shops - Automotive						P	P	P
Repair Shops - Non-Automotive			4-4-43		P	P	P	P
Research & Development Involving Hazardous Materials and/or Gases								4-4-38
Research & Development Not Involving Hazardous Materials and/or Gases						P	P	P
Residential Health Care Facilities	4-4-22	4-4-22	4-4-22	4-4-22				
Restaurants - Including Drive-Ins and Fast Food					4-4-12	4-4-12		
Restaurants - Not Including Drive-Ins and Fast Food					P	P	P	
Roadside Stands	4-4-39							4-4-39
Rooming Houses			4-4-6			4-4-6	4-4-6	
Salebarn - Livestock	4-4-53							
Sanitary Landfills								4-4-40
Savings & Loan Institutions					P	P	P	
Saw Mills	P							P
Schools - Art					P	P	P	
Schools - Aviation								P
Schools - Business					P	P	P	
Schools - Driver Education						P	P	P
Schools - Private & Public Elementary to Secondary	4-4-42	4-4-42	4-4-42			4-4-42	4-4-42	
Schools - Vocational					P	P	P	

4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CBD	I
Service - Commercial and Accessory Uses		4-4-43	4-4-43	4-4-43	4-4-43	4-4-43		
Service Organizations					P	P	P	
Skeet and Trap Ranges	4-4-24							
Slaughterhouses	4-4-44							4-4-44
Social Organizations					P	P	P	
Special Conditional Use	4-4-49	4-4-49	4-4-49	4-4-49				4-4-49
Specialty Food Stores		4-4-43	4-4-43	4-4-43	P	P	P	
Sporting Goods Stores					P	P	P	
Stables	P							
Stenographic Services					P	P	P	
Storage - Inside, Involving Hazardous Materials and/or Gases								4-4-45
Storage - Inside Not Involving Hazardous Materials and/or Gases						P		P
Storage - Outside								4-4-46
Storage Shed - Portable	4-4-50	4-4-50	4-4-50	4-4-50	4-4-50	4-4-50	4-4-50	
Supermarkets					P	P	P	
Taxicab Companies						P	P	
Temporary Project Sales & Rental Offices - Onsite Only		P	P	P	P	P	P	
Theaters - Including Drive-In	4-4-12					4-4-12		
Theaters - Not Including Drive-Ins					P	P	P	

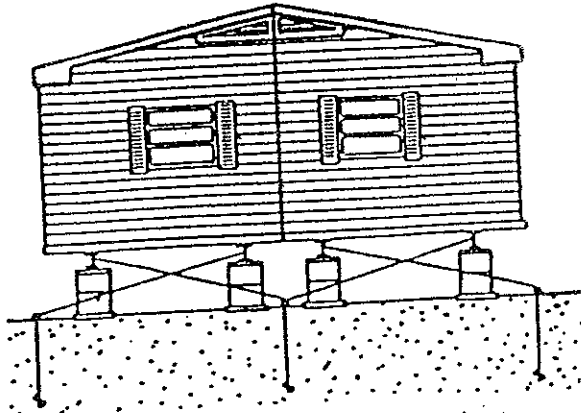
4-2 TABLE OF PERMITTED USES

P - Permitted use, permitted in the designated district.

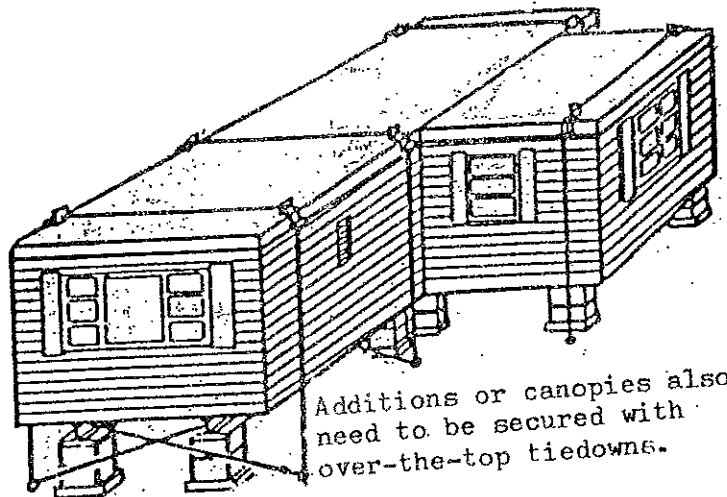
Conditional use permitted in the designated district subject to the conditions set forth in section 4-4 of this Section are shown by number.

	A	R-1	R-2	MH	NC	C	CEB	I
Tobacco & Smoke Shops				4-4-43	P	P	P	
Tourist Homes						4-4-23	4-4-23	
Toy Shops				4-4-43	P	P	P	
Trailers, Commercial						P	P	
Trailers & Trucks - Dealers & Sales						P		P
Trailers & Trucks - Parts, Supplies, Sales						P		P
Trailers & Trucks - Rentals & Leasing Services						P		P
Travel Bureaus					P	P	P	
Truck Farming	P							P
Trucking Terminal						4-4-51		4-4-51
Utility Companies Main Installations						4-4-47		4-4-47
Utility Companies - Substations	4-4-48	4-4-48	4-4-48	4-4-48	4-4-48	4-4-48	4-4-48	4-4-48
Variety Stores				4-4-43	P	P	P	
Veterinary Clinics	P					4-4-10		
Viticulture	P							
Warehousing								P
								P

MOBILE HOME TIE DOWNS, foundations, and skirting shall be as specified by the "Mobile Homes" tiedown for safety leaflet (pages 1 thru 7 inclusive). These sketches show only the highlights contained in the instructions.



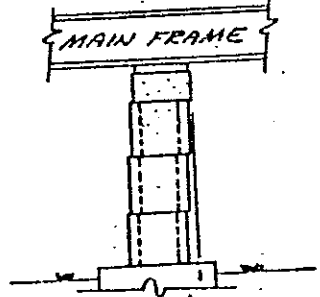
Double wides do not require over-the-top tiedowns but are subject to the same frame tie requirements.



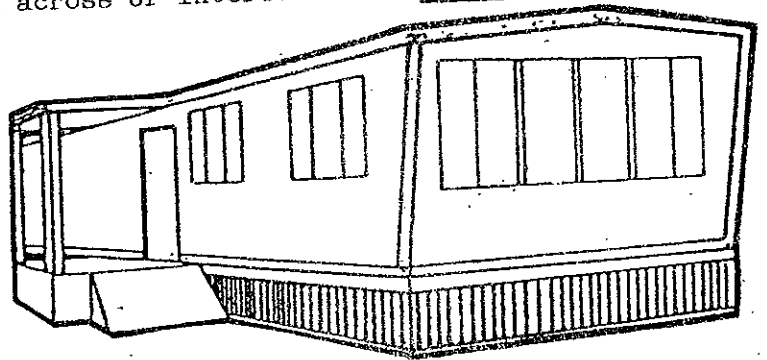
Additions or canopies also need to be secured with over-the-top tiedowns.

In any case, OVER-THE-TOP tiedowns shall NOT be placed across or interfere with DOORS and WINDOWS.

BLOCKING OFFSET

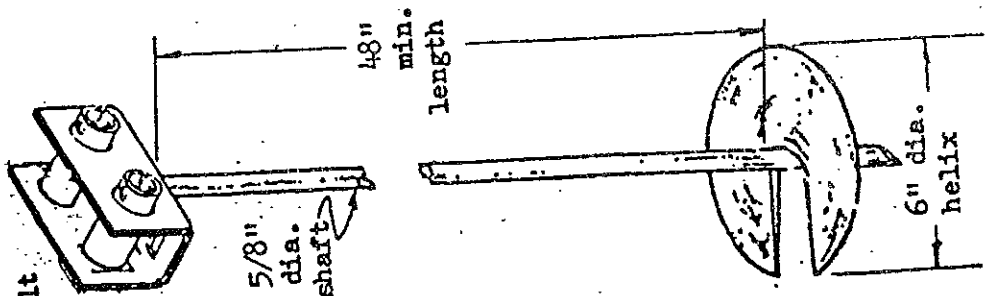


1/2" MAXIMUM BLOCK OFFSET FROM TOP TO BOTTOM BLOCK.



"SKIRTING"

Call the AREA PLAN Commission before you apply the SKIRTING



Double Bolt Head

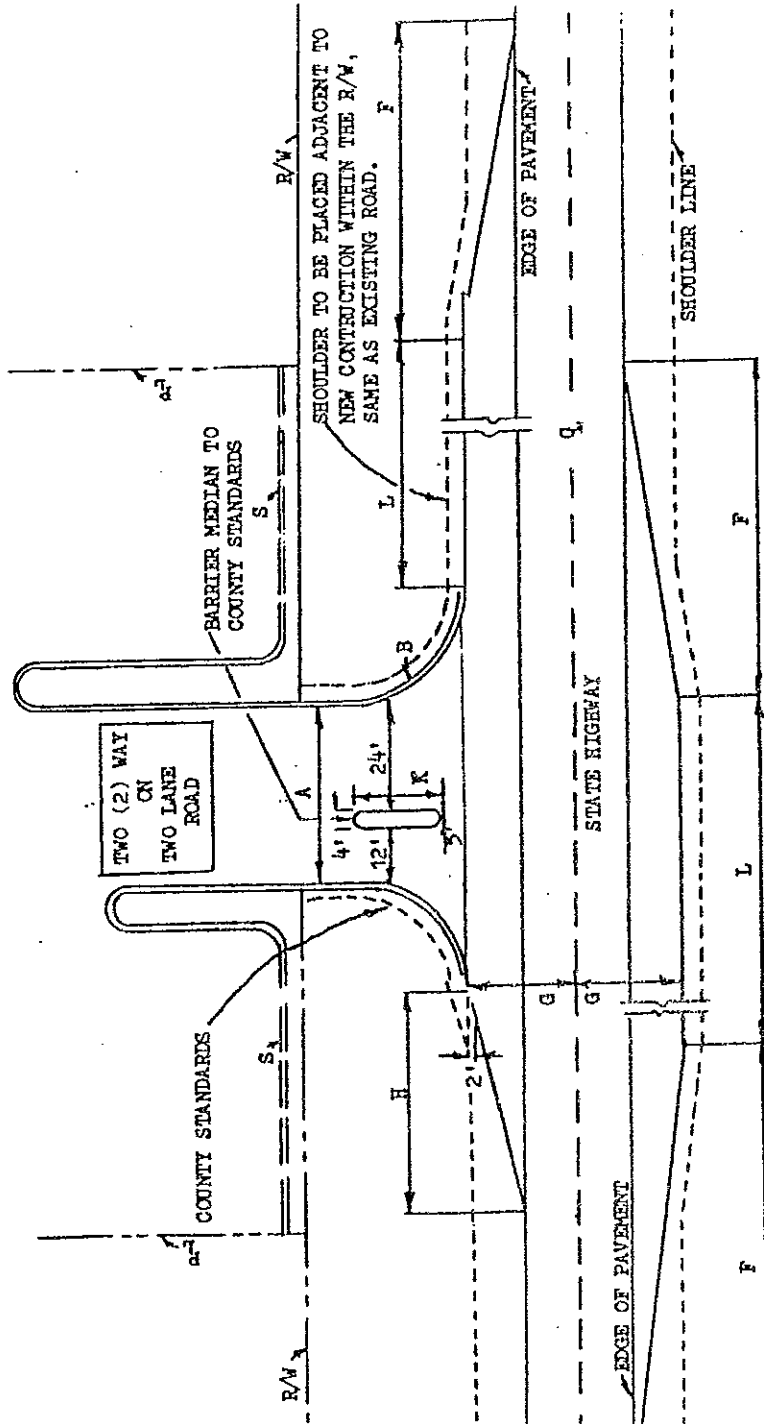
5/8" dia. shaft

48" min. length

6" dia. helix

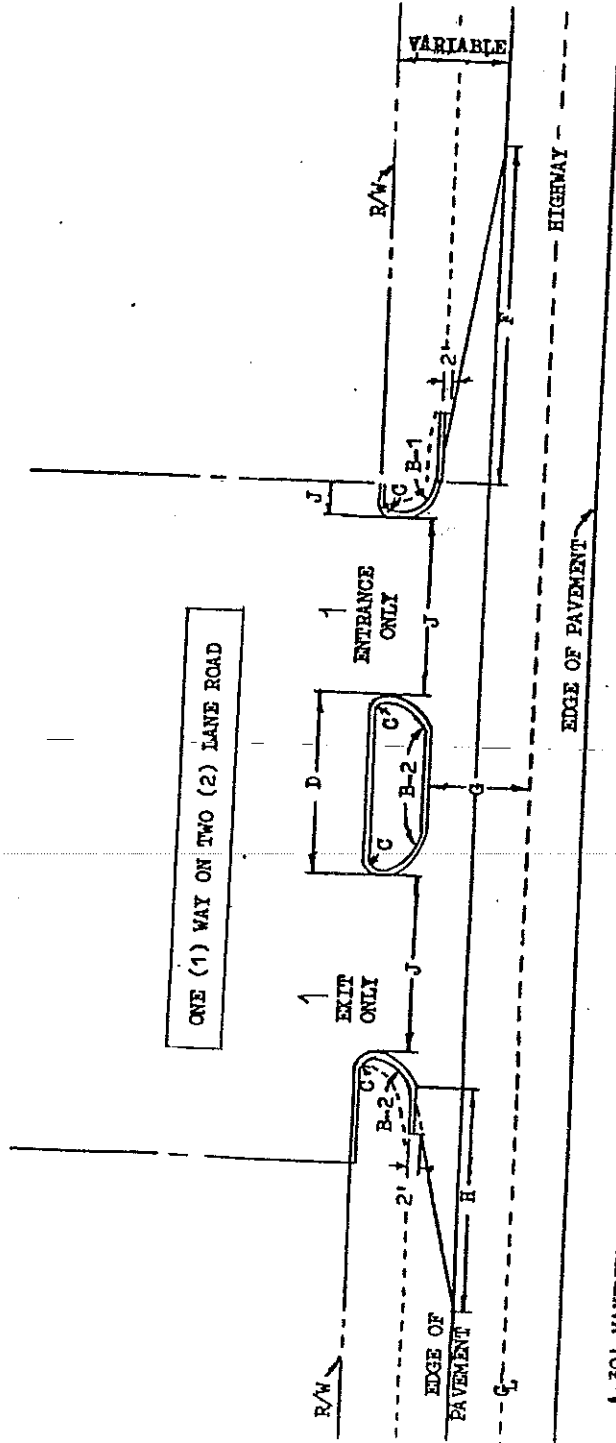
Earth Anchor for strap

4-3 PLATE "A-2"



