

CLINTON COUNTY

UNIFIED

ZONING

ORDINANCES

AS

AMENDED

**UNIFIED ZONING ORDINANCE
OF
CLINTON COUNTY, INDIANA**

Ord. No. _____ Ord. No. _____ Ord. No. _____
(Colfax) (Clinton Co.) (Rossville)
Ord. No. _____ Ord. No. _____ Ord. No. _____
(Mulberry) (Kirklin) (Michigantown)

AN ORDINANCE to enact Unified Zoning Regulations for The City of Frankfort, participating towns and Clinton County by establishing zoning districts which regulates the location, height, and the use of structures and land for agriculture, residences, business, industry and other purposes; establishing development standards for certain uses; requiring development plans for certain districts; providing for non-conformities; providing for a Board of Zoning Appeals and setting forth administrative procedure.

WHEREAS, I.C.36-7-4, as amended, empowers Frankfort, participating towns, and Clinton County to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, and

WHEREAS, the Area Plan Commission of Clinton County, the Common Council of the City of Frankfort, the Town Councils of participating towns, and the Board of County Commissioners of Clinton County deem it necessary for the purpose of promoting the health, safety, convenience, and general welfare of the community to enact such an ordinance, and

WHEREAS, pursuant to the provisions of I.C. 36-7-4, as amended, a Board of Zoning Appeals has been created to carry out its powers and duties of I.C. 36-7-4, and

WHEREAS, the Area Plan Commission of Clinton County has prepared and the Common Council of the City of Frankfort, the Town Councils of participating towns, and the Board of County Commissioners of Clinton County, Indiana have adopted the 1992 City of Frankfort/Clinton County Comprehensive Plan, and

WHEREAS, the Area Plan Commission of Clinton County has divided all areas of Clinton County into districts and has prepared regulations pertaining to such districts in accordance with the Comprehensive Plan designed to secure adequate light, air, and convenience of access; to secure safety from fire, flood, and other dangers; to lesson or avoid congestion in the public ways; to promote the public health, safety, comfort, morals, convenience, and general welfare and to plan for the future development of the county.

WHEREAS, the Area Plan Commission of Clinton County has given reasonable consideration, among other things, to the present character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and lands and encouraging the most appropriate use of land throughout Frankfort, participating towns, and Clinton County, and

WHEREAS, the Area Plan Commission of Clinton County has given due public notice of hearings, pursuant to I.C. 36-7-4, and has held such public hearings, and

WHEREAS, all requirements of I.C. 36-7-4, as amended, with regard to the preparation of the report of the Area Plan Commission of Clinton County, and the subsequent action necessary to enact this ordinance by the City of Frankfort, participating towns and the county have been met.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCILS OF
PARTICIPATING TOWNS, AND THE BOARD OF COUNTY
COMMISSIONERS OF THE COUNTY OF CLINTON, INDIANA AS FOLLOWS:**

ARTICLE ONE

BASIC PROVISIONS

- 101 SHORT TITLE:** This Ordinance may be cited as the Clinton County Unified Zoning Ordinance.
- 102 DEFINED WORDS:** Words used in a special sense in this Ordinance are defined in Article Two.
- 103 PURPOSE:** This Ordinance is intended to encourage the growth and development of the County in accordance with the Clinton County Comprehensive Plan and for the following purposes:
- 103.01** To secure adequate light, air, and convenience of access; and that safety from fire, flood and other dangers may be secured;
- 103.02** To lessen or avoid congestion in the public ways;
- 103.03** To promote the public health, safety, comfort, convenience, and general welfare;
- 103.04** To plan for the future development of the county to the end:
- (A) That highway systems be carefully planned;
 - (B) That new communities grow only with adequate public way, utility, health, educational, and recreational facilities;
 - (C) That the needs of agriculture, industry and business be recognized in future growth;
 - (D) That residential areas provide healthful surroundings for family life; and
 - (E) That the growth of the community is commensurate with and promotes the efficient and economical use of public funds.
 - (F) That non-hazardous solid waste disposal facilities are properly regulated and sited.¹
- 104 COMPLIANCE:** No structure shall be located, erected, constructed, re-constructed, moved, altered, converted, or enlarged; nor shall any structure or land be used, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.
- 105 SEVERABILITY:** If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.
- 106 INTERPRETATION:** The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, convenience and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment.
- 107 JURISDICTION AREA:** This Ordinance shall apply to all unincorporated land within Clinton County, when adopted by the County Commissioners; all land within the corporate limits of the City of Frankfort, when adopted by the Frankfort Common Council; and all land within the corporate boundaries of participating towns, when adopted by each respective Town Council.

¹ As amended in Ordinance 2009-04 adopted on July 6, 2009

108 APPLICATION: It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or premises provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

109 SAVING PROVISION: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning ordinances, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the participating locality under any section or provision existing at the time of the effective date of this ordinance, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the participating locality except as shall be expressly provided for in this ordinance.

110 REPEALER: Upon adoption by the participating governing bodies, this Ordinance repeals:

110.01 Chapter 102 of the Clinton County Code, the Comprehensive Zoning Ordinance adopted by the Clinton County Commissioners on March 21, 1978, as amended.

110.02 Chapter 104 of the Clinton County Code, the Improvement Location Permit Ordinance, adopted by the Clinton County Commissioners on March 21, 1978, as amended.

110.03 Chapter 152 (Manufactured Housing) of Title XV of the Frankfort City Code, adopted by the Frankfort Common Council on July 26, 1982 (Ordinance CO82-6, as amended).

110.04 Chapter 155 (Zoning Code) of Title XV of the Frankfort City Code, adopted by the Frankfort Common Council on February 21, 1967 (Ordinance CO 67-2, as amended).

110.05 The Comprehensive Zoning Ordinance (with the Colfax Supplement) and the Improvement Location Permit Ordinance adopted by the Colfax Town Council on April 10, 1978, as amended.

110.06 The Comprehensive Zoning Ordinance (with the Kirklin Supplement) and the Improvement Location Permit Ordinance, adopted by the Kirklin Town Council on March 13, 1979, and April 11, 1978, respectively, as amended.

110.07 The Comprehensive Zoning Ordinance (with the Mulberry Supplement) adopted by the Mulberry Town Council on May 9, 1978, as amended.

110.08 The Comprehensive Zoning Ordinance (with the Rossville Supplement) and the Improvement Location Permit Ordinance adopted by the Rossville Town Council on May 19, 1978, as amended.

ARTICLE TWO DEFINITIONS

201 GENERAL: Certain words used in this Ordinance are defined below.

201.01 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.

201.02 The word “shall” is mandatory, not discretionary and the word “may” is permissive.

201.03 The phrase “used for” shall include the phrase “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

201.04 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. Unless otherwise specified, all distances shall be measured in a straight line in any direction.

201.05 Parenthetical words or statements are integral parts of the definitions in which they are located.

201.06 Any words not defined in this section shall be constructed in their generally accepted meanings as defined by Webster’s Third New International Dictionary (unabridged).

202 DEFINED WORDS: The following terms, unless a contrary meaning is required by the context or if specifically prescribed, shall have the following meanings:

A ZONE The portion of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AR, and Zone A99 on a FIRM or FHBM. The definitions are presented below:¹

Zone A: Areas subject to inundation by the annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance requirements apply.

Zone AE and A1-A30: Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

Zone AO: Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analysis are shown within this zone. Mandatory flood insurance purchase requirements apply.

Zone AH: Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analysis are shown within this zone. Mandatory flood insurance requirements apply.

Zone AR: Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance requirements apply.

¹ As added in Ordinance 2011-10 adopted on October 17, 2011

Zone A99: Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress towards completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

ABANDONED (DWELLING) Any dwelling shall be considered abandoned if it is not inhabited for twelve (12) months and all public utility service has been terminated in excess of twelve (12) months.²

ABANDONED (OTHER STRUCTURES) Any agricultural, commercial or accessory structure which has not been used or occupied for a period of twenty-four (24) months shall be considered abandoned, except any agricultural structure for which a confined feeding operation permit from the Indiana Department of Environmental Management is in existence shall be deemed to be in use during the time period for which a permit has been issued. The confined feeding structure shall be deemed abandoned twelve (12) months after the confined feeding permit has expired or been terminated and the structure has not been otherwise used or occupied for a period of twenty-four (24) months.³

ABANDONMENT The relinquishment of property or a cessation of the use of the property by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ACCESSORY STRUCTURE A detached subordinate structure, the use of which is clearly incidental to the main use of the land. Accessory structures may include, but is not limited to the following: garages, barns, storage buildings, private swimming pools, signs and satellite dish antennae.⁴

ACCESSORY STRUCTURE (FLOODPLAIN) For the purpose of the floodplain overlay district, an appurtenant structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designated to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.⁵

ACCESSORY USE A subordinate use which is clearly incidental and related to that of a main structure or main use of land and may include, but is not limited to the following; basketball and tennis courts, off-street parking, and outdoor storage.

ACTIVE FACE OF LANDFILL That part of a landfill receiving waste during any 24-hour period of time.⁶

ADAPTIVE REUSE The development of a new use for an older building originally designed for a special or specific purpose.

ADDITION TO AN EXISTING STRUCTURE (FLOODPLAIN) For the purpose of the floodplain overlay district, any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls, is new construction.⁷

² As amended in Ordinance 06-2 adopted on January 3, 2006

³ As amended in Ordinance 06-2 adopted on January 3, 2006

⁴ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

⁶ As amended in Ordinance 2009-04 adopted on July 6, 2009

⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

ADEQUATE ASSURANCE OF COMPLETION AND CONTINUED OPERATIONS OF THE WECS

PROJECT The term “Adequate Assurance of Completion and Continued Operations of the WECS Project” shall mean the financial commitments, insurance certificates, warranties, and all other information and data provided pursuant to Section 406.01(B)(2)(C).⁸

ADULT BUSINESS An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, more particularly described as follows:

- A) Adult Arcade: Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

- B) Adult bookstore or Adult Video store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
 - 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”; or
 - 2) Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities.”

- C) Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment which features:
 - 1) Persons who appear in a state of nudity; or
 - 2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or
 - 3) Files, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

- D) Adult Motel: A hotel, motel, or similar commercial establishment which as one of its principal business purposes:
 - 1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - 2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - 3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

⁸ Added in Ordinance 2009-03 adopted on May 18, 2009

- E) Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the exposure of “specified sexual activities”.
- F) Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which features persons who appear in a state of nudity or live performances which are characterized by the exposure “specified sexual activities”.
- G) Escort Agency: A person or business association who furnishes, offers to furnish, or advertises to furnish escort as one of its primary business purposes, for a fee, tip, or other consideration.
- H) Nude Model Studio: Any place where a person who appears in a state of nudity or displays “specified anatomical areas” provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- I) Sexual Encounter Center: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:
 - 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and
 - 2) Activities between male and female person or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

ADULT BUSINESS, ESCORT A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ADULT BUSINESS/ESTABLISHMENT OF Includes, but may not be limited to, any of the following:

- 1) The opening or commencement of any sexually oriented business as a new business;
- 2) The conversion of, or partial conversion of, an existing business, whether or not a sexually oriented business, to any sexually oriented business, to any sexually oriented business, to any sexually oriented business;
- 3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- 4) The relocation of any sexually oriented business.

ADULT BUSINESS, PERMITTEE A person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit.

ADULT BUSINESS, SUBSTANTIAL ENLARGEMENT The enlargement of an adult business means the increase in floor areas occupied by the business by more than twenty-five percent, as the floor areas exist on the effective date of the Ordinance.

ADULT BUSINESS, TRANSFER OF OWNERSHIP OR CONTROL The control of an adult business means and includes any of the following:

- A) The sale, lease, or sublease of the business:
- B) The transfer of securities which constitutes a controlling interest in the business, whether by sale, exchange, or similar means, or

- C) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

AGRICULTURE Any land used for: cropland and orchards, pasture and grazing, livestock and poultry production, sod farming, confined feeding and commercial fur production. Agriculture includes all barns and accessory storage facilities, irrigation facilities, and other structures used for the conduct of the above except for dwellings. Agriculture also includes the packaging, treating or processing and/or the onsite storage or sale of goods produced on the property provided that the operation of any such accessory use shall be secondary to that of normal agricultural activities. In some zoning districts some of the above agricultural activities may not be permitted as shown in Table A of this Ordinance.

AGRIBUSINESS A commercial or manufacturing establishment which provides needed services or supplies to the agricultural community. Uses include: food processing facilities; farm equipment sales; fertilizer and agricultural chemical sales; agricultural biotechnology establishment; grain elevators and feed dealers; corn shelling, hay baling, and threshing services; grist mill services.

AGRITOURISM BUSINESS A farm based business that is secondary and incidental to a farm using products or processes from items not primarily produced on the farm which serve visitors and tourists to farms such as farm related craft production and services and sales; farm visits and stays; blacksmiths; tool sharpening services; carriage, wagon and buggy manufacturing, sales and service; handcrafted woodworking, furniture and cabinet shops; dressmaking, tailor and shoe shops; country bakeries. Some Agritourism Businesses may also be Home Occupations or a Temporary Use listed on Table K as defined in this Ordinance and in case of conflict, the least restrictive standards shall apply.⁹

There are two classes of Agritourism Business as follows:

1. Agritourism Class One-These Businesses are smaller, seasonal, and/or periodic and/or do not create an increase in traffic above what is customarily associated with farms by an average three or fewer additional vehicles at a time and no more than two agritourism business employees. They shall be on at least 20 acres of land.
2. Agritourism Class Two-These Businesses may or may not be seasonal and/or periodic and create an increase in traffic above what is customarily associated with farms by an average of four or more additional vehicles at a time. Agritourism businesses that are on less than twenty acres of land or do not have adequate parking space off of the road right-of-way or have more than two agritourism business employees are also classified as a Class Two Farm Based Business.

AIR POLLUTION The presence of contaminants in the air in concentrations that prevent the normal dispersive ability of the air and that interfere directly or indirectly with a person's health, safety or comfort or with the full use and enjoyment of his property.

AIRPORT The Frankfort Municipal Airport.

AIRPORT ELEVATION The highest point of an airport's usable landing area measured in feet from sea level.

ALLEY A public service right-of-way which affords only secondary access to the back or side of property otherwise abutting on a street.

ALTERATION A change in size, shape, character, occupancy, or use of a building or structure.

⁹ As amended in Ordinance 2010-01 adopted on March 15, 2010

AMBIENT BASELINE SOUND PRESSURE LEVEL The L90 A-weighted sound measure emissions level (the level of sound exceeded 90% of the time) for a WECS Project area prior to construction as determined by a baseline acoustics emissions study.¹⁰

ANAEROBIC DIGESTION Decomposition of biological wastes by microorganisms, usually under wet conditions, in the absence of air (oxygen), to produce a gas comprising mostly methane and carbon dioxide.¹¹

ANAEROBIC DIGESTER A facility that uses the natural process of anaerobic digestion to treat waste, produce energy, or both. Anaerobic digesters are classified into two classes. An anaerobic digester is further defined as follows:¹²

- 1) **Anaerobic Digester-Class 1** these anaerobic digesters utilize biomass feedstock completely produced on-site and must meet other standards in Article Five of this Ordinance.
- 2) **Anaerobic Digester-Class 2** These anaerobic digesters utilize biomass feedstock wholly or partially produced off-site and must meet other standards in Article Five of this Ordinance.

ANCHORING SYSTEM An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a manufactured or mobile home.

ANIMAL PRODUCT Anything originating or made (whether in whole or in part) from a living or dead animal and includes the carcass or any part of the carcass of an animal.¹³

ANIMAL UNIT A term used to establish an equivalent density, based on relative waste production, for various species of livestock.¹⁴

ANIMAL UNIT VALUES The following animal unit values are assigned as show below:¹⁵

Animal Unit Values

Adult Dairy Cow	1.4
Beef or Buffalo Bull, Cow or Steer over 1 year of age	1.00
Dairy Heifer, 1 to 2 years	1.00
Horse over 1 year of age	1.00
Elk, over 2 years of age	.60
Horse, weaning (6 months) to one year of age	.50
Pony under 46" as measured at the withers	.50
Cattle, including Buffalo weaning (6 months) to 1 year of age	.50
Mature Sow or Boar	.40
Elk, weaning to 24 months of age	.30
Finishing swine over 55 lbs	.20
Gilts, 55 lbs to 1 year of age	.20
Alpaca or Llama	.20
Deer, White-Tail	.15
Emu or Ostrich	.15
Swine under 55 lbs	.10
Sheep and Goat	.10
Birds (duck, goose, turkey, peacock, chicken, pheasant, quail), except as noted elsewhere	.05
Small mammals (rabbits, mink and others of 10 lb mature weight or less)	.05

¹⁰ As amended in Ordinance 2009-03 adopted on May 18, 2009

¹¹ As added in Ordinance 06-18 adopted on July 24, 2006.

¹² As added in Ordinance 06-18 adopted on July 24, 2006.

¹³ As added in Ordinance 06-18 adopted on July 24, 2006.

¹⁴ As added in Ordinance 06-12 adopted on May 15, 2006

¹⁵ As added in Ordinance 06-12 adopted on May 15, 2006

ANSI/NFPA 501 A Standard for Installation of (Manufactured) Mobile Homes: Model national standards (including all authorized successor documents) for installation of manufactured and mobile homes, as adopted copyrighted by the National Fire Protection Association and the Manufactured Housing Institute.

APPEAL (FLOODPLAIN) A request for a review of the Administrator's interpretation of any provision of this ordinance or a request for a variance.¹⁶

APPLICANT The term "Applicant" when used in connection with or in respect of a WECS shall mean the person(s) and/or promoter of the WECS Project which prepares and files the initial application with the Area Plan Commission for a WECS Project, and the term shall include all successors and assigns of the initial Applicant. The term "Applicant" shall not include any person or entity which signs the application solely in the capacity as an Owner of an interest in real property in which the WECS shall be located.¹⁷

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES Airport overlay districts as set forth in Section 403 of this Ordinance.

APPROVED Acceptable to the appropriate authority have jurisdiction, by reason of investigation, accepted principles, or tests by national recognized organizations.

AREA OF SHALLOW FLOODING A designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flooding depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.¹⁸

AQUACULTURE, AQUICULTURE, AQUACULTURAL OPERATION The business of breeding and/or raising and/or cultivating of cold blooded creatures in enclosed tanks, ponds or pens, and the cultivating and/or raising of produce in water. This business may include, but is not limited to: hydroponics, amphibians, frogs, turtles, snakes, lizards, and arachnida.

AUTOMOBILE GRAVEYARD An establishment or place of business which is maintained, used, or operated, for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. An automobile graveyard includes automotive wrecking (as defined) or the storage of one or more disabled vehicles (as defined) at any location.

AUTOMOBILE SERVICE STATION An establishment which offers, as a principal use, the retail sale of gasoline (when stored in underground storage tanks), oil and similar products, and which may include one or more of the following accessory uses: retail sales of groceries and other convenience items; automobile washing; automobile maintenance, including mechanical repairs; automobile towing, including the parking of a wrecker and operative vehicles waiting for immediate repair or tire and battery sales. This definition does not include convenience or similar stores, which sell gasoline and oil as an accessory and clearly incidental use to the principal business activity.

AUTOMOTIVE WRECKING The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles of their parts.

BASE FLOOD ELEVATION (BFE) The elevation of the one-percent annual chance flood.¹⁹

BASEMENT A portion of a structure, which is wholly or partly underground, having more than one half of its height, measured from floor to ceiling, below the average grade of the adjoining ground.

¹⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁷ As added in Ordinance 2009-03 adopted on May 18, 2009

¹⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

BASEMENT (FLOODPLAIN) For the purpose of the floodplain overlay district, that portion of a structure having its floor sub-grade (below grade level) on all sides.²⁰

BED AND BREAKFAST ESTABLISHMENT A single family dwelling which contains sleeping accommodations in the principal structure or accessory structure for up to six bedrooms for guests for which a fee is charged and which is owned, operated and resided in by the property owner. To qualify as a bed and breakfast establishment, food service is to be limited to a breakfast. This definition includes tourist homes, which meet the above standards. Bed and breakfast establishments, which exceed the above standards, may be classified as either a country inn (as defined) or a motel/hotel (as defined).

BERM A man-made, formed, earth mound of definite height and width used for obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

BIOENERGY Useful, renewable energy produced from organic matter- the conversion of the complex carbohydrates in organic matter to energy.²¹

BIOFUEL Fuels made from biomass resources, or their processing and conversion derivatives. Biofuels include ethanol, biodiesel, methanol, butanol, and hydrogen.²²

BIOFUEL FACILITY A facility that processes and converts biomass into value-added products. These products can range from biomaterials to fuels such as ethanol or important feedstocks for the production of chemicals and other materials.²³

BIOFUEL FEEDSTOCK A biomass product used as the basis for the manufacture of a biofuel.²⁴

BIOFUEL REFINERY A facility where biomass is processed and/or purified for the production of fuel products such as biodiesel and ethanol, with said process/purification not to include anaerobic digestion. A biofuel refinery is further defined as follows:²⁵

- 1) **Biofuel Refinery-Class 1** These biofuel refineries have a maximum annual production capacity of less than 10,000 gallons of biofuel and must meet other standards in Article Five of this Ordinance.
- 2) **Biofuel Refinery- Class 2** These biofuel refineries have a maximum annual production capacity of 150,000 gallons of biodiesel or 600,000 gallons of ethanol or methanol and must meet other standards in Article Five of this Ordinance.
- 3) **Biofuel Refinery- Class 3** These biofuel refineries have a maximum annual production capacity from 10,000 to 1 million gallons of biofuel and must meet other standards in Article Five of this Ordinance.
- 4) **Biofuel Refinery- Class 4** These biofuel refineries have an annual production capacity greater than one million gallons of biofuel and must meet other standards in Article Five of this Ordinance.
- 5) **Biofuel Refinery- Class 5** These biofuel refineries have no restrictions on capacity and must meet other standards in Article Five of this Ordinance.

BIOGAS A combustible gas derived from decomposing biological waste under anaerobic conditions. Biogas normally consists of 50 to 60 percent methane.²⁶

²⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

²¹ As added in Ordinance 06-18 adopted on July 24, 2006.

²² As added in Ordinance 06-18 adopted on July 24, 2006.

²³ As added in Ordinance 06-18 adopted on July 24, 2006.

²⁴ As added in Ordinance 06-18 adopted on July 24, 2006.

²⁵ As added in Ordinance 06-18 adopted on July 24, 2006.

²⁶ As added in Ordinance 06-18 adopted on July 24, 2006.

BIOMASS Any organic matter than is available on a renewable or recurring basis, including agricultural crops and trees, wood and wood residues, plants (including aquatic plants), grasses, animal residues, municipal residues, and other residue materials.²⁷

BLOCK A tract of land bounded by streets or a combination of streets, public parks, water bodies, cemeteries, or railroad rights-of way.

BOARD Any Division of the Area Board of Zoning Appeals in Clinton County, Indiana, established to administer this Ordinance.

BOARD OF HEALTH The Clinton County Board of Health.

BORROW AREA Land from which soil is obtained for use in landfill activities.²⁸

BUFFER, BUFFERYARD An area adjacent to side and rear property lines, measured perpendicularly between adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impact of proposed uses on adjacent property or natural features and to screen incompatible land uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy.

BUILDING A type of structure (as defined) having a roof supported by columns or walls.

BUILDING (FLOODPLAIN) See “STRUCTURE (FLOODPLAIN)”²⁹

BUILDING CODE An ordinance adopted by participating localities, which establishes and controls the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters.

BUILDING, LNADFILL A structure, other than a dwelling, utilized for conducting non-waste disposal activities in connection with the operation of a landfill.³⁰

BUILDING LINE/BUILDING SETBACK LINE The line that establishes the minimum permitted open space to be provided between the front line of a building and the street right-of-way line. On corner lots there are two building lines. A building line may also be called a “setback line”.

BULK The cubic content of a building in relation to the area of the building site.

BUSINESS/COMMERCIAL The purchase, sale, barter, or exchange of goods and/or services for money or for other goods and/or services.

CEMETERY Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY A certificate signed by the Zoning Administrator stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Ordinance.

CHILDREN’S HOME A residence, which provides care, food and lodging for children who are not in the custody of parents or guardians. This includes children’s homes defined by I.C. 12-3-2-4 and those boarding homes for

²⁷ As added in Ordinance 06-18 adopted on July 24, 2006.

²⁸ As added in Ordinance 2009-04 adopted on July 6, 2009

²⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

³⁰ As added in Ordinance 2009-04 adopted on July 6, 2009

children as defined by I.C. 12-3-2-2 which provide full time care (foster home) or emergency or short term placement for more than five children.

CHURCH/PLACE OF RELIGIOUS WORSHIP A tax-exempt institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation. The term shall include church sponsored accessory uses such as schools, day care centers, book stores, community centers or halls and other similar activities which are clearly part of the program of the church.

CITY The City of Frankfort.

CLINIC Any establishment where, as a principal use, human patients are examined and treated by doctors and/or dentists but not hospitalized overnight.

CLINTON COUNTY SOLID WASTE AGREEMENT A written agreement made between the Clinton County Board of Commissioners and a municipal solid waste landfill operator.³¹

CLOSURE As defined by 329 IAC 10-2-30, means those activities to be completed at the end of waste acceptance at a landfill, including certification by a registered professional engineer.³²

CLUB As establishment operated for social, recreational or educational purposes but open only to members and not the general public.

CO-APPLICANT The term “Co-Applicant” when used in connection with or in respect of a WECS shall mean a person or entity which executes an application for a WECS solely because of an ownership interest in real property to be used in connection with the WECS.³³

COLLECTOR (WECS) Any power line that carries electrical power from one or more wind turbines or individual transformers associated with individual wind turbines to a WECS switching station or substation.³⁴

COMMERCIAL GARAGE An establishment that includes all uses permitted for automobile service stations (as defined) as well as automobile body repairs and painting. Also included in this definition is the repairing of vehicles or the fixing up of old and/or antique cars at a residence or any location for which money or other goods or services are received for the work.

COMMISSION The Area Plan Commission of Clinton County.

COMMUNITY (FLOODPLAIN) A political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.³⁵

COMMUNITY RATING SYSTEM (CRS) A program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.³⁶

COMMUNITY RECREATIONAL FACILITY A public or private establishment which includes one or more of the following facilities: gymnasium, indoor swimming pool, weight reduction or exercise equipment, game room, tennis or racquetball courts and accessory recreational programs including health clubs, YMCA’s, athletic clubs, youth clubs, and similar establishments.