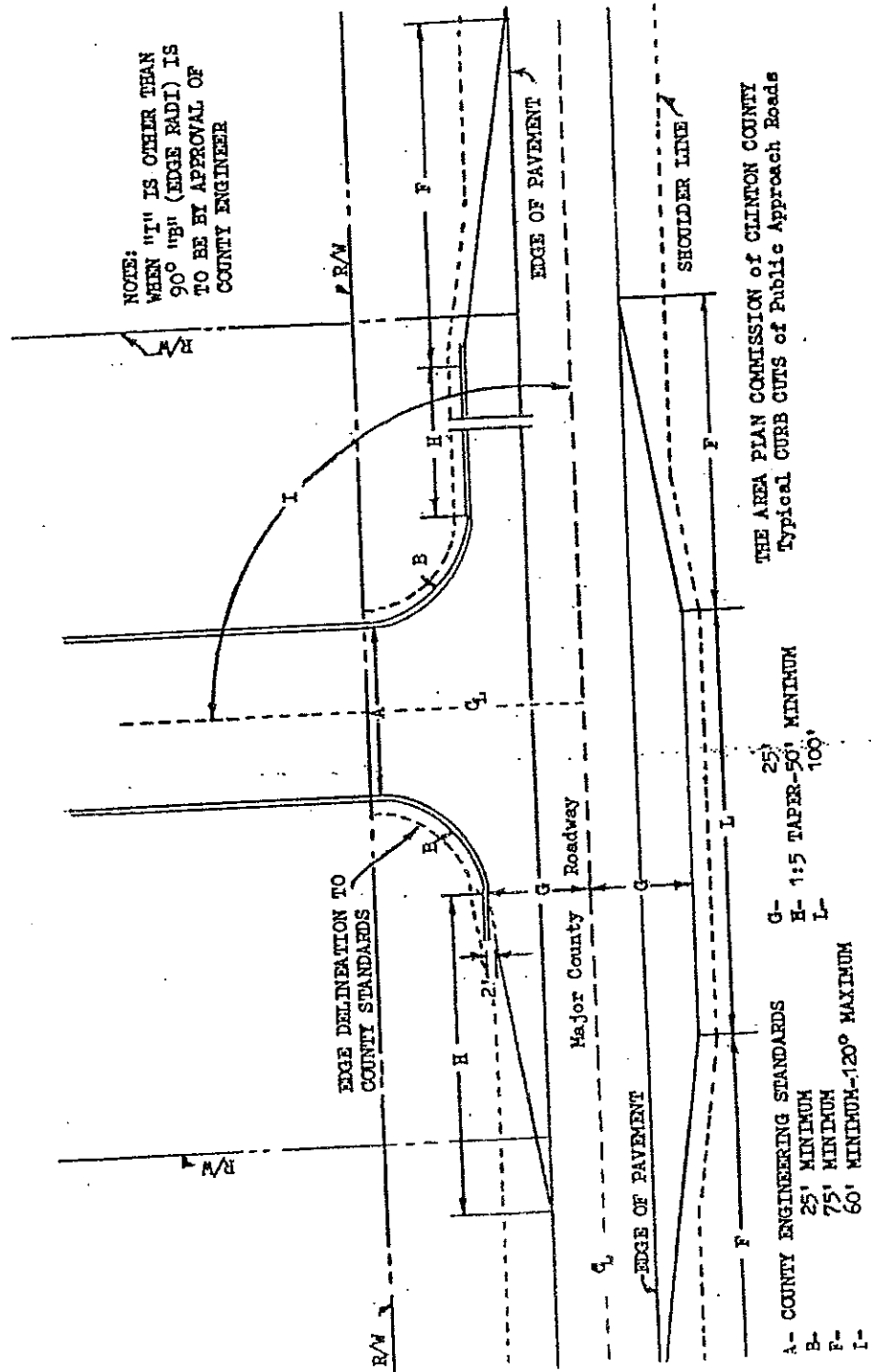
10' MAXIMUM RADIUS
 25' TAPER-25' MINIMUM
 25' MINIMUM
 H-1:5 TAPER-50' MINIMUM
 L-100' MINIMUM
 K-20' BARRIER MEDIAN
 S-BARRIERS

THE AREA PLAN COMMISSION OF CLINTON COUNTY
 Typical CURB CUTS of Commercial Drives

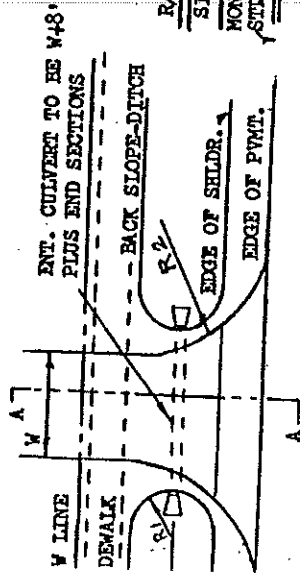


A-30' MAXIMUM	F-1:10 TAPER 75' MINIMUM	THE AREA PLAN COMMISSION OF CLINTON COUNTY
B-1-25' MINIMUM RADIUS	G-	Typical CURB CUTS of Commercial Drives
B-2-15' " " "	E-1:5 TAPER- 50'	
C-5' " " "	J- 10'	
D-20' " " "		

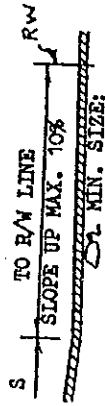
4-3 PLATE "B"



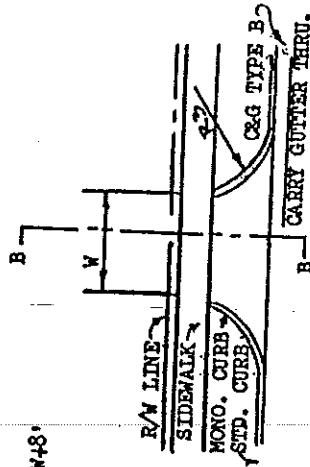
NOTE: USE FOR STATE HIGHWAY WHERE MEDIAN DIVIDER IS OMITTED.



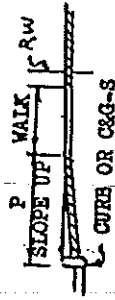
TYPE 1
NO CURB



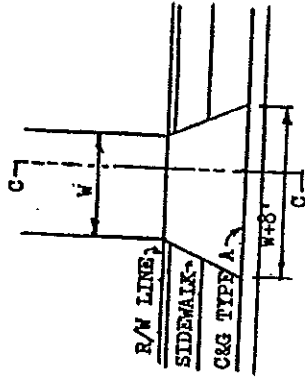
SECTION A-A
DETERMINED BY FLOW



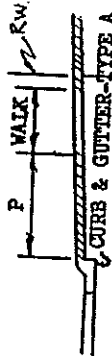
TYPE 2
CURB W/FACE



SECTION B-B



TYPE 3
ROLL CURB



SECTION C-C

- NOTE:
1. DRIVE WITHIN SHOULDER AREA TO BE EQUAL TO STREET PAVEMENT SPECS.
 2. REMAINDER OF DRIVE TO BE PER SUBDIVISION STANDARDS.
 3. DRIVE WITHIN PARKWAY TO BE PAVED. MATERIAL AT OPTION OF OWNER.

- W = DRIVE WIDTH AT R/W
 S = SHOULDER WIDTH
 F = DITCH SIDE SLOPE (HORIZ.)
 B = DITCH BACK SLOPE (HORIZ.)
 $R_1 = F - B - 2$
 $R_2 = 15'$ MINOR; 20' COLL. & ARTERIAL
 $R_3 = 10'$ MINOR; 15' COLL. & ARTERIAL

THE AREA PLAN COMMISSION OF CLINCH COUNTY.
 Typical CURB CURS of Private Drives

TAB:E ; 4-3 TABLE OF PARKING REQUIREMENTS

USE	PARKING REQUIREMENTS	LOCATION WITHIN
Residents	1 Space per bedroom	300 ft.*
Boarding & Rooming Houses	1 Space per bedroom	300 ft.*
Single Family Dwelling Units	1 Space per dwelling unit	onsite
Transient Lodging	1 Space per bedroom	300 ft.
Two & Multi-family Dwelling Units	3 Spaces per dwelling unit	onsite
Employees	1 Space per two employees	onsite
Customers, patrons or visitors of Barber & Beauty Shops	2 Spaces per operator's station	300 ft.*
Business & Vocational Schools	10 Spaces per class room	300 ft.*
Elementary & Middle Schools	3 Spaces per class room	onsite
Secondary Schools	7 Spaces per class room	onsite
General Merchandising Store and Comparison Shopping (merchandise is usually not carried by purchaser, e.g. furniture)	1 Space per 500 square feet of gross floor area	300 ft.*
Drive-in or Fast Food Service - no customer area provided in the building	1 Space per 50 sq. ft. of gross floor area	onsite
Drive-in or Fast Food Service - customer area provided in the building	1 Space per 100 sq. ft. of gross floor area	onsite
Indoor display and/or sales floor area	1 Space per 250 sq. ft. of gross floor area	300 ft.
Outdoor sales	1 Space per 1000 sq. ft. of lot area	onsite
Office & Professional Uses Business Service	1 Space per 150 sq. ft. of lot area	300 ft.*
Medical & Dental Clinics & out-patient	3 Spaces per examining room	300 ft.*
Mortuaries, Funeral Homes, Auditoriums, Churches	1 Space per 3 fixed seats or 21 sq. ft. of seating area	300 ft.*
Clubs	1 Space per 3 members	300 ft.*

TABLE 1 4-3 TABLE OF PARKING REQUIREMENTS

USE	PARKING REQUIREMENTS	LOCATION WITHIN
Livestock Auction and Sales Barns	1 Space per 2000 sq. ft. of gross site area	onsite
Galleries, Museums, Libraries, & similar uses	1 Space per 500 sq. ft. of gross floor area	300 ft.
Planned Shopping Center	7 per 1000 sq. ft. of leaseable space	onsite
Neighborhood	8 per 1000 sq. ft. of leaseable space	onsite
Regional	5.5 per 1000 sq. ft. of leaseable space	onsite
Restuarants & Bars	1 Space per 3 persons at medium capacity	300 ft.*
Stadia & similar places for spectator sports	1 Space per 3 fixed seats or 1 space per 21 sq. ft. or seating area where there are no fixed seats	750 ft.*
Archery ranges, billiard halls, or bowling alleys	10 Spaces per range, table or lane	onsite
Golf Courses	50 per 9 holes	onsite
Ice & Roller Skating Rinks or Swimming Pools	1 Space per 1000 sq. ft. of rink or pool area	onsite
Tennis Courts	2 Spaces per court	onsite
Sanitariums & Institutions for aged, Physically Handicapped; Correctional Institutions	1 Space per 6 beds	300 ft.*
General Patient	1 Space per 2 beds	300 ft.*

*As measured between the nearest property lines.

TABLE 2 4-3 TABLE OF LOADING SPACE REQUIREMENTS

USE	GROSS FLOOR AREA (SQ. FT.)	LOADING REQUIREMENTS
Dormitories, group housing facilities, hotels, hospitals and institutions	Less than 50,000	1
	50,000 - 100,000	2
	each additional 100,000	Add 1
Office, professional, wholesale, manufacturing, storage	Less than 20,000	1
	20,000 - 100,000	2
	100,000 - 500,000	3
	each additional 100,000	Add 1

TABLE 3 4-3 SCREENING AND LANDSCAPING REQUIREMENTS

GALVANIZED OR PAINTED FENCES AND MASONRY WALLS

The following Uses shall be fenced or walled as respectively prescribed by the table and as set forth in the Conditional Uses. Solid painted fences shall be kept painted and in good state of repair.

USE	ENCLOSURE
Airport or Helipport	6 foot galvanized wire fence.
Auction sales yard	Solid and adequate to screen from abutting residential property.
Automatic car wash	6 foot solid painted fence or screen planting per table.
Auto dismantling or Junk Yard	Solid masonry wall or solid galvanized or painted fence sufficient to hide from view.
Kindergarten or Child Day Care Center (not parking facilities)	4 foot galvanized wire mesh fence.
Outdoor commercial recreational enterprises	6 foot galvanized wire mesh fence.
Private swimming pool **	6 foot galvanized chain link fence or equivalent w/lockable entry.
Telephone exchange or public utility substation (4 sides)	6 foot galvanized chain link fence.
Outdoor Theater	8 foot solid painted fence.
Veterinary Hospital (outdoor pen areas and runs)	6 foot galvanized wire mesh fence.

** A swimming pool is considered an attractive nuisance and presents a possible liability; therefore, the Zoning Administrator shall approve all swimming pool fencing. All swimming pools, without exception, must be fenced to the satisfaction of the Zoning Administrator.

TABLE 3(a) 4-3 SCREEN PLANTING

Tight screen planting to block the following uses from view of the adjacent uses, set forth in the Conditional Use, shall be installed. Plantings shall be a minimum of three (3) feet wide and be effective during all seasons and shall meet the size requirements specified within 5 years after installation.

Within a radius of ten (10) feet, as measured from the point of intersection of the streetside property lines of a corner lot, or in other locations where pedestrian or vehicular vision may be obscured, materials shall not project higher than three (3) feet above grade. Junk areas require special treatment.