³¹ As amended in Ordinance 2009-03 adopted on July 6, 2009

³² As added in Ordinance 2009-04 adopted on July 6, 2009

³³ As amended in Ordinance 2009-03 adopted on May 18, 2009

³⁴ As amended in Ordinance 2010-01 adopted on March 15, 2010

³⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

³⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

COMPREHENSIVE PLAN A plan adopted by participating localities showing the general location and extent of present and proposed physical facilities including residential, industrial and commercial uses, major streets, parks, schools and other community facilities. This plan establishes the goals, objectives, and policies for the physical development of the County.

CONDOMINIUM Real estate lawfully subjected to IC 32-1-6 (The Horizontal Property Law) by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

CONFINED FEEDING/FEEDLOT The feeding and/or watering, for any period of time, of any number of livestock and/or an aquaculture operation, on a tract or contiguous tracts of land, in lots, pens, sheds, and buildings such that the principle feed is supplied to animals by means other than grazing.³⁷

CONGREGATE HOUSING/RETIREMENT COMMUNITY A residential facility for four or more elderly persons within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments and counseling.

CONSTRUCTION/DEMOLITION SITE A solid waste disposal facility, or site, designed and operated to accommodate large volumes of solid waste, having minimal potential for ground water contamination. It is specifically designed and restricted to the disposal, processing, and/or reclamation of only construction or demolished including plumbing fixtures, wiring and non-asbestos insulation; and similar items and as further defined in IC 13-11-2-41, as amended. It shall also include the disposal and fill of sawdust.³⁸

CONTIGUOUS/CONTIGUITY Land next to, abutting or touching or a having boundary or portion thereof which is common or coterminous which is not separated by state or Federal highways or active railroads.³⁹

CONTINUOUSLY FLOWING RIVER –A body of water that has measurable velocity of flow for at least nine (9) months of the year and is labeled on a United States Geological Survey (USGS) seven and one-half (7.5) minute series topographical map as a river.⁴⁰

CONTINUOUSLY FLOWING STREAM A body of water that has measurable velocity of flow for at least nine (9) months of the year or is designated as a perennial flowing stream on a United States Geological Survey (USGS) seven and one-half (7.5) minute series topographical map, but is not labeled as a river.⁴¹

CONVENIENCE STORE A one-story, retail store containing less than 3,000 square feet of gross floor area that is designed and stocked primarily to sell food, beverages, and other household supplies to customers who purchase only relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic and may include gasoline sales as an accessory use.

CONVERSION DWELLING A single family dwelling which, because of its size and/or the character of the neighborhood in which it is located, is no longer suitable or economic for its intended use, and therefore is converted to apartments.

COUNTRY INN A facility with the primary purpose of providing sleeping accommodations on a short-term basis (continuous stays not to exceed one month). A motel/hotel (as defined) with the following characteristics: 1) no more than twenty bedrooms for guests, 2) is operated by the owner of the property who must live on the property and 3) be located in either a structure of architectural and/or historical significance or in a scenic or historic location. A country inn may include, as accessory uses, the following which must be clearly incidental to the guest

³⁷ As amended in Ordinance 06-12 adopted on May 15, 2010

³⁸ As added in Ordinance 2010-01 adopted on March 15, 2010

³⁹ As added in Ordinance 06-24 adopted on December 11, 2006.

⁴⁰ As added in Ordinance 2009-04 adopted on July 6, 2009

⁴¹ As added in Ordinance 2009-04 adopted on July 6, 2009

accommodations: 1) full meal services for guests, 2) dining services for non-guests, 3) banquet facilities for small receptions and 4) gift or other small retail sales. A country inn, which exceeds the above standards, shall be classified as a motel/hotel (as defined).⁴²

COUNTY County of Clinton, Indiana.

COUNTY COMMISSIONERS The Board of County Commissioners of Clinton County.

CRITICAL FACILITY A facility for which even a slight chance of flooding might be to great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.⁴³

CRITICAL WIND SPEED The wind speed at which WECS turbine sound pressure levels are at a greatest variance with ambient background sound pressure levels.⁴⁴

DNR The Indiana Natural Resources Commission, or the Indiana Department of Natural Resources acting on behalf of the Indiana Natural Resources Commission, and includes any division within the department.

DAY CARE CENTER A child care facility operated up to 24 hours a day for the purpose of providing care, maintenance, or supervision and instruction to children separated from their parents or guardians during a part of the day for ten or more consecutive workdays. The day care center may be a principal use or an accessory use to residential, commercial, industrial, or other non-residential use as further categorized below. The following are not considered day care centers for the purposes of this Ordinance: 1) schools (as defined), 2) nursery schools (as defined), 3) churches which provide day care as defined by IC 12-3-2-12.6, 4) the care of children in their own home, 5) day or summer camps and 6) children's homes. A Day Care Center, as defined by this Ordinance, may or may not be a day care center as defined by IC 12-3-2-3, a Head Start or migrant worker center defined by IC 12-3-2-3.5, or a day care ministry operated by a religious organization as defined by IC 12-3-2-12.8 in order that a church building. A day care center may or may not be subject to Indiana Department of Public Welfare licensing. A Day Care Center shall be either a Class 1, Class 2 or Class 3 Center, as defined below:

- 1) **Day Care Center Class 1-** A Day Care Center located within the operator's own residence which provides care to no more than five children at a time (excluding the operator's relatives) for more than four hours a day but less than 24 continuous hours.
- 2) **Day Care Center Class 2** – Day Care Center which may be within the operator's own residence or within a separate structure which provides care for up to ten children (excluding the operator's relatives) for more than four hours a day but less than 24 continuous hours. This definition also includes the care of up to five additional children other than the operator's relatives (15 total) who are not at the center for more than four hours a day.
- 3) **Day Care Center Class 3** – A Day Care Center, which provides care for more children than permitted at Class 1 and Class 2 centers.

DECOMMISSIONING PLAN The term "Decommissioning Plan" with regards to a WECS shall have the meaning and include the requirements set forth at Section 406.01(B)(1)(e).⁴⁵

DECOMMISSIONING SECURITY The term "Decommissioning Security" with regards to a WECS shall have the meaning and meet the requirements as set forth at Section 406.03(A).⁴⁶

⁴² As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

⁴³ As added in Ordinance 2011-10 adopted on October 17, 2011

⁴⁴ As amended in Ordinance 2009-03 adopted on May 18, 2009

⁴⁵ As amended in Ordinance 2009-03 adopted on May 18, 2009

⁴⁶ As amended in Ordinance 2009-03 adopted on May 18, 2009

DEVELOPMENT (FLOODPLAIN) For the purpose of the floodplain overlay district, any man-made change to improved or unimproved real estate including but not limited to:⁴⁷

1. Construction, reconstruction, or placement of a structure or any addition to a structure;
2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;
4. Construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
5. Mining, dredging, filling, grading, excavation, or drilling operations;
6. Construction and/or reconstruction of bridges or culverts;
7. Storage of materials; or
8. Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

DEVELOPMENT (NON-FLOODPLAIN) Any man-made change to improved or unimproved real estate including, but not limited to, structures, mineral extraction, dredging, grading, paving, excavation, or drilling operations.

DEVELOPMENT PLAN A drawing showing the layout of a proposed structure or use in certain zoning districts which require Area Plan Commission approval as allowed by IC 36-7-4-601 (d)(3). A development plan is not a planned development (as defined) or a site plan (as defined).⁴⁸

DEVELOPMENT PLAN (WECS) The term “Development Plan” with regards to a WECS shall have the meaning and content and meet the requirements set forth in Section 406.01(B).⁴⁹

DIRECTOR/EXECUTIVE DIRECTOR The Executive Director of the Area Plan Commission.

DISABLED VEHICLE An abandoned vehicle as defined by IC 9-9-1.1-2(7), as amended, or any vehicle that is partially disassembled, inoperable and/or unlicensed on any property in a location visible or partially visible from public property or adjacent private property for more than thirty days. This definition shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a farm operator and is used for parts replacement for machinery currently being used in the farming operation.

DISTRICT A geographical area within which certain generally uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRAINAGE PLAN The term “Drainage Plan” with regards to a WECS shall mean the storm water management plan approved by Clinton County Drainage Board for the WECS Project as required by Section 406.01(B)(1)(c).⁵⁰

⁴⁷ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁴⁸ As amended in Ordinance 02-10 adopted on July 8, 2002

⁴⁹ As amended in Ordinance 2009-03 adopted on May 18, 2009

⁵⁰ As amended in Ordinance 2009-03 adopted on May 18, 2009

DRIVE-IN ESTABLISHMENT An establishment which, as a principal or accessory use, offers merchandise, services, or entertainment to persons remaining in motor vehicles including, but not limited to, restaurants, financial institutions, or convenience stores.

DUSTLESS SURFACE A surface adequately covered in accordance with good construction practice, with a minimum of either two applications of bituminous surface treatment concrete, or concrete, and which must be maintained in good condition at all times.

DWELLING/ACCESSORY APARTMENT A second dwelling unit, other than a mobile home, either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling, and includes garage or carriage house conversions, efficiencies, or ECHO (elder cottage housing opportunity) dwellings.

DWELLING-COTTAGE OR CABIN A dwelling, other than a manufactured or mobile home that is not at least 23 feet wide for 60 percent of its length on the structure's longest side and may or may not be for used for seasonal, vacation or temporary use.⁵¹

DWELLING UNIT One or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for uses as a complete, independent living facility for one family, and which includes permanent provisions for living, sleeping, eating, cooking and sanitation.

DWELLING, SINGLE-FAMILY A residential building containing only one dwelling unit and occupied by not more than one family.

DWELLING, SINGLE-FAMILY ATTACHED OR TOWNHOUSE A group of two or more single family dwelling units which are joined to one another by a common party wall, a common floor-ceiling, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. Each unit shall have its own outside entrance and architectural façade or treatment of materials shall be varied from one group of units to another. No more than three abutting units in a row shall have the same front and rear setbacks, with a minimum setback offset being one foot.

DWELLING, SINGLE-FAMILY DETACHED A detached residential dwelling unit designed to be occupied by one family. A single-family dwelling shall be at least 23 feet wide for 60 percent of its length on the structure's longest side.⁵²

DWELLING, TWO-FAMILY (DUPLEX) A building located on a single lot containing two dwelling units, arranged one above the other or side-by-side, and occupied by not more than two families.

DWELLING, MULTI-FAMILY OR APARTMENT A building containing three or more separate dwelling units located on a single lot or parcel. A multi-family dwelling generally has a common outside entrance for all the dwelling units, and the units are generally designed to occupy a single floor one above another. For the purpose of this Ordinance, a multi-family dwelling may include cooperative apartment houses but shall not be constructed to mean a single-family attached dwelling (as defined).

DWELLING, EARTH SHELTERED HOME A dwelling, which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

EASEMENT A grant of one or more of the property rights by the owner of land to, or for the use by, the general public, a corporation, a utility company, or a certain person for a specific reason, including the purpose of providing services to property.

⁵¹ As added in Ordinance 2010-01 adopted on March 15, 2010

⁵² As amended in Ordinance 2010-01 adopted on March 15, 2010

ECONOMIC DEVELOPMENT AGREEMENT (WECS) With regards to UZO section 406, An agreement between the WECS Applicant, Owner and/or Operator and the county setting forth the applicant, owner and/or operator's financial commitment to support economic development and/or provide other financial assistance in the county, or any portion thereof.⁵³

ELEVATED STRUCTURE (FLOODPLAIN) For the purpose of the floodplain overlay district, a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, filled stem wall foundations (also called chain walls), pilings, or columns (posts and piers).⁵⁴

ELEVATION CERTIFICATE A certified statement that verifies a structure's elevation information.⁵⁵

EMERGENCY PROGRAM The first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.⁵⁶

ENCROACHMENT (FLOODPLAIN) For the purpose of the floodplain overlay district, the advance or infringement of uses, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.⁵⁷

ENGINEERING, RESEARCH AND DEVELOPMENT LABORATORIES A facility where engineering, research and development activities related to such fields as chemical, pharmaceutical, medical, electrical, and transportation are conducted.

ESSENTIAL SERVICES The erection, construction, alteration or maintenance by public utilities, rural Electric Membership Cooperatives, or municipal or other governmental agencies of underground or overhead gas, telephone, CTV (cable television), telecommunications facilities, electrical, steam or water transmission, or distribution systems including alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate essential services by these agencies. This does not include telephone exchanges, utility substations or main installations, electric generation facilities, underground gas storage, pipelines, pipeline pumping stations, public water wells, filtration plants, lift stations, storage tanks, sewage treatment plants, and similar structures.

EXISTING CONSTRUCTION (FLOODPLAIN) For the purpose of the floodplain overlay district, any structure for which the "start of construction" commenced before the effective date of the community's first floodplain ordinance.⁵⁸

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN) For the purpose of the flood plain overlay district, a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.⁵⁹

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN) For the purpose of the flood plain overlay district, the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).⁶⁰

⁵³ As amended in Ordinance 2009-03 adopted on May 18, 2009

⁵⁴ As added in Ordinance 2011-10 adopted on October 17, 2011

⁵⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

⁵⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

⁵⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

⁵⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

⁵⁹ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁶⁰ As amended in Ordinance 2011-10 adopted on October 17, 2011

FAMILY A single individual, or two or more persons related by blood or marriage, or a group of not more than eight persons (excluding servants) who need not be related by blood or marriage, living together in a common household and using common kitchen and bathroom facilities. A family also includes foster homes as defined by I.C.12-3-2-3.6, emergency or short term placement for five or fewer children, and residential facilities (as defined). A family does not include group-housing quarters (as defined).

FAMILY HOMESTEAD Two or more single family detached or attached dwellings located on one parcel of land on the effective date of this ordinance occupied by persons related by blood or marriage and where the parcel is not intended for permanent division.⁶¹

FAMILY MEMBER For the purposes of Section 523 of this Ordinance, a sibling or lineal relative of a property owner. If the property is owned by an entity, such as a Limited Liability Corporation (LLC) or trust, any equity owner or settler of the trust who have at least ¼ interest in the entity shall be treated as a titleholder.⁶²

FARM Any parcel of twenty acres or more, which is used for agriculture (as defined), plant nurseries and accessory dwellings.

FARM BASED BUSINESS Businesses customarily associated with agriculture practiced in Clinton County using items primarily produced on the farm. This term includes activities catering to the public coming to the farm that are traditionally associated with agriculture or rural areas. Such uses include but are not limited to animal boarding, riding and therapeutic stables; petting zoos; vegetable farms; tree farms and orchards; gardening clubs; farms that harvest/sell hay as a crop; 4-H animal breeders; organic farms; seed and grain sales offices and businesses that utilize/provide products primarily produced on the farm including direct marketing; herb sales; dairy product production sales; cider mills; wineries; pumpkins and u-pick businesses, corn mazes, hayrides and farm markets. Some Farm Based Businesses may also be Home Occupations or a Temporary Use listed on Table K as defined in this Ordinance and in case of conflict, the least restrictive standards shall apply. Farm Based Businesses including animals may also be Confined Feeding as defined by this Ordinance and Section 507 standards shall apply.⁶³

There are two classes of Farm Based Businesses as follows:

1. Farm Based Business Class One-These Businesses are smaller, seasonal, and/or periodic and/or do not create an increase in traffic above what is customarily associated with farms by an average of three or fewer additional vehicles at a time and no more than two farm based business employees. They shall be on at least 20 acres of land.
2. Farm Based Business Class Two- These Businesses may or may not be seasonal and/or periodic and create an increase in traffic above what is customarily associated with farms by an average of four or more additional vehicles at a time. Farm based businesses that are on less than twenty acres of land or do not have adequate parking space off of the road right-of-way or have more than two farm based business employees are also classified as a Class Two Farm Based Business.

FEEDLOT An enclosure, usually bare of vegetation and used for the holding of livestock.⁶⁴

FEMA The Federal Emergency Management Agency.⁶⁵

⁶¹ As added in Ordinance 2010-01 adopted on March 15, 2010

⁶² As added in Ordinance 06-24 adopted on December 11, 2006.

⁶³ As added in Ordinance 2010-01 adopted on March 15, 2010

⁶⁴ As added in Ordinance 06-12 adopted on May 15, 2006

⁶⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

FENCE A structure, other than a building, which is a barrier and used as a boundary which partially or completely surrounds a lot or parcel providing a means of protection or confinement. A fence does not include a hedge or other natural growth.

FHBM Flood Hazard Boundary Map.

FINANCIAL SERVICES A business such as agricultural financial credit institutions, credit unions, banks and branch banks, bond companies, insurance companies, savings and loan associations, stock and securities brokers and analysts, investment companies, and similar establishments.

FIVE-HUNDRED YEAR FLOOD (500-YEAR FLOOD) A flood that has a 0.2 percent chance of being equaled or exceeded in any year.⁶⁶

FLOOD A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.⁶⁷

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM) An official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.⁶⁸

FLOOD HAZARD BOUNDARY MAP (FHBM) An official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.⁶⁹

FLOOD INSURANCE RATE MAP (FIRM) An official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.⁷⁰

FLOOD INSURANCE STUDY (FIS) The official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.⁷¹

FLOOD PRONE AREA Any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")⁷²

FLOOD PROTECTION GRADE (FPG) The elevation of the regulatory flood plus two feet at any given location in the SFHA (see FREEBOARD).⁷³

FLOODPLAIN The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the fringe districts.⁷⁴

FLOODPLAIN MANAGEMENT The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including

⁶⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

⁶⁷ As readopted in Ordinance 2011-10 adopted on October 17, 2011

⁶⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

⁶⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

⁷⁰ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷¹ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷² As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷³ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷⁴ As amended in Ordinance 2011-10 adopted on October 17, 2011

but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.⁷⁵

FLOODPLAIN MANAGEMENT REGULATIONS Standards in this ordinance, the Unified Subdivision Control Ordinance, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.⁷⁶

FLOODPROOFING (DRY FLOODPROOFING) A method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.⁷⁷

FLOODPROOFING CERTIFICATE A form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.⁷⁸

FLOODWAY The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.⁷⁹

FLOOR AREA, NET GROSS The total number of square feet of floor space on all floors, including basements within the surrounding walls of a structure (or portion thereof).

FLOOR AREA, NET Gross floor area (as defined) less permanent storage and warehouse areas, show windows, utility rooms, dressing or fitting rooms, vents, elevator shafts, stairwells, hallways and entrances, porches, breezeways, attached garages, parking and loading facilities, unenclosed porches and unfinished attic and basement areas.

FOOD PROCESSING FACILITY The preparation, storage, or processing of food products. Examples of these include, but not limited to: bakeries; dairies; contract sorting, grading, and packaging services for fruits and vegetables; production of animal fat and oil; canning of fruits, vegetable, preserves, jams, jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of condensed and evaporated milk; wet milling of corn; production of creamery butter; drying and dehydrated fruits and vegetables; preparation of feeds for animal and fowl; production of flour and other grain mill products; blending and preparation of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; meat packing (not including a slaughterhouse or rendering facility) fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; poultry and small game dressing and packing, providing that all operations be conducted within an enclosed building; production of shortening, table oils, margarine and other edible fats and oils; milling of soybean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy, and brandy spirits; spring water bottling and other food processing establishments not elsewhere defined or specified in this Ordinance.

FOSTER HOME See Children's Home definition.

⁷⁵ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷⁶ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷⁷ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷⁸ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁷⁹ As readopted in Ordinance 2011-10 adopted on October 17, 2011

FOUNDATION/SIDING/SKIRTING A type of wainscoting constructed of fire retardant and weather resistant material which encloses the entire undercarriage of the manufactured or mobile home.

FREEBOARD A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.⁸⁰

FRINGE Those portions of the floodplain lying outside the floodway.⁸¹

FRONTAGE (of a block) All of the property of such block front on one side of a street right-of-way.

FRONTAGE (of a lot) All the property of such lot fronting on a street right-of-way, as measured between side lot lines.

FUNCTIONALLY DEPENDENT FACILITY (FLOODPLAIN) For the purpose of the floodplain overlay district, a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.⁸²

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.

GRADE The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GRAFFITI Language or symbols placed on a property by someone other than the property owner which serves to deface that property and others properties around it.⁸³

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 bushels or more capacity.

GRAZING The keeping in pasture of animals such that their principle feed is derived from natural or cultivated in-place vegetation growing upon the land, with supplementation of said feed only occurring during unfavorable conditions (drought, snow cover, etc.)⁸⁴

GLARE The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.

GROUP CARE HOME An establishment other than a residential facility (as defined), a social rehabilitation facility (as defined), or a children's home (as defined) which may be licensed by a department of state or local government to provide a family-like and long-term living environment for individuals who are not related to the head of the household and who are developmentally disabled, mentally ill, aged, blind, or deaf and in need of adult supervision and which provides room and board and other services in accordance with their individual needs. This definition includes alternative family programs and semi-independent living programs as defined by IC 16-13-22-1(2) and emergency shelters for abused, neglected, abandoned or homeless individuals.

⁸⁰ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸¹ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸² As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸³ As amended in Ordinance 02-13 adopted on December 2, 2002

⁸⁴ As added in Ordinance 06-12 adopted on May 15, 2006

GROUP HOUSING QUARTERS A structure occupied by individuals sharing common facilities. Group housing quarters differ from two and multi-family dwelling units in that the rooms contained in the structure do not constitute independent housekeeping establishments. Examples of group housing include a boarding house, lodging house, clubs that offer lodging, fraternities, or a single room occupancy hotel.

HARDSHIP A perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. Self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; or any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

HARDSHIP (FLOODPLAIN) For variances in the Floodplain Overlay District, the exceptional hardship that would result from a failure to grant the requested variance. The Board of Commissioners of Clinton County requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.⁸⁵

HAZARD TO AIR NAVIGATION An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HAZARDOUS WASTE Solid waste or liquid waste or a combination of wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:

- A) Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or
- B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The intent of this definition is to comply with the meaning of or amendments to the definition contained within Indiana Code 13-7-1-12. For the purpose of this Ordinance, this definition does not include small quantity generators as defined by 320 IAC 4.1-3-5 or transporters as defined by 320 IAC 4.1-1-7.

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 mansards 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.

HEIGHT (AIRPORT OVERLAY DISTRICT) For the purpose of the airport overlay district, the height datum shall mean sea level elevation unless otherwise specified.

HIGHEST ADJACENT GRADE The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.⁸⁶

HISTORIC STRUCTURE Any structure individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.⁸⁷

⁸⁵ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸⁶ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸⁷ As amended in Ordinance 2011-10 adopted on October 17, 2011

HOME See Dwelling definition.

HOME OCCUPATION An occupation carried on by an occupant at his or her place of residence, which occupation shall be accessory and incidental to the residential use of said residence. Home occupations are regulated by “performance-type” standards, which must be met at all times. Home occupations may be either Class 1 or Class 2 home occupations depending upon the number of employees, and the extent of physical modification to the property. These classes are further defined as follows:

- 1) **Home Occupation- Class 1** These home occupations can have no more than one non-resident employee, can have no outside storage and must meet other standards in Article Five of this Ordinance. Examples include: home offices, small repair services, and other similar uses.
- 2) **Home Occupation- Class 2** These home occupations can have no more than five non-resident employees, can have limited outside storage and must meet other standards in Article Five of this Ordinance. Examples include small cottage industries, small contractors, farm-related businesses, and other similar uses which otherwise would not be permissible in non-commercial districts.

HOSPITAL An institution licensed by the State Board of Health and providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, psychiatric, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, children’s, orthopedic, cancer, medical urgent care centers.

IC The Indiana Code, 1988 or most recent edition, and the most recent yearly cumulative supplement.

IMMEDIATE VICINITY/IMMEDIATE LOCATION The location of, or position of, anything, measured in feet, in relation to any structure or object related to an authorized or permitted use. For the purposes of this ordinance, such distance shall be within one hundred (100) feet.

IMPERVIOUS SURFACE Impervious surfaces are those surfaces which do not absorb rain. All structures, parking areas, driveways, roads, sidewalks, and any areas in concrete, asphalt, and pack stone shall be considered impervious surfaces within this definition.

IMPERVIOUS SURFACE RATIO The impervious surface ratio is a measure of the intensity of use of a parcel of land. It is measured by dividing the total area of all impervious surfaces within the site by the lot area.

IMPROVEMENT LOCATION PERMIT A permit or certificate of zoning compliance indicating that the proposed use, construction, reconstruction, alteration or moving of a building or structure, or use of land, referred to therein, complies with the provisions of this Ordinance.

INCOMPATIBLE USE A use or service which is incapable of direct association with certain other uses because it is contradictory, unsuitable or discordant.

INCREASED COST OF COMPLIANCE (ICC) The cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention standards of this Ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.⁸⁸

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT OR IDEM- The state regulatory agency and any successor state agency that is responsible for permitting and ensuring landfill compliance with state environmental protection requirements.⁸⁹

⁸⁸ As amended in Ordinance 2011-10 adopted on October 17, 2011

⁸⁹ As added in Ordinance 2009-04 adopted on July 6, 2009

INDIRECT LIGHTING Lighting which is located either internally within a sign or which is directed and/or shielded so that only the face of a sign is illuminated from external locations.

INDUSTRY The field of economic activity including forestry; agriculture; mining; construction; manufacturing; transportation, communication, and utilities; retail trade, wholesale trade, and services.

INDUSTRIAL SUPPORT A commercial endeavor established to meet the supply and service needs of industry.⁹⁰

INTENSITY The degree of impact which is a land use may have on adjacent land uses. The higher the intensity, the more likely there will be a negative impact of one land use on another. There are requirements for bufferyards and other standards in this Ordinance to minimize impact between land uses of different intensity.

INTERESTED PARTY Persons and/or organizations required by ordinance or rule to either participate in, or be given notice of, an action of, or a pending matter, before a commission, board or hearing authority.

JUNK Old or scrap copper, brass, rope, rags, batteries, paper, trash, tires or other rubber debris, bottles, used lumber or building materials, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNK YARD An open area where junk (as defined) or scrap materials are collected, bought, sold, exchanged, stored, baled, packed, disassembled, or handled. This definition does not include a scrap metal processing facility (as defined) or automobile graveyard (as defined) or a recycling center (as defined) where material is collected but not stored, or a refuse transfer station.

KENNEL-Class A Any premises, or portion thereof, where up to eight domestic dogs or equivalent animals are kept. Cats and other small animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. No animals may be boarded, trained, groomed, bred, or cared for in return for financial compensation, or are kept for the purpose of sale. Animals under six months of age should not be counted when determining the number of dogs or equivalent animals.⁹¹

KENNEL-Class B Any premises, or portion thereof, where nine to twenty domestic dogs or equivalent animals are kept. Cats and other smaller animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. No animals may be boarded, trained, groomed, bred, or cared for in return for financial compensation, or are kept for the purpose of sale. Animals under six months of age should not be counted when determining the number of dogs or equivalent animals.⁹²

KENNEL- Class C Any premises, or portion thereof, where more than 21 domestic dogs or equivalent animals are kept. Cats and other smaller animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. All commercial kennels, including boarding kennels, training kennels, veterinary kennels, rescue kennels or where animals are boarded, trained, groomed, bred or cared for in return for financial compensation, or are kept for the purpose of sale are a Kennel-Class C. Animals under six months of age should not be counted when determining the number of dogs or equivalent animals.⁹³

LANDFILL A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

LANDSCAPING The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flowerbeds, fountains, and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

⁹⁰ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

⁹¹ As amended in Ordinance 06-03 adopted on January 23, 2006.

⁹² As amended in Ordinance 06-03 adopted on January 23, 2006.

⁹³ As amended in Ordinance 06-03 adopted on January 23, 2006.

LEACHATE As defined by 329IAC 10-2-103, means a liquid that has passed through or emerged from solid waste and contains soluble, suspended, immiscible, or miscible material removed from such waste.⁹⁴

LEGISLATIVE BODY The Town Council of a town, the Common Council of a city, or the Board of County Commissioners of a county.

LETTER OF MAP AMENDMENT (LOMA) An amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.⁹⁵

LETTER OF MAP REVISION (LOMR) An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.⁹⁶

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) An official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.⁹⁷

LIFE CARE FACILITY A facility for the transitional residency of certain persons, progressing from independent living in single-life dwellings to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility.

LIVESTOCK Animals of any kind that are kept, fed, raised by a person, partnership, or corporation for any use or purpose, and may include, but is not limited to, fur bearing, meat, dairy, show and draft animals such as ponies, cattle, swine, sheep or goats.

LOADING/UNLOADING AREAS The portion of any lot which is required to be reserved to the loading or unloading of vehicles at any non-residential establishment according to the standards of this Ordinance. A loading area may not use the same area as a parking area (as defined) except in the case of parking areas serving B-1 and B-2 business districts where density is higher and paved surfaces must be used as efficiently as possible.⁹⁸

LOT A parcel which is part of a recorded subdivision properly recorded and accessible to a public street or an approved private street. It may be a lot separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of lots and parcels when adjacent to one another and used as one. A cadastral or unrecorded lot is not considered a lot for the purpose of this Ordinance.⁹⁹

LOT OF RECORD A lot which is part of a platted subdivision, recorded in the office of the County Recorder prior to the effective date of this ordinance.¹⁰⁰

LOT COVERAGE The percentage of the lot area covered by the building area.

LOT, MINIMUM AREA OF The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public street or alley.

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.

⁹⁴ As amended in Ordinance 2009-04 adopted on July 6, 2009

⁹⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

⁹⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

⁹⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

⁹⁸ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

⁹⁹ As amended in Ordinance 06-24 adopted on December 11, 2006.

¹⁰⁰ As amended in Ordinance 06-24 adopted on December 11, 2006.

LOT, PIPESTEM/FLAG A lot which does not abut a public street other than by its driveway which affords access to the lot. The pipestem is that part of a lot which affords access and is less in width than the minimum lot width in the district in which located.

LOT DEPTH The distance, in a straight line, between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT WIDTH The horizontal distance between the side lot lines measured at right angles to the lot depth at the required front setback line.

LOT, CORNER A lot at the intersection of and abutting two or more streets.

LOT, THROUGH A lot having frontage on two parallel or approximately parallel streets. Both street lines shall be front lot lines.

LOT, INTERIOR A lot other than a corner lot or through lot.

LOT, REVERSED INTERIOR An interior lot, the front line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

LOT, REVERSED CORNER A corner lot, the rear of which, abuts upon the side of another lot, whether across an alley or not.

LOT, SUBSTANDARD A lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot parcel was of record as a legally created lot on the effective date of this ordinance.

LOT LINE A line dividing one lot from another lot or from a street or alley.

LOT LINE, FRONT On an interior lot, the lot line abutting a street; or, on a corner or through lots, both lot lines abutting a street; or, on a pipestem lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR A lot line which is opposite and most distant from the front line and, in the case of an irregular or triangular-shaped lot, a line at least ten feet in length within the lot, parallel to and at the maximum distance from the front lot line, on corner lots, the yard opposite the street on which the lot is addressed shall be a rear yard.

LOT LINE, SIDE Any lot boundary line not a front lot line or a rear lot line.

LOWEST ADJACENT GRADE The lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.¹⁰¹

LOWEST FLOOR For the purpose of the flood plain overlay district, the lowest of the following:¹⁰²

- 1) The top of the lowest level of the structure;
- 2) The top of the basement floor;
- 3) The top of the garage floor, if the garage is the lowest level of the structure;
- 4) The top of the first floor of a structure elevated on pilings or pillars;

¹⁰¹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁰² As amended in Ordinance 2011-10 adopted on October 17, 2011

- 5) The top of the floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exist of floodwaters, through providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; and,.
 - b. Such enclosed space shall be usable solely for the parking of vehicles and building access.

MANUFACTURED HOME A single-family dwelling unit designed and substantially built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal manufactured Housing Construction And Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- (1) Was constructed after January 1, 1981, and exceeds 950 square feet of occupied space IC 36-7-4-1106 (d),
- (2) Is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code,
- (3) Has wheels, axles and towing chassis removed,
- (4) Has a pitched roof with a minimum rise of 2:12 and,
- (5) Consists of two or more sections which, when joined, have a minimum dimension of 23 feet in width for at least sixty percent of its length.

A single family dwelling unit designed and substantially built off site and installed as a permanent residence, which fails to meet any of the above criteria, shall be defined here as a mobile home, even if called "manufactured home" in the trade.¹⁰³

MANUFACTURED HOME (FLOODPLAIN) For the purpose of the floodplain overlay district, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."¹⁰⁴

MANUFACTURED HOME/MOBILE HOME PARK A parcel of land containing two or more dwelling sites, with required improvements and utilities, that are leased for the long term placement of mobile home dwellings and/or manufactured home dwellings, and shall include any street used or intended for use as part of the facilities of such Manufactured Home Park. A manufactured Home park does not involve the sales of mobile Homes Dwellings or manufactured Home Dwellings in which unoccupied units parked for inspection or sale.¹⁰⁵

MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN) For the purpose of the floodplain overlay district, a parcel (or contiguous parcels) of land divided into two or more manufactures home lots for rent or sale.¹⁰⁶

MANUFACTURED HOME SUBDIVISION (NON-FLOODPLAIN) A parcel of land platted for subdivision designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by manufactured or mobile homes.

¹⁰³ As amended in Ordinance 2010-01 adopted on March 15, 2010

¹⁰⁴ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁰⁵ As amended in Ordinance 2010-01 adopted on March 15, 2010

¹⁰⁶ As amended in Ordinance 2011-10 adopted on October 17, 2011

MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the Federal Mobile Home Construction and Safety Act), the rules and regulations adopted thereunder (including information supplied by the home manufacturer) which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the United States Department of Housing and Urban Development (HUD), pursuant to HUD rules and regulations and interpretations of said code by the State Department of Fire and Building Services; all of which became effective for mobile/manufactured home construction on June 15, 1976.

MANUFACTURING Establishments engaged in the mechanical or chemical transformation of materials or substances into new products. Manufacturing may include the production of the following goods: paper and allied products; chemicals and allied products; stone and glass products; iron and steel products; nonferrous fabricated products; automotive assembly and heavy industrial machinery assembly; home appliances; electrical instruments; office machines; precision instruments; electronic devices; time pieces; jewelry; optical goods; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; film processing; electrical machinery and components; sheet metal products; plastic goods and pharmaceutical goods. This definition does not include agribusiness (as defined), food processing facilities (as defined), or slaughterhouses and rendering facilities. Manufacturing may be classified as either heavy manufacturing or light manufacturing:

- 1) **Manufacturing, Heavy:** Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution, but not beyond the zoning district boundary.
- 2) **Manufacturing, Light:** Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and no nuisance.

MAP AMENDMENT (FLOODPLAIN) A change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).¹⁰⁷

MAP PANEL NUMBER The four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)¹⁰⁸

MARKET VALUE (FLOODPLAIN) For the purpose of the floodplain overlay district, the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.¹⁰⁹

METEOROLOGICAL TEST TOWER A structure which is installed to take measurements of the wind, solar energy or other renewable energy resources in order to determine if the area is suitable for a Wind Energy Conversion Systems (WECS) or other renewable energy resources.¹¹⁰

MINERAL EXTRACTION Mining or quarrying and removal of earth material. Mineral extraction also includes the storage, stockpiling, distribution, and sale of rock, sand, gravel, earth, clay, and similar materials and rock crushing, screening, blending, washing, loading and conveyor facilities.

¹⁰⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁰⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁰⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹¹⁰ As added in Ordinance 06-18 adopted on July 24, 2006.

MITIGATION Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.¹¹¹

MOBILE HOME¹¹² A transportable dwelling unit which is a minimum of eight feet in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

1. Prior to June 15, 1976 and bears a seal attached under Indiana public Law 135, 1971, certifying that it was built in compliance with the standards established by the Indiana Administrative Building Council, or
2. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

MOTEL/HOTEL A structure or portion thereof or a group of structures which provide sleeping accommodations in separate units or rooms for transients on a daily, weekly, or similar short-term basis and where no common facilities are shared. Such an establishment may be designated as a hotel, motel, resort, inn, court, motor inn, motor lodge, tourist cabin, tourist court, apartment hotel, or otherwise. A hotel or motel may include separate cooking facilities for each unit. It shall not include use of rooms for retail or other commercial purposes for a period exceeding seven days, nor does it include group-housing quarters (as defined), bed and breakfast establishments (as defined) or country inns (as defined).

MUNICIPAL SOLID WASTE LANDFILL OR LANDFILL As defined by 329 IAC 329 IAC 10-2-116, means a solid waste land disposal facility that is permitted to receive municipal solid waste, and that it is not a land application unit, surface impoundment, injection well, or waste pile. It may also receive commercial solid waste, construction/demolition waste, small quantity generator waste, and industrially generated solid waste not regulated by 329 IAC 3.1.¹¹³

MUNICIPAL SOLID WASTE LANDFILL UNIT As defined by 329 IAC 10-2-117, means a discrete area of land or an excavation this is permitted to receive municipal solid waste for disposal, and that is not a landfill application unit, surface impoundment, injection well, or waste pile. It may also received commercial solid waste, construction/demolition waste, small quantity generator waste, and industrially generated solid waste not regulated by 329 IAC 3.1.¹¹⁴

NATIONAL FLOOD INSURANCE PROGRAM (NFIP) The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.¹¹⁵

NATIONAL GEODETIC VERTICAL DATUM (NGVD) OF 1929 A vertical control used as a reference for establishing varying elevations within the floodplain as corrected in 1929.¹¹⁶

NEW CONSTRUCTION (FLOODPLAIN) Any structure for which the “start of construction” commenced after the effective date of the community’s first floodplain ordinance.¹¹⁷

NEW MANUFACTURED HOME PARK OR SUBDIVISION (FLOODPLAIN) A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading

¹¹¹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹¹² As amended in Ordinance 2010-01 adopted on March 15, 2010

¹¹³ As added in Ordinance 2009-04 adopted on July 6, 2009

¹¹⁴ As added in Ordinance 2009-04 adopted on July 6, 2009

¹¹⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

¹¹⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

¹¹⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.¹¹⁸

NON-CONFORMING STRUCTURE Any structure or part of a structure legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

NON-CONFORMING USE Any use or arrangement of land or structures legally existing at the time of enactment of this Ordinance or any of its amendments, which does not conform to the provisions of this Ordinance.

NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) as adopted in 1993 A vertical control datum used as a reference for establishing varying elevations within the floodplain.¹¹⁹

NOXIOUS MATTER OR MATERIALS Any material which is capable of causing 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.

NUCLEAR WASTE Radioactive byproduct materials generated by laboratory, hospital and/or industrial research and commercial production; radioactive fuel elements, assemblies and related material generated by utility companies; military, industrial and commercial production as defined by the Atomic Energy Act of 1954 as amended and administered by the Nuclear Regulatory Commission, or any radioactive material and associated carrier materials whether gaseous, liquid or solid which has been declared "diminimus" and no longer under control of the NCR. Such material may or may not be designated hazardous by the EPA.

NUDITY/STATE OF NUDITY The appearance of a human bare buttock, anus, males genitals, female genitals, or female breast.

NURSING HOME A facility licensed by the State Board of Health which provides nursing services on a continuing basis; admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services; provides for licensed physicians services or supervision; maintains medical records; and provides other similar medical or health services. Examples of nursing home facilities that provide health services may include convalescent homes, maternity homes, rest homes, housing for the elderly and the like. It may or may not include life-care facilities or congregate housing (as defined).

OBSTRUCTION Any structure, growth, or other object, including a mobile object, which exceeds a limiting width or height.

OBSTRUCTION (FLOODPLAIN) For the purpose of the floodplain overlay district, this includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.¹²⁰

OCCUPANCY PERMIT A document issued by the Zoning Administrator upon completion of the construction of a structure, or change in use of a structure or parcel of land and indicating that the use and/or structure is in compliance with all applicable ordinances and that the structure and land may be used for the purposes set forth in the Improvement Location Permit.

ONE AND TWO FAMILY DWELLING CODE The nationally recognized model building code prepared by the Council of American Building Officials, adopted by the Indiana Department of Fire and Building Services, as mandated through IC 22-11-1 and which includes those supplements and amendments promulgated by the Indiana Department of Fire and Building Services.

¹¹⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

¹¹⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹²⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

ONE-HUNDRED YEAR FLOOD (100-YEAR FLOOD) The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.¹²¹

ONE-PERCENT ANNUAL CHANCE FLOOD The flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See “Regulatory Flood”.¹²²

OPEN GRAZING The maintenance of animals on pasture at a concentration no greater than 2 animal units per acre of pasture such that their principle feed is derived from grazing.¹²³

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, motorcycles, boats, and monuments.

OPERATOR The term “Operator” when used in connection with or in respect of a WECS shall mean any person or entity which has the primary involvement with or responsibility for the use, operation, or maintenance of all or a portion of the WECS.¹²⁴

OUTDOOR STORAGE The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

OVERLAY DISTRICT A set of zoning requirements which are described in the text of this Ordinance and applied to specific areas of the county in addition to the requirements of underlying use districts. Development within overlay districts must conform to the requirements of both districts.

OWNER (WECS) The term “Owner” when used in connection with or in respect of a WECS shall mean any person or entity and his, her, or its assigns and successors in interest which has any ownership interest in any or all of the necessary devices to convert wind energy into electricity as herein defined as a WECS. The term “Owner” does not include any person or entity whose ownership interest in a WECS is limited to an interest in real property which is used in a WECS.¹²⁵

PASTURE An enclosed space with over 75% vegetative cover and adequate fencing whereby animals receive their principle source of feed from in-place vegetation.¹²⁶

PARCEL A part or portion of land under common ownership, which is contiguous having a legal description formally set forth in a recorded conveyance together with the boundaries thereof, in order to make possible its identification.¹²⁷

PARCEL OF RECORD A contiguous area of land which has a legal description for which a conveyance has been recorded in the office of the County Recorder at the time of adoption of this ordinance.¹²⁸

PARENT TRACT All land which is contiguous and under common ownership from which a new lot or parcel is being taken as recorded in the office of the County Recorder at the time of adoption of this amendment of this Ordinance or subsequent amendment thereto.¹²⁹

¹²¹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹²² As added in Ordinance 2011-10 adopted on October 17, 2011

¹²³ As added in Ordinance 06-12 adopted on May 15, 2006

¹²⁴ As added in Ordinance 2009-03 adopted on May 18, 2009

¹²⁵ As added in Ordinance 2009-03 adopted on May 18, 2009

¹²⁶ As added in Ordinance 06-12 adopted on May 15, 2006

¹²⁷ As added in Ordinance 06-24 adopted on December 11, 2006.

¹²⁸ As added in Ordinance 06-24 adopted on December 11, 2006.

PARKING/PARKING AREA The portion of any lot which is required to be reserved for the parking of vehicles using that lot according to the standards of this Ordinance. A parking area may not use the same area as a loading area (as defined) except in the case of parking areas serving B-1 and B-2 business districts where density is higher and paved surfaces must be used as efficiently as possible.¹³⁰

PARTICIPATING COMMUNITY Clinton County Indiana which has voluntarily elected to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.¹³¹

PARTICIPATING LOCALITY Any local government in Clinton County which has adopted this Ordinance.

PERMANENT FOUNDATION A structural system for transporting loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil in accordance with building codes.¹³²

PERMANENT PERIMETER ENCLOSURE A permanent perimeter structural system, completely enclosing the space between the floor joists of the home and the ground except for necessary openings, constructed in accordance with building codes.¹³³

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

PHYSICAL MAP REVISION (PMR) An official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.¹³⁴

PLANNED UNIT DEVELOPMENT A planned unit development as specified in IC 36-7-4-601 and consisting of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable housing than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zone map amendment.

POST CLOSURE As defined by 329 IAC 10-2-139, means the monitoring and maintenance activities required by the Indiana Department of Environment Management after final closure of a landfill.¹³⁵

POST-FIRM CONSTRUCTION Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.¹³⁶

POULTRY Birds or fowl of any kind that are kept, fed, or raised by a person, partnership, or corporation for any use of purpose.

¹²⁹ As added in Ordinance 06-24 adopted on December 11, 2006.

¹³⁰ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

¹³¹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹³² As amended in Ordinance 2010-01 adopted on March 15, 2010

¹³³ As amended in Ordinance 2010-01 adopted on March 15, 2010

¹³⁴ As added in Ordinance 2011-10 adopted on October 17, 2011

¹³⁵ As added in Ordinance 2009-04 adopted on July 6, 2009

¹³⁶ As added in Ordinance 2011-10 adopted on October 17, 2011

PRE-FIRM CONSTRUCTION Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.¹³⁷

PRE-SCHOOL An establishment operated for the purpose of providing, usually part-time, instruction or education of children under six years of age. A pre-school may or may not be operated in conjunction with a day care center.

PRINCIPAL USE The primary use to which a premises is devoted and the main purpose for which the premises exist.

PROBATION A means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.¹³⁸

PROFESSIONAL OFFICE Any structure or portion thereof used or intended to be used as an office which includes, but is not limited to, abstractors, advertising consultants, collection agencies, detective and protective service agencies, employment agencies, interior designers, realtors, attorneys, engineers, architects, surveyors, accountants, bookkeepers, tax consultants, labor and business organizations, political organizations, professional societies, and similar professional offices.

PROJECTED SOUND EMISSIONS STUDY A study predicting the sound pressure levels that will be produced by a WECS Project. This study shall include a brief summary of the study methodology and a sound contour map in five (5) decibel increments displayed as an overlay on an aerial photograph of the project area to a minimum of 40 decibels. The study shall be done at the maximum turbine sound level as provided by the manufacturer.¹³⁹

PUBLIC SAFETY AND NUISANCE (FLOODPLAIN) Anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.¹⁴⁰

RECREATIONAL VEHICLE (FLOODPLAIN) For the purposes of the floodplain overlay district, a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.¹⁴¹

RECREATIONAL VEHICLE (NON-FLOODPLAIN) A portable vehicular structure, built to the Federal Manufactured Housing Construction and Safety Standards Code, designed for travel, recreational camping, or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including, but not limited to, a travel trailer, tent trailer, motor home, detached pickup camper, boat, and boat trailers or manufactured or mobile homes of less than 320 square feet.

RECREATIONAL VEHICLE PARK/CAMPGROUNDS A parcel of land used or intended to be used for temporary occupancy by campers or for temporary occupancy by or recreational vehicles, travel trailers, tents, cabins, or other temporary accommodations.

RECYCLING CENTER A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware, and metal are collected, separated, stored, flattened, crushed, or bundled essentially by hand within a completely enclosed building for shipment to others who will use those materials to manufacture new products. This does not include a refuse transfer station or a facility where recycled items are reproduced or manufactured into new products.

¹³⁷ As added in Ordinance 2011-10 adopted on October 17, 2011

¹³⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

¹³⁹ As added in Ordinance 2009-03 and adopted May 18, 2009

¹⁴⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁴¹ As amended in Ordinance 2011-10 adopted on October 17, 2011

RECYCLING COLLECTION POINT An accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or other public quasi-public areas such as in churches and schools.

REGULAR PROGRAM The phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.¹⁴²

REGULATORY FLOOD A flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 40.061 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".¹⁴³

REPAIR SERVICES A business, other than a home occupation, which includes, but is not limited to, the repair of electrical appliances, musical instruments, watches, clocks, jewelry, shoes, small gasoline powered items such as lawn-mowers, and similar small items; and also the reupholstery and repair of furniture. This may include the accessory resale of items repaired at the establishment.

REPETITIVE LOSS Flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.¹⁴⁴

RESEARCH AND DEVELOPMENT FACILITY An establishment for research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development, whether conducted within or outside of buildings shall create no noise, smoke, glare, vibration or odor which can be detected outside of the buildings or property line.

RESIDENTIAL FACILITY A community residential facility for the developmentally disabled or mentally ill as defined in IC 16-13-21-1.

RETAIL TRADE Buildings for the display and sale of merchandise at retail such as the following: antiques, apparel, arts and crafts supplies, automotive parts, bakeries, bicycle sales and accessory repair, books and magazines, camera shops, carpet, department stores, drapery, drug stores, fabrics, florists (not to include greenhouses), furniture, gift shops, groceries, hardware, hobby shops, household appliances, jewelry, office and business machines and supplies, paint stores, pet shops (not include kennels), rent-to-own stores, tape and music stores, shoes, specialty food stores, sporting goods, toy stores, variety stores, video tape sales and rentals, and other similar type uses not elsewhere defined or specified in this Ordinance.

RIGHT-OF-WAY A strip of land, other than an easement, occupied or intended to be occupied by a street, pedestrian way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, drainage swale, or for another special use. The boundaries of such rights-of-way are considered to be the lot lines of adjoining property from which setback distances are measured.

RURAL NON-FARM RESIDENCE A single family dwelling, mobile home, or manufactured home on less than twenty acres of land in the A-1 zone.

SANITARY LANDFILL An incinerator, a composting facility, a garbage grinding facility, or any other facility that is suitable for solid waste disposal. The intent of this definition is to comply with the meaning of or amendments to the definition contained within Indiana Code 36-9-30-2.

¹⁴² As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁴³ As amended in Ordinance 2011-10 adopted on October 17, 2011

¹⁴⁴ As added in Ordinance 2011-10 adopted on October 17, 2011

SATELLITE DISH ANTENNA An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

SCHOOL A public, parochial, or private institution offering an educational curriculum or educational instruction or any institution under the State Department of Public Instruction jurisdiction, including pre-schools, primary, middle and high schools or academies, junior colleges, colleges or universities except for home schools.

SCRAP METAL PROCESSING FACILITY An establishment having facilities for processing iron, steel or nonferrous metal and whose principal product is scrap iron, steel or scrap for sale for remelting purposes only.

SCREENING The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

SEAT For purposes of determining the number of off-street parking spaces for certain uses, the number of seats installed, or each 24 lineal inches of benches, pews or space for folding chairs.

SECTION (MANUFACTURED HOUSING) A unit of a manufactured home at least ten feet in width and 30 feet in length.

SECTION 1316 That section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.¹⁴⁵

SECURITY AND SAFETY PLAN The WECS Project site security and safety plan as provided by Section 406.01(B)(2)(b).¹⁴⁶

SELF-SERVICE STORAGE FACILITY/MINI-WAREHOUSE A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies.

SEMI-NUDE A state of dress in which clothing covers no more than the genitals, pubic regions, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.

SETBACK The required minimum horizontal distance between the building line and the related front, side, or rear property line.

SHOPPING CENTER Any group of two or more trade or service uses which are de-signed as a single commercial group, whether located on the same lot; under common ownership or management; connected by party walls, partitions, canopies or other structural members to form one continuous structure, or if located in separate buildings, are interconnected by walkways and access ways designed to facilitate customer interchange between the uses; share a common parking area; and otherwise present the appearance of one continuous commercial area. This definition includes enclosed shopping centers or malls, strip shopping centers, and/or specialized centers such as outlet malls or auto malls.

SHRUB A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

SIDEWALK CAFÉ A restaurant which has an incidental or accessory use, a group of tables, chairs, benches or decorative devices maintained upon a public sidewalk adjacent to the restaurant for the sale to the public of food or beverages as otherwise permitted by law. This definition does not include tables or benches for eating purposes provided by a restaurant as accessory uses on the restaurant property.

¹⁴⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁴⁶ As added in Ordinance 2009-03 adopted May 18, 2009

SIGN Any surface, fabric or device, bearing lettered, pictorial, or sculptured matter, including forms shaped to resemble any human, animal, or product designed to convey information visually or to attract attention and which is exposed to public view or any structure, including billboards, poster panels, or other graphic displays, designed to convey the above visual information.

SIGN, BUILDING-MOUNTED A sign attached to the exterior wall of a structure, other than a structure used exclusively for sign support, which does not project more than 18 inches there from. Individual letters, in addition to the “box-type sign” may also be installed as a building-mounted sign.

SIGN, CANOPY A sign displayed, maintained, or supported upon an overhanging marquee, canopy, awning, or other similar cover of shelter projecting from a structure.

SIGN, FREESTANDING A sign not connected to a building or structure, other than a structure used exclusively for sign support.

SIGN, OFF-PREMISES A sign, which communicates the availability of goods, services, ideas, of a business establishment, which is not located on the same premises the sign is located.

SIGN, ON-PREMISES A sign, which communicates the availability of goods, services, ideas of a business establishment available on the premises on which the sign is located.

SIGN, PORTABLE Any sign that is designed to be transported from place to place, either on its own wheels or on a trailer, and which is not permanently secured.

SIGN, PROJECTING A sign, other than a building-mounted sign or a canopy sign which projects from and is supported by or attached to a wall of a structure.

SIGN, WALL GRAPHIC A design which is painted on a side of a building for the purpose of improving a blank or dilapidated building surface, enhancing architectural detail, or generally intended to improve the visual aspect of the community. Wall graphics may include the name and/or logo of a local business, but shall not advertise specific products manufactured or offered for sale, except through indirect graphic representation.