TABLE 3(a) (Con't.)

USE	*ADEQUATE TO SCREEN FROM VIEW (to the satisfaction of the Zoning Administrator)	SCREEN PLANTING
		HEIGHT
Automatic car wash-wax (solid fence per table or)		6 feet
*Automobile dismantling		6 feet
Automobile service stations		6 feet
Boarding, Lodging, and Rooming house parking lots		6 feet
Cemetery and/or crematory		6 feet
Clinic, veterinary		6 feet
Commercial facility for breeding and raising non-farm fowl and animals		6 feet
Country club or golf course		6 feet
Drive-in restaurant		6 feet
*Extraction Industry		6 feet
General Industry		6 feet
Hospital (parking lots)		6 feet
Industrial Park		6 feet
Junk Yard		5 feet
Kennel		10 feet
Kindergarten or day nursery parking lot		6 feet
Light Industry		6 feet
Mineral extraction, borrow pit, top soil removal, and their storage areas		6 feet
Mobile Home Park		6 feet
Outdoor commercial recreational enterprise (including lakes)		6 feet
Outdoor storage areas		8 feet
*Planned Commercial or Industrial Development		8 feet
Private recreational development (including lakes)		8 feet
Private swimming pool		8 feet
Public camp		6 feet
Public parking lots		8 feet
*Public or commercial sanitary land fill or garbage disposal plant (where land fill or plant (as shown) abuts a street or road)		6 feet
Riding stable		6 feet
*Residential health care facility, group housing (parking lot)		6 feet
Shopping center		6 feet
Shooting range (outdoor)		6 feet
Slaughter house (along abutting street or road)		6 feet
*Stadium or coliseum		6 feet
*Telephone exchange or public utility substation (where the above mentioned abuts a street or road)		6 feet
*Temporary farm labor and/or migrant worker housing		6 feet
Truck freight terminal		6 feet
Truck service terminal		6 feet
Warehouse (Commercial grain elevator)		6 feet
Wholesale produce terminal		6 feet

TABLE 4 4-3 MINIMUM DISTANCE FROM RESIDENTIAL DISTRICTS

The following uses shall not be located closer to the R-1, R-2 and MH Districts than the distance listed in the Table below:

<u>USE</u>	<u>FEET</u>
Anhydrous ammonia or similar liquid fertilizer, commercial storage and distribution	1320
Auction House, Livestock	1320
Automobile Dismantling	1320
Confined Feeding	50
Drive-in or fast food establishment	100
Drive-in theater	100
Extraction Industry	
Farm, Grain handling and grain drying facility (exceeding 20,000 bu. storage)	1320
Group housing for alcoholics and drug rehabilitation (except as to R-2 District)	600
Junk Yard	50
Machine Wash and Wax, Auto	1320
Manufacturing, storage, or use of explosives	750
Outdoor shooting range-skeet and trap	100
Principal installations of private and public utility companies	1320
Sales Barns, Livestock	1320
Sanitary landfills	50
Service Stations	1320
Slaughter houses	100
Temporary Dwellings for Farm Labor	100
Veterinary Clinics, Animal Hospitals	100

TABLE 5A 4-3 TABLE OF SETBACKS

The following uses are subject to the minimum area and setbacks prescribed by the following Table (in feet). If a use does not appear, or if a minimum figure does not appear for a particular use, the setback shall be determined by the Board of Zoning Appeals.

<u>USE</u>	<u>AREA</u>	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>
Anhydrous Ammonia or similar liquid fertilizer, commercial storage and/or distribution	1 acre	100	100	100
Automobile dismantling, or junk parts thereof	1 acre			
Bottled gas storage and distribution	1 acre	75	60	60
Cemeteries		100	100	100
Commercial facility for raising and breeding non-farm fowl and/or animals	1 acre	75	50	50
Day Care or Child Day Nursery		50	50	50
Drive-in Theater	10 acres	50	50	50
Eleemosynary Institutions and Retirement Homes	1 1/2 acres	50	50	50
Extraction Industry		100	100	100
Junk Yard	5 acres	50	50	50
Kennels		100	100	100
Mobile Home Park		50	50	50
Outdoor Shooting Range		200	200	200
Petroleum Tank Farm (from earthen dams)		100	100	100
Playground and Park (buildings)		50	50	50
Principal Installation, public and private utility	1 acre	50	50	50
Public Camp	1 acre	75	50	50
Public or Commercial sewage disposal plant		300	300	300
Public or Commercial water supply and treatment facility		100	50	50
Public or Commercial Sanitary Landfill	20 acres	100	100	100
Residential Health Care Facility	1 acre	50	50	50
Riding Stables		100	100	100
Roadside Stand building (max. flr. 200 sq. ft.)		25	50	50
Sale Barn for livestock resale, Auction House, Livestock	3 acres	100	100	100
School		50	50	50
Slaughter House		100	100	100
Substation, public or private utility (Branch)	1/6 acre			
Travel Trailer Park		100	50	50
Warehouse (Commercial grain elevator)		100	100	100
Veterinary Clinic, Animal Hospital	1 acre	50	50	50

TABLE 5B 4-3 BUILDING (OTHER-THAN DWELLING) IN A-AGRICULTURAL ZONE

The following distance are minimum setback (in feet).

	Nearest Public Right-of-way Line	Adjacent Property Lines Other Than Public Right Of Way Lines
Auto Garage (private)	50	15
Other Accessory Structures	75	15
(See note #1) Additions To		
Existing Grain Storage or Confined Feeding	50 (See note #2)	15

Notes:

#1. Existing facilities are those structures erected prior to April 1, 1978. All structures erected on or after April 1, 1978, shall not be considered as existing facilities for the purposes of determining improvement location.

#2. If a neighboring dwelling is located within 500 ft. of the proposed addition this setback distance shall be 75 feet.

TABLE 5C 4-3

The minimum setback of free standing signs from rights-of-way:

a. No free standing sign shall be erected or maintained on or within any easement or right-of-way, public or private, without approval of the Board of Zoning Appeals.

b. Within a radius of thirty (30) feet, as measured from the point of intersection of the streetside property lines of a corner lot, or in other locations where pedestrian or vehicular vision may be obstructed, all signs except traffic control signs, shall not project higher than three (3) feet above grade.

TABLE 6A 4-3 RESIDENTIAL USES AND REQUIREMENTS - ONE FAMILY DWELLING (1)

Minimum Lot Areas per Available Utilities	A	R-1	R-2	MH(2)
Public Sewer and Public Water	60 ft. wide 6300 sq. ft.	60 ft. wide 6300 sq. ft.	6300 sq. ft.	same as R-1 unless in MH Park or MH Park Sub-division
Public Sewer and Onside Water	70 ft. wide 8700 sq. ft.	70 ft. wide 8700 sq. ft.	70 ft. wide 8700 sq. ft.	
Private Sewer and Public Water	80 ft. wide 14,520 sq. ft.	80 ft. wide 14,520 sq. ft.	80 ft. wide 14,520 sq. ft.	
Private Sewer and Onside Water	100 ft. wide 21,780 sq. ft.	100 ft. wide 21,780 sq. ft.	100 ft. wide 21,780 sq. ft.	
Maximum Height of Building	40'	40'	40'	40'
Minimum Ground Floor Area	One Story	800'	800'	800'
	Multi-Story	600'	600'	600'
Minimum Front Yard Along Primary Highway	50'	50'	50'	40'
Front on Secondary and Feeder	50'	40'	40'	30'
Minimum Side Yard	10'	10'	10'	10'
Minimum Rear Yard	25'	25'	25'	25'
Minimum distance between principal and accessory buildings	15'	15'	15'	15'
Minimum Parking Spaces on lot	2	2	2	2

1. A single family dwelling is not permitted in C, CBD, NC, and I Districts.
2. A Mobile Home Subdivision shall follow the criteria in the Subdivision Control Ordinance.

TABLE 6B 4-3 RESIDENTIAL USES AND REQUIREMENTS - TWO FAMILY DWELLING (1)

Minimum Lot Areas per Available Utilities	R-2	MH PARK MH SUBDIVISION
Public Sewer and Public Water	60 ft. wide 6300 sq. ft.	60 ft. wide 6300 sq. ft.
Public Sewer and Onsite Water	70 ft. wide 8700 sq. ft.	70 ft. wide 8700 sq. ft.
Private Sewer and Public Water	80 ft. wide 14,520 sq. ft.	80 ft. wide 14,520 sq. ft.
Private Sewer and Onsite Water	100 ft. wide 21,780 sq. ft.	100 ft. wide 21,780 sq. ft.
Maximum Height of Building	40'	40'
Minimum Ground Floor Area		
One Story	800'	800'
Multi Story	600'	600'
Minimum Front Yard		
Primary	40'	30'
Secondary and Feeder	30'	20'
Minimum Side Yard	10'	10'
Minimum Rear Yard	25'	20'
Minimum Distance between buildings	25'	25'
Minimum Parking Spaces on lot	4	4

1. A Two Family Dwelling is not permitted in A, R-1, C, NC, CBD and I Districts.
2. A Mobile Home Subdivision shall follow the criteria in the Subdivision Control Ordinance.

120
60
7200

TABLE 6C 4-3 RESIDENTIAL USES AND REQUIREMENTS - MULTIPLE FAMILY DWELLINGS (1)

Minimum Lot Areas per Available Utilities	R-2	MH PARK MH SUBDIVISION
Public Sewer and Public Water	60 ft. wide 6300 sq. ft.	60 ft. wide 6300 sq. ft.
Public Sewer and Onsite Water	70 ft. wide 11,900 sq. ft.	70 ft. wide 11,900 sq. ft.
Private Sewer and Public Water	80 ft. wide 20,000 sq. ft.	80 ft. wide 20,000 sq. ft.
Private Sewer and Onsite Water	100 ft. wide 43,000 sq. ft.	100 ft. wide 43,000 sq. ft.
Maximum Height of Building	40'	40'
Minimum Ground Floor Area per unit		
One Story	800'	800'
Multi Story	600'	600'
Minimum Front Yard		
Primary	30'	40'
Secondary and Feeder	40'	50'
Minimum Side Yard	10'	10'
Minimum Rear Yard	25'	25'
Minimum Distance between buildings	25'	25'
Minimum Parking Space	2 per unit	2 per unit

1. Multi-Family Dwellings are not permitted in A, R-1, NC and I Districts.
2. A Mobile Home Subdivision shall follow the criteria in the Subdivision Control Ordinance.

Section 4-4 Conditional Uses

As established in the Table of permitted Uses in Sub-section 4-2 of this Chapter the following uses shall be permitted, subject to the conditions set forth in Sub-section 4-4.

- 4-4-1 Listed agricultural Related Business
- 4-4-2 Airports
- 4-4-3 Automobile Dismantling and Impoundment Yards
- 4-4-4 Automobile Service Stations
- 4-4-5 Automobile Washing & Waxing Facilities, Mechanical
- 4-4-6 Boarding and Rooming Houses
- 4-4-7 Campgrounds
- 4-4-8 Carnivals, Circuses, and Fairs - Temporary
- 4-4-9 Cemeteries
- 4-4-10 Clinics - Veterinary - Animal Hospitals
- 4-4-11 Confined Feeding Operations and Grain Handling Operations
- 4-4-12 Drive-in Establishments - Fast Food
- 4-4-13 Dwellings intended for Temporary Occupancy by Farm Labor - Migrants
- 4-4-14 Dwelling Units - Multi-Family
- 4-4-15 Dwelling Units - Single Family - Two-Family
- 4-4-16 Eleemosynary Institutions and Retirement Homes
- 4-4-17 Extraction Industries
- 4-4-18 Fire Stations - Ambulance Service
- 4-4-19 Group Housing Facilities
- 4-4-20 Home Occupations
- 4-4-21 Hospitals & Sanitariums
- 4-4-22 Residential Health Care Facilities
- 4-4-23 Hotels, Motels and Tourist Homes
- 4-4-24 Outdoor Shooting Range
- 4-4-25 Junk Yards
- 4-4-26 Kennels
- 4-4-27 Land Reclamation Projects
- 4-4-28 Mobile Home
- 4-4-29 Mobile Home Parks
- 4-4-30 Mobile Home Subdivisions
- 4-4-31 Outdoor Advertising Signs in present and planned C and I districts
- 4-4-32 Outdoor Advertising Signs in the CBD
- 4-4-33 Parks and Playgrounds
- 4-4-34 Planned Unit Developments
- 4-4-35 Planned Commercial Developments
- 4-4-36 Planned Industrial Developments
- 4-4-37 Planned Residential Developments
- 4-4-38 Research and Development - Involving Fire or Explosive Hazards, Radioactivity, or Dangerous Gases
- 4-4-39 Roadside Stands
- 4-4-40 Sanitary Landfills
- 4-4-41 Schools - Nursery Schools & Child Day Care Centers

- 4-4-42 Schools - Private & Public elementary, Middle & Secondary
- 4-4-43 Service - Commercial uses
- 4-4-44 Slaughterhouses
- 4-4-45 Storage - Inside, Involving Fire or Explosive Hazards, Radioactivity, or Dangerous Gases
- 4-4-46 Storage - Outside
- 4-4-47 Utilities - Main Installations
- 4-4-48 Utilities - Substations
- 4-4-49 Special Conditional Use
- 4-4-50 Portable Storage Sheds
- 4-4-51 Trucking Terminals
- 4-4-52 Industrial Uses
- 4-4-53 Livestock Auction Houses and Livestock Sale Barns

4-4 EXPLANATION OF CONDITIONAL USES

- 4-4-1 Agricultural related business uses listed in the Table of Permitted Uses in Sub-Section 4-2 shall be permitted in the A-Agricultural District, provided that:
- 4-4-1-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;
 - 4-4-1-2 Off the street parking facilities shall be provided for conveyances and equipment.
 - 4-4-1-3 Buildings or structures, including parking areas, shall be located per tables 4 and 5 and;
 - 4-4-1-4 Such uses and all activities connected therewith shall be screened from an adjacent residential district or principal residential use.
- 4-4-2 Airports shall be permitted in the I-Industrial District if fenced per Table 3 and in accordance with State and Federal regulations per Section 4-4-8.
- 4-4-3 Automobile dismantling and impoundment yards shall be permitted in the I-Industrial District, provided that:
- 4-4-3-1 Such uses shall be located on sites having a minimum of one (1) acre in area;
 - 4-4-3-2 Buildings or structures, including parking areas, shall be located per tables 4 and 5 and;
 - 4-4-3-3 Such uses and all activities connected therewith shall be screened or fenced per Table 3 from adjacent non-industrial uses, and;

4-4-3-4 Machinery required for such operations shall be installed and operated so as to minimize noise and vibration.