SIGN AREA The area of a sign shall be calculated by one of the following ways as applicable:

- 1) **Freestanding or building-mounted**-The area includes all lettering, wording, and accompanying design and symbols, together with the background, whether open or closed, on which they are displayed. The area does not include minimal supporting framework, bracing, or poles but does include any decorative structures.
- 2) **Individual letter or figures**-When attached or painted on a surface such as building, canopy, awning, wall, or window, the area is that of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols.

SITE PLAN A drawing which must be submitted with an application for an Improvement Location Permit showing the information specified in Section 902.04 of this Ordinance.

SOCIAL REHABILITATION CENTER/HALFWAY HOUSE A secure or non-secure facility, licensed by a department of state or local government, in which persons reside while receiving, either within the facility or elsewhere, services which are designed to equip them for independent living within the community. Such services may include therapy, treatment, training, and/or counseling which is directed at one or more of the following groups: assisting persons to recover from the effects of drugs or alcohol or the dependence thereon; assisting persons with family, school, or social adjustment problems to return to normal family or communal life; or assisting persons to be housed under supervision while under the constraints of alternatives to imprisonment, including but not limited to,

work-release and probationary programs. For the purpose of this Ordinance, this definition does not include state or federally owned and operated facilities, which may be exempt from local zoning.

SOLID WASTE BOUNDARY As defined by 329 IAC 10-2-175, means the outermost perimeter of the area within a municipal solid waste landfill that is permitted to receive solid waste for disposal.¹⁴⁷

SOLID WASTE PROCESSING FACILITY A solid waste facility upon which is located a solid waste incinerator, transfer station, solid waste baler, solid waste shredder, resource recovery system, composting facility, garbage grinding facility, and other similar facilities, as further defined by IC 13-11-2-212, but not including recycling centers.¹⁴⁸

SPECIAL EXCEPTION A use, which shall be allowed within a particular district contingent upon approval of the Board of Zoning Appeals because of its special nature. Special exceptions which may be considered in each district are listed in Table A of this Ordinance.

SPECIAL FLOOD HAZARD AREA (SFHA) Those lands within the jurisdictions of the Clinton County subject to inundation by the regulatory flood. The SFHAs of Clinton County are generally identified as such on the Clinton County and Incorporated Areas Flood Insurance Rate Map prepared by the Federal Emergency Management Agency, dated December 2, 2011. (These areas are shown on a FHBM of FIRM as Zone A, AE, A1-A30, AH, AR, A99, or AO)¹⁴⁹

SPECIFIED ANATOMICAL AREAS The male genitals in a state of sexual arousal and the vulva or more intimate parts of the female genitals.

SPECIFIED SEXUAL ACTIVITIES Includes any of the following:

- 1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- 3) Masturbation, actual or simulated; or
- 4) Excretory functions as part of or in connection with any of the activities set forth in A through C above.

STAFF Any employee, consultant or other individual performing duties on behalf of or request of the Area Plan Commission of Clinton County.

START OF CONSTRUCTION (FLOODPLAIN) For purpose of the floodplain overlay district, this include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms. For

¹⁴⁷ As added in Ordinance 2009-04 adopted on July 6, 2009

¹⁴⁸ As added in Ordinance 2010-01 adopted on March 15, 2010

¹⁴⁹ As amended in Ordinance 02-10 adopted on July 8, 2002

substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.¹⁵⁰

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”.

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 percent of the floor area is completed for a principal or accessory use).

STREET A right-of-way dedicated or otherwise legally established which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREETS CLASSIFICATION Classification as specified in the Unified Subdivision Control Ordinance.

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.

STRUCTURE (AIRPORT OVERLAY DISTRICT) For the purpose of the Airport Overlay District, an object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

STRUCTURE (FLOODPLAIN) A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.¹⁵¹

STRUCTURE (NON-FLOODPLAIN, NON AIRPORT OVERLAY DISTRICT) Anything constructed, erected, or built, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, which includes, but is not limited to, in addition to buildings, mobile homes, signs, porches, fences, radio towers, and other building features but not including sidewalks and patios.

SUBDIVISION A subdivision as defined by the Clinton County Unified Subdivision Control Ordinance.

SUBSTANTIAL DAMAGE (FLOODPLAIN) For the purpose of the floodplain overlay district, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.¹⁵²

SUBSTANTIAL IMPROVEMENT (FLOODPLAIN) For the purpose of the floodplain overlay district, any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage” regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local

¹⁵⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁵¹ As amended in Ordinance 2011-10 adopted on October 17, 2011

¹⁵² As added in Ordinance 2011-10 adopted on October 17, 2011

health, sanitary, or safety code requirements or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.¹⁵³

SUBSTATION (WECS) An apparatus that connects the electrical collection system of the WECS and increases the voltage for connection with the utility’s transmission lines.¹⁵⁴

SUPPLY YARD A commercial establishment storing or offering for sale goods which require large storage areas primarily outside such as steel, pipe, lumber, concrete, or metal supplies. Supply yards do not include automobile graveyards (as defined), a junk yard (as defined), or scrap metal processing facilities (as defined).

SUPPORT SYSTEM A pad or a combination of footing, piers, caps, plates, and shims which, when properly installed, supports a manufactured or mobile home.

SUSPENSION The removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.¹⁵⁵

SWITCHING STATION (WECS) An apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.¹⁵⁶

THOROUGHFARE PLAN That part of the Comprehensive Plan for the county, now or hereafter adopted, which includes a 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.

TOWN Each incorporated town in Clinton County.

TRANSPORTATION PLAN Detailed route plan recommended by the WECS Transportation Committee and approved by the Clinton County Commissioners used for construction and maintenance by a WECS including plans for temporary road closures and traffic re-routing, plans for the repairs, replacement and/or reconstruction of all damage to roads, bridges, signage, vehicles, drainage structures, and other public or private improvements damaged by the WECS construction and maintenance, and the posting of repair, replacement, and maintenance bonds and such other matters as may be determined to be necessary and appropriate to protect the health and safety of motorists and to preserve and maintain the affected roads, bridges, and other public and private improvements.¹⁵⁷

TREE Any object of natural growth.

TRUCKING TERMINAL Land and buildings used as relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

UNMAINTAINED OR UNCONTROLLED VEGETATION Vegetation which is not maintained or controlled as to height except for the following:¹⁵⁸

¹⁵³ As amended in Ordinance 2011-10 adopted on October 17, 2011

¹⁵⁴ As added in Ordinance 06-04 adopted on April 3, 2006 and in Ordinance 2010-01 adopted on March 15, 2010.

¹⁵⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁵⁶ As added in Ordinance 06-04 adopted on April 3, 2006 and amended in Ordinance 2010-01 adopted on March 15, 2010.

¹⁵⁷ As added in Ordinance 2009-03 adopted May 18, 2009.

¹⁵⁸ As added in Ordinance 2012-07 adopted April 16, 2012.

- 1) Areas protected under conservation programs such as the Conservation Reserve Program, Wildlife Habitat Incentive Program and similar programs.
- 2) Areas requiring alternative vegetation such as slopes, streambanks, or other features whereby regular maintenance would be unsafe or environmentally detrimental.
- 3) Wooded and landscaped areas designed to mimic natural surroundings including but not limited to butterfly gardens, rain gardens, prairie grass plantings, backyard wildlife habitats and wooded areas.
- 4) Areas used for pasturage of livestock.
- 5) Areas used for cultivation of agronomic crops, and
- 6) Herb, vegetable and flower gardens.

URBAN GROWTH AREA The are around the City of Frankfort and county towns shown as Urban Growth Areas in the Clinton County/City of Frankfort Comprehensive Plan.

USE, OF PROPERTY The purpose of activity for which the land or building thereon is designed, arranged, 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.

USE, PERMITTED A use, which is lawfully established in a particular district, provided it conforms with all requirements of such districts.

VACANT Any structure that is: 1) not abandoned (as defined) or 2) used or occupied.¹⁵⁹

VARIANCE A modification, by a Board of Zoning Appeals, of the terms of this Ordinance, where such modification, or adjustment, will not be contrary to the public interest, and where such required modification is not the result of, or caused by, any action of the applicant but is caused by conditions peculiar to the property, and a literal enforcement of this ordinance would result in unnecessary and undue hardship.

VARIANCE (FLOODPLAIN) For the purpose of the floodplain overlay district, a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.¹⁶⁰

VETRINARY HOSPITAL OR CLINIC A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity, but does not include a kennel (as defined).

VIOLATION (FLOODPLAIN) For purpose of the floodplain overlay district, the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.¹⁶¹

VISUAL CLEARANCE A triangular space at the street corner of a corner lot or at the intersection of driveways and alleys with streets or at the intersection of alleys, which must be kept free from any kind of obstruction as further specified in this Ordinance.

WAREHOUSE A building used primarily for the storage of goods and materials.

¹⁵⁹ As amended in Ordinance 06-2 adopted on January 3, 2006

¹⁶⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁶¹ As added in Ordinance 2011-10 adopted on October 17, 2011

WATER SURFACE ELEVATION height, in relation to the North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.¹⁶²

WATERCOURSE A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.¹⁶³

WECS NET SALVAGE VALUE The net value of the towers, nacelles, generators, turbines, blades, wires, transformers, and all other saleable parts and commodities which make up the WECS whether sold as used parts or on a commodity/scrap basis or any combination thereof (whichever is greater) after deducting all estimated costs and expenses of dismantling, removal, and transportation and all costs and expenses of sale (including but not limited to all commissions and fees) and the amount necessary to pay and satisfy all liens, security interests, and other encumbrances attaching to the WECS. The commodity/scrap value shall be based on the prior five (5) years average scrap value of the commodity.¹⁶⁴

WECS PROJECT The collection of WECS-Commercial (as defined) as specified in the Development Plan (alternatively “the WECS Overlay Application”) pursuant to this Ordinance.¹⁶⁵

WECS TOWER The support structure to which the nacelle and rotor are attached, freestanding or guyed structure that supports a wind turbine generator.¹⁶⁶

WECS TOWER HEIGHT The distance from the rotor blade at its highest point to the top surface of the WECS foundation.¹⁶⁷

WECS TRANSPORTATION COMMITTEE A committee chaired by the Clinton County Highway Supervisor and including the County Sheriff or designee, School Superintendent(s) of the district(s) the WECS will be constructed in or designee(s), Fire Chief(s) with jurisdiction over the WECS Project Area or designee(s), Clinton County Surveyor or designee(s), Soil & Water Conservation District Board Representative or designee(s), and other identified individuals which will review and recommend to the County Commissioners the proposed Transportation Plan submitted by a WECS Applicant.¹⁶⁸

WETLAND Land that has a performance of hydric soils; that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and that normal circumstances supports a prevalence of such vegetation. Wetlands are important resources for surface water retention, thus aiding in flood prevention, groundwater recharge for clean groundwater, and are rich in diversity of plant and animal species.¹⁶⁹

¹⁶² As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁶³ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁶⁴ As added in Ordinance 2009-03 adopted on May 18, 2009

¹⁶⁵ As added in Ordinance 06-04 adopted on April 3, 2006, and amended in Ordinance 2009-03 adopted on May 18, 2009

¹⁶⁶ As added in Ordinance 06-04 adopted on April 3, 2006.

¹⁶⁷ As added in Ordinance 06-04 adopted on April 3, 2006.

¹⁶⁸ As added in Ordinance 2009-03 adopted on May 18, 2009

¹⁶⁹ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

WILD ANIMALS A non-native or exotic animal as further defined in 312 IAC 9-11, as amended. They are classified into three categories as follows:¹⁷⁰

- 1) Wild Animals-Class 1 This class includes any wild animal which, because of its nature, habits, or status, is not a threat to personal or public safety such as rabbits or squirrels as further defined in 312 IAC 9-11-6.
- 2) Wild Animals-Class 2 This class includes any wild animal which, because of its nature, habits, or status may pose a threat to human safety such as beaver, coyote, gray or red fox, mink, muskrat, opossum, raccoon, skunk or weasel as further defined in 312 IAC 9-11-7.
- 3) Wild Animals-Class 3 This class includes any wild animal which presents a real or potential threat to human safety such as wolves, bears, wild cats, venomous reptiles and crocodilians as further defined in 312 IAC 9-11-8.

WIND ENERGY CONVERSION SYSTEM (WECS)-COMMERCIAL All necessary devices referred to in UZO Section 406 that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower, the substations, switching stations, meteorological towers, communications facilities and other required facilities and equipment, as related to the WECS Project.¹⁷¹

WIND ENERGY CONVERSION SYSTEM (WECS)-NON-COMMERCIAL A WECS facility referred to in UZO Section 534 of one or more turbines with a total name plate generating than 20 kW but not more than one Megawatt (MW) for the purpose of producing electricity on one or more contiguous parcels and not for resale or distribution by interconnection with a utility.¹⁷²

WIND ENERGY CONVERSIONS SYSTEM (WECS)-PRIVATE USE A WECS facility referred to in UZO Section 535 consisting of not more than one turbine and with a total name plate generating capacity of no more than 20 Kilowatts (kW) for the purpose of generating supplemental electricity for the parcel on which the facility is located.¹⁷³

WHOLESALE DISTRIBUTION An establishment which buys products from manufacturers for resale to retail establishments. Wholesale establishments may include, but is not limited to, motor vehicles and automotive equipment, drugs, chemicals, dry goods and apparel, groceries, electrical goods, hardware, plumbing and heating supplies, machinery, furniture, home furnishings, lumber products, and paper products, but does not include scrap and waste materials nor does it include wholesale establishments selling directly to the public which must be considered a retail business/outlet store for the purposes of this Ordinance.

WHOLESALE/RETAIL A commercial endeavor may combine attributes of both wholesaling and retail operations. Providing that traffic from the retail function will not hamper the function of the surrounding warehousing areas or traffic from the wholesale establishments selling directly to the public which must be considered a retail business/outlet store for the purposes of this Ordinance.¹⁷⁴

¹⁷⁰ As added in Ordinance 06-12 adopted on May 15, 2006

¹⁷¹ As added in Ordinance 06-04 adopted on April 3, 2006, and amended in Ordinance 2009-03 adopted on May 18, 2009

¹⁷² As added in Ordinance 2009-03 adopted on May 18, 2009

¹⁷³ As added in Ordinance 06-04 adopted on April 3, 2006, and amended in Ordinance 2009-03 adopted on May 18, 2009

¹⁷⁴ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

X ZONE The area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.¹⁷⁵

YARD A space on the same lot with principal buildings, open, unoccupied other than by steps, walks, terraces, driveways, lamp posts and similar structures the depth of which is the least permitted distance between the street right-of-way line and the building line. On corner lots, the front yard shall be all yards between the street right-of-ways and the building lines. The front yard may also be called the front setback.

YARD, REAR A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory structures and uses the depth of which is the least permitted distance between the rear lot line and the rear of such principal building. On corner lots, the yard opposite the street on which the lot is addressed shall be a rear yard and the remaining yard(s) shall be a side yard. On through lots or on lots which abut a street right-of-way and a lake or river shore, there shall be front yards provided on both streets and/or river or lakeshore property lines except as provided by this Ordinance. The rear yard may also be called the rear setback.¹⁷⁶

YARD, SIDE A yard between the principal building and the side lot line, extending from the front yard line to the rear yard line. The width of the required side yard is measured horizontally, 90 degrees with the side lot line, from the nearest part of the principal building. On corner lots the side yard is opposite the street on which the property is not addressed. In cases of irregular or pie-shaped lots, the width of the required side yard shall be the average of the width of the area between the side lot line and the principal building measured horizontally at 90 degrees with the side lot line. The side yard may also be called the side yard setbacks.¹⁷⁷

ZERO LOT LINE The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line.

ZONE (FLOODPLAIN) For purpose of the floodplain overlay district, a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.¹⁷⁸

ZONE A (see definition for A zone)¹⁷⁹

ZONE B, C, AND X Areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)¹⁸⁰

ZONING ADMINISTRATOR/ADMINISTRATOR The person appointed to administer and enforce this Ordinance.

ZONING DISTRICT OR DISTRICTS For purposes of this Ordinance, the districts into which participating localities shall be divided.

¹⁷⁵ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁷⁶ As amended in Ordinance 02-13 adopted on December 2, 2002

¹⁷⁷ As amended in Ordinance 02-13 adopted on December 2, 2002

¹⁷⁸ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁷⁹ As added in Ordinance 2011-10 adopted on October 17, 2011

¹⁸⁰ As added in Ordinance 2011-10 adopted on October 17, 2011

ZONING MAPS Maps, which are adopted as a part of this Ordinance showing the location of zoning districts in the county.

ARTICLE THREE DISTRICT REGULATIONS

301 OFFICIAL ZONING MAPS: Zoning Maps of the City of Frankfort and each town and township in Clinton County are hereby included as part of this Ordinance in Appendix A. The maps shall be shown as the Official Zoning Maps for the City of Frankfort, The Town of Colfax, the Town of Kirklin, the Town of Michigantown, the Town of Mulberry, and the Town of Rossville, and Center Township, Forest Township, Jackson Township, Johnson Township, Kirklin Township, Madison Township, Michigan Township, Owen Township, Perry Township, Ross Township, Sugar Creek Township, Union Township, Warren Township, and Washington Township.

301.01 The Zoning Maps are public documents with the originals of each map located in the office of the Area Plan Commission. Certified copies of the zoning maps shall be located with the Clerk of each appropriate legislative body and with the Zoning Administrator of the participating locality.

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

301.03 The Zoning Map should be revised annually, or as the Area Plan Commission determines, with certified copies made thereof, to show the amendments adopted by the legislative body during the previous year. Such revisions 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.¹

301.04 In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, each legislative body may, by resolution, adopt new Zoning Maps which shall supersede the prior Zoning Maps.

301.05 District boundaries on the Zoning Maps shall meet the following standards:

- A.** District boundaries shown within the lines of roads, streams, and transportation right-of-ways shall be deemed to follow the centerlines.
- B.** Boundaries indicated as following section or fractional section lines, platted lot lines, or city or town corporation lines shall be constructed as following such lines.
- C.** Boundaries indicated as parallel to, or extensions of, above features shall be so constructed.
- D.** Boundaries indicated, as approximately following the centerline of streams, rivers, or other bodies of water shall be constructed to follow such centerlines or meanderings as they existed on the effective date of this Ordinance.

Where a district boundary line divides a lot of record, in single or joint ownership, at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than fifty feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district.

- E.** The vacation of streets and roads shall not affect the location of such district boundaries.

¹ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

- F. When the Zoning Administrator cannot definitely determine the location of a district boundary by such centerlines, by scale or dimensions stated on the Zoning Map, or by the fact that it clearly does not coincide with a property line, he shall refuse action and the Area Board of Zoning Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections A through G above, the Board of Zoning Appeals shall interpret the district boundaries.

302 ESTABLISHMENT OF DISTRICTS: For the purpose of this Ordinance, the County is divided into the following zoning districts for purposes as stated:

302.01 A-1 Agricultural: The purpose of this district is to recognize agriculture as the predominant use of land in the county and to ensure the continued viability of this resource. The principal land use is farming. Related uses such as farmsteads, woodland, ponds, and confined feeding should also be permitted uses. Adverse effects and incompatibilities between agricultural and non-farm uses will be discouraged and public sewage and water facilities will not be provided. Density shall not be more than one dwelling unit per twenty acres. Non-farm residential land uses should only be permitted in agricultural areas if they are first rezoned or approved as a special exception for residential use.

302.02 R-1 Rural Residential: This district is comprised primarily of existing residential areas in the county outside of Urban Growth Areas, which are not of sufficient density, or area to warrant central sewage facilities now or in the foreseeable future. Density shall not exceed one dwelling unit per acre in these areas. Designated low density rural residential areas include the small unincorporated communities throughout the county.

302.03 R-2 Low Density Residential: This district includes those areas within the City of Frankfort, the incorporated towns, and the Urban Growth Areas, which are proposed for low-density single-family use. Density will be sufficient enough where central sewage can be provided immediately or in the future. Two-family (e.g. Duplex) and two-family zero lot line dwellings are possible in this district but require a special exception (see Table A).²

302.04 R-3 Medium Density Residential: This district includes areas of primarily single-family dwellings in Frankfort and the towns, which have historically developed at higher density and where municipal water and sewer are provided. Density shall not exceed four dwelling units per acre. Two-family and multi-family dwellings are possible in this district but both require a special exception (see Table A).³

302.05 R-4 High Density Residential: This district includes areas for a wide range of dwelling unit types including multi-family dwellings and mobile home parks. All development will be on central sewage in this district and density shall not exceed six dwelling units per acre. High-density residential areas are located primarily in Frankfort.

302.06 B-1 Neighborhood Business: This district includes area for convenience businesses and service uses in neighborhood areas.

302.07 B-2 Central Business: This district provides for the special needs of the downtown business areas of Frankfort and the incorporated towns. They are characterized by older, quite often historic, buildings and which have historically served as the commercial center of the community.

302.08 B-3 Roadside Business: This district designates areas for commercial uses which primary access is by automobile. These areas are along major arterial streets and roads and quite often include planned shopping centers and clusters of buildings, which share things such as parking and access.

² As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

³ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

302.09 B-4 General Business: This district includes areas for general business uses to meet the needs of a regional market. They shall be located along major transportation routes away from residential areas.

302.10 B-5 Agribusiness: This district designates land for business and manufacturing support uses for the agricultural community, primarily in existing locations. Such uses include grain elevators, agricultural chemical businesses, and farm implement dealers.

302.11 I-1 Light Industrial: This district designates areas for the development and expansion of manufacturing and wholesale business establishments, which operate primarily within enclosed buildings.

302.12 I-2 General Industrial: This district is provided to encourage the development and expansion of major industrial operations, which use both open and enclosed space. Future general industrial areas should be buffered from all other land use areas.

302.13 PUD Planned Unit Development: This district is intended to define properties, which, because their location and surrounding developments, are suited to be developed as Planned Unit Developments, as provided for under this Ordinance.

302.14 FP Flood Plain Overlay: This district regulates development within floodplains, which have been identified in Clinton County in order to reduce the health and safety hazards of development in flood plain areas.

302.15 AO Airport Overlay: The purpose of the airport overlay district is to guide development around the Frankfort Municipal Airport that could be particularly hazardous if development standards were not imposed. This will minimize the possibility of accidents causing hardship on individual property owners and the general public.

302.16 Wind Energy Conversion System Overlay: This district is intended to define areas, which because of their location and wind resources, are recommended and best suited for the establishment of Commercial WECS. This district will permit and regulate the development of WECS to minimize impact on underlying district and potential for conflict with other uses.⁴

302.17 LD Landfill District: This district is intended for the establishment and expansion of Municipal Solid Waste Landfills.⁵

303 DISTRICT LAND USAGE: The permitted, prohibited and special exception uses for each district are shown in Table A. Where the district column is marked with a "P", the use is permitted in that district. Where the district column is marked with an "X", the use is prohibited. Where the district column is marked with an "S", a special exception must first be obtained from the Area Board of Zoning Appeals as specified in Article Eight of this Ordinance. Certain uses also have additional development standards as specified in Article Five of this Ordinance and identified in Table A. The Zoning Administrator shall determine into which category any use shall be placed which is not specifically listed or herein defined. This determination may be appealed to the Board of Zoning Appeals.

303.01 When classification of use is appealed 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.

- A) The applicant shall file a request with the appropriate division of the Area Board of Zoning Appeals as an appeal of the Zoning Administrator according to Article Eight of this Ordinance.

⁴ As added in Ordinance 2009-03 adopted on May 18, 2009

⁵ As added in Ordinance 2009-04 adopted on July 6, 2009

- B) In classifying the use, the Board shall make a finding:
- 1) That the subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be placed.
 - 2) That the subject use is similar to one or more uses permitted in the district within which it is proposed to be placed.
- C) The Board shall classify such use as permissible by right, or special exception, or not permitted at all.

303.02 An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted at the time of enactment of this Ordinance, is a conforming use, providing such use meets the minimum lot area requirements set forth in the respective districts. Any expansion of such special exception involving the enlargement of buildings, structures, and land area devoted to such use shall be subject to the requirements of Article Eight of this Ordinance.

304 DISTRICT PERFORMANCE STANDARDS District minimum lot area; lot width; minimum lot area per family; minimum front, side, and rear yards; and maximum impervious surface ratios are listed in Table B.

305 SUPPLEMENTAL LOT REGULATIONS Except as hereinafter provided, no building or structure shall be erected or located on a lot unless such lot conforms with the lot area regulations in the district in which it is located as shown in Table B. Building Lot Provisions in Incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in APPENDIX “B” of this Ordinance.

305.01 Lots of record, or lots sold by verifiable land contract, prior to the passage of this Ordinance may be smaller in area than the figure prescribed provided all other regulations of the district can be met.

305.02 Except as provided by Section 305.03, no Improvement Location Permit may be issued for a structure or use on any lot created after the adoption of this provision which does not have seventy feet of frontage on an open, improved, public-accepted and maintained street or a private street which meets the private street standards of the Subdivision Control Ordinance. Except as provided by Section 305.03, no Improvement Location Permit may be issued for a structure or use on any lot created prior to the adoption of this provision which does not have frontage on an open, public accepted and maintained street, or a private street which meets the private street standards of the Subdivision Control Ordinance.

305.03 To achieve more creative planning and preservation of natural property features, pipestem lots are permitted provided they have exclusive unobstructed private easement of access of at least twenty feet width to a road. However, two pipestem lots with no more than one dwelling on each lot may share a common easement of access of at least twenty-four feet width. The area of a pipestem lot occupied solely by the pipestem driveway or easement shall not be deemed to be a part of the required minimum lot area.

305.04 Unless otherwise permitted under this ordinance, there shall be only one (1) dwelling structure permitted on a lot provided that all regulations applicable to the particular use and zoning district are met.⁶

305.05 On corner lots, lot width requirements need to be set along only one street right-of way provided Section 306.06 of this Ordinance can be met.

305.06 When a replacement dwelling is constructed on a lot or parcel which has an existing dwelling, the existing dwelling shall be removed upon completion of the new dwelling, unless approved by special exception by the Area Board of Zoning Appeals.⁷

⁶ As amended in Ordinance 95-7 adopted on May 22, 1995

⁷ As added in Ordinance 2010-01 adopted on March 15, 2010

306 SUPPLEMENTAL YARD REGULATIONS⁸ No portion of a principal or accessory structure or use, including garages, porches, steps, carports, and decks, shall project into any minimum front, side or rear yard as shown on Table B except as provided below:

306.01 An architectural or structural feature such as an eave, chimney, bay window, roof overhang, cornice, sill, awning, canopy, or similar feature shall not extend or project into any required setback more than two feet.⁹

306.02 An uncovered porch, landing, Deck or steps (except for safety railings) which do not extend above the level of the first floor of the building, a fire escape, or uncovered stairs may extend or project into any required yard not more than four feet. Structures approved by this subsection may not be later enclosed or extended above first floor level except by Area Board of Zoning Appeals approval.

306.03 An accessory structure (as defined) shall not be located in the front yard nor located closer than five feet to the side yard or rear lot or alley right-of-way line. There shall be no setback between accessory structures.¹⁰

306.04 Accessory use (as defined) and the following yard improvements are not subject to setback regulations and are permitted in any required front, side, or rear yard provided they do not violate other sections of this Ordinance: gazebos; flagpoles; arbors and trellis; outdoor barbecues; walks; driveways; parking spaces; decorative driveway entrance features; curbs; retaining walls; utility installations for local service such as poles, lines and hydrants; lattice work screens; mail boxes; nameplates; ponds; lamp posts; recreational equipment; bird baths and birdhouses; dog houses; children's play houses; trees and shrubs; flowers and plants; gardens; bushes; hedges and landscaping of a similar nature. Fences are permitted in front, side and rear yards subject to the standards in Section 503.12 of this Ordinance. This section does not include accessory structures (as defined) except for those listed above.

306.05 Principal and accessory structures on lots which abut more than one street shall provide the required front yards along every street. Lots which abut a driveway, private road, or other easement of access, which serves as a principal means of access for one or more lots, must also meet front yard setbacks along said easement of access.

306.06 Where twenty-five percent or more of the lots within a block or for a distance within 350 feet of the proposed building on the same side of the street or road, if not within a block, are occupied by buildings, the average setback of such buildings determines the front yard setbacks, however, if there is no other building within the block or within 350 feet in either direction, then the standard setback for the district shall apply.

306.07 Front yard or building setback lines established in recorded subdivisions establish the dimension of front yards in such subdivision, except when such building setback lines may be less restrictive as provided in the applicable district.

306.08 No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by, or counted as open space for, any other building or structure.

306.09 Visual clearance on corner lots or at intersections shall be provided as follows:¹¹

- A) On a corner lot in any district except B-2, no building, fence, hedge, crops, vegetation, wall, sign, or other structure shall be erected, placed, planted, or allowed to grow, and no motor vehicle, recreational vehicle, or outdoor storage may be placed in the triangular area specified below in such manner as to impede vision between a height of three feet and twelve feet

⁸ As amended in Ordinance 2014-14 adopted on November 3, 2014

⁹ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

¹⁰ As added in Ordinance 2013-03 adopted on March 18, 2013

¹¹ As amended in Ordinance 2014-14 adopted on November 3, 2014

above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements. The triangular area is determined by a diagonal line connecting two points measured fifteen feet along each edge of each road right of way from the point where the two right of ways intersect. Traffic-control devices and public utility fixtures shall not be affected by this requirement.

- B)** At intersections of driveways and alleys with streets, or at intersections of alleys with alleys in any district except B-2, no building, fence, hedge, crops, vegetation, wall, sign, or other structure shall be erected, placed, or allowed to grow and no motor vehicle, recreational vehicle, or outdoor storage may be placed in the triangular area specified below in such a manner as to impede vision between a height of three feet and twelve above the established driveway or the center lines of the intersecting driveway, street, or alley surfaces. The triangular area is determined by a diagonal line connecting two points measured ten feet along each of the driveway lines and street or alley right-of-way lines equidistant from the intersection of the driveway lines and street or alley right-of-way lines or alley and alley right-of-way lines. Traffic-control devices and public utility fixtures shall not be affected by this requirement.

306.10 In addition to regular setback (yard) requirements for structures, a bufferyard shall be provided and maintained by the owner or lessee of a property in accordance with this Section. Bufferyards are required between most land uses on adjacent properties in order to reduce the impact of one use on another. Generally, more intensive uses require greater amounts of buffering than less intensive uses. This section applies only to changes of use, the construction of a principal structure on a lot or the expansion of any existing principal structure by fifty percent or more.

- A)** Bufferyards, where required, shall be located along side and rear property lines. In the B-4, B-5, I-1, or I-2 districts, bufferyards shall also be required along the front property line when adjacent to or facing a residential district. In the LD District, bufferyards shall be around the solid waste boundary (as defined) and all accessory uses except for agricultural uses and except where the entrance is located.¹² On lots which abut a street along more than one property line, the site plan designate which property line shall be considered the front and bufferyards shall be provided along all other lines. Bufferyards shall have the necessary widths and planting and fencing material as required below.
- B)** To determine the required widths and materials of bufferyards, the following procedure shall be used: (Refer to Tables A and C in Appendix D)¹³
- 1)** Identify the Bufferyard Classification (Buffer Class A, B, C, D, E, or F) of the proposed use and/or structure by referring to Table A of this Ordinance.
 - 2)** Identify the Bufferyard Classification (Buffer Class A, B, C, D, E, or F) of an existing adjacent use by referring to Table A of this Ordinance. For vacant land and for existing, adjacent uses, nonconforming to the zoning district in which it is located, refer to the Zoning Map for the district classification of the land and/or use.
 - 3)** Determine the bufferyard requirements for the proposed use and/or structure by referring to Table C. Go down the left column to the Bufferyard Classification of the proposed use and then go across the matrix either to the land use class or the adjacent vacant land zoning district and refer to the Roman Numeral (I, II, III, IV, V, or VI) in the corresponding box which indicated the bufferyard type.
 - 4)** Refer to the bufferyard type in Illustrations I through VI. Any of the alternative bufferyards may be selected.

¹² As added in Ordinance 2009-04 adopted on July 6, 2009

¹³ As amended in Ordinance 2009-04 adopted on July 6, 2009

C) The following additional standards shall apply to bufferyards:

- 1) All bufferyards shall be maintained and kept free of debris, rubbish, weeds, and tall grass.
- 2) There shall be no structures, outdoor storage, parking, or loading facilities in bufferyards, except for agricultural or residential uses. However, bufferyards may be coterminous with the required front, side, or rear setback areas but in case of conflict, the larger yard area regulation shall apply.
- 3) All plants shall be planted within one year of the Improvement Location Permit issuance or within six months of project completion, whichever is earlier, and all plants shall be properly maintained. Any plants, which do not live or are destroyed, shall be promptly replaced.
- 4) Deciduous trees shall be a minimum of eight feet in height when planted. Deciduous shrubs shall be a minimum of six feet in height when planted.
- 5) Evergreens shall be a minimum of four feet in height when planted.
- 6) Berms shall be a minimum of four feet in height.
- 7) Flowering trees and shrubs shall be encouraged in bufferyards.
- 8) Decorative native prairie grasses are permitted in bufferyards but they shall be maintained and kept weed free.

D) On any parcel of land where there is an existing use or structure, the Zoning Administrator may waive up to fifty percent of the required bufferyard if it is physically impossible to locate the required bufferyard due to non-conforming lot size, existing structure or parking lot location or other similar reasons.

306.11 Canopies for an automobile service station, drive-in bank, drive-in restaurant, or similar use where outside pedestrian activity is necessary, may be constructed to the property line provided that the canopy is at least twelve feet in height and no more than twenty-five percent of the required front and side yard is covered by the canopy.

306.12 When an accessory structure is attached to a principal structure by a breezeway or roofed passageway, said accessory structure shall be deemed to be part of the principal structure and shall maintain principal structure yard requirements. This section does not apply to accessory structures which exist on the effective date of this Ordinance and any subsequent attachment to the principal structure.

306.13 An existing mobile home or manufactured home which does not meet setback requirements may be replaced provided the replacement mobile home does not encroach into the required setback area to any extent greater than the existing home.

307 GENERAL PROVISIONS AND EXCEPTIONS TO HEIGHT REGULATIONS¹⁴ No principal structure in any district may be constructed, reconstructed, altered or enlarged which exceeds thirty-five feet in height above average ground level and no accessory structure shall exceed the height of the principal structure except as provided below:

307.01 The following structures may exceed normal height requirements provided their total height does not exceed their distance from the nearest lot line:

¹⁴ As amended in Ordinance 2014-14 adopted on November 3, 2014

- A) Agricultural structures such as barns, silos, tanks, bins, and windmills located in the A-1 or R-1 districts.
- B) Communication structures such as radio, television, and relay, receiving stations and aerials and observation towers.
- C) Industrial uses such as gas and liquid fertilizer tanks, power generating plants, sub-stations, smokestacks, grain elevators, and other agricultural product processing and storage facilities, and industries requiring a vertical production procedure such as flour mills, steel mills and refineries.
- D) Architectural projections, such as spires, belfries, parapet walls, cupolas, and domes.
- E) Special structures such as monuments, emergency communication towers, scenery lofts, fire towers, and flagpoles.
- F) WECS-Commercial, Non-commercial, and Private¹⁵
- G) An amateur radio (ham) station tower or antenna may be erected to a height of 200 feet provided that all regulations of the FCC are complied with.

307.02 Public and semi-public buildings, hospitals, schools and churches (excluding the spire) may be erected to any height provided their total height does not exceed their distance from the nearest lot line.

307.03 Auxiliary structures attached to a building such as chimneys, ventilation fans, and similar mechanical appurtenances or other structures necessary to maintain and operate a building may exceed normal height requirements provided the building is setback from all lot lines one additional foot for each foot of height above the maximum height limitations. If the auxiliary structure is erected at a later time than the building to which it is attached, the auxiliary structure, rather than the building must be so located that the provisions of this subsection can be met. Radio and television antennae are exempt from this provision.

307.04 Essential services (as defined), utilities, water towers, electric power and communication transmission lines, and trees are exempt from the height limitations of this Ordinance.

307.05 The height exceptions of this section shall not apply when a structure constitutes a hazard to an existing airport or landing strip and to electric power transmission lines.

307.06 The Board of Zoning Appeals may authorize a variance to this section for any principal or accessory structure in any district only if Section 307.05 of this Ordinance is met.

308 OFF-STREET PARKING AND LOADING Off-street parking and loading spaces shall be provided as required below:

308.01 Off-street parking and loading shall be provided for all uses established or structures built after the effective date of this Ordinance in accordance with the specifications of this section.

- A) Whenever a use or structure built after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or other, to create a need for an increase in the number of existing parking or loading spaces, additional spaces shall be provided on the basis of the enlargement or change.
- B) Whenever a use or structure existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent or more in floor area, number of employees, number of housing

¹⁵ As added in Ordinance 06-04 adopted on April 3, 2006, amended in Ordinance 2009-03 adopted on May 18, 2009

units, seating capacity, or other, said structures shall then and thereafter comply with all parking and loading standards set forth in this section.

- C) In the B-2 zoning district, off street parking and loading spaces do not need to be provided.

308.02 The number of parking spaces shall be as specified in Table D (See Appendix D [D-17]) based upon the parking classification of the use listed in Table A (Parking Class A through Z).

- A) For a use not specified in Table D, the parking space requirement shall be determined by the Zoning Administrator. When the number of parking spaces are to be determined by the Administrator, the Administrator shall base his decision on the parking needs of similar uses in Table D, on expected traffic volume, and on past parking experiences of existing similar uses.
- B) When parking spaces are based upon the number of employees in Table D, said number shall be the number of employees of the largest shift, except where noted.
- C) When the application of Table D results in a fraction of parking spaces, said number of spaces shall be rounded upward to the next highest round number.
- D) In addition to all parking space requirements of Table D, there shall be a minimum number of parking spaces as specified by the Administrator for all trucks, buses, and other company vehicles and special equipment to be parked and/or offered for sale on the site.
- E) In addition to be required parking spaces, there shall be at least two vehicle stacking spaces for each gas pump at service stations and truck stops; at least three vehicle stacking spaces for each bay at car washes; and at least six vehicle stacking spaces for each window or terminal at drive-in financial institutions, fast food restaurants, photo-finishing establishments, and other businesses with drive-up windows and facilities.
- F) Two or more non-residential uses may collectively provide the required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately. Two or more uses may also jointly share the same spaces provided their hours of operation do not normally overlap and a written agreement is filed with and approved by the Administrator.
- G) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Administrator, provided a written agreement shall be filed with the application for an Improvement location Permit, containing a guarantee that such parking spaces shall be available as long as the principal use is continued.
- H) Motorcycle parking spaces may be substituted for the off-street parking requirement at the rate of two motorcycle spaces per off-street parking space. This applies to lots having ten or more parking spaces and may be used to replace a maximum of two parking spaces.

308.03 Whenever fifteen or more off-street parking spaces are required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum standards:

- A) Each parking area shall have parking of minimum width, length, and access lanes of minimum width as indicated in Table E. (See Appendix D [D-18])

- B)** All parking spaces and access lanes shall be clearly marked, including directional arrows to guide internal movements. Such markings shall be maintained.
- C)** Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any property adjacent to the parking area.
- D)** Handicapped parking spaces and facilities shall be provided as required by the American Disabilities Act of 1992 or the American National Standard Institute publication ANSI 1171-1980, as amended or superseded.
- E)** Up to twenty percent of the required parking spaces may be designated compact spaces of at least eight by sixteen dimensions.
- F)** The interior circulation of traffic in parking areas shall be designed so that no driveway or access lane, providing parking spaces, shall be used as a through street.
- G)** No design shall be approved which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be required by the Administrator and/or the Indiana Department of Transportation shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices. No design shall allow the backing of any vehicle onto any street.
- H)** Any establishment which furnishes carts or mobile baskets for shopping shall provide defined areas within the required parking space areas for storage of said carts. Each designated storage area shall be clearly marked for storage of shopping carts.
- I)** In order to achieve better traffic control, eliminate runoff, and alter the appearance created by continuously paved surface, landscape areas shall be encouraged within all parking lots. Any landscaped area shall not visually obstruct vehicle or pedestrian traffic ways.
 - 1)** Landscaped islands may be provided at the end of each row of parking spaces to clearly define land and turning pattern.
 - 2)** In any parking lot with more than one aisle of parking spaces, a pedestrian system should be provided which separates pedestrian movement from vehicular circulation.

308.04 Whenever less than fifteen off-street parking spaces are required, each space shall have a width of not less than eight and one half feet and a length of not less than twenty feet.

308.05 The number of required off-street loading spaces for commercial, industrial, and institutional uses is specified in Table F. (See Appendix D [D-19])

- A)** Uses and structures with a net floor area of less than eight thousand square feet shall provide loading facilities so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, road, or alley.
- B)** Where the required number of loading spaces is not set forth for a particular use in Table F, the Zoning Administrator shall determine the basis of the number of spaces to be provided, based upon the loading space requirements of similar uses.

C) All of-street loading areas shall not be less than fifteen feet wide, twenty-five feet long and fifteen feet high, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve feet.

D) Where a given use or structure contains a combination of uses as set forth in Table F, loading facilities shall be provided on the basis of the sum of the required spaces for each use.

E) All required off-street loading spaces shall be located on the same lot as the use served, except where required spaces are provided cooperatively for two or more uses, subject to arrangements that will assure the permanent availability of such spaces to the satisfaction of the Administrator.

F) No required off-street loading area shall be used to satisfy the space requirement for any off-street parking and no loading area shall be so located as to interfere with the free circulation of vehicles in any off-street parking area.

G) All off-street loading space shall be provided with safe and convenient access to a street and shall be provided only through driveway openings as specified in Section 308.07.

H) No motor vehicle repair work, except emergency service, shall be permitted in association with any required off-street loading facility.

I) In addition to the required loading spaces, a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school, church, or other facility which is designed to accommodate more than twenty-five persons at one time.

308.06 The following additional standards apply to off-street parking with more than fifteen spaces and all off-street loading areas:

A) All parking and loading area drainage shall be designed in accordance with the Clinton County Drainage Ordinance and the drainage plan as required by Article Six of this Ordinance.

B) All parking and loading areas shall be graded and built according to the drainage plan and paved with bituminous, concrete, or other all weather, dustproof surfacing according to the standards of the participating locality.

C) All parking and loading areas and driveways shall be provided with a safe and adequate lighting system which shall be shielded and directed away from traffic on any public right-of-way and from residential district.

D) Developments which have parking and loading and driveways in excess of 40,000 square feet shall contain snow storage areas. Drainage plans shall include plans for the disposal of melt water.

E) All parking and loading areas shall be maintained in good condition without holes and shall be kept free of all trash and other debris.

F) In addition to bufferyards required by this Ordinance, a parking or loading area shall be effectively screened by a fence or planted material on any side or rear property line which is adjacent to or faces any property zoned residential. Such fence shall be opaque and not less than four feet nor more than six feet in height. Such planted screen shall consist of densely planted

evergreen hedge not less than four feet or more than six feet in height. All screens shall be maintained in good condition. 10

G) All parking and loading spaces except for residential and agricultural uses and any required screens shall not be located in a required front yard area.

308.07 Clearly defined driveways shall be provided for ingress and egress from all off-street parking and loading areas. Driveways shall be located and constructed according to the standards as shown in Table G (See Appendix D[D-20]) or such standards as established by the Indiana Department of Transportation, if access is onto a state highway.

A) The number of driveways for a required parking area from any street shall not exceed two per adjacent street. A common driveway may be provided between adjacent properties in order to meet this requirement.

B) Driveways contiguous to the front of commercial structures shall include an eight-foot painted fire lane in addition to other requirements of this section. If the Fire Chief, having jurisdiction of the structure, has stricter standards then they shall apply in lieu of the above.

308.08 An industrial use shall have direct vehicular access to and from arterial collector streets capable of supporting the average heaviest gross transport loads at any time of the year. Alleys and half-streets abutting an industrial 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.

308.09 Alleys in residential districts shall not be used for vehicular access for non-residential uses.

309 PERFORMANCE STANDARDS All uses listed under the industrial category in Table A which are established after the effective date of this Ordinance shall comply with all applicable state and federal regulations.

309.01 An application for an Improvement Location Permit for an industrial use must be accompanied by proof of compliance with all applicable state and federal regulations.

310 SUPPLEMENTAL ENVIRONMENTAL REGULATIONS¹⁶ No land shall be used or structure erected where the land is unsuitable for such use or structure due to unfavorable topography, adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. In addition the following standards must be met:

310.01 It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. When possible, existing natural surface drainage may be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water system which shall be integrated into the drainage pattern of surrounding properties. When the surface drainage is adequate, easement for such surface drainage shall be provided. On-site detention shall be required where necessary to prevent harm to adjoining properties. Compliance with the Clinton County Drainage Ordinance, where applicable, shall be deemed compliance with this section of the Ordinance.

310.02 Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the County Highway Department, the City Street Department, the Clinton County Drainage Board, or

¹⁶ As amended in Ordinance 2013-03 adopted March 18, 2013 and Ordinance 2014-14 adopted on November 3, 2014.

Indiana Department of transportation. Driveways may be constructed over these or other approved structures as permitted by the County Highway Department or Indiana Department of Transportation.

310.03 No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five feet of the center line of any legal tile or within seventy-five feet of the existing top edge of any legal open ditch unless approved by the Clinton County Drainage Board.

310.04 Existing features, which would add value to development, or natural or man-made assets of the county such as trees, streams, vistas, lakes, historical landmarks, and similar irreplaceable assets, shall be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

310.05 All land, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such activity to prevent erosion. All development during construction must be in compliance with the Clinton County Erosion Control Ordinance, when adopted.

310.06 All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low-level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said title.

310.07 All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

310.08 No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or groundwaters.

310.09 No highly flammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devices or heating appliances located and operated on the same lot as the tanks or drums of fuel and except for permitted agricultural uses and permitted uses in the I-1 district.

310.10 Junk, as defined, including¹⁷ debris and refuse shall not accumulate, nor shall graffiti be allowed to remain beyond two months after written notice requiring its removal from the Zoning Administrator, on any property, in any zoning district, and the property shall comply with all city and county nuisance ordinances.¹⁸

310.11 Bricks, concrete, lumber and other material used for fill where permitted by this Ordinance and/or by the Board of Health, DNR, or other governmental agency, shall be promptly covered and seeded.

310.12 Where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun on the shortest day of the year as determined by the Zoning Administrator, and as

¹⁷ As amended in Ordinance 2014-14 adopted on November 3, 2014

¹⁸ As amended in Ordinance 02-13 adopted on December 2, 2002

measured from the main living or work area of the adjacent structure, an additional yard area setback may be required by the Zoning Administrator so that the fifty percent view or exposure may be obtained.¹⁹

310.13 The following activities are permitted with no Improvement Location Permit required, provided all other applicable standards are met:

- A) Excavation for driveways, sidewalks, and similar activities.
- B) Normal plowing and preparing the land for gardens and yards.
- C) Normal trimming and/or removal of trees and shrubs for maintenance and/or site preparation.
- D) Earth movements related to site leveling, farming and other agricultural activity, including sod farming.
- E) Public and private road construction.
- F) Drain tile laying and ditch cleaning.
- G) Top soil removal, other than Mineral Extraction (as defined).
- H) Forest management activities such as timber harvesting and timber stand improvement, including sawmills on property where the lumbering is being done.

310.14 In all residential districts and the B-1, B-2, B-3, and B-4 zoning districts, no owner of any property shall permit to remain thereon, any unmaintained or uncontrolled vegetation (as defined) in excess of twelve (12) inches in height.²⁰

311 SUBDIVISION OF LAND²¹ In accordance with I.C. 36-7-4-701, a subdivision of land may occur in any zoning district provided that all applicable standards of this Ordinance and the Clinton County Subdivision Control Ordinance are met.

311.01 Condominiums are defined and regulated by I.C. 32-1-6 (the Horizontal Property Law, may also be referred to as “Horizontal Regime”). Covenants shall be submitted to address the responsibilities of the condominium association toward shared property.²²

312 PLANNED UNIT DEVELOPMENT²³ In accordance with I.C. 36-7-4-1500, as amended, a Planned Unit Development (PUD) District may be permitted, subject to the purposes and standards of this section. PUD Districts allow for a parcel of land to be planned out as a single unit allowing for mixed uses and densities under one zoning classification that would not otherwise be possible. Any zoning district may be rezoned into a Planned Unit Development District. Once designated as a PUD District, use and development specifications in the Unified Zoning Ordinance are replaced by those contained in an approved development plan which becomes the new basis for continuing land regulations within the district.

¹⁹ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

²⁰ As added in Ordinance 2012-07 adopted on April 16, 2012.

²¹ As amended in Ordinance 2014-14 adopted on November 3, 2014

²² As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

²³ As added in Ordinance 2014-14 adopted on November 3, 2014

312.01 PUD PURPOSES The following purposes apply to PUD Districts:

A) Planned Developments provide greater design flexibility in the development of land when proposals are consistent with the Clinton County Comprehensive Plan and with the intent of the Unified Zoning Ordinance. Creative planning is encouraged to provide greater flexibility and variety in type, design, and layout of sites and structures and by the conservation and more efficient use and provision of open spaces and other amenities that generally enhance the quality of life.

B) The use of Planned Unit Development Districts shall be encouraged when the use of such district promotes a harmonious variety of uses, provides for an economy of shared services and facilities, is compatible with surrounding areas, and/or fosters the creation of attractive, healthful, efficient, and stable environments for living, shopping, or working.

C) Planned Unit Development Districts may be created for development of open or vacant land, redevelopment of presently developed land, and development of both comparatively small and large scale projects.

312.02 PUD USES AND STANDARDS The following uses and standards apply to PUD Districts:

A) **USES** Any land use classifications that are allowed in the Unified Zoning Ordinance may be permitted in a PUD, but all proposed uses are subject to the discretion and approval of the County Commissioners. Once uses are approved by the County Commissioners, they are granted by right. Uses proposed for a Planned Unit Development District must be consistent with the Clinton County Comprehensive Plan and the character of the surrounding land uses and zoning districts.

B) **DEVELOPMENT AND DESIGN STANDARDS** Alternate development standards approved by the Plan Commission as appropriate to meet the goals of the Planned Unit Development shall be specified in the District ordinance that is certified by the Plan Commission and adopted by the Board of Commissioners. In areas where no alternate standard is specified the standards established in the Unified Zoning Ordinance and the Clinton County Subdivision Control Ordinance shall be met. In addition the PUD must comply with the following requirements:

1) The area of land to be developed or redeveloped shall not be less than one acre.

2) The PUD ordinance shall address the impact on traffic and public services and facilities such as schools, fire, and police protection. A fiscal impact analysis shall be required for developments of fifty (50) or more residential units. The Plan Commission may also request a fiscal impact analysis or traffic study for any PUD proposal, regardless of size or type, at their discretion. These studies shall address the impact of the proposed PUD on all adjacent streets and intersections.

3) Within all PUDs, a minimum of ten (10) percent of the proposed development district area shall be designated as permanent open space. In approvals of PUDs with a decrease of lot size, setbacks, impervious surface, or other standards additional open space shall be designated in exchange for the increased intensity of the standards requested. Open Space shall be usable, permanently maintained, and may consist of natural areas, lawn/garden plots, recreational areas, greenways, trails, and common agricultural uses shared by the residents. Open Space may be owned and maintained by a park board, a property Owners Association, or other organization or combination thereof as approved by the Area Plan Commission.

4) All PUDs must include bufferyards along all outer boundary lines according to the standards in UZO 306.12. To determine the bufferyard classification of each specific use bordering the boundary line within the PUD, use Table A. The required bufferyards shall not count towards the required open space.

5) The entire PUD must be serviced by a centralized sewage disposal system unless serviced by a municipal or other public utility system (subject to the design standards and approval of that utility company).

312.03 PUD ORDINANCE REQUIREMENTS At a minimum, the following items must be addressed in a PUD District in a general sense at the stage of primary approval (certified by the Area Plan Commission and adopted by the County Commissioners) and specifically at secondary approval:

- A) The proposed layout of street, sidewalk, open space, and other basic elements of the plan.
- B) General identification of location and types of structures/areas, their use categories within the area, and proposed densities of said uses.
- C) Proposals for handling traffic, parking, sewage disposal, drainage, tree preservation/removal, lighting, signage, waste disposal, and other pertinent development features.
- D) Map showing, to scale, the boundary lines of the proposed district with a legal description for all the land included in the proposed PUD zoning.
- E) Covenants to be made part of the PUD.
- F) Proposed schedule of construction and completion.
- G) An open space plan designating the location and type of open space to be provided and the manner in which the space will be perpetuated, maintained, and administrated.
- H) Locations of proposed easements, right-of-ways, or other restrictions imposed on land or buildings.
- I) Landscaping, screening, and buffering proposals.
- J) Minimum setbacks, lot areas, lot frontage, and lot width.
- K) Maximum height of principal and accessory structures and maximum permitted impervious surface per use type
- L) Any other specification within the PUD that will differ from the standards of the Unified Zoning Ordinance.