4-4-4 Automobile service stations shall be permitted in the C-Commercial Districts, provided that:

4-4-4-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-4-2 Automobile service stations shall be located a minimum of 500 feet from another automobile service station or drive-in facility on the same side of the street, as measured by a line drawn along the right-of-way line between the nearest access drives;

4-4-4-3 Such uses shall be located on sites having a minimum of 15,000 square feet, with an additional 2,000 square feet required for each service bay over two (2);

4-4-4-4 Pump islands shall be located a minimum of 70 feet from the centerline of a Major/Arterial and 55 feet from the centerline of a Secondary/Collector, and;

4-4-4-5 Automobile Service Stations and all operations connected therewith shall be landscaped or screened per Table 3, and all access drives thereto shall be hard paved; and;

4-4-4-6 All exterior lighting shall be so arranged and sheltered as to prevent illumination, glare, or reflection on adjacent properties or on the public right-of-way.

4-4-4-7 Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks owned by the establishment, and rental vehicles, no vehicles shall be parked on the premises. Permitted parking, except for vehicles in the process of being serviced at the pumps, shall not be located in the required front yard.

4-4-4-8 No immobile or derelict vehicles or those without current license plates shall be stored on the premises.

4-4-4-9 Parking of rental trucks or trailers shall be permitted, provided that:

4-4-4-9-1 Not more than five (5) vehicles of any one type or more than ten (10) vehicles altogether shall be stored on the premises;

4-4-4-9-2 The storage of open trailers having more than a 200 cubic foot capacity, trucks, and vans, shall not be permitted on the premises;

4-4-4-9-3 Open trailers having more than a 200 cubic foot capacity, trucks, and vans, may be temporarily parked on the premises for immediate pickup by rental customers, and;

4-4-4-9-4 Rental vehicles shall not be parked in any required automobile parking spaces or in any required yards.

4-4-4-10 Additional off-street parking shall be provided in connection with mechanical washing and waxing facilities. The number of parking spaces shall equal five (5) times the maximum capacity of the washing or waxing facilities at any given time.

4-4-4-11 Whenever an automobile service station is abandoned or discontinued for a period of one (1) year, the owner shall remove all appurtenances connected with the operation of the automobile service station, such as gasoline pumps and signs, and shall fill or otherwise vacate underground storage tanks to the satisfaction of the Chief of the Fire Department of the particular jurisdiction, and; the abandoned premises shall be maintained by the owner so as not to become a public nuisance, as defined in local codes and ordinances.

4-4-5 Mechanical automobile washing and waxing facilities shall be permitted in the C-Commercial, and I-Industrial Districts, provided that:

4-4-5-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-5-2 Such uses shall be located on sites having a minimum of 15,000 square feet in area;

4-4-5-3 In addition to off-street parking required for employees, off-street parking shall be provided for customers to equal five (5) times the maximum capacity of the washing and waxing facilities at any one time;

4-4-5-4 Buildings or structures, including parking areas, shall be located per Table 4 and;

4-4-5-5 Such Uses and all operations connected therewith shall be fenced or screened per Table 3 from an adjacent residential district or principal Use.

4-4-6. Boarding, lodging, rooming houses, and lodging rooms shall be permitted in the R-2 Medium Density Residential, C-Commercial, and CBD-Central Business District, provided that:

4-4-6-1 In the R-2 District, such uses shall be located on sites having a minimum of 6300 square feet or 700 square feet per bedroom, whichever is greater;

4-4-6-2 In the C District, such uses shall be located on sites having a minimum of 6300 square feet or 500 square feet per bedroom, whichever is greater;

4-4-6-3 In the CBD District there shall be no minimum lot size requirements, and;

4-4-6-4 Parking areas shall be screened from an adjacent principal residential Use per Table 3.

4-4-7 Campgrounds shall be permitted in the A-Agricultural District, provided that:

4-4-7-1 Campgrounds shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-7-2 The sanitary system of campground facilities shall be subject to approval by the Health Officer, and;

4-4-7-3 Campgrounds shall be certified by the Indiana Department of Natural Resources under the provisions of "An Act to Provide for State Certifications of Camp Sites" (Acts of 1967, ch. 287), as the same may now or hereafter be amended.

4-4-8 Carnivals, circuses, and fairs shall be permitted on a temporary basis in any zoning district, provided that such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets.

4-4-9 Cemeteries shall be permitted in the A-Agricultural, R-1 Low Density Residential, and R-2 Medium Density Residential Districts, provided that:

4-4-9-1 Such Uses shall be screened as per Table 3;

4-4-9-2 Cemeteries shall have direct vehicular access to and from Major/Arterial and Secondary/Collector Streets, and;

4-4-9-3 Buildings and structures, including grave markers and parking areas, shall be located per Table 5.

4-4-10 Veterinary Clinics and Animal Hospitals shall be permitted in the C-Commercial District, provided that:

4-4-10-1 Such facilities shall be air-conditioned, sound-proofed, and there shall be no outside pens or runs;

4-4-10-2 Buildings or structures, including parking areas, shall be located per Tables 3 and 5 and;

4-4-10-3 Parking areas shall be screened per Table 3 from an adjacent residential district or principal residential Use.

4-4-11 Confined Feeding Operations and Grain Handling Operations shall be permitted in the A-Agricultural District, provided that:

4-4-11-1 All structures shall be set back at least 75 feet from the right-of-way line and 15 feet from any other boundary line:

4-4-11-2 Any new proposed Grain Handling Operations or new Confined Feeding Operations, including new open pits, lagoons or manure slurry holding tanks, shall not be located any closer than one (1) mile to the nearest boundary of any incorporated city or town, or any closer than 1980 feet to the nearest boundary line of any unincorporated development or subdivision. An existing confined feeding operation, including the abovementioned open manure handling facilities, or existing grain handling operations may be expanded at the same immediate location without regard to the distance requirements of this paragraph, except that in an area where there are three (3) or more neighboring dwellings, not owned by the owner and/or operator of said Confined Feeding or Grain Handling operation, and each of said dwellings is within 100 feet of at least one of the other neighboring dwellings and any one or more of which is within 500 feet of the existing Confined Feeding or Grain Handling Operation, then the addition shall be made on the side opposite of said neighboring dwellings.

4-4-11-3 Except for the dwelling(s) of the owner and/or operator of a Confined Feeding Operation, all structures, all open manure slurry handling facilities, pens, and lots designed to house or contain poultry or livestock shall be set back not less than 1320 feet from any existing neighboring residence, church, business, school, developed recreational area (public or private) or any public building, and from any area zoned residential, or any area that has a recorded residential plat;

4-4-11-4 Such operations may be subject to approval by the Stream Pollution Control Board.

4-4-12 Except as otherwise provided in this Ordinance, drive-in establishments, drive-in theaters, and/or fast food establishments shall be permitted in the NC-Neighborhood Commercial and C-Commercial Districts, provided that:

4-4-12-1 The establishment shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-12-2 The establishment shall be located a minimum of 500 feet from an automobile service station or another drive-in or fast food establishment located on the same side of the street, as measured by a line drawn along the right-of-way between the nearest property lines, and;

4-4-12-3 Buildings or structures, including parking areas, shall be located a minimum of 50 feet from adjacent property lines, provided, however, that where such uses are located adjacent to a residential district or principal residential use, the side and rear yard requirements shall be increased to 100 feet.

4-4-13 Dwellings intended for temporary occupancy, generally not exceeding 90 days in any calendar year, by farm labor shall be permitted in the A-Agricultural, and I-Industrial Districts, provided that:

4-4-13-1 Such uses shall be permitted as an accessory use in connection with permitted agricultural uses only;

4-4-13-2 Buildings or structures, including parking areas shall be located per Table 3;

4-4-13-3 Shall conform to sanitary regulations of the Clinton County and State Board of Health, and;

4-4-13-4 Such Uses shall be screened per Table 3 from an adjacent residential district or principal residential Use.

4-4-14 Multi-family Dwelling units shall be permitted in the R-2 Medium Density Residential, and the MH-Mobile Home Districts provided that such uses shall be located on sites having a minimum area as set forth in Table 6.

4-4-15 Single-family Dwelling units shall be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, and the MH-Mobile Home Districts; and Two-family Dwelling units shall be permitted in the R-2 Medium Density Residential, and the MH-Mobile Home Districts as set forth in Table 6, provided that;

4-4-15-1 The minimum lot size in the MH Mobile Home District shall be the same as established for the R-1 Low Density Residential District.

4-4-15-2 In A-Agricultural:

4-4-15-2-1 In all cases, the minimum lot frontage shall be not less than 100 feet, the minimum lot size shall be not less than 1/2 acre, and any dwelling on said lot shall not be permitted closer than a distance of:

4-4-15-2-1-1 1,320 feet to a confined feeding operation or a grain handling operation.

4-4-15-2-2 The site and use must meet all the requirements of the State and Clinton County Sanitary Ordinances.

4-4-15-2-3 Where 75% or more of the land within a radius of 1/4 mile of the proposed building site is of land classes 1 and 2 as defined by the U.S.D.A. on the Soil Conservation Services Soil Classification Maps (hereinafter referred to as S.C.S. maps), a single-family dwelling shall be permitted to be erected on not less than 1/2 acre lot and only upon approval of such permit by the Area Board of Zoning Appeals, which shall base its approval or disapproval upon the following factors:

- (a) the existence of utilities and facilities already on the proposed lot;
- (b) the existence of a dwelling and/or accessory buildings already on the lot;

(c) the proximity of the proposed dwelling to existing dwellings;

(d) past use of land;

(e) availability of utilities and highways and access roads;

(f) effect upon farming practices in the area, and,

(g) any other conditions or extenuating circumstances concerning the particular land or surrounding lands which may affect such residential use or which may be affected by such residential use. Notice of the hearing on such application shall be given in the same manner as required for variances under section 7-2-5-1.

4-4-15-2-4 Where at least 75% of the land within a radius of 1/4 miles of the proposed building site does not consist of said land classes 1 and 2, a single family dwelling shall be permitted to be erected on a lot not less than 1/2 acre in area.

4-4-15-2-5 A single family dwelling will be permitted on a 1/2 acre or more parcel within 1 mile of the city limits of Frankfort, or within 1/4 mile of the town limits of any incorporated town regardless of land classification.

4-4-15-2-6 Existing natural drainage and conservation conditions will not be substantially altered.

4-4-16 Eleemosynary Institutions, Group Homes, Children's Homes, Child-Caring Institutions, and Retirement Homes shall be permitted in the R-1 Low Density Residential, R-2 Medium Density Residential, N-C Neighborhood Commercial, and C Commercial Districts, provided that:

4-4-16-1 The Board of Zoning Appeals, as a result of an advertised public hearing, determines that:

4-4-16-1-1 Such use would not be substantially detrimental to the public welfare or injurious to other property or improvements in the vicinity and district in which the property is located;

4-4-16-1-2 Such use would not substantially alter the land use characteristics for the vicinity and district and will not diminish the marketable value of adjacent land and improvements; and,

4-4-16-1-3 Such use, as shown by submitted plans and specifications, would comply with the requirements determined by the Board of Zoning Appeals for this particular use in regard to lot size, setback and yards, off the street parking, fencing or screening, outside storage, and other conditions necessary for the aesthetics and harmony of the vicinity.

4-4-16-2 Such use shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets, and

4-4-16-3 Such use shall not have half-streets or alleys as a means of egress or ingress for the general public.

4-4-16-4 The applicant for such use, whether the intent is to construct new building and/or facilities, or to occupy existing buildings and/or facilities, shall submit three (3) blue-line or black-line copies of plans and specifications of such buildings and/or facilities to assist the Board of Zoning Appeals in determining whether or not the proposed structures and use comply with the Comprehensive Zoning Ordinance.