312.04 PUD DELEGATION OF AUTHORITY According to IC 36-7-4-1511, as amended, authority to conduct a secondary review and grant secondary approval for the PUD District Ordinance is delegated to the Area Plan Commission.

312.05 PROCEDURE/PROCESS SUMMARY The following is a summary of the process or procedure to be followed when creating a PUD:

- A) Submission of application for primary approval of PUD District and PUD District Ordinance/Development Plans. This requests that the Official Zoning Maps are amended to show

the requested area as a PUD District and specifies the applicable regulations. The requirements of 312.03 shall be generally addressed in the application and the developer is encouraged to meet informally with planning staff beforehand to discuss the requirements and proposal.

B) The application for PUD and PUD Ordinance shall be heard by the Area Plan Commission and then certified to the Clinton County Board of Commissioners. This approval may occur concurrently with primary plat approval required by the Unified Subdivision Control Ordinance, where applicable.

C) Submission of application for secondary approval of the PUD District Ordinance/Development Plans. The requirements of 312.03 shall be specifically addressed in the application along with any other information requested during the primary review.

D) The application of secondary approval of the PUD shall be heard by the Area Plan Commission. If approved the PUD and PUD District Ordinance/Development Plan must be recorded in the Clinton County recorder's office and a recorded copy submitted to the Area Plan Commission.

E) If applicable and not done concurrently with the PUD approval, a primary subdivision plat shall be filed and heard by the Area Plan Commission in accordance with the Unified Subdivision Control Ordinance.

F) A secondary plat shall be filed with the Plan Commission and approved by the Administrator as specified in the Unified Subdivision Control Ordinance of Clinton County. All improvements must be secured by bond or other financial guarantee determined by the Area Plan Commission to be acceptable before secondary approval is granted. The plat shall then be recorded with the Clinton County Records Office and a recorded copy submitted to the Plan Commission.

E) No Improvement Location Permit shall be issued and no construction shall begin for any property that is part of a proposed PUD until an approved Final Development Plan is in effect for that phase or property.

312.06 PUD ABANDONMENT AND MODIFICATION Abandonment and modification shall be handled as follows:

A) PUD ABANDONMENT A PUD shall be considered abandoned when no improvements have been made according to the approved schedule of construction and completion (UZO 312.03 F) that is part of the PUD Ordinance and Development Plan for twelve (12) consecutive months. An extension of this time may be granted at the discretion of the Area Plan Commission. In the event of PUD abandonment the Area Plan Commission shall initiate an amendment to the Zoning Ordinance (According to UZO 905) to rezone the land into a category or categories that suit the existing uses or any other zoning categories that it determines are appropriate.

B) PUD MODIFICATION Minor modifications of the approved Secondary Development Plan may be approved by the Zoning Administrator so long as they are consistent with the approved Primary Development Plan for the PUD and do not involve increase of density, change in permitted uses, change to general structure locations, or any item contrary to the Unified Subdivision Control Ordinance or which changes the recorded Secondary Development Plan or covenants. Modifications that exceed the limits of the Zoning Administrators review must return to the appropriate step of UZO 312.05 in order to modify the PUD.

ARTICLE FOUR OVERLAY DISTRICT REGULATIONS

401 Floodplain Overlay District Regulations¹

401.01 Statutory Authorization The Indiana Legislature has in IC 36-7-4 has granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Clinton County and each participating town's respective Town Council (hereinafter referred to as "The County" for the purposes of this article) do hereby adopt the following floodplain management regulations.²

401.02 Findings of Fact Findings of fact of the Floodplain Overlay District are as follows:

A) The flood hazard areas of Clinton County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

401.03 Statement of Purpose It is the purpose of the Floodplain Overlay District to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;

B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

D) Control filling, grading, dredging, and other development which may increase erosion or flood damage;

E) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,

F) Make federally subsidized flood insurance available for structures and their contents in the County by fulfilling the requirements of the National Flood Insurance Program.

401.04 Objectives. The objectives of the Floodplain Overlay District are:

A) To protect human life and health;

¹ As Adopted in Ordinance 2011-10 on October 17, 2011.

² As Revised in Ordinance 2014-13 on September 2, 2014.

- B)** To minimize expenditure of public money for costly flood control projects;
- C)** To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D)** To minimize prolonged business interruptions;
- E)** To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- F)** To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- G)** To ensure that potential homebuyers are notified that property is in a flood area.

401.05 Lands to Which This Section Applies. This section shall apply to all SFHAs and known flood prone areas within the jurisdiction of Clinton County.

401.06 Basis for Establishing Regulatory Flood Data.³

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of The County.

This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below.

A) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of The County shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Clinton County, Indiana and Incorporated Areas dated December 2, 2011 and the corresponding Flood Insurance Rate Map dated December 2, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

B) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of The County, delineated as an "A Zone" on the Clinton County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 2, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.

C) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

³ As Revised in Ordinance 2014-13 adopted on September 2, 2014

D) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

401.07 Compliance No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

401.08 Abrogation and Greater Restrictions This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

401.09 Discrepancy between Mapped Floodplain and Actual Ground Elevations
Discrepancies between mapped floodplain and actual ground elevations shall be reconciled as follows:

A) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.

B) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.

C) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

401.10 Interpretation In the interpretation and application of this section all provisions shall be:

A) Considered as minimum requirements;

B) Liberally construed in favor of the governing body; and,

C) Deemed neither to limit nor repeal any other powers granted under state statutes.

401.11 Warning and Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Clinton County the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

401.12 Penalties for Violation. Failure to obtain an Improvement Location Permit in the SFHA or failure to comply with the requirements of an Improvement Location Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unified Zoning Ordinance for Clinton County. All violations shall be punishable by a fine as provided for by Section 904 of this Ordinance

A) A separate offense shall be deemed to occur for each day the violation continues to exist.

B) The Clinton County Area Plan Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

C) Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

401.13 General Standards for Flood Hazard Reduction In all SFHAs and known flood prone areas the following provisions are required:

A) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG.

D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage.

E) Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance.

J) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

401.14 Specific Standards for Flood Hazard Areas In all SFHAs, the following provisions are required:

A) In addition to the requirements of Section 401.13 all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:

1) Construction or placement of any new structure having a floor area greater than 400 square feet;

2) Addition or improvement made to any existing structure:

a) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land);

b) with a previous addition or improvement constructed since the community's first floodplain ordinance.

3) Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of

the market value of the structure (excluding the value of the land) before damage occurred.

4) Installing a travel trailer or recreational vehicle on a site for more than 180 days.

5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage.

B) Residential Construction. New construction or substantial improvement of any residential

structure (or manufactured home) shall have the lowest floor; including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 401.14 D).

C) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 401.14 D). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:

1) A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Section 901.08 J)..

2) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

D) Elevated Structures. New construction or substantial improvements of elevated structures shall have the lowest floor at or above the FPG. Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs must meet the following minimum criteria:

1) provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

2) the bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

3) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

4) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in

connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

5) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

6) the interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

E) Structures Constructed on Fill. A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

1) The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.

2) The fill should extend at least ten feet beyond the foundation of the structure before sloping below the FPG.

3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 vertical.

4) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

5) The top of the lowest floor including basements shall be at or above the FPG.

F) Standards for Manufactured Homes and Recreational Vehicles. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

1) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

a) outside a manufactured home park or subdivision;

b) in a new manufactured home park or subdivision;

c) in an expansion to an existing manufactured home park or subdivision; or

d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.

2) The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

3) Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Section 401.14 D)..

4) Recreational vehicles placed on a site shall either:

a) be on site for less than 180 days; and,

b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

c) meet the requirements for “manufactured homes” as stated earlier in this section.

401.15 Subdivisions Development in the floodplain overlay district subject to the Clinton County Unified Subdivision Control Ordinance shall meet the following additional standards.

A) All subdivision proposals shall be consistent with the need to minimize flood damage.

B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

D) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

401.16 Critical Facility Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

401.17 Standards for Identified Floodways Located within SFHAs, established in Section 401.06, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving etc. undertaken before the actual start of construction of the structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in the floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing

grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

A) No action shall be taken by the Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Administrator may issue the local Improvement Location Permit, provided the provisions contained in Sections 401.13⁴ through 401.20 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, Clinton County's more restrictive regulations (if any) shall take precedence.

B) No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

C) For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

401.18 Standards for Identified Fringe If the site is located in an identified fringe, then the Administrator may issue the Improvement Location Permit provided the provisions contained in Sections 401.13⁵ through 401.20 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the FPG.

401.19 Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes The following standards apply to SFHAs without established Base Flood Elevations and/or floodways/fringes:

A) If the drainage area upstream of the site is greater than one square mile the following standards apply:

1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

2) No action shall be taken by the Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

3) Once the Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Improvement Location Permit may be issued provided the conditions of the Improvement Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Sections 401.13⁶ through 401.20 of this ordinance have been met.

⁴ As amended in Ordinance 2011-11 on December 19, 2011.

⁵ As amended in Ordinance 2011-11 on December 19, 2011.

⁶ As amended in Ordinance 2011-11 on December 19, 2011.

B) Drainage area upstream of the site is less than one square mile:

1) If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

2) Upon receipt, the Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Sections 401.14 through 401.20 of this ordinance have been met.

C) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

401.20 Standards for Flood Prone Areas. All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet general standards as required per Section 401.13

401.21 Designation of Administrator.

The Zoning Administrator as appointed by the Area Plan Commission is designated as the Floodplain Administrator to administer and implement the provisions of this section.

401.22 Establishment of Floodplain Development Permit. The Improvement Location Permit as established by Section 902 of this Ordinance shall serve as the Floodplain Development Permit subject to the additional standards of this section prior to the commencement of any development activities in areas of special flood hazard.

402⁷ AIRPORT OVERLAY DISTRICT⁸

The Airport Overlay Zoning (AO) district shall include all zones as indicated in the Frankfort Municipal Airport Airspace Plan, dated October 3, 2006, which is a part of this ordinance and incorporated herein by reference. All land so indicated is hereby zoned and classified as the Airport Overlay Zoning District.

402.01 Purpose and Intent

It is hereby found that an airport hazard has the potential for endangering the lives and property of users of Frankfort Municipal Airport, and property or occupants of land in its vicinity; that an airport hazard may affect existing and future instrument approach minimums of Frankfort Municipal airport; and that an airport hazard may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Frankfort Municipal Airport and the public investment therein. Accordingly, it is declared:

- A. That the creation or establishment of an airport hazard has the potential of being a public nuisance and may injure the region served by the Frankfort Municipal Airport;
- B. That is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. That the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or making and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

402.02 Airport Zones

In order to carry out the provisions of the Airport Overlay District, there are hereby created and established certain zones which include all of the land lying within the approach zones, conical zone, horizontal zone, transitional zones, noise sensitive zone, and wildlife attractant zones as they apply to the Frankfort Municipal Airport. Such zones are shown on the Frankfort Municipal Airport Airspace Plan consisting of two sheets, dated October 3, 2006, which is attached to this Ordinance and made a part thereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation as defined in Section 403.03. The various zones are hereby established in accordance with FAR Part 77 and defined as follows:

⁷ As amended in Ordinance 2014-14 adopted on November 3, 2014

⁸ As amended in Ordinance 2010-01 adopted March 15, 2010

- A. Runway 4-22 Approach Zones, Larger than Utility with Visual Approaches – The inner edge of this approach zone coincides with the width of the primary surface which is five hundred (500) feet wide. The approach zone extends outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
- B. Runway 9-27 Approach Zones, with Precision Instrument Approaches – The inner edge of this approach zone coincides with the width of the primary surface which is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.
- C. Conical Zone – The conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet. The conical zone does not include the precision instrument approach zone and the transitional zones.
- D. Horizontal Zone – The horizontal zone is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway 9-27, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
- E. Transitional Zones – These zones are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward perpendicular to the runway centerline and the runway extended centerline. Transitional zones, for those portions of the precision approach zones which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach zones and perpendicular to the extended runway centerline.
- F. Noise Sensitive Zone – This zone is hereby established as the areas lying 1,500 feet on either side of the centerline and extended centerline of the runways for a distance of one (1) nautical mile from the point of which the extended runway centerline crosses the airport boundary.
- G. Wildlife Attractant Zone A – This zone is hereby established within a distance of 10,000 feet from the farthest edge of the airport's air operations area (AOA).
- H. Wildlife Attractant Zone B – This zone is hereby established beyond 10,000 feet from the farthest edge of the airport's air operations area (AOA) and within five (5) statute miles from the farthest edge of the airport's AOA,

402.03 Airport Overlay District Height Limitations

Within the Airport Overlay District, the following height limitations apply.

- A. Nothing in this Ordinance shall be construed as prohibiting the planting, growth, construction or maintenance of any tree or structure to maximum height of 50 feet above the ground. Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, or maintained, or be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limits herein established for such zone. The applicable height limitations are hereby established for each of the zones in question as follows:
 1. Runway 4-22 Approach Zones, Larger than Utility with Visual Approaches – Slope upward twenty (20) feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway.
 2. Runway 9-27 Approach Zones, with Precision Instrument Approaches - Slopes upward fifty (50) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline at which point the slope changes to an upward slope of forty (40) feet horizontally for each foot vertically for an additional horizontal distance of 40,000 feet.
 3. Conical Zone – Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred and fifty (150) feet above the airport elevation and extending to a height of three hundred and fifty (350) feet above the airport elevation.
 4. Horizontal Zone – Elevated one hundred and fifty (150) feet above the airport elevation at a height of 1011 feet above mean sea level.
 5. Transitional Zones – Slopes upward and outward seven (7) feet horizontally for each foot vertically, beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending to a height of one hundred and fifty (150) feet above the airport elevation which is 1011 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects

beyond the conical zone, height limits sloping upward and outward seven (7) feet horizontally for each foot vertically shall be maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at right angles to the extended runway centerline.

- B. Additional Height Limitations – Except as otherwise provided in the Airport Overlay District, no structure or tree shall be erected, altered, or maintained, or be allowed to grow in any zone created by the Airport Overlay District to a height in excess of the additional height limits herein established by I.C. 8-21-10-7 and defined as follows:
 - 1. A height that is five hundred (500) feet above ground level or 1361 feet above mean sea level at the site of the object.
 - 2. A height that is two hundred (200) feet above ground level or 1061 feet above mean sea level, within three (3) nautical miles of the established reference point of the airport, and that height increases in the proportion of one hundred (100) feet for each additional nautical mile of distance from the airport up to a maximum of five hundred (500) feet.

402.04 Noise Sensitive Zone

Except as provided below, the underlying district land usage specified in Section 303 of this Ordinance shall be met in the Noise Sensitive Zone.

- A. Schools, libraries and hospitals are prohibited.
- B. New residential uses are subject to written acknowledgment which must be recorded for the subject property prior to the issuance of an Improvement Location Permit:

“The owners of subject property shall be aware that they are in the vicinity of the Frankfort Airport. They are hereby made known by this notification that there are activities at this Airport which produce noise, vibration, light, glare and odors at all hours of the day and night and which are used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for airport buildings or facilities, including runways, taxiways, hangars and tie-downs areas that go on during the operation of an airport. Each owner and their heirs assigns, and successors in interest shall not initiate or support any action in any court or before any governmental agency and are precluded from protest, objection, interference with, restriction or reduction of the operation of the airport, complaining, seeking damages and/or attempting

to enjoy the use of property (land) for such purpose. This condition and agreement shall also run with the land as is irrevocable”.

402.05 Wildlife Attractant Zones

The following standards apply to Wildlife Attractants zones.

- A. Wildlife Attractant Zone A – In accordance with AC 150/5200-33 A and notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create a wildlife attractant hazard within a distance of 10,000 feet from the farthest edge of the airport’s air operations area (AOA). These wildlife attractant hazards include, but are not limited to, the construction of municipal solid waste landfills, trash transfer stations not fully enclosed, underwater waste discharges, construction and demolition debris facilities co-located with another waste disposal operations, fly ash disposal from general incinerators, wastewater treatment facilities, artificial marshes, wetlands, dredge spoil containment areas, confined feeding/feedlot operations that requires the 1,320 separation distance as required by Column II of Table H-1 of this Ordinance, aquaculture, and golf courses.

- B. Wildlife Attractant Zone B – In the event the above mentioned wildlife attractants are considered for construction beyond 10,000 feet from the farthest edge of the airport’s air operations area (AOA) and within five (5) statute miles from the farthest edge of the airport’s AOA, they may be registered if the wildlife attractant could cause hazardous movement into or across the approach or departure surface from the airport. The application for the wildlife prior to granting an improvement location permit. In the event mitigation required creates an undue financial hardship on the applicant, the applicant may ask for financial assistance through the Airport Authority. In the event the Airport Authority is unable to grant financial assistance for the mitigation, the requirements shall be forgone and a permit granted with no further action required on the part of the applicant. These wildlife attractant hazards include, but are not limited to, the construction of municipal solid waste landfills, trash transfer stations not fully enclosed, underwater waste discharges, construction and demolition debris facilities co-located with another waste disposal operations, fly ash disposal from general incinerators, wastewater treatment facilities, artificial marshes, wetlands, dredge spoil containment areas, confined feeding/feedlot operations that requires the 1,320 separation distance as required by Column II of Table H-1 of this Ordinance, aquaculture, and golf courses.

402.06 Relation To Underlying Zoning

This district is created as a special overlay district to be superimposed on underlying

primary zoning districts. Development standards provided herein are intended to supplement those permitted in the underlying primary zoning district and in some cases may be more restrictive than those of the underlying zoning district. When the requirements of the underlying zoning district and the overlay district appear to be in conflict, the more restrictive shall apply.

- A. Except as specified by Section 403.04 above, all uses which are permitted by right or are permitted by special exception in the underlying primary zoning districts are permitted by right or by special exception, as applicable, in the Airport Overlay District.
- B. Uses which are prohibited in the underlying primary zoning district are prohibited in the Airport Overlay District.

402.07 Communication and Visibility Interference Prohibited

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within the established Airport Overlay District in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way create a hazard, endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

402.08 Miscellaneous Provisions

The following miscellaneous provisions apply to the Airport Overlay District.

- A. Regulations Not Retroactive – The regulations prescribed in the Airport Overlay District shall not be constructed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of adoption of the Airport Overlay District, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of adoption of the Airport Overlay District, and is diligently prosecuted.
- B. Existing Uses – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation, than it was on the effective date of adoption of the Airport Overlay district or any amendments thereto or than it is when the application for a permit is made.

402.09 Administration and Enforcement

It shall be the only duty of the Clinton County Zoning Administrator to administer and enforce this ordinance according to the procedure of Article Nine of the Unified Zoning Ordinance. No material change shall be made in the use of land, no structure shall be erected, altered or otherwise established in any zone hereby created unless a permit shall have been applied for and granted by the Zoning Administrator. Prior to issuance of the permit, the Airport Authority shall be notified on a form approved by the Area Plan Commission and Airport Authority.

402.10 Variances

The Clinton County Board of Zoning Appeals shall consider variance request from the provisions of this section according to the procedure of Article Eight of the Unified Zoning Ordinance. In addition to the requirements of Article Eight, the application for variance shall be accompanied by a determination from the Airport Authority as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

402.11 Obstruction Marking and Lighting

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Airport Authority, this condition may be modified to require the owner to permit the City of Frankfort Municipal, at its own expense, to install, operate, and maintain the necessary markings and lights.

Section 403 COZ: State Road 28 – Clinton County Corridor Overlay Zone Ordinance Number 2004-12⁹ and 2014-01¹⁰

403 Purpose, Intent and Authority

It is the purpose of the State Road 28 – Clinton County Corridor Overlay Zone (the “Overlay Zone”) to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering State Road 28 in Clinton County, Indiana.

The Plan Commission and County Commissioners, in establishing this zone, are relying on IC-36-7-4-600 et. seq. and IC 36-7-4-1400 et. seq. This zoning district is, likewise, intended to serve as a tool for implementing the development policies and guidelines set for the Corridor in the Comprehensive Plan. State Road 28 is a limited access highway and an important economic development corridor to the City of Frankfort and Clinton County. State Road 28 is a premier location and employment center whose viability, quality, and character are important to the community as a whole, adjacent residents, employees, business owners and taxing districts. Therefore, it is the further purpose of the State Road 28 Corridor Overlay Zone:

- To promote coordinated, quality development per the Land Use recommendations set forth in the Master Plan;
- To establish consistent architectural and design guidelines to establish a consistent and uniform appearance along the corridor;
- To provide for the preservation of natural features and open space; and
- Establish the appearance of a premier business address in Clinton County and Frankfort.

403.01 District Boundaries

Figure 1 shows the established boundaries of the Overlay Zone for Clinton County, in the State of Indiana.

403.02 Plan Commission Approval

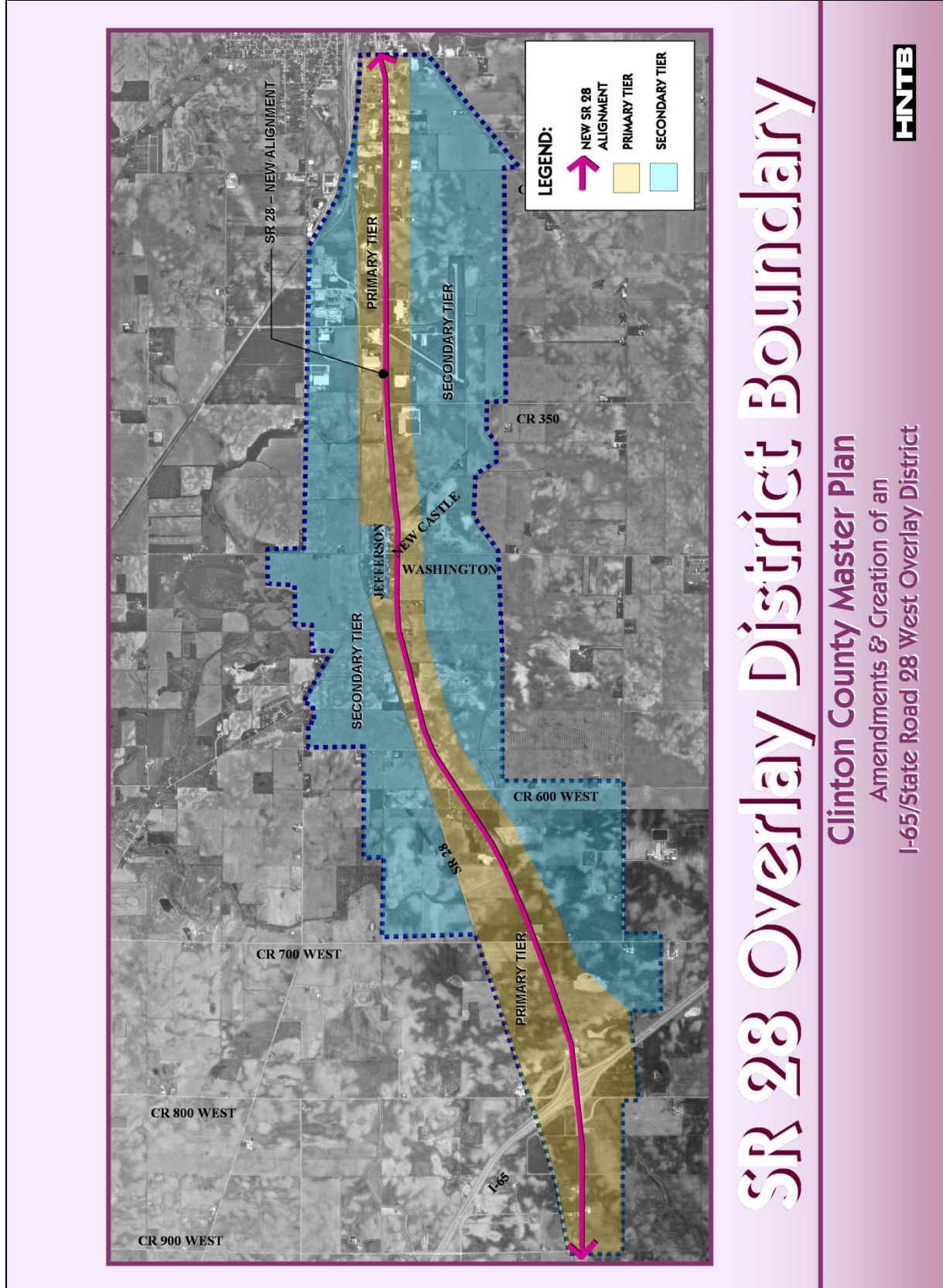
The Area Plan Commission must approve, approve with conditions, or disapprove the Development Plan for any tract of land in the Overlay Zone per the provisions of this Ordinance. All submitted Development Plans should adhere to the requirements listed in Article Six for any project located in the B-2, B-3, or the I-1 Districts. This section does not apply to construction of any residential accessory structures or construction of any signs or addition to a principal structure not exceeding 2000 square feet and not visible from State Road 28¹¹

⁹ 28 Overlay ordinance adopted September 20, 2004

¹⁰ 28 Overlay ordinance revised January 10, 2014

¹¹ As amended in Ordinance 08-04 adopted April 21, 2008

Figure 1: State Road 28 Overlay District Boundaries (Plan View)



SR 28 Overlay District Boundary

Clinton County Master Plan
Amendments & Creation of an
I-65/State Road 28 West Overlay District



Figure 2: State Road 28 Overlay District Tiers (Aerial View)



SR 28 Overlay District Tiers

Clinton County Master Plan

Amendments & Creation of an

I-65/State Road 28 West Overlay District



403.03 Variances

Applicants may request variances from standards in this section to be considered by the Board of Zoning Appeals as detailed in Unified Zoning Ordinance 812.

403.04 Overlay Applicability

This district is created as a special overlay district to be superimposed on base districts by approval of the County Commissioners. Boundaries of this overlay are shown on Figure 1 and may be revised by the County Commissioners through the rezoning process. Development standards provided herein are intended to supplement those permitted in the underlying zoning classification and in some cases may be more restrictive than those of the underlying zoning classification. **When the requirements of the underlying zoning district and the overlay district appear to be in conflict, the more restrictive shall apply.**

403.05 Application Procedure

See Article 6, Development Plans, of this Ordinance.

403.06 Validity of Approval of the Application by the Plan Commission

An approved Development Plan petition shall be valid for two (2) years from the date of approval. If construction of the building(s) has (have) not started at the end of the two (2) year period, the Development Plan request shall be re-submitted to the Plan Commission for consideration and disposition.

403.07 Definitions

Green Space Area – That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of State Road 28 and all other County Roads within the identified boundaries and having a minimum depth of sixty (60) feet from the right-of-way line.