4-4-17 Extraction Industries, including mining, loading, and hauling of sand, gravel, or other aggregate and the processing thereof, shall be permitted in the A-Agricultural District and in the I-Industrial provided that:

4-4-17-1 Such Uses and all activities connected therewith shall be screened per Table 3 from the public view, provided however, that when the adjacent property is also being mined, there shall be no screening requirements along the common property lines;

4-4-17-2 All roads and access drives within the site shall be treated and maintained so as to remain dust free at all times;

4-4-17-3 Asphalt producing operations, crushing, washing, or similar processing operations, equipment and facilities shall be located so as to minimize noise, vibration and dust, and;

4-4-17-4 Prior to commencing such operations, the owner shall execute an indemnity agreement in favor of the legislative body for the purpose of assuring the restoration and reclamation of the site according to the following specifications and within a specified period of time, as established in the agreement:

4-4-17-4-1 A uniform contour which blends in with the topography of the surrounding area, shall be established throughout the excavated area;

4-4-17-4-2 Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than two (2) inches, and;

4-4-17-4-3 The excavated area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

4-4-18 Fire stations or ambulance services shall be permitted in any district, provided that:

- 4-4-18-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets, and;
- 4-4-18-2 Such locations shall not be affected by improvements proposed in the Major Thoroughfare Plan.
- 4-4-19 Group housing quarters and housing quarters for in-patient treatment of alcoholics, drug addicts, epileptics, the mentally and physically handicapped, and other disabled persons, shall be permitted in the R-2 Medium Density Residential, provided that:
- 4-4-19-1 In the R-2 District, such uses shall be located on sites having a minimum as set forth in Table 6, or 700 sq. ft. per bedroom, or 100 sq. ft. of dormitory area per person, whichever is greater;
- 4-4-19-2 Buildings or structures, including parking areas, heating and air conditioning equipment, and laundry and kitchen facilities, shall be located a minimum of 100 feet from and adjacent principal residential use, and;
- 4-4-19-3 Parking areas shall be screened from an adjacent principal residential use per Table 3.
- 4-4-20 Home Occupations shall be permitted as accessory uses to any residential use, provided that:
- 4-4-20-1 No persons other than members of the immediate family residing on the premises shall be engaged in such occupation;
- 4-4-20-2 The occupation shall be carried on entirely within a part of the dwelling unit and the use of the dwelling unit for a home occupation shall be clearly incidental to its principal use for residential purposes;
- 4-4-20-3 Off street parking shall be provided in accordance with the provisions of Paragraph 5-2-2-2, Paragraph 5-2-2-3 and Paragraph 5-2-2-5 of this Ordinance;
- 4-4-20-4 There shall be no change in the outside appearance of the building or premises or other evidence of such occupation, other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building, and added parking facilities;
- 4-4-20-5 There shall be no outside storage or display, and;
- 4-4-20-6 No equipment or process shall be used which creates noise, vibration, glare, fumes, odors, or electrical interference outside the dwelling unit in amounts greater than present under normal circumstances.
- 4-4-21 Hospitals and sanitariums shall be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, and C-Commercial Districts, provided that:

- 4-4-21-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;
- 4-4-21-2 The maximum density shall be 40 persons per acre of the gross site area (The number of persons shall be determined by the total number of beds provided on the premises);
- 4-4-21-3 Buildings or structures, including parking areas, heating and air conditioning equipment, and laundry and kitchen facilities shall be located as per Table 4;
- 4-4-21-4 Parking areas shall be screened from an adjacent residential district or principal residential use, as per Table 3, and;
- 4-4-21-5 Service-commercial Uses shall be permitted in accordance with the provisions of Section 4, Sub-section 4, paragraph 43.
- 4-4-22 Residential Health Care Facilities shall be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, and MH-Mobile Home Districts, provided that:
- 4-4-22-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;
- 4-4-22-2 In the A, R-2, and MH Districts, such uses shall be located on sites having minimum areas and dimensions as per table, or 1000 square feet per bedroom or 150 square feet of dormitory area per person, whichever is greater, and;
- 4-4-22-3 In the R-2 District, such Uses shall be located on sites as set forth in Table 6, or 700 sq. ft. per bedroom, or 100 sq. ft. of dormitory area, per person, whichever is greater.
- 4-4-23 Hotels, motels, and tourist homes shall be permitted in the C-Commercial and the CBD-Central Business Districts, provided that such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets.
- 4-4-24 Outdoor shooting ranges and skeet and trap ranges shall be permitted in the A-Agricultural District, provided that:
- 4-4-24-1 Adequate provisions shall have been made in the design of such facilities to safeguard the public from the dangers of firearms or other weapons used therein;
- 4-4-24-2 Such facilities shall be located as per Tables 4 and 5, and 500 feet from uses including residential uses not in a residential district.

- 4-4-25 Junk yards shall be permitted in the I-Industrial District, provided that:
- 4-4-25-1 Such uses shall be located on sites as per Table 5;
- 4-4-25-2 Buildings or structures, including parking areas, shall be located as per Tables 4 and 5.
- 4-4-25-3 Such uses and all activities connected therewith shall be screened from non-industrial districts and uses as per Table 3 subject to review and approval by the Zoning Administrator and by the Board of Zoning Appeals as to type, dimension and location of construction.
- 4-4-25-4 Machinery required for such operations shall be installed and operated so as to minimize noise and vibration.
- 4-4-26 Kennels shall be permitted in the A-Agricultural and C-Commercial Districts, provided that:
- 4-4-26-1 Such facilities, including outdoor pens and runs, shall be subject to approval by the Clinton County Health Officer.
- 4-4-26-2 The sanitary systems for such facilities shall be subject to approval by the Clinton County Health Officer.
- 4-4-27 Land reclamation projects shall be permitted in the A-Agricultural District, R-1 Low Density Residential, R-2 Medium Density Residential and I-Industrial Districts, provided that:
- 4-4-27-1 A uniform contour which blends in with the topography of the surrounding area shall be established throughout the reclaimed area;
- 4-4-27-2 Soil suitable for growing vegetation shall be replaced over the slopes to a permanent uniform depth of not less than two (2) inches,
- 4-4-27-3 The reclaimed area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.
- 4-4-28 Single Mobile Homes not in a Mobile Home Park or Mobile Home Subdivision shall be subject to those regulations governing Single Family Dwellings, (Article 4, Section 4, Paragraph 15) and shall be permitted in the A-Agricultural and R-1 Single Family residential Districts, provided that:
- 4-4-28-1 Mobile homes shall have a minimum of four hundred (400) square feet of ground floor area.
- 4-4-28-2 Mobile homes shall be placed on a permanent concrete foundation and the footings shall be at least thirty two (32) inches in depth. Piers shall be solid reinforced concrete that are a minimum of twelve (12) inches at the top twenty (20) inches at the bottom and buried thirty two (32) inches into the soil. Screw type anchors shall be a minimum of six (6) inches in diameter and

buried forty eight (48) inches into the soil.

4-4-28-3 Mobile homes shall be attached to the ground anchoring devices described in 4-4-28-2 above with the tie down system as shown in the "Tie Down For Safety Pamphlet".

4-4-28-4 Single Mobile Homes and the site meet requirements of the State Board of Health.

4-4-28-5 Single Mobile Homes shall be underpinned or skirted with suitable fire-proof material as shown in the Safety Pamphlet.

4-4-29 Mobile home parks shall be permitted in the MH-Mobile Home District, provided that:

4-4-29-1 Mobile home parks shall be located on sites having a minimum as per Tables 4 and 5.

4-4-29-2 Mobile home parks shall have direct access to and from Major/Arterial and Secondary/Collector streets;

4-4-29-3 The density in a mobile home park shall not exceed seven (7) dwelling units per acre;

4-4-29-4 There shall be an average distance of 25 feet between mobile home units;

4-4-29-5 Mobile home parks shall meet the requirements as set forth in the Indiana Mobile Home Parks Act of 1955, as amended, and the Indiana State Board of Health Regulations (I.C. 13-1-7-1 et seq.).

4-4-29-6 Mobile homes and other portable structures shall be secured in accordance with the requirements of Section 4, Sub-section 4, Paragraph 28, and its sub-paragraphs;

4-4-29-7 The mobile home park shall be adequately lighted, provided that all lights shall be shielded so as to protect mobile home units as well as adjacent residential properties from glare, and;

4-4-29-8 Mobile home parks shall be screened from an adjacent principal residential use.

4-4-30 Mobile home subdivisions shall be permitted in the MH-Mobile Home District, provided that:

4-4-30-1 The minimum site size of mobile home subdivisions shall vary according to the availability of utilities, as follows:

	SITE SIZE	SITE WIDTH
Public Sewer & Public Water	10 acres	200 feet
Public Sewer & Onsite Water	15 acres	200 feet
Private Sewer* & Public Water	20 acres	450 feet
Private Sewer* & Onsite Water	30 acres	450 feet

*In accordance with the provisions of the Clinton County Private Sanitary Sewer Ordinance.

4-4-30-2 Mobile Home Subdivisions shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-30-3 The density in a mobile home subdivision shall be in accordance with the standards set forth in the Subdivision Control Ordinance;

4-4-30-4 All mobile home subdivisions shall conform to the procedure, design standards, and improvement requirements established in the Subdivision Control Ordinance;

4-4-30-5 No more than one mobile home shall be placed on any one lot, and conform to Section 4, Sub-section 4, Paragraph 28 and its sub-paragraphs.

4-4-30-6 Yards within the mobile home subdivision shall be provided in accordance with the development standards set forth in Table 6 of this Section and;

4-4-30-7 Mobile Home units within a Mobile Home Subdivision shall be located in accordance with Table 5 and Table 6.

4-4-31 Outdoor advertising signs shall be permitted in the A-Agricultural, C-Commercial, and I-Industrial Districts, provided that:

4-4-31-1 The maximum display area of outdoor advertising signs located within 300 feet of Major/Arterial streets shall be 672 square feet, provided, however, that under the terms of this Ordinance, the Board of Zoning Appeals may grant a variance from this provision to permit a maximum display area of 1000 square feet;

4-4-31-2 The maximum display area of outdoor advertising signs located within 200 feet of Secondary/Collector streets shall be 300 square feet;

4-4-31-3 The maximum height of outdoor advertising signs shall be 35 feet, provided, however, that an additional fifteen (15) feet in height shall be permitted where a physical obstruction exists which would otherwise restrict the visibility of the sign;

4-4-31-4 The backs of outdoor advertising signs shall be concealed by another outdoor advertising display, shall be screened by suitable architectural treatment, or shall be painted to blend with the surroundings and kept so painted;

4-4-31-5 The required setback for outdoor advertising signs shall be as per Table 5.

4-4-31-6 The minimum distance between a new outdoor advertising sign and existing outdoor advertising sign located on the same side of the street shall be determined by the angle of the new outdoor advertising sign with the street, and measured between the sign faces:

<u>Angle</u>	<u>Distance Between Signs</u>
0 degrees	500 feet
30 degrees	425 feet
45-90 degrees	300 feet

4-4-31-6-1 This provision shall not be applicable where outdoor advertising signs are separated by a building or other obstruction in such a manner that only one sign at a time can be viewed by the traffic for which said sign was principally intended to be viewed, and;

4-4-31-7 The minimum distance between an outdoor advertising sign and a principal residential use, church, school, or designated historic landmark shall be determined by the angle of the outdoor advertising sign with structure, as measured from the extremity of the sign face:

<u>Angle</u>	<u>Distance Between Signs</u>
0 degrees	60 feet
30 degrees	50 feet
45 degrees	35 feet

4-4-31-8 Outdoor advertising signs may be permitted in a planned commercial or industrial development, subject to approval as part of the site development plan.

4-4-32 Outdoor advertising signs may be permitted in the Central Business District, provided that:

4-4-32-1 Signs advertise only the commerce carried on within the confines of the building to which it is attached, and;

4-4-32-2 Signs shall be removed no later than 10 working days after the business they serve has been terminated or moved.

4-4-33 Public parks and playgrounds shall be permitted in any zoning district provided that:

4-4-33-1 The minimum lot size shall be determined according to the standards set forth below:

Type of Area

Required Lot Size

Mini Parks	0.1 - 1 acre
Playgrounds	2 - 4 acres
Neighborhood Parks	5 - 10
Playfields	10 - 15
Community Parks	10 - 40
Metropolitan Parks	100 - 300
Regional Parks and reservations	500 - 1000

4-4-33-2 Parking areas shall be screened per Table 3 from an adjacent residential district or principal residential use.

4-4-34 Planned Unit Developments (4-4-35; 4-4-36; 4-4-37) shall be permitted in any zoning district, except Agricultural. It is the intent of this Conditional Use to encourage creativity in the design of residential, commercial, or industrial developments or combinations thereof, to the end of providing an economic and harmonious arrangement of buildings and land uses by permitting greater flexibility in zoning district regulations. Conventional development standards shall be waived in lieu of the Planned Unit Development concept which is based on review and approval of an overall site development plan;

4-4-34-1 A Planned Unit Development shall constitute an amendment to the Zoning Map and shall be subject to an advertised public hearing for review and approval by the Plan Commission and the legislative body in accordance with the provisions of this Ordinance relative to amendment of the Ordinance;

4-4-34-2 Uses shall be permitted in Planned Unit Developments according to the Table of Permitted Uses for the district or districts comprising the development provided, however, that where a Planned Unit Development overlays more than one (1) district, the common boundaries shall be waived, and the distribution of uses within the Planned Unit Development shall not be subject to any boundaries;

4-4-34-3 Uses which are not ordinarily permitted in the district(s) in which the Planned Unit Development is located and/or which are not included in the Table of Permitted Uses may be permitted, provided that such uses are specifically identified and approved as part of the site development plan;

4-4-34-4 No site shall be approved for a Planned Unit Development if there exists on the site any use which would become non-conforming under the provisions of this Ordinance, unless the owner of the development guarantees in writing that such use shall be removed;

4-4-34-5 The owner shall submit a traffic survey with the site development plan to support the location of the proposed development and the size and types of uses included in the development;

4-4-34-6 Except as hereinafter provided, the minimum lot size of a Planned Unit Development shall be five (5) acres;

4-4-34-7 There shall be a minimum to two (2) principal buildings included in the development;

4-4-34-8 Parking and loading facilities shall be provided in accordance with the provisions of Tables 1 and 2.

4-4-35 Planned Commercial Developments shall be permitted in the NC-Neighborhood Commercial, C-Commercial and CBD-Central Business District, provided that, in addition to the standards established above relative to Planned Unit Developments in general, the following standards shall be applicable to Planned Commercial Developments:

4-4-35-1 Planned Commercial Developments shall have direct access to and from Major/Arterial and Secondary/Collector streets;

4-4-35-2 Planned Commercial Developments shall be related in size, location, and type of stores to the area which they are intended to serve;

4-4-35-3 The design of a Planned Commercial Development shall include provisions for the separation of truck service from customer service, as well as vehicular traffic from pedestrian traffic;

4-4-35-4 The minimum lot size of a Planned Commercial Development shall vary according to its classification, as follows:

Neighborhood Shopping Center	2 acres
Community Shopping Center	5 acres
Regional Shopping Center	10 acres

4-4-35-5 The minimum frontage of a Planned Commercial Development shall be 150 feet;

4-4-35-6 Where a Planned Commercial Development fronts on a Major/Arterial street, there shall be a minimum front yard of 100 feet, as measured from the center line of the right-of-way, and where such a development fronts on a Secondary/Collector street, the minimum front yard requirement shall be 65 feet;

4-4-35-7 If provided, side yards shall be a minimum of 5 feet, except on the street side of corner of lots, where front yard requirements shall be applicable;

4-4-35-8 If provided, rear yards shall be a minimum of 15 feet;

4-4-35-9 Where a Planned Commercial Development is located adjacent to a residential district or principal residential use, yards shall be provided, as follows:

Classification of Shopping Center	Distance from Residential District or Principal Residential Use	
	Buildings	Parking Areas
Neighborhood Shopping Center	50 feet	20 feet
Community Shopping Center	100 feet	30 feet
Regional Shopping Center	200 feet	50 feet

4-4-35-10 Height restrictions within a Planned Commercial Development shall vary according to its classification, as follows:

Neighborhood Shopping Center	1 story
Community Shopping Center	2 stories
Regional Shopping Center	3 stories

4-4-35-11 Planned Commercial Development shall be landscaped and screened as per Table 3.

4-4-36 Planned Industrial Developments shall be permitted in the I-Industrial District, provided that, in addition to the standards established above relative to Planned Unit Developments in general, the following standards shall be applicable to Planned Industrial Developments:

4-4-36-1 Planned Industrial Developments shall have direct access to and from Major/Arterial and Secondary/Collector streets;

4-4-36-2 The minimum lot size of Planned Industrial Developments shall be 20 acres, provided, however, that where such a development is located within or adjacent to existing industrial development, there shall be no minimum lot size requirements, and further provided that where a Planned Industrial Development is designed in conjunction with a larger Planned Unit Development which includes non-industrial uses, the minimum lot size requirements shall also be waived (generally the total area within such a mixed development devoted to industrial uses shall not exceed 20 per cent of the gross site area);

4-4-36-3 When a Planned Industrial Development fronts on a Major/Arterial street, there shall be a minimum front yard of 100 feet, as measured from the center line of the right-of-way, and where such a development fronts on a Secondary/Collector street, the minimum front yard requirement shall be 65 feet;

4-4-36-4 If provided, side yards shall be a minimum of 5 feet except on the street side of corner lots, where front yard requirements shall be applicable, provided, however, that where a Planned Industrial Development abuts a residential district or use, the minimum side yard requirements shall be 50 feet;

4-4-36-5 If provided, rear yards shall be a minimum of 15 feet provided, however, that where a Planned Industrial Development abuts a residential district or use, the minimum rear yard requirement shall be 50 feet, and;

4-4-36-6 Industrial uses and all activities connected therewith shall be screened from residential uses in accordance with Table 3.

4-4-37 Planned Residential Developments shall be permitted in the R-1 Low Density Residential, R-2 Medium Density Residential, and MH-Mobile Home Districts, provided that, in addition to the standards established above relative to Planned Unit Developments in general, the following standards shall be applicable to Planned Residential Developments:

4-4-37-1 Planned Residential Developments shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets, provided, however, that the individual lots within said development shall be reversed frontage lots;

4-4-37-2 The minimum lot size requirements for Planned Residential Developments shall vary according to the availability of utilities as follows:

Public Sewer and Public Water	5 acres
Public Sewer and Onsite Water	10 acres
Private Sewer* and Public Water	20 acres
Private Sewer* and Onsite Water	30 acres

*In accordance with the provisions of the Clinton County Private Sewage Disposal Ordinance.

4-4-37-3 When a Planned Residential Development fronts on a Major/Arterial street, there shall be a minimum front yard of 100 feet, as measured from the center line of the right-of-way, and where such a development fronts a Secondary/Collector street, the minimum front yard requirement shall be 65 feet;

4-4-37-4 Side yards shall be a minimum of 25 feet, except on the street side of corner lots, where front yard requirements shall be applicable;

4-4-37-5 Rear yards shall be a minimum of 25 feet, and;

4-4-37-6 In addition to the above yard requirements for the development generally, yards shall also be provided between buildings, as follows:

4-4-37-6-1 There shall be a minimum distance of 30 feet between building walls, when at least one of which contains a window, with an additional ten (10) feet required between buildings for each story over three (3), and;

4-4-37-6-2 There shall be a minimum distance of twelve (12) feet between blank building walls.

4-4-38 Research and development laboratories where the work which is carried on involves fire or explosive hazards, radioactivity, or dangerous gases shall be permitted in the I-Industrial District, subject to the approval of the Zoning Administrator, the Fire Department, and the Health Officer, as required under other applicable codes and ordinances.

4-4-39 Roadside stands shall be permitted as accessory uses in the A-Agricultural, and I-Industrial Districts provided that:

4-4-39-1 Roadside stands shall be only incidental to a principal agricultural use and shall be erected for the purpose of displaying and selling only those products of a fruit or vegetable nature that are legally produced on the premises;

4-4-39-2 There shall be not more than one (1) such stand per lot with maximum area and yards as set forth in Table 5;

4-4-39-3 A minimum of 1000 square feet shall be provided for off-street parking and;

4-4-39-4 Signs shall be permanent in nature and kept in a state of good repair. Location and design of said sign shall be subject to the approval of the Area Plan Commission.

4-4-39-4-1 Identification signs for roadside stands shall not exceed twenty (20) square feet in area;

4-4-39-4-2 Signs shall be erected only for the purpose of identification of the roadside stand and for advertising the products for sale therein, and;

4-4-39-4-3 There shall not be more than two such signs per lot.

4-4-40 Sanitary Landfills shall be permitted in the I-Industrial District provided that the Area Board of Zoning Appeals, after an advertised public hearing, finds that the proposed use meets the following requirements:

4-4-40-1 The location, installation, and operation of such use has been approved by the State Board of Health, the Clinton County Board of Health, and meets all applicable codes and ordinances.

4-4-40-2 Such use shall be located not less than two (2) miles from the corporation boundaries of the city of Frankfort, not less than one (1) mile from the corporation boundaries of any incorporated town, and not less than 1,320 feet from any subdivision or unincorporated development.

4-4-40-3 Such use and all operations connected therewith shall be reasonably screened from the public view where such facilities and use abut a public way or are located in the vicinity of a residential use or a residential zone;

4-4-40-4 Such use shall be located on a site of not less than ~~twenty (20)~~ fifteen (15) acres and not more than forty (40) acres and shall be set back not less than 100 feet from any outside property (boundary) line;

4-4-40-5 Such use shall have only one entrance/exit.

4-4-40-6 Prior to commencing any operation connected with such use, the owner shall execute an indemnity agreement in the form of a performance bond in favor of the legislative body, in such form and amount, and with such surety as are approved

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by the Area Board of Zoning Appeals, for the purpose of assuring the restoration and reclamation of the site, within the time period specified by the Area Board of Zoning Appeals, and according to the following specifications:

4-4-40-6-1 A uniform contour, which blends in with the topography of the surrounding area, shall be established throughout the site;

4-4-40-6-2 Top soil suitable for growing vegetation shall be placed on top of the final compacted covering required by Rule 330 IAC 5-5-13, as amended, to a permanent depth of not less than three (3) inches, and;

4-4-40-6-3 The area shall be seeded, landscaped, and maintained with a perennial plant material until a permanent type ground cover is established to prevent erosion.

4-4-41 Nursery schools and child day care centers shall be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, MH-Mobile Home, NC-Neighborhood Commercial, C-Commercial, CBD-Central Business District, provided that:

4-4-41-1 The applicant shall meet state requirements under Title III, Chapter 4 of the Indiana State Department of Public Welfare Rules and Regulations, as now or hereafter amended;

4-4-41-2 Play areas shall be located as set forth in Table 5 and fenced as set forth in Table 3, and;

4-4-41-3 Parking areas shall be screened per Table 3 from an adjacent residential district or principal residential Use.

4-4-42 Private and public elementary, middle and secondary schools and special education schools shall be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, C-Commercial, and CBD-Central Business Districts, provided that:

4-4-42-1 Buildings, Playgrounds, Athletic fields, or Stadia shall be located in accordance with Table 5, and;

4-4-42-2 Parking areas shall be screened per Table 3 from an adjacent residential district or principal residential use.

4-4-43 Service-Commercial uses, (but not including stores or other establishments having three percent (3%) or more of the value of its stock in trade in still or motion pictures, books, magazines, and/or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or any segment or section devoted to the sale or display of such still or motion pictures, books, magazines and/or other periodicals) shall be permitted as accessory uses in the R-1 Low Density Residential, R-2 Medium Density Residential, R-3 High Density Residential, MH-Mobile Home, and NC-Neighborhood Commercial and C-Commercial Districts, provided that:

4-4-43-1 Such uses shall be located in residential developments, office and professional buildings, hospitals, and sanitariums and shall be oriented to meeting the daily or frequent needs of the resident population, office workers, students, faculty, employees, patients, and visitors;

- 4-4-43-2 Such uses shall be limited to convenience establishments, such as;
- 4-4-43-2-1 Eating and drinking establishments
- 4-4-43-2-2 Grocery and food stores
- 4-4-43-2-3 Personal services, such as barber and beauty shops, drug stores, and coin-operated or pick-up laundry and dry cleaning establishments;
- 4-4-43-3 Signs advertising such uses shall not be visible from outside the development or building within which said uses are located.
- 4-4-44 Slaughterhouses, with or without connected frozen food lockers, shall be permitted in the A-Agricultural, and I-Industrial Districts, provided that:
- 4-4-44-1 Slaughter, dressing, and packing operations shall take place within a completely enclosed building;
- 4-4-44-2 Such facilities shall be located as per Tables 4 and 5;
- 4-4-44-3 There shall be no outside storage of gasoline, feathers, or objectionable waste;
- 4-4-44-4 The sanitary systems of such facilities shall be subject to the approval of the Health Officer;
- 4-4-44-5 Such facilities and all operations connected therewith shall be fenced or screened as set forth in Table 3.
- 4-4-45 Inside storage of flammable, explosive, or radioactive materials or products or of dangerous gases, and storage of equipment shall be permitted in the I-Industrial District, provided that:
- 4-4-45-1 Storage shall be within a completely enclosed structure, and;
- 4-4-45-2 The location, installation, and operation of such facilities shall be subject to approval of the Board of Zoning Appeals and as required under other applicable codes, ordinances, regulations, and statutes.
- 4-4-46 Outside storage of materials, equipment, or products incidental to permitted uses shall be permitted in the I-Industrial District, provided that:
- 4-4-46-1 The storage of flammable, explosive, or radioactive materials or dangerous gases shall not be permitted under the provisions of this Section;
- 4-4-46-2 Lot coverage, including building coverage and storage areas, shall not exceed 75 per cent of the gross site area, and;

4-4-46-3 Outside storage areas shall be completely enclosed by a vision barrier not less than eight (8) feet in height, subject to review and approval by the Board of Zoning Appeals as to construction and type of material and bear no advertising other than the name of the premises.

4-4-47 The principal installations of private and public utility companies shall be permitted in the C-Commercial and I-Industrial Districts, provided that:

4-4-47-1 Such uses shall be located on sites having a minimum area as per Table 5 and be located as per Table 4;

4-4-47-2 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-47-3 Buildings and structures shall be of an architectural style that is compatible with the character of the neighborhood, and;

4-4-47-4 Such uses shall be screened from an adjacent residential district or principal residential use.

4-4-48 Substations and branches of private and public utility companies shall be permitted in any district, provided that:

4-4-48-1 Such uses shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets;

4-4-48-2 The installation and operation of such uses shall be subject to approval under the provisions of applicable codes and ordinances, and;

4-4-48-3 Such uses shall be screened from an adjacent residential district or principal residential use.

4-4-49 Special Conditional Use: A business use may be permitted in the A-Agricultural, R-1 Low Density Residential, R-2 Medium Density Residential, MH-Mobile Home, and I-Industrial Districts only upon the approval of the permit by the Board of Zoning Appeals. Such permit shall be valid for a period of thirty (30) years and may be renewed for one or more successive thirty (30) year periods by similar action of the Board of Zoning Appeals. The initial or any subsequent approval of such permit shall be given by the Board of Zoning Appeals under the following:

4-4-49-1 Notice of pending application for such a permit shall be given in accordance with Sub-section 6-2 of this Ordinance, and

4-4-49-2 Notice of a public hearing concerning the pending application for such a permit shall be published ~~two times, one week apart,~~ in a newspaper of general circulation in Clinton County, Indiana, stating the date, time, and place of said hearing. This publication shall state that any and all interested parties have the right to be heard. The ~~first~~ insertion shall be not less than ten (10) days prior to said hearing. Said permit shall be approved if upon such hearing the Board of Zoning Appeals finds the following:

4-4-49-2-1. Such use would not be substantially detrimental to the public welfare or injurious to other property or improvements in the vicinity and district in which the property is located;

4-4-49-2-2. Such use would not substantially alter the land use characteristics for the vicinity and district in which the property is located;

4-4-49-2-3. Such use would not substantially increase vehicular traffic in the area;

4-4-49-2-4. Such use, as shown by a submitted sketch, would comply with the requirements determined by the Area Plan Commission for this particular use in regard to lot size, setback and yards, off the street parking, fencing or screening, outside storage, and other conditions necessary for the aesthetics and harmony of the vicinity, and;

4-4-49-2-5. If a change in the zoning of the particular tract were requested and granted, such change would create difficult problems in maintaining the intended pattern of the Comprehensive Plan.

4-4-49-2-6. Such use shall not be located closer than 1,320 feet to a grain handling operation or to a confined feeding operation using closed waste facilities, and shall not be closer than 2,000 feet to an open earthen waste lagoon serving a confined feeding operation.