403.08 Overlay District Tier Applicability and Purpose

Within the designated Overlay District Boundaries, there shall be a "Primary Tier" in which there is the greater desire to manage the appearance of land uses fronting State Road 28. This Primary Tier, as shown on Figure 2, shall include all property and buildings fronting on State Road 28. The "Secondary Tier" is an area greater than the Primary Tier and extends farther north and south of State Road 28 as shown on Figure 2. The Secondary Tier shall contain additional development regulations from the base zoning district but shall be less restrictive than the Primary Tier. Unless specified within a specific regulation, all standards shall apply to both the Primary and Secondary Tier.

403.09 Permitted Uses

All uses which are permitted in a given site's underlying primary zoning districts, except those uses expressly excluded in Section 404.10, of this Ordinance, are permitted in the Overlay Zone.

403.10 Permitted Special Exceptions

All special exceptions, which are permitted by approval by the Board of Zoning Appeals, in the underlying primary zoning district(s), except the uses expressly excluded in Section 404.10, of this Ordinance, are permitted in the Overlay Zone.

403.11 Excluded Uses

The following uses are prohibited in the Primary Tier Overlay Zone.

- A) Adult Businesses;
- B) Amusement park;
- C) Automotive graveyard;
- D) Bulk storage of petroleum products not used for on-site manufacturing;
- E) Truck washes;
- F) Confined feeding operations;
- G) Explosives manufacturing;
- H) Fertilizer manufacturing, stock yards, slaughtering, leather curing and tanning;
- I) Garbage disposal plant/sanitary landfill;
- J) Incineration for reduction of refuse;
- K) Jail;
- L) Junk or salvage yard;
- M) Manufactured Home Dwelling sales;
- N) Mineral extraction;
- O) Mobile home park;
- P) Ordnance products;
- Q) Outdoor storage, with the exception of propane tanks. Propane tanks shall not be in the front yard between the roadway and the building unless otherwise screened with plant materials.
- R) Penal or correctional institution;
- S) Petroleum refining;
- T) Race/go cart track;
- U) Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Clinton County Health Department;
- V) Refining or manufacturing of asphalt, cement, gypsum, lime, or wood preservatives;
- W) Refining or manufacturing of petroleum products;
- X) Permanent Roadside sales stand;
- Y) Sand and gravel extraction or sales;
- Z) Storage of disabled vehicles; and
- AA) Waste transfer stations.
- AB) All dwellings, manufactured homes, and mobile homes not in a residential district.¹²

403.12 Accessory Buildings and Uses

All accessory buildings and uses which are permitted in the underlying zoning district(s) shall be permitted, except that any detached accessory buildings in any Development Plan shall be architecturally compatible with the primary building(s) with which it is associated.

403.13 Minimum Lot Area

The minimum lot area required within the Primary Tier Overlay Zone is 10,000 square foot for non-residential uses with sewer and one acre for non-residential uses without sewer. The minimum lot area for residential uses with sewer is 8,700 square feet and one acre without sewer. All lots within the Primary Tier Overlay Zone shall be subject to Development Plan approval, with the exception of individual lots for single-

¹² As amended in Ordinance 08-08. Effective July 30, 2007

family dwellings. For lots located only partially within the Primary Tier Overlay Zone, a Development Plan shall be submitted to the Plan Commission for the entire tract to be developed.

If a parcel of land or subdivision lot was recorded prior to the effective date of this Ordinance, and said parcel or lot does not contain the minimum lot area required by this section, said parcel or lot ("Undersized Lot") may be used for any use permitted in the Overlay Zone provided that:

- A) At the time of recordation of the undersized lot or on the effective date of this ordinance, the undersized lot met the requirements for minimum lot area then in effect in the underlying primary zoning district(s).
- B) The owner of the undersized lot must include, up to the minimum tract size, any adjoining vacant land (not separated by a street or public way) owned, or owned by an affiliate, on or before the effective date of this ordinance or at the time of application which, if combined with the undersized lot, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this section; and,
- C) All other development requirement applicable to the Overlay Zone can be met.

This section does not preclude the sale or other transfer of any parcel of land within a tract after the approval of a Development Plan for the entire tract. However, the development of the parcel must still conform to the Development Plan for the entire tract as approved or amended by the Plan Commission, and all other applicable requirements contained in this Ordinance.

403.14 Development Requirements

- A) Green Space Area

For all lots located within the Primary Tier fronting State Road 28 must have a sixty (60) foot wide green space area within the required front yard. This area shall be landscaped in accordance with Section 404.15.

- B) Remodel, Expansion or Improvement of Existing Structure or Parcels

If a parcel is improved or an existing structure expanded or remodeled within the Primary Tier, fronting State Road 28, then that parcel or structure shall be subject to the regulations contained in this Section 404, State Road 28 Corridor Overlay District at the discretion of the Plan Commission and/or Executive Director.

403.15 Architectural Design Requirements

In reviewing the architectural design of building(s) proposed to be built in the Primary Tier Overlay Zone, factors to be considered by the Plan Commission shall include but are not limited to the following:

- A) Context

All buildings shall be designed with respect to the general character of the State Road 28 Corridor and, particularly, with due consideration to buildings located on the lots that abut the project site.

B) Massing - A single, large, dominant structure mass shall be avoided in new buildings and, to the extent reasonably feasible, in development project involving changes to the mass of existing buildings.

C) Façade Treatment

1) Façades along the State Road 28 frontage shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding fifty feet without including, but not be limited to, at least two of the following:

- a) Change in plane,
- b) Change in texture or masonry pattern,
- c) Windows, trellis with vines,
- d) Color, texture, and/or material, or
- e) An equivalent element.

2) Façades shall have at least one of the elements of §404.14(C) 1 of this section that repeat horizontally. All elements shall repeat at intervals of no more than fifty feet, either horizontally or vertically.

D) Roofs

All façades shall have a recognizable "top" consisting of at least one element below:

- 1) Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen-percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall;
- 2) Overhanging eaves, extending no less than three feet past the supporting walls;
- 3) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope of greater than or equal to one-foot of vertical rise for every three feet of horizontal run and less than or equal to one-foot of vertical rise for every one-foot of horizontal run; or
- 4) Three or more roof slope planes.

E) Entryways

Use creative entry treatments and other focal points such as canopies, awnings, or cornice treatments.

F) Building Elements & Accessory Structures

- 1) Separate building elements or accessory structures should be designated as an integral part of the building design.
- 2) Use signs that are complementary to and integrated with building design so that they do not dominate facades or appear tacked on.
- 3) Screen appurtenances or design them as integral parts of the buildings so that they are not visible from the street.

- 4) Screen docks, garage doors and service areas to minimize their visibility from adjacent streets.

G) Landscape Design

All landscaping shall be in conformance with Section 404.15, Landscaping of this Ordinance as a means to enhance the built environment.

403.16 Landscaping Requirements

In reviewing the landscape requirements for proposed construction in the Primary and Secondary Tier Overlay Zone, factors to be considered by the Plan Commission shall include but are not limited to the following:

A) Landscape Plan

The applicant shall submit a landscape plan to the Executive Director as part of the Development Plan application, per Section 404 of this Ordinance. Table 1: Table of Recommended Shrubs, and Table 2: Table of Recommended Trees (found at the back of this document), lists the plant materials recommended for use in the landscaping of a property in the overlay district.

B) Areas to be Landscaped

- 1) Green Space Area

The sixty (60) foot green space area in the Primary Tier shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no parking areas, through roads, buildings, accessory structures, etc. shall be established within this area. Landscaping shall not be placed in the 30-foot wide utility easement, as shown in Figure 3.

- 2) Foundation

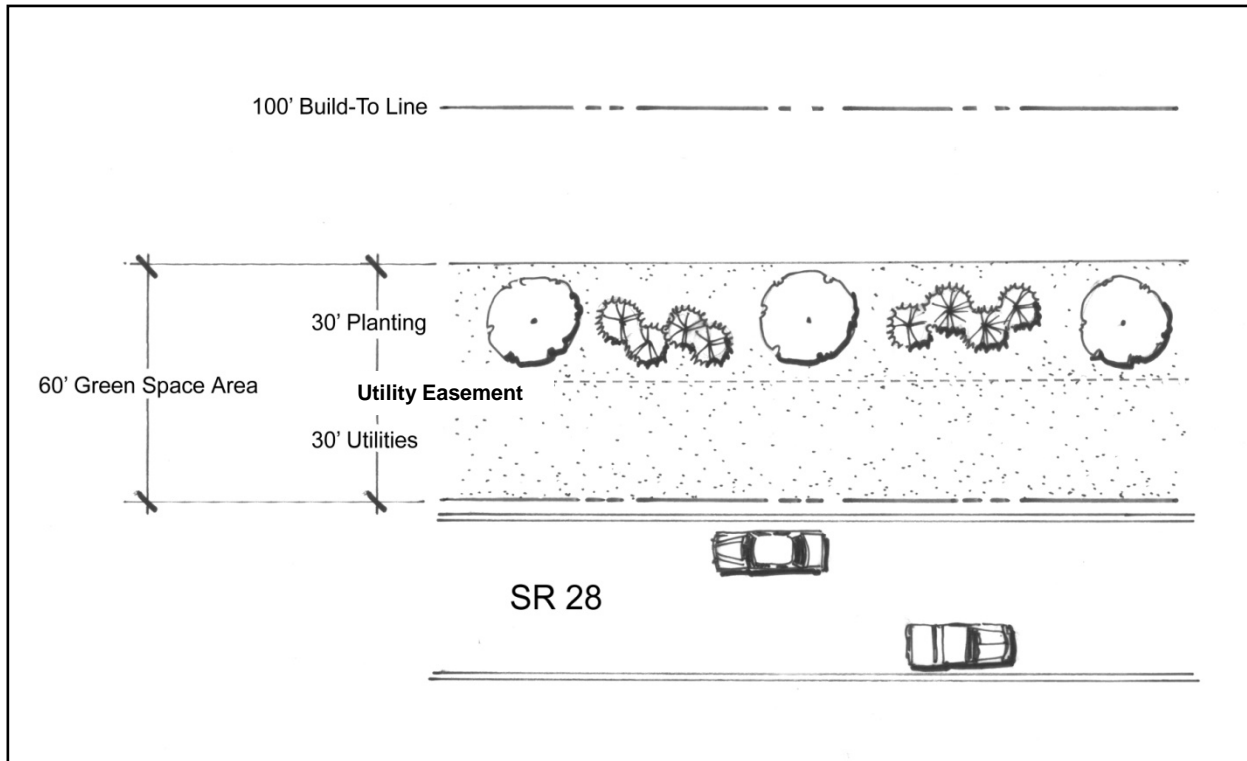
Foundation plantings shall be included along the front and any side of buildings visible from the public right-of-way and/ or have primary pedestrian access.

C) Protection of Existing Trees

Sites with existing trees in the Primary Tier should make reasonable efforts to protect and incorporate them into the overall site design. To encourage tree preservation, each tree preserved greater than nine inch caliper shall convert as credits for required landscaping. Credits for each preserved nine inch caliper tree shall be:

- 1) Two required shade trees or
- 2) Four ornamental trees

Figure 3: Green Space Area



3) Screening Areas

All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming outside storage areas, and satellite dishes shall be integrated into the overall building design or screened from the State Road 28 right-of-way and adjoining residential zones or uses, by means of walls, fencing, parapets, penthouse screens, landscaping, camouflage or other approved method.

D) Landscaping Standards

All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:

- 1) Shade trees: A minimum of two and one-half (2 ½) inch caliper with a mixture of sizes at initial installation.
- 2) Ornamental trees: A minimum of one and one-half (1 ½) inch caliper with a mixture of sizes at initial installation.
- 3) Evergreen trees: A minimum height of four (4) feet with a mixture of sizes at initial installation.
- 4) Deciduous shrubs: A minimum height of eighteen (18) inches.
- 5) Evergreen shrubs: A minimum height of eighteen (18) inches.

E) Green Space Area

The following standards in Section 404.15(E) shall apply to all lots located within the Primary Tier and have frontage on State Road 28. The primary landscaping materials used in the sixty (60) foot green space area, including the thirty (30) foot easement for utilities, shall be shade trees, ornamental trees, shrubs, ground cover and grass. Ornamental/native grass up to four foot (4') in height is encouraged.

- 1) A minimum of three (3) shade trees two (2) ornamental trees and ten (10) native Indiana shrubs shall be provided per one hundred (100) linear feet of green space area.
- 2) The submitted landscape plan for the green space area parallel to the State Road 28 right-of-way may show the trees in either a lineal or a clustered design.
- 3) All green space areas shall have an earthen mound that is located in the 30 foot green space planting easement. The mound shall be covered with grass and shall parallel State Road 28. The mound shall be varied in height, but no section may be lower than three feet (3') above surrounding grade and it must have rounded flanks.

F) Foundation Plantings

- 1) The primary landscaping materials used adjacent to buildings shall be shrubs, ground cover and ornamental/native grasses. Ornamental trees and perennials are also encouraged.
- 2) The minimum width of the planting area shall be five (5) feet, except when adjoining a parking area that is located in the front yard along State Road 28, where the minimum width shall be ten (10) feet.
- 3) In this foundation planting area, there shall be ten (10) shrubs per 100 lineal feet of planting strip. Shrubs can be placed linearly or clustered.

G) Parking Lots

1) Parking Lot Interior Planting

Where commercial, office, and industrial parking lots are located within the Primary Tier, are located in the front or side yards of the building, and are visible from State Road 28 the following shall apply.

- a) A minimum of one (1) shade tree and four (4) shrubs shall be planted within each parking lot for every seven (7) spaces provided, or not less than ten (10) trees per acre of parking.

2) Parking Lot Perimeter Planting

Where parking areas, for both tiers, are located in the front yard and front directly on a roadway, a six (6) foot wide perimeter planting area shall be provided along the front and sides of those areas.

- a) The required planting unit for this area shall include three (3) shade trees, two (2) ornamental trees, and twenty (20) shrubs per one hundred (100) linear feet.

b) The perimeter planting area shall be provided in addition to the green space area.

H) Landscaping Installation and Maintenance

1) Installation

All landscaping approved as part of the landscape plan portion of the Development Plan approval shall be installed prior to the issuance of a Certificate of Occupancy by either the Executive Director / Zoning Administrator. If it is not possible to install the required landscaping because of weather conditions, the property owner shall post a bond prior to the issuance of the Certificate of Occupancy for an amount equal to 125-percent of the total installed cost of the required landscaping.

2) Maintenance

a) It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, shrubs and other landscaping materials required by this Ordinance as part of the review of the Development Plan in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute approved by the Executive Director, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, and weeds.

b) All dead plant material shall be replaced within one year, by the next planting season of their death, or upon written notice of condition.

3) Changes after Approval

No landscaping which has been approved by the Executive Director may later be materially altered, eliminated or sacrificed, without first obtaining further approval by the Executive Director.

4) Inspection

The Community Planner or his/her designee may visit any tract within the Overlay Zone to inspect the landscaping and check it against the approved plan on file.

403.17 Parking Requirements

In reviewing the parking requirements proposed to be constructed in the Primary and Secondary Tier Overlay Zone, factors to be considered by the Plan Commission shall include but are not limited to the following:

A) Landscaping Standards: See Section 404.15(G) above.

B) Parking requirements and design:

1) The required number of parking spaces and the dimensions of those parking spaces is established in Section 308.

- 2) There shall be an appropriate number of parking spaces reserved for use by handicapped individuals, per State and Federal requirements.
 - 3) Above grade, structured parking facilities shall have on all sides architectural features that are compatible with the principal building(s) with which they are associated.
 - 4) Parking should be located behind the primary structure, where feasible.
- C) Parking Lots shall be designed to provide coordinated access to parking areas on adjoining tracts or parcels within the Primary Tier Overlay Zone. As part of the Development Plan submission, the petitioner shall provide a site circulation plan that illustrates to the Plan Commission how coordinated access will occur relative to the overall State Road 28 corridor.
- D) All Parking Areas and drives (including residential driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in parking area design. Pour-in-place concrete curbs shall be used.

403.18 Signs

In reviewing the sign requirements proposed to be constructed in the Primary Tier Overlay Zone, factors to be considered by the Plan Commission shall include but are not limited to the following:

A) Signage Plan

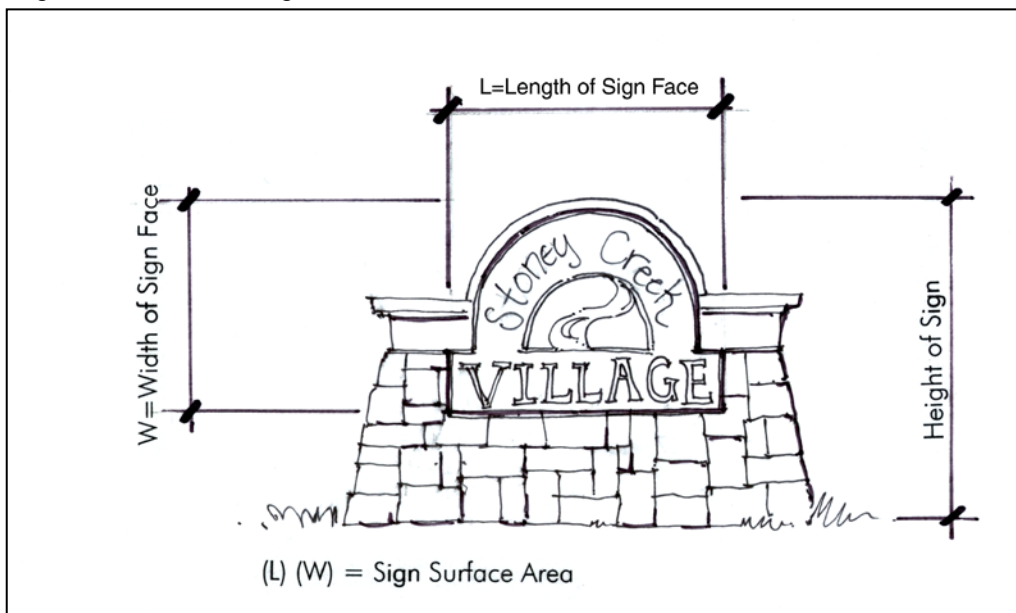
- 1) The applicant shall submit a signage plan to the Plan Commission as part of the Development Plan application.

B) General Requirements

- 1) In the Primary Tier Overlay District, signage shall be designed as an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
- 2) Off-premise signs shall be prohibited in the Primary Tier of the State Road 28 Overlay District Corridor, unless as otherwise specified in this section.
- 3) No awning in the Primary Tier shall have any wording or logos.
- 4) Private traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual of Uniform Traffic Control Devices as published by the Indiana Department of Highways.
- 5) The integration of project signage, particularly the sharing of poles to identify multiple businesses, is encouraged within the Primary Tier of the Overlay District. The Plan Commission shall have the authority to approve off-premise signage should it determine that such signage would promote the intent and purposes of the State Road 28 Corridor Overlay Zone.
- 6) Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings, as shown in Figure 4.

- 7) The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
- 8) Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
- 9) Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.

Figure 4: Monument Sign



C) Off-Premise Sign Regulations

Off-premise signs shall only be permitted by right for unified centers such as business parks, office parks, industrial parks and shopping centers under the provisions contained herein in the Primary Tier of the Overlay District. Off-premise signs shall only identify a building, business, profession or industry not fronting on State Road 28, but has vehicle access to the State Road 28 Corridor by means of an easement or County Road. Only one such sign shall be displayed for each unified center. Off-premise signs shall meet the following requirements:

- 1) Such signs shall not exceed thirty-two (32) square feet in sign area for a sign mounted flat on a building, thirty-two (32) square feet for a monument sign, and one hundred and twenty square feet for a free-standing sign.
- 2) Monument signs shall not exceed six (6) feet in height, and free-standing signs shall not exceed 25 feet.
- 3) Such signs shall resemble the character as depicted in Figure 5.

Figure 5: Off-Premise Monument Sign



D) Sign Landscaping

- 1) The landscaping plan for any unified freestanding signs shall be created, as follows:
 - a) A defined landscaped area shall be placed at the base of the sign in a design harmonious with the landscape plan for the entire site. The landscape design should account for seasonal changes and maintain its attractiveness throughout the year. The required landscaped area shall be parallel to the sign face.
 - b) All sign bases must have landscaping extending a minimum of three feet from all sides of the base.
 - c) A landscaped area shall contain shrubs or perennial flowers.
 - d) The area shall be maintained to keep it free of weeds, debris and brush.
 - e) A sketch of the sign and landscaped area shall be submitted with the sign permit application for review.

403.19 Lighting Requirements

A lighting plan for the proposed development (excluding single-family development) within this Overlay District shall be filed as part of the Development Plan Application, per §532 of this Ordinance.

403.20 Access to Individual Tracts

As State Road 28 is a limited access highway, and as access to individual tracts along this highway is either not in existence or not clearly defined in many cases, access roads will need to be built. In the Primary and Secondary Tiers of the Overlay District, common entrances shared by several properties and developments shall be encouraged, and may be required at the discretion of the Plan Commission, as shown in Figure 13. In those cases where tracts can be accessed via connection to a primary or secondary collector street, local street, or adjoining parking lot, curb cuts shall not be established on State Road 28. In order to preserve the aesthetic benefits provided by the green space area, access roads shall be provided at the rear of all tracts, whenever possible. Access roads to contiguous tracts shall be coordinated so as to form one main access road serving adjoining developments. These roads should be designed so as to funnel traffic onto major collector roads rather than into residential areas and local county roads that may adjoin or be near this Overlay Zone that are not designed to handle the capacity. The Plan Commission shall encourage maximum distances between curb cuts to State Road 28 in cooperation with the Indiana Department of Transportation.

403.21 Other Requirements

The Plan Commission shall consider the following factors but are not exclusively limited to them when reviewing development proposals in the Primary and Secondary Tier Overlay Zones:

A) Outside Storage of Refuse:

- 1) The Ordinance prohibits all unenclosed storage of refuse (whether or not in containers) or display or merchandise on any property. All refuse shall be contained, enclosed, and screened on all sides with a roof structure with a minimum six (6) foot tall opaque wall, as shown in Figure 6.
- 2) Refuse collection and recycling areas shall be in the rear of all buildings and discouraged from view by traffic along State Road 28. Trash receptacles shall be screened on three sides with a minimum six foot opaque wall or plant materials, as shown in Figure 6.
- 3) All refuse collection containers shall be architecturally compatible with the principal building.

Figure 6: Screened Refuse



B) Loading Areas

- 1) The Ordinance prohibits the placement of any loading areas on either the front façade of any building or facing the State Road 28 right-of-way. Petitioners must identify all loading areas on the submitted plan.
- 2) Loading spaces, truck bays, railcar ramps, and overhead doors shall be at the rear or side of a building.
- 3) Loading areas shall be screened using masonry wall(s), plant material, or a combination thereof, subject to Technical Review.

404 HIGHWAY DEVELOPMENT DISTRICT Within all unincorporated areas bounded on the east by County Road 380 E, on the west by County Road 450 W, on the north by County Road 300 N, and on the south by County Road 450 S, as well as all unincorporated areas within a distance of one (1) mile measured at a right angle from all principal arterial collectors, no part of any building or other structure shall be permitted to be built within 80 feet of the centerline of any county road without the prior written approval of the Clinton County Board of Commissioners.¹³

¹³ As amended in Ordinance 97-2 adopted on March 31, 1997.

405 WIND ENERGY CONVERSION SYSTEM (WECS) OVERLAY DISTRICT¹⁴

PREAMBLE

WHEREAS, Wind Energy Conversion Systems (WECS) offer an opportunity to produce electrical power in an environmentally beneficial manner without the production of greenhouse gases;

WHEREAS, a WECS Project will require substantial economic investment in Clinton County which will be beneficial to the County and its residents, will create both temporary and permanent employment opportunities, and will generate lease payments to Clinton County landowners;

WHEREAS, the construction of a WECS system involves the use of heavy equipment and transportation of heavy loads which have the potential of damaging the public and private infrastructure of the county, including roads, bridges, and drainage structures and for disruption of transportation on public roads;

WHEREAS, the failure to complete a WECS after the commencement of construction, the failure of a WECS system to continue in operation and the failure to remove a WECS after the end of its useful life create significant risks and damage to the value of the property of adjacent landowners, environmental risks, safety and security risks, and could be harmful to health, safety and harmonious environment of Clinton County;

WHEREAS, the adoption of a zoning ordinance regulating the location, construction, and operation of a WECS is necessary and appropriate to achieve and secure the benefits of a WECS and to avoid and/or minimize the risks, dangers, and inconvenience to health, safety and harmonious environment of Clinton County;

WHEREAS, the adoption of the following WECS ordinance is necessary to achieve the goals set forth in the Comprehensive Plan for Clinton County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Clinton County that a Commercial Wind Energy Conversion System (WECS) and WECS Overlay District shall meet the following standards:

405.01 Permitting and application requirements are as follows:

- A)** An application for re-zoning to a WECS Overlay District must be submitted to the Area Plan Commission and may be a combined application provided all property owners where the WECS facilities are to be located are Co-Applicants. The application shall include the following items:
 - 1.** A WECS Project Summary, including, to the extent available:
 - a.** A general description of the project including its approximate name plate generating capacity, the potential equipment manufacturer, the type of WECS, the number of WECS Towers, the name plate generating

¹⁴ As amended in Ordinance 2009-03 adopted on May 18, 2009

capacity of each WECS Tower, the maximum height of the WECS Towers, the maximum diameter of the WECS rotors, and the general location of the project.

- b. A description of the Applicant, Owner, and Operator, including their respective business structures.
 - c. A description of substations, maintenance structures, storage yards, permanent meteorological towers and equipment, and other buildings that are a direct functional part of the WECS. These structures, within the proposed overlay district, shall be considered accessory uses.
 - d. Any WECS application encompassing an urban growth boundary of a municipality must be accompanied by a letter of approval from that municipality.¹⁵
 - 2. The names, addresses and phone numbers of the Applicants, Owners and Operators, and all Co-Applicants.
 - 3. A topographic map of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than ten foot intervals.
- B) Following the creation of a WECS Overlay District, a Development Plan together with a petition for Development Plan Review, as specified in Article Six of the Unified Zoning Ordinance, must be submitted to the Area Plan Commission.
 - 1. The petition for Primary Development Plan Approval shall include:
 - a. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet); the proposed location of the Wind Energy Conversion System Facility (including locations of each WECS Tower, guy lines and anchor bases (if any); WECS access roads; substations; maintenance structures; storage yards; permanent Meteorological Towers, electrical cabling; ancillary equipment; WECS Collectors, substations and switching stations¹⁶; and any other structures that are a direct functional part of the WECS). Each tower and/or structure should be assigned a unique identification number on the site plan. In addition, the site plan shall show: primary structures within one quarter mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; County regulated drains, open ditches, or tiles; location of all above-ground utility lines associated with the WECS site; recognized historic or heritage sites as noted by the Indiana Department of Natural

¹⁵ As amended in Ordinance 2010-02 adopted March 15, 2010

¹⁶ As amended in Ordinance 2010-01 adopted March 15, 2010

Resources; floodplains; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines. This site plan must also be distributed to the Emergency Management Agency, any Fire Departments serving any part of the site, and to the County Sheriff.