4-4-50. A portable storage shed which contains less than one hundred forty-four (144) square feet in overall floor area and is less than twelve (12) feet in height shall be permitted in any district. Such structure shall be subject to a minimum side and rear yard distance restriction of five (5) feet, except an alley or half street and where alley and/or half street intersection is involved, such minimum distance restrictions shall be ten (10) feet. Such structure shall be subject to a minimum setback of seventy five (75) feet from any public street, but not including an alley or half street, and said shed shall be anchored by means of earth anchors or similar that, in the judgment of the Zoning Administrator, would be adequate. In all districts except the A-Agricultural District, only one (1) such shed shall be permitted on any one (1) lot.

4-4-51. A Trucking Terminal shall be permitted in the C-Commercial District, and the I-Industrial District, provided that:

4-4-51-1. Such uses shall be located on sites having an area of not less than two (2) acres and a front width of not less than 225 feet;

4-4-51-2. Principal and accessory structures shall be set back a minimum of 100 feet from the edge of any right of way; side yards shall be not less than 20 feet, except that on such side where loading and unloading facilities are provided or located, Section 5-2-2-4-1 of this Ordinance notwithstanding, such side yard shall be not less than 90 feet; in all cases, rear yards shall be not less than 100 feet; provided further, in all cases where a trucking terminal abutts a residential district or principal residential use, loading and

unloading facilities, parking facilities, driveways and maneuvering room shall be located not less than 90 feet from such residential district or principal residential use;

4-4-51-3 Any loading and unloading berths serving such use shall be located on the same lot as the use served.

4-4-51-4 Space allocated to loading and unloading berths shall not serve to satisfy the space requirement of off street parking facilities for said use. Off the street parking for trucks or other goods moving conveyances shall be one (1) parking space per truck or conveyance;

4-4-51-5 Such uses shall have direct vehicular access to and from a Major/Arterial or Secondary/Collector street;

4-4-51-6 The applicant for such use shall submit to the Zoning Administrator written proof of Compliance with local, state and/or federal requirements pertaining to ingress and egress driveway approaches;

4-4-51-7 Except in such case where the Board of Zoning Appeals determines that an open or closed conveyance or equipment is necessary, no derelict vehicles or those without current license plates, or derelict equipment shall be parked or stored outside of closed structures on the premises;

4-4-51-8 No debris of any kind, visible from any adjoining property or public highway, shall be permitted on the premises except parts of building material associated with current exterior building repairs in actual progress;

4-4-51-9 All lighting shall be so arranged and sheltered as to prevent illumination, glare, flash, or reflection on adjacent properties or on the public right of way;

4-4-51-10 Except for small directional or information signs that do not obstruct the view of vehicle operators, outdoor advertising signs on the premises of such use shall be set back at least 25 ft. from right of way and shall conform to all other requirements set forth in Use #31 of this ordinance;

4-4-51-11 Except for engine exhaust fumes commonly associated with such use, there shall be no obnoxious odors emitting from such use;

4-4-51-12 Such use and all on premises activities connected therewith shall be screened from the view of an adjacent residential district or principal residential use.

4-4-52 An Industrial Use may be permitted in the I-Industrial zone provided that:

4-4-52-1 The applicant shall furnish a complete set of plans and specifications for all proposed structures and such plans and specifications shall be current. A copy of any change shall be submitted to the Zoning Administrator as soon as possible after a revision has been made.

4-4-52-2 An Improvement Location Permit may be issued only after the Zoning Administrator has made a complete preliminary evaluation of whether or not the plans and specifications for all proposed structures meet the requirements of the Comprehensive Zoning Ordinance.

4-4-52-3 An Industrial Use shall have direct vehicular access to and from Major/Arterial and Secondary/Collector streets capable of supporting the average heaviest gross transport loads at any time of the year. Alleys and half-streets abutting such use shall not be a means of ingress and egress for any freight or for any employees and shall not be utilized for loading and unloading berths or maneuvering room.

4-4-52-4 All materials or products associated with such use shall be handled, stored, utilized, or manufactured in a manner prescribed and approved by the Indiana State Fire Marshall and the Indiana State Board of Health and in accordance with Section 4-4-45 and Section 4-4-46 of this ordinance.

4-4-52-5 Minimum front yards for such use shall be measured from the center line of the right of way and shall be 100 ft. for Major/Arterial and shall be 70 ft. for Secondary/Collector streets.

4-4-52-6 Any structure for such use, except chimneys, antenna and electronic transmission towers, cooling towers and fire towers, shall not exceed a maximum height of 100 ft. above the average grade of the tract but in any case no structure, including any chimney, antenna or tower, shall extend into the theoretical glide path or let-down zone of a government approved airport or air terminal.

4-4-52-7 Signs shall not extend above the side of the building or structures to which they are affixed.

4-4-52-8 Loading and unloading berths for such use shall conform to the requirements of Section 4-4-51 of this ordinance. Parking of empty or loaded trucks and tractor-trailer combinations that are used in the every day operations of the use shall be on the same lot as the use served. Adequate on site parking space shall be provided for vehicles of employees, visitors and others associated with such use.

4-4-52-9 Obnoxious odor, excessive vibration, and/or noise, and bright or flashing light shall not extend beyond property lines.

4-4-53 Livestock auction houses and livestock sales barns shall be permitted in the A-agricultural District provided that:

4-4-53-1 Such use shall be located on a tract or lot that measures not less than 250 ft. at the narrowest part and not less than three (3) acres in area;

4-4-53-2 All structures shall be set back per Section 4-3, Table 5. The front shall be measured from the highway right of way line.

4-4-53-3 Such use shall be set back not less than 1320 feet from any existing neighboring residence, church, business, school, developed recreational area (public or private) or any public building, and from any area zoned residential, or any area that has a recorded residential plat;

4-4-53-4 Off the street parking shall be provided at the rate of one (1) vehicle parking space per 2,000 sq. ft. of gross site area.

4-4-53-5 Such uses shall have direct vehicular access to and from a major-arterial or secondary/collector street.

4-4-53-6 The applicant for such use shall submit to the Zoning Administrator written proof of compliance with local, state and/or federal requirements.

4-4-53-7 Loading and unloading berths serving such use shall be located on the same lot as the use served.

4-4-53-8 No derelict vehicles or those without current license plates, or derelict equipment shall be parked or stored outside of enclosed permanent structures on the premises.

4-4-53-9 No debris of any kind, visible from any adjoining property or public highway, shall be permitted on the premises except building material associated with current building repairs in actual progress;

4-4-53-10 All lighting shall be so arranged and sheltered as to prevent illumination, glare, flash, or reflection on adjacent properties or on the public right of way;

4-4-53-11 The premises shall not be used to medically or surgically treat, or render other veterinary service of any kind to any poultry or any livestock at any time except as specifically required by State law to be performed at the time at a livestock auction or livestock sale barn.

6-102-5. SUPPLEMENTAL REGULATIONS.

5-1 SIGN REGULATIONS

It is recognized that certain uses located in appropriately zoned districts need and have a right to advertise through the use of sign displays. It is the intent of this Section to encourage creative and imaginative design and use of signs in order to create a more attractive economic and business climate. It is further the intent of this Section to foster and improve the economic vitality of the community by enhancing and protecting the physical appearance of the community. In order to accomplish these purposes, it is necessary to regulate size, location, construction, and manner of display of signs as set forth in this Section.

5-1-1 General Provisions

5-1-1-1 All signs shall be constructed, connected, operated, and maintained according to the specifications of the applicable building and **electrical codes**. and;

5-1-1-2 All signs shall be maintained in a good state of repair. Painted faces or structural members shall be repaired whenever peeling or fading occurs. Neon tubes, lamps, ballasts, and transformers shall be kept in a good state of repair and in safe condition. The Commission may order the removal of any sign for which there is a lack of maintenance or repair.

5-1-2 The sign, pole, or standard of a free-standing on-premises sign shall not extend beyond the property line or into the public right-of-way.

5-1-3 There shall be at least an eight foot six inch (8' 6") clearance between the grade of the sidewalk and the lowest point of any marquee or canopy sign.

5-1-4 The height of a projecting sign shall not extend above the parapet wall of the building, and the lowest point of the projecting sign shall be not less than ten (10) feet above the grade.

5-1-5 If signs are illuminated by direct or indirect lighting, the beam shall be effectively concealed from view.

5-1-6 Window signs shall not exceed 40% of the window area and shall be used to identify and advertise the products and services available on the premises.

5-1-7 Temporary signs shall not be used more than 90 days in any calendar year, and shall be anchored in such a manner to provide for the safety of the general public. If a temporary sign is maintained past 90 days, it shall be subject to the regulations pertaining to permanent signs.

5-1-8 Flashing signs shall be permitted, provided that:

5-1-8-1 Such signs shall be subject to the approval of the Board of Zoning Appeals as to location and its effect on the safety and general welfare of the community.

5-1-8-2 Signs that flash only for the purpose of gaining attention shall not have exposed incandescent bulbs of more than 25 watts. This provision shall not apply to bulbs that are used to convey a changing message, such as time and temperature, news, advertising, or other such information;

5-1-8-3 Flashing signs shall be permitted only in Planned Commercial Developments and in the C-Commercial District and the CBD-Central Business District, provided that:

5-1-8-4 Slow-speed (not to exceed six revolutions per minute) revolving signs shall be permitted, provided that the mechanism required to operate the signs is effectively concealed from view, and further provided that a direct beam of light shall not be said to be revolving. Revolving signs shall be permitted only in Planned Commercial Developments and in the Commercial and Industrial Districts and the Central Business District.

5-1-9 The following type signs shall not be permitted under any circumstance:

5-1-9-1 Signs which are structurally unsafe, as determined by the commission or its designee;

5-1-9-2 Signs obstructing free ingress or egress to or from a required exit, or which prevent light or ventilation as required in local codes and ordinances;

5-1-9-3 Signs which by reason of size, location, content, coloring, or illumination violate municipal or State Highway standards;

5-1-9-4 Signs, words, phrases, symbols, colors, or characteristics which may mislead, interfere with, or confuse traffic;

5-1-9-5 Signs erected or attached to any sidewalk, street, or highway right-of-way, curb, curbstone, hydrant, lamppost, tree, barricade, temporary walkway, telephone, telegraph, or electric light pole, other utility pole, public fence, or on a fixture of the fire alarm or police system except public information signs, and;

5-1-9-6 Signs which involve revolving or rotating beams of light.

5-2 PARKING AND LOADING REQUIREMENTS

It is the intent of this section to establish minimum off-street parking and loading requirements for permitted and conditional uses based on the peak-hour demand for parking space under normal circumstances. It is further the intent of this section to set forth standards by which to improve circulation within parking lots, as well as to insure adequate access into the public right-of-way.

5-2-1 General Provisions:

5-2-1-1 Parking and loading facilities shall be provided for all uses constructed, established, moved, or changed.

5-2-1-2 Additional parking and loading facilities shall not be required where a non-conforming use is repaired or renovated to an extent of less than 50 percent of the replacement cost, provided that the original use is not increased in intensity or changed so as to require additional facilities.

5-2-1-3 Where repair, renovation, or alteration exceeds 50 percent of the replacement cost, parking and loading facilities shall be provided in accordance with the requirements for a new structure as per Tables 1 and 2.

5-2-2 Parking Requirements:

5-2-2-1 Off-street parking facilities shall be provided for the residents of a residential use in accordance with the provisions of this Section and in the amount set forth in Table 1. For the purpose of determining parking requirements, the term residents shall include any person(s) occupying a residential use but shall not include the following:

5-2-2-1-1 Persons under legal driving age;

5-2-2-1-2 Persons undergoing special care, treatment, or supervision which precludes the operation of motor vehicles for legal or physical reasons, or;

5-2-2-1-3 Persons in religious or other institutions when or if, by official policy or rules, such persons do not customarily operate motor vehicles.

5-2-2-2 Off-street parking facilities shall be provided for employees of any permitted use in accordance with the provisions of this Section, and in the amount set forth in Table 1. For the purpose of determining parking requirements, the term, "employees" shall also include employers, proprietors, teachers, or any persons other than residents, customers, patrons, or visitors, whose normal daily occupation, profession, vocation, or business is conducted on the premises;

5-2-2-3 Off-street parking facilities shall be provided for customer, patrons, or visitors of any permitted use in accordance with the provisions of this Section and in the amount set forth in Table 1. For the purpose of determining parking requirements, the term, "customers, patrons, or visitors", shall include all persons other than residents or employees for whom commodities or services are provided.

5-2-2-4 Parking and loading facilities may occupy any portion of a lot, provided that:

5-2-2-4-1 Open parking spaces may be located in any yard, except a front yard or the street side of a corner lot, and loading berths shall not be permitted in any required front or side yard;

5-2-2-4-2 Garages and carports shall be subject to applicable side yard requirements, and;

5-2-2-4-3 Mobile homes shall not be parked or stored except in a permanent mobile home sales establishment or in a mobile home development.

5-2-2-5 All parking facilities shall be arranged so that parking maneuvers shall be accomplished without entering a public right-of-way or walkway within or adjoining the facility, and further;

5-2-2-5-1 Access drives shall be directly accessible to the building or structure served.

5-2-2-5-2 Loading drives shall be directly accessible to the building or structure served.

5-2-2-6 Dimensions of parking facilities shall be determined according to the following tables;

Parking Angle	Stall Width			Stall Depth	One-Way Aisle	Two-Way Aisle	Turnaround Radius
	(1)	(2)	(3)				
45 degrees	9'	9'6"	10'	20'	13'	21'	17'
55 degrees	9'	9'6"	10'	20'	16'	24'	15'
60 degrees	9'	9'6"	10'	20'	17'6"	24'6"	14'
90 degrees	9'	9'6"	10'	20'	25'	45'	14'

Stall Width.

- (1) Attendant Parking
- (2) Employee Parking
- (3) Other (e.g. customer, patron, or visitor, and residential) parking

5-2-2-7 All loading berths and areas for parking and maneuvering shall be paved in conformance with the standards established by the County or City Engineer, or the Town Board.

5-2-2-8 Adequate lighting shall be provided if facilities are operated after dark.

5-2-2-9 Parking facilities shall be effectively screened from principal residential uses as set forth in Table 3. Except when the use is served by the parking facility, screening shall be continuous, broken only for access drives and walkways into and from the parking facility.

5-2-2-10 Off-street parking requirements shall be computed on the following units of measure:

5-2-2-10-1 Every 20 inches of pew, bench, or other seating space shall be counted as one seat;

5-2-2-10-2 The shift or employment period during which the greatest number of employees is present shall determine the number of employees;

5-2-2-10-3 When the unit of measurement determining the number of required parking stalls results in a fraction of one-half or more, and additional parking stall shall be required;

5-2-2-10-4 Parking requirements shall not be applicable in the Central Business District;

5-2-2-10-5 Where there is a combination of uses on a site, the total number of parking stalls shall be the sum of the individual requirements of the various uses, and;

5-2-2-10-6 Where parking facilities are permitted off-site, there shall be on file in the office of the Area Plan Commission of Clinton County, a written agreement providing that such facilities shall be continued so long as the structure or use they intended to serve is continued.

5-2-2-11 Loading requirements shall be computed on the basis of the gross floor area.

5-2-2-12 Loading berth shall be a minimum of 10 feet in width and 50 feet in length, exclusive of aisle and maneuvering space, and shall have a minimum vertical clearance of 14 feet.

5-2-2-13 Loading facilities shall be provided on the same premises with every building, structure, or part thereof, erected and occupied for uses involving the receipt or distribution of vehicles, materials or merchandise, in accordance with the provisions of this section and in the amount set forth in Table 2.

6-102-6. GENERAL PROVISIONS.

6-1 SEVERABILITY

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or of any part other than the part so declared to be unconstitutional or invalid.

6-2 LEGAL NOTICE BY POSTING OF INFORMING SIGNS

Except as otherwise specifically stated in this Ordinance, whenever the Ordinance requires notice to be given by the posting of signs by the Zoning Administrator, such posting shall be done by the placing of not less than two such signs in places conspicuous to the view of the general public in the immediate vicinity of and, where possible, on the particular site. Said signs shall be placed not less than four (4) feet above grade and the face of each sign shall measure not less than 24 inches by 36 inches. Said signs shall be posted not less than ten (10) days prior to the date set for the particular hearing or action to which the notice relates and shall be maintained until such hearing or action has occurred.

6-102-7. ADMINISTRATION AND ENFORCEMENT.

7-1 ADMINISTRATION

7-1-1 The administration of this Ordinance shall be vested in three offices of government:

7-1-1-1 Area Plan Commission

7-1-1-2 An Area Board of Zoning Appeals and any City or Town Board of Zoning Appeals

7-1-1-3 Legislative bodies

7-1-2 Area Plan Commission:

The Plan Commission shall have the following powers and duties in all matters related to zoning:

7-1-2-1 Adopt a Comprehensive Zoning Ordinance and recommend its adoption by the legislative bodies.

7-1-2-2 Authorize the Executive Director, or designate a Zoning Administrator, to carry out the following:

7-1-2-2-1 Review all applications for Improvement Location Permits to determine compliance with this Ordinance;

7-1-2-2-2 Review all applications for and issue Improvement Location Permits stating that said application meets all the provisions of this Ordinance, or deny the application, stating in writing the reason(s) for such denial;

7-1-2-2-3 Conduct inspections of buildings, structures and uses to determine compliance with this Ordinance;

7-1-2-2-4 Maintain current and permanent records of this Ordinance, including maps, amendments, Improvement Location Permits, variances, appeals and applications thereof;

7-1-2-2-5 Receive and forward all petitions to amend the Ordinance to the Plan Commission for review and recommendation, and;

7-1-2-2-6 Carry out investigations or studies at the request of a legislative body.

7-1-2-3 Initiate proposals to amend, supplement, change, or repeal this Ordinance.

7-1-2-4 Review an ordinance for amendment, supplement, change, or repeal of said ordinance proposed by persons or legislative bodies other than the Plan Commission.

7-1-2-5 Recommend to the appropriate legislative body a zoning plan for any area annexed by the legislative body.

7-1-2-6 Review and approve, modify or deny the final site plan for a rezoning amendment approved subject to a final site plan approval.

7-1-2-7 Initiate, direct and review, from time to time, studies of the provisions of this Ordinance.

7-1-3 The Board of Zoning Appeals:

The Board of Appeals having jurisdiction over the particular land area involved shall have the following powers and duties in matters related to zoning:

7-1-3-1 Hear and pass on applications for variances from the terms provided in this Ordinance, based on findings compiled from evidence presented to the Board in each specific case.

7-1-3-2 Hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Administrator.

7-1-3-3 Provide interpretations of district boundaries shown on the Zoning Maps where uncertainties arise which are not covered by the provisions of Section 3 of this Ordinance.

7-1-3-4 Provide interpretations relative to the definition of permitted uses in the zoning districts, subject to the following:

7-1-3-4-1 Such questions shall be in the form of an appeal from a decision of the Zoning Administrator:

7-1-3-4-2 The interpretations shall be in keeping with the intent and purpose of the district in which the proposed use is to be located, the Zoning Ordinance, and the Comprehensive Plan;

7-1-3-4-3 Uses permitted by such interpretations shall be comparable to the uses already permitted in the district;

7-1-3-4-4 The uses shall not be detrimental to existing properties in the vicinity of proposed uses on record at the time of the decision of the Board of Appeals, and;

7-1-3-4-5 The uses shall be subject to the regulations established for the district in which the use shall be permitted and to any other reasonable conditions which the Board of Appeals may impose.

7-1-3-5 The Board of Zoning Appeals shall, however, have the authority to grant an appeal based upon the documented hardship of health, either mental or physical, or of the infirmities of age, dire financial need or similar, for the occupancy of a mobile home on the same lot as that of the owner-occupant of the principal dwelling on the lot or premises for the exclusive use of such owner-occupant's parents, grandparents, or for documented physically or mentally handicapped progeny 18 years of older. The use of the mobile home as a dwelling unit shall terminate with termination of the hardship.

7-1-3-6 The concurring vote of a majority of the Board of Appeals shall be necessary to exercise any of the above powers and duties. Any such action of the Board shall not become effective until after the resolution of the Board setting forth the full reason(s) for the decision and the vote has been entered into the minutes. Such resolutions shall be filed in the Office of the Board and shall be open to the public inspection.

7-1-3-7 Neither the Area Board of Zoning Appeals, nor a City or Town Board of Zoning Appeals shall grant a variance from a use district or classification. (Source: Acts of 1957, c. 138, s. 77; as amended by Acts of 1959, and following).

7-1-4 Legislative Bodies:

The legislative bodies shall have the following powers and duties in matters related to zoning:

7-1-4-1 Adopt such portions of this Ordinance as are within the authority of the legislative body to adopt.

7-1-4-2 Amend, supplement, change, or repeal portions of this Ordinance so adopted, but every instance of amendment, supplement, change, or repeal of this Ordinance shall follow the procedures prescribed in Section 46 through 50 (I.C. 18-7-4-47 thru 18-7-4-51) inclusive of Chapter 138, Acts of 1957 as amended.

AMENDED
12-22-86

7-1-5 In the case of an advertised public hearing before the Area Plan Commission, or before an appropriate Board of Zoning Appeals, at which there is no quorum of that particular body or at which no action upon the petitioner's request or appeal is, or can be, taken by said body, such public hearing shall automatically be continued to the next regular or special meeting of said body, and no further notice of such public hearing need be given unless otherwise ordered by such body.

7-2 ENFORCEMENT

7-2-1 This Ordinance shall be enforced as follows:

7-2-1-1 Improvement Location Permit Ordinance

7-2-1-2 Certificate of Occupancy

7-2-1-3 Appeal

7-2-1-4 Variance

7-2-1-5 Amendment

7-2-1-6 Non-conforming Lots of Record, Structure, and Uses

7-2-1-7 Fees

7-2-2 Improvement Location Permit

7-2-2-1 No permit pertaining to the section, alteration, or use of land or structures shall be issued by an officer, department, or employee of Clinton County or of any participating city or town unless an Improvement Location Permit shall have been issued by the Zoning administrator, stating that the proposed improvement of use complies with all the provisions of this Ordinance.

7-2-2-1-1 An application for an Improvement Location Permit shall be accompanied by a site plan showing the following, as applicable, to define the proposed building or use:

7-2-2-1-1-1 The boundaries of the subject property, all existing easements, section lines, and property lines, existing streets, buildings, watercourses, waterways, and lakes, and other physical features in or adjoining the property;

7-2-2-1-1-2 Location and character of proposed building or use, including height and bulk of buildings and structures, open space, screening and landscaping, outdoor lighting, and signs, and;

7-2-2-1-1-3 The location, dimensions, and character of construction of proposed streets, alleys, driveways, curb cuts, entrances, and exits, loading areas, and parking areas, including numbers of parking and loading spaces.

7-2-2-1-2 The application shall be accompanied by a letter of approval from the City Engineer or County Surveyor relative to the proposed drainage plan, where municipal storm sewers are not available and where storm water does not flow directly to a stream or legal ditch.

7-2-2-1-3 The application shall be accompanied by a letter of approval from the Health Officer, relative to the proposed private septic system, where the proposal does not meet district lot size requirements.

7-2-2-1-4 The application shall be accompanied by such other information as the Zoning Administrator may require under the provisions of this Ordinance.

7-2-2-2 Procedure:

7-2-2-2-1 The Zoning Administrator shall approve or deny an application for an Improvement Location Permit and issue the permit or address the reasons for its denial in writing to the applicant within 15 days of receipt of the application.

7-2-2-2-2 An Improvement Location Permit shall not be issued in an area annexed by a legislative body until a zoning plan for the area has been adopted, provided, however, that such permit may be issued for a single or two family dwelling unit on a lot of record in a recorded sub-division, provided that all other provisions of the Ordinance are complied with.

7-2-2-2-3 No utility, either private or public, shall furnish any utility service, temporary or permanent, to any new location in the absence of an Improvement Location Permit issued by the Zoning Administrator.

7-2-2-2-4 No person, firm, or corporation that is engaged, hired, or contracted to put, place, build, construct, or to erect any structure or improvement, or any part thereof, whether it is permanent or moveable, on any lot or parcel of ground, shall perform such work unless the required Improvement Location Permit has been issued for such structure or improvement by the Zoning Administrator and is clearly displayed on the property.

7-2-2-2-5 The Zoning Administrator shall furnish a copy of all pertinent documents to any legislative body requesting the same for its records.

7-2-2-3 Completion Dates:

7-2-2-3-1 Unincorporated Areas - Any structure, or any addition to an existing structure, which requires an Improvement Location Permit shall have all exterior construction completed within twenty-four (24) months from the date of issuance of said permit or within such other additional time as the Zoning Administrator may approve for good cause shown. Such time limit shall be specified on the permit. The applicant, upon determining that the stated period of time is inadequate for such completion, may request the Board of Zoning Appeals for additional time. The Board of Zoning Appeals may grant an extension not to exceed twelve (12) months for such completion. However the applicant may petition the Board of Zoning Appeals for further extension because of extreme hardship and upon satisfactory proof of said hardship may be granted further extension of time; however, the permit shall be null and void. Interior or finish work shall be completed to the extent that a certificate of occupancy can be issued within twelve (12) months, or such other additional time as the Zoning Administrator may approve for good cause shown, after the expiration of the time limit for the exterior construction. Unless otherwise determined by the Board of Zoning Appeals, it shall not be necessary to hold an advertised public hearing in regard to a request or an application for extension of time under this paragraph.

7-2-2-3-A In the Incorporated Areas - any structure, or any addition to an existing structure, which requires an Improvement Location Permit shall have all exterior construction completed within twelve (12) months from the date of issuance of said permit or within such other time as the applicant may request if the time limit is approved by the Zoning Administrator for good cause shown.

Such time limit shall be specified on the permit. The applicant, upon determining that the stated period of time is inadequate for such completion, may request the Board of Zoning Appeals for additional time. The Board may grant one (1) extension not to exceed twelve (12) months for such completion. At the end of the time period of such extension, if there remains any unfinished exterior construction the applicant, because of extreme hardship due to circumstances beyond his control, may appear in person and petition the Board of Zoning Appeals and upon proof of said hardship shall be granted further extension of time; otherwise, the permit shall be declared null and void and a new application for an Improvement Location Permit shall be submitted. Interior or finish work shall be completed within twelve (12) months after the expiration of the time limit for the exterior.

7-2-3 Certificate of Occupancy:

7-2-3-1 An application for an Improvement Location Permit shall also be deemed to be an application for a Certificate of Occupancy. Applications for Certificate of Occupancy for a change of use, where an Improvement Location Permit is not required, shall be made directly to the Zoning Administrator.

7-2-3-1-1 Procedure:

7-2-3-1-2 The applicant for a Certificate of Occupancy shall notify the Zoning Administrator in writing within seven (7) days of the completion of the building, structure, or use.

7-2-3-2 The Zoning Administrator shall conduct inspections of buildings, structures, and uses for compliance with the final site plan and this Ordinance, and if the same do comply, he shall issue a Certificate of Occupancy so stating. Unless and until such Certificate of Occupancy has been issued, the applicant shall not have the right:

7-2-3-2-1 To occupy any building or major alteration or addition constructed after the effective date of this Ordinance;

7-2-3-2-2 To occupy any building under a change of use, or;

7-2-3-2-3 To commence any use not requiring an Improvement Location Permit after the effective date of this Ordinance.

7-2-3-3 Pending the issuance of a Certificate of Occupancy, a Temporary Certificate of Occupancy may be issued for a period of not to exceed six (6) months, pending the completion of a major alteration of an existing building or for the partial occupancy of a new building, or for the occupancy or partial occupancy of an existing building, pending the completion of a major alteration of same.

7-2-3-4 Denial of an application for a Certificate of Occupancy shall be accompanied by a written statement of the reason(s) for such denial.

7-2-3-5 Issuance of a Certificate of Occupancy or denial of the application shall take place not later than 15 days from the notification of completion of the building, structure, or use.