- b.** A Transportation Plan (as defined) recommended by the WECS Transportation Committee (as defined) and approved by the Clinton County Commissioners.
 - c.** A Drainage Plan approved by the Clinton County Drainage Board. The Transportation Plan and/or the Drainage Plan shall establish that the newly constructed WECS access roads shall not impede the flow of water and will comply with the county drainage ordinance.
 - d.** A Projected Sound Emissions Study (as defined) for the proposed WECS.
 - e.** A Decommissioning Plan formulated by the Applicant, Owner and/or Operator and accepted by the Area Plan Commission to ensure that the WECS Project is properly decommissioned. The Decommissioning Plan must be updated and approved by the Area Plan Commission every five (5) years after the approval of the initial Decommissioning Plan, the same manner as the initial plan. The Decommissioning Plan shall include assurance that the facilities are properly decommissioned upon the end of the project life or facility abandonment. Applicant's obligations with respect to decommissioning shall include removal of all physical material, with the exception of subsurface Collectors (as defined), pertaining to the project improvements to a depth of 48" beneath the soil surface, and restoration of the area occupied by the project improvements such that it is suitable for an equivalent land use to what existed immediately before construction of such improvements. The Applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility from a licensed engineer approved by the Area Plan Commission. Financial assurance of decommission shall be provided as required by Section 406.03(A).
- 2.** The petition for Secondary Development Plan Approval shall include:
- a.** A revised site plan as described in Section 406.01(B)(1)(a).
 - b.** A Security and Safety Plan which must include adequate provisions for site security and safety. If the plan includes using county services, then it should include signatures indicating those parties are aware of their role and capable of performing it.
 - c.** Adequate Assurance of the Completion and Continued Operation of the WECS Project from the date of the commencement of construction

through the tenth (10th) year of operation of the WECS. The Owner/Applicant/Operator shall demonstrate such adequate Assurance of Completion and Continued Operation of the WECS Project by providing evidence of: (1) adequate funding of one hundred percent (100%) of the estimated cost of construction of the WECS; (2) performance and payment bonds or other sureties from the Owner Applicant/Operator and/or major equipment suppliers and contractors; (3) the existence of written warranties from contractors and/or manufacturers which have demonstrated financial ability to repair and/or replace defective work, materials, and equipment; and (4) adequate casualty, builders risk, business interruption, and liability insurance for the replacement of the WECS and the individual components thereof, and the funding of on an ongoing basis, and the payment of all liabilities occurring during, arising from, or related to a casualty loss. The Applicant/Owner/Operator may provide such cost estimates, bids, contracts, warranties, feasibility studies, engineering studies and reports, insurance certificates, loan and other financing commitments to provide the requested information to provide adequate assurance and completion and continued operation.

- d. An Economic Development Agreement (as defined) approved by the Clinton County Commissioners. This agreement must be developed in conjunction with the Clinton County Economic Development Office and Clinton County Council.

C) After Secondary Development Plan approval is obtained, but before any construction commences or Improvement Location Permits may be acquired, all applicable state and federal permits, approvals and licenses must be obtained and all state and federal statutes and regulations must be complied with and the following requirements satisfied:

1. The Owner or Operator of the WECS shall maintain liability policies covering (1) bodily injury and property damage and (2) environmental contamination arising from construction, operation, maintenance, and decommissioning of the WECS, with nationally recognized, well-capitalized insurance companies initially approved by the Area Plan Commission and annually thereafter by the executive director of the Area Plan Commission and name Clinton County as an additional insured. Limits on the bodily injury and property damage policy shall be of at least \$2 million per occurrence and \$5 million in the aggregate with a deductible of no more than \$20,000 and on the environmental contamination policy shall be of at least \$1 million per occurrence and \$2 million in the aggregate with a deductible of no more than \$50,000.
2. The Applicant/Owner/Operator shall establish a 24-hour toll-free phone number for the registering of complaints and concerns. This number shall be posted at every road intersection throughout the project area before Improvement Location Permits are issued and before any construction or

earth moving can commence. If legitimate complaints are not remedied within 48 hours the county may address these complaints with any expenses incurred to be reimbursed by the WECS Applicant according to the fee rate established as described in Section 406.02(A)(7).

- 3.** The Applicant/Owner/Operator must attend a Pre-Construction Meeting between the Area Plan Commission Executive Director, Zoning Administrator, Area Plan Commission President, Clinton County Building Inspector, and any other public officer or official whose input is deemed appropriate and WECS Applicant to verify that all requirements in the Unified Zoning Ordinance have been met. This meeting shall take place as the final step before construction and all other requirements should already have been met. Once reviewed, if all requirements have been met, the WECS Applicant may then obtain Improvement Location Permits. If any requirements have not been met then further preconstruction meetings will be held until it can be verified that the identified issues have been resolved.
 - 4.** All Improvement Location Permit fees must be paid for the entire WECS project before any Improvement Location Permits will be issued.
- D)** The Rezoning Application, Development Plan (including but not limited to Decommission Plan and each update thereof and the assurance of completion and continued operations), and Improvement Location Permit applications shall be reviewed by Area Plan Commission staff, counsel, and independent professional engineer, and any other professionals deemed necessary as selected or approved by the Area Plan Commission. Within 30 days of submission, the Owner/Applicant/Operator shall reimburse the Area Plan Commission for all costs and expenses associated with the initial or any subsequent review of the Development Plan including but not limited to the employment of a professional engineer, financial consultant, or other professional advisors consulted by the Area Plan Commission. A Professional Engineer shall also certify, as part of the Improvement Location Permit application that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions.

405.02 Construction and Standards:

- A)** Prior to and during construction the Applicant, Owner and Operator shall be responsible for:
- 1.** Implementing reasonable dust control measures during construction.
 - 2.** Complying with existing septic and well regulation as required by the Clinton County Health Department and the Indiana Department of Public Health.
 - 3.** Repairing all damages to non-co-applicant or county regulated waterways, drainage ditches, field tiles, or any other infrastructures caused by the

construction or maintenance of the WECS. Damages must be completely repaired to original or better condition, and so as not to impede the flow of water. All repairs must be completed in a timely manner and the WECS Owner, Operator, and/or Applicant shall be responsible for loss or damage proximately resulting from its impairment of such drainage structures. All repairs to county regulated drainage structures must be completed within ten days.

4. Using concrete armoring techniques at each and every location where County regulated drains and subsurface power transmission lines of any type cross. Unopened bags of premixed concrete shall be laid on top of the transmission lines to cover six inches on both sides of the line and eight feet to each side of the County regulated drain the is crossing. Open drain and transmission line intersections where the line is below the invert of the open drain shall be armored using the same technique. Red warning tape (printed with "warning electrical line below" or similar language) shall be buried no closer than 12 inches above the actual power line at all crossing locations. The Surveyor or agent designated by the Surveyor shall inspect every such crossing before backfilling. Concrete armoring techniques will not be required in cases where directional boring is used.
5. Installing permanent, visible markers where directional boring is used. Markers shall be placed within the line of sight indicating directional changes and borings.
6. Submitting a daily plan of work submitted at a time of day specified by the Area Plan Commission detailing where construction and transportation activities will occur to the Area Plan Commission, County Highway Supervisor, County Sheriff, County Surveyor, Soil & Water Conservation District, the Superintendent(s) of the School District(s) in which construction is occurring and to the emergency services with jurisdiction over the areas in which construction is occurring. This shall include notification of any oversize or overweight loads entering or exiting the project each day as well as any work on roads, drainage, or access roads.
7. Adhering to the approved Transportation Plan. The Clinton County Highway Supervisor shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage. The Clinton County Highway Supervisor may choose to require remediation of road damage during or upon completion of the project and is authorized to collect fees for oversized load permits. If the Applicant does not make repairs in a timely manner, the Supervisor is authorized to make repairs and charge the Applicant a fee to cover the costs of repair. Such fees shall be established at the start date of construction and may be revised at three-month intervals. Further, a corporate surety bond shall be required by the Clinton County Highway Supervisor to insure the county that future repairs are completed to the satisfaction of the county. The cost of bonding is to be paid by the Applicant. A \$1,000 fine shall be assessed for each occurrence where WECS oversize or overweight construction and maintenance equipment utilizes any route(s) in

violation of the approved Transportation Plan. If the Applicant/Owner/Operator or its contractors require material changes from the approved Transportation Plan or if post completion repairs, improvements, or expansions require oversize and overweight loads or involve new routes, an Amended Transportation Plan must be approved in the same manner as the initial plan. When all road repairs are completed to his satisfaction the Clinton County Highway Supervisor will issue a County Highway Remediation Release Form.

8. Adhering to the approved Development Plan. Any non-material proposed changes, modifications, or amendments to the Development Plan must be approved by the Executive Director of the Area Plan Commission. All material changes to the Plan must be approved by the Area Plan Commission. The Executive Director shall have the authority and discretion, considering all relevant factors, to determine whether the proposed Development Plan change is material.

B) Design and installation shall be as follows:

1. WECS Towers shall conform to applicable industry standards. Applicant shall submit certificates of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energie, or an equivalent third party.
2. All WECS Towers shall be installed with a tubular, monopole type tower. Meteorological towers may be guyed. All structures shall be uniform in design and appearance.
3. All WECS Towers shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
4. All electrical components and Collectors (as defined) of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards. All WECS Collectors between WECS towers shall be located underground.
5. All transmission lines must comply with current applicable Rural Utilities Service (RUS) construction standards and requirements of the National Electric Safety Code (NESC) including clearances to ground, clearances to crossing utilities, clearance to buildings, right-of-way widths, erecting power poles, and stringing of transmission line conductors.¹⁷

¹⁷ As added in Ordinance 2010-01 adopted on March 15, 2010

6. Towers and blades shall be painted with non-reflective white or gray color. The Applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS Tower, except for manufacturers name on the nacelle.
 7. A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 8. All WECS Tower designs must include features to deter climbing or be protected by anti-climbing devices such as: 1) fences with locking portals at least eight feet high, 2) anti-climbing devices 15 feet vertically from the base of the WECS Tower, and/or 3) locked WECS Tower doors.
 9. Red strobe lights are preferred during the night to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in Section 532 of this Ordinance. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the wind farm facilities.
- C)** At any non-Co-Applicant residentially zoned lot, public school, or public library, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 45 decibels or, 5 decibels above the Ambient Baseline Sound Pressure Level of the wind farm project area at Critical Wind Speeds. At any non-Co-Applicant residence on Agricultural, Industrial, or Business zoned land, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 51 decibels or, 5 decibels above the Ambient Baseline Sound Pressure level of the wind farm project area at Critical Wind Speeds. The Ambient Baseline Sound Pressure Level, if used, shall be determined by a baseline acoustic emissions study conducted by the Clinton County Area Plan Commission and funded by the Applicant. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in the International Electrotechnical Commission IEC 61400-11 Standard: *Wind turbine generator systems – Part 11: Acoustic noise measurement techniques*. Noise and vibration levels shall also be in compliance with all other applicable county, state and Federal regulations.
- D)** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifty (50) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
- E)** Setbacks shall be as follows¹⁸:

¹⁸ As added in Ordinance 2010-02 adopted on March 15, 2010

1. No WECS shall be constructed in any setback, dedicated public easement or dedicated public easement or dedicated public right-of-way without prior written authorization from the county.
2. Installation of any WECS may not be nearer than 1.1 times the height of the WECS including the blade at its highest point, to any non-co-applicant property lines, dedicated roadway or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower.
3. Except as provided herein, the minimum setback distance for all turbines, substations, maintenance structures, storage yards, permanent MET Towers, and other buildings that are a direct functional part of the WECS shall not be less than 1,000 feet from any non-co-applicant property line 1.1 times the height of the turbine with the blade tip at its highest point. Distance shall be measured at the time of application for Improvement Location Permit from the center of the foundation at the base of the tower. The setback distance will be followed except in specific instances allowed by the Area Board of Zoning Appeals in a Variance hearing.
4. The WECS Tower shall not be nearer than 1.1 times the height of the WECS Tower including the blade at its highest point from any other WECS Tower.
5. For new construction, non-co-applicant setbacks for a residence or public building shall be; not less than 1,000 feet from any new turbines, substations, maintenance structures, storage yards, permanent MET Towers, and other buildings that are a direct functional part of the WECS.

405.03 Post-construction and continued maintenance requirements are as follows:

- A) Commencing on January 1 of the first calendar year after the tenth (10th) year of operation of the WECS, the Owner/Applicant/Operator shall secure and provide to the Area Plan Commission a performance bond, surety bond, letter of credit, or other form of financial assurance that is acceptable to the Area Plan Commission (the "Decommissioning Security") equal to the estimated cost of decommissioning the WECS pursuant to the Decommission Plan. The Decommissioning Security, in computing the estimated cost of decommissioning, shall consider and deduct the Net Salvage Value (as defined) of the WECS. The amount of the Decommissioning Security shall be adjusted annually by January 31 by an amount equal to the increase in the CPI Index. "CPI Index" shall mean the Consumer Price Index for "All the Urban Consumers, U.S. City Average, All items," issued by the Bureau of Labor Statistics of the United States Department of Labor, or, if discontinued or no longer published, such other governmental index that most closely matches the manner in which inflation had been previously tracked as selected by the Area Plan Commission. All Applicants/Owners/Operators shall provide an updated Decommissioning Plan every five (5) years commencing with the operation of the WECS which updated Decommissioning Plan

shall be reviewed and approved by a licensed engineer approved by the Area Plan Commission and qualified to provide an estimate of the cost of decommissioning of the WECS and the Net Salvage Value of the WECS (the "Decommissioning Engineer"). A new Decommissioning Security in an amount equal to the cost of the estimated cost of decommissioning after deducting the Net Salvage Value of the WECS shall be provided within sixty (60) days of the approval of the updated Decommissioning Plan.

- B)** All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner. All hazardous waste generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall, be handled in a manner consistent with all local, state and federal rules and regulations.

- C)** The following operation, maintenance and inspection standards shall be met;
 - 1.** Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the Owner or Operator shall confer with the Building Inspector to determine whether the physical modification requires re-certification.
 - 2.** The Clinton County Building Inspector, approved designees, along with licensed 3rd party engineers/professionals retained by the County for the specific purpose of conducting inspections of the WECS shall have the right, at any reasonable time and with sufficient prior notice, to accompany the Owner or Operator, or his agent, on the premises where a WECS has been constructed, to inspect all parts of said WECS installation and to require that repairs or alterations be made. The Owner or Operator of a WECS may retain a licensed 3rd party professional engineer familiar with WECS systems to prepare and submit to the Clinton County Building Inspector a written report which addresses the repairs or alterations requested, and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or alterations are unnecessary, within thirty (30) days after receiving notice from the Clinton County Building Inspector that repairs or alterations are requested, or within a longer period of time mutually acceptable to both parties. The Clinton County Building Inspector will consider any such written report and determine whether the repairs or alterations should be made as originally requested or as suggested in the written report. In the event of a dispute between the Clinton County Building Inspector and the Owner or Operator, or a 3rd party professional engineer retained by them, as to the repairs or alterations which are required, the decision of the Building Inspector shall be final.
 - 3.** If, after construction, the Owner or Operator receives a written complaint related to interference with local broadcast residential television, telecommunication,

communication or microwave transmissions, the Owner or Operator shall promptly resolve the complaint.

4. The WECS Applicant, Owner or Operator shall submit to all providers of emergency services serving the WECS Project area a copy of the as-built site map. Upon request by the local fire department, the Owner or Operator shall cooperate with the local fire department to develop the fire department's emergency response plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.
 5. On completion of construction the WECS Applicant, Owner or Operator shall submit to the county Surveyor a site map detailing all ground disturbed through construction activity, surface/subsurface structure/infrastructure and all routes over which trucks and equipment traveled. The scale and format of the submitted map shall conform to the County Surveyor's specifications.
 6. For a period of five (5) years following the completion of construction the WECS Applicant, Owner or Operator shall be liable to the county for all costs of repair, as determined by the County Surveyor, to the county drain tiles, regulated drains and ditches and other county regulated surface and subsurface structures and private tiles located in the public right of way within fifty (50) feet of the routes and disturbed ground as described in Section 406.03(C)(5).
- D)** A WECS or any individual wind turbine constituting a portion of the WECS is presumed at the end of its useful life and/or abandoned if the WECS or the individual turbine generates no electricity for a continuing period of twelve (12) months. This presumption may be rebutted by submitting to the Area Plan Commission for approval and within ninety (90) days of submission obtaining approval thereof of a plan outlining the steps and schedules for returning the WECS or the individual wind turbine to service. Any WECS or individual turbine which pursuant to the terms hereof is either reached the end of its useful life and/or abandoned pursuant to the terms hereof shall be subject to removal pursuant to the Decommissioning Plan.
- E)** Any WECS, WECS Tower, or structure thereof declared to be unsafe by the Clinton County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair or rehabilitation within 12 months or be deemed abandoned and at the end of its useful life as provided in Section 406.03(D).
- F)** Any post-construction proposed non-material modifications, alterations, expansions, or changes of any type or size to the Development Plan must be approved by the Executive Director of the Area Plan Commission and all material post construction proposed changes must apply in the same way as a new WECS following the process in Section 406.01. The Executive Director shall have the authority and discretion, considering all relevant factors, to determine whether the proposed post-construction change is material.
- G)** Nothing in Section 406 of this Ordinance is intended to preempt other applicable state and federal laws and regulations.

405.04 All new building lots and new dwellings approved in the Wind Energy Conversion System Overlay District shall submit and record a signed agreement in the office of the County Recorder. Such written agreement shall recognize that the current owner and all subsequent owners of such building site (lot) shall not object to, nor file suit against any operation, construction, and maintenance standards. Such agreement language shall be approved by the Board Attorney and shall be comparable to the following:

“In accepting this deed, grantees do hereby acknowledge that the surrounding land is designated for a Commercial Wind Energy System and subject to intense wind farming practices; and grantees, and their heirs, assigns, and successors in interest, are precluded from complaining, seeking damages and/or attempting to enjoin the use of the property (land) for Wind Energy Conversion Systems as long as industry accepted wind farming operation, construction and maintenance standards are followed. It is further recognized that Wind Conversions Systems may include disruptive noise/traffic throughout the year. This condition and agreement shall run with the land.”

ARTICLE FIVE DEVELOPMENT STANDARDS

501 PROCEDURE Certain uses in Table A of this Ordinance must meet the following development standards in addition to the requirements of all other Articles of this Ordinance. In a district in which the specified use is permitted, the Zoning administrator shall ascertain that the specifications of the Article are met. In a district in which the specified use is allowed by special exception, the Board shall ascertain that the specifications of this Article are met prior to approval of the special exception.

502 ACCESSORY APARTMENTS Accessory apartments are subject to the following requirements.¹

502.01 There may be a maximum of one accessory apartment established on any parcel with a single-family dwelling unit.

502.02 The accessory apartment must be clearly secondary and incidental to the principal dwelling unit. Any exterior modification to any existing structure for an accessory apartment shall be compatible with the appearance of the existing structure.²

502.03 The accessory apartment may be either in a detached structure or attached to or within the principal dwelling unit. The accessory apartment may not be a mobile or manufactured home.

502.04 The owner of the property must reside in either the principal dwelling unit or accessory apartment.

502.05 There may be no exterior stairways to an upper level accessory apartment.

502.06 Accessory apartments in a principal dwelling unit must have interior access between the accessory apartment and the principal dwelling. If there is no interior access between the accessory apartment and principal dwelling unit, special exception approval must be obtained.

502.07 All applicable County Building Code and County Health Department standards shall be met.

502.08 Additional parking as needed or required by this Ordinance shall be provided in an off-street space and there shall be safe and proper means of entrance and exit from the property.

503 ACCESSORY USES AND STRUCTURES Accessory uses and accessory structures shall meet the following requirements:

503.01 An accessory structure shall not be erected or an accessory use located prior to the establishment or construction of the principal building or use to which it is accessory or to which it is intended to be accessory, except for agricultural structures and except for accessory structures which are used for construction purposes and not for living purposes.

503.02 An accessory structure or accessory use may be permitted on a parcel of land separated by a public right-of-way or easement from the parcel containing the principal structure but any

¹ As amended in Ordinance 06-04 adopted on April 3, 2006

² As amended in Ordinance 2014-14 adopted on November 3, 2014.

accessory structure must meet principal structure yard requirements and Section 503.01 of this Ordinance.

503.03 All residential swimming pools, including above-ground pools and in-ground pools, hot tubs, saunas, whirl pool tubs, and accessory heaters, pumps, and covers must meet all front, rear, and side setback regulations. Separation distances between structures are not required for these uses³. In addition, access to all residential above-ground and in-ground swimming pools and hot tubs shall be restricted by one (1) of the following means:

- a) Walls or fencing not less than five (5) feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.
- b) Other means not less than five (5) feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.
- c) Combination of (a) and (b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked.
- d) A power safety pool cover which shall:
 - 1. Provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;
 - 2. Be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key.
 - 3. Is installed with track, rollers, rails, guides, or other accessories necessary to accomplish clauses 1 and 2, in accordance with the manufacturer's instructions; and
 - 4. Bear an identification tag indicating that the cover satisfies the requirements of ASTM 4F1346 for power safety pool covers.

All fencing must be in place and approved by the Zoning Administrator before the water is put in the pool. Pools in Incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in APPENDIX "B" of this Ordinance.⁴

503.04 No recreational vehicle shall be used for living or housekeeping purposes when parked or stored in any district for a period to exceed seven days unless otherwise permitted by this Ordinance.

503.05 Trucks or tractor-trailer combination vehicles in excess of one ton capacity or any commercial vehicle which has signage exceeding four square feet, shall not be parked or stored in any residential district or rural non-farm lot except in an enclosed building. This does not apply to temporary parking of delivery vehicles.

³ As amended in Ordinance 2013-03 adopted on March 18, 2013.

⁴ As amended in Ordinance 96-9 adopted on September 4, 1996 and in Ordinance 02-13 adopted on December 2, 2002

503.06 Unlicensed semi-trailers used for storage must have the undercarriage removed and be painted a neutral color. They are only permitted in the A-1, LD, I-1, I-2 districts. There may be no more than one trailer per lot and they must meet all accessory structure setbacks. The Board of Zoning Appeals may approve trailers by Special Exception in the B-4 & B-5 districts. No permits are required for semi-trailers that meet this ordinance.⁵

503.07 Outdoor display of merchandise, where permitted, and outdoor storage for any use, shall not extend into any street right-of-way or required parking area and shall be maintained in a neat and orderly manner at all times and shall not exceed seventy-five percent of gross site area. The following outdoor storage regulations shall also be met:

A) Any article or material stored temporarily outside an enclosed structure as an incidental part of the primary commercial operation that is located closer than 100 feet to a residential district, shall be so screened by opaque ornamental fencing, walls, or evergreen planting that it cannot be seen from adjacent lots.

B) All outdoor storage of raw materials, waste products, and similar materials, where permitted, shall be enclosed by an approved safety fence and shall be shielded from view of public streets and adjacent lots.

C) All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. This section does not apply to agriculture or agribusiness uses.

503.08 Collection boxes for used merchandise or for recyclable items are permitted as accessory uses in any business or industrial district and are not subject to side or rear setback regulations provided they are not located in a way to create a traffic hazard and do not violate other sections of this Ordinance. The collection boxes shall be routinely emptied and no outdoor storage of items is permitted.

503.09 A refuse disposal container (dumpster) and/or refuse storage area or corral for non-residential uses shall not be located within any required front yard or eliminate any required parking or loading areas. Refuse disposal containers and areas shall be opaquely screened from adjacent roads and property. This screening may be achieved by walls, landscaping, or existing fences, or by virtue of the location on the lot. This section does not apply to refuse disposal containers used temporarily during remodeling provided these are not used for a period to exceed 90 days.

503.10 Newspaper, soft drink, ice, and other similar vending machines and telephone booths are permitted as accessory uses in any business or industrial district. Newspaper vending machines and telephone booths are not subject to setbacks and may be on public sidewalk or right-of-way with approval of the legislative body and provided they do not violate other sections of this Ordinance. Soft drink and other vending machines are subject to setbacks and shall be grouped in one area up against a building and shall not be on any public sidewalk or right-of-way.

⁵ As amended in Ordinance 2013-03 adopted on March 18, 2013.

503.11 No mobile home or manufactured home shall be stored or parked, vacant or otherwise, in any zoning district, except in conformity with the provisions of the district in which it is located.

503.12 In all zoning districts satellite dish antenna (satellite earth stations) of up to twelve feet in diameter are permitted as accessory structures. A satellite dish antenna may be either roof-mounted or ground-mounted and must meet the following standards:

A) A roof-mounted satellite dish antenna shall not extend above the required height of the zoning district in which it is located and shall not overhang within two feet of any side or rear lot line.

B) A ground-mounted satellite dish antenna may be located in a side or rear yard or in the front yard if it is at least 100 feet back from the front property line. The closest edge of any antenna may not be less than two feet to any side or rear lot line. Ground mounted antenna may not extend above the accessory use height requirement.

C) If any satellite dish antenna cannot receive a usable satellite signal by complying with the above standards without substantial removal of mature trees or vegetation, a special exception may be requested from the Board of Zoning Appeals to locate the antenna in a front yard. A usable satellite signal is defined as a signal from a satellite which, when viewed on a conventional television set, is at least equal in picture quality to that received from local commercial television stations or by way of cable television.

D) All satellite dish antennae shall meet manufacturer's specifications, shall meet all applicable building and electrical code requirements, shall be of non-combustible and corrosive-resistant material, shall be erected in a adequately grounded for protection against a direct strike of lightning.

E) All cables and connections from a satellite dish antenna to other equipment on the premises shall be buried underground when an antenna is located on the ground, or appropriately concealed when an antenna is located on a building.

503.13 Fences are permitted as accessory structures in any district and must meet the visual clearance requirements of Section 306.11 of this Ordinance and the following standards. Additional requirements of the Incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in Appendix "B" of this Ordinance.

A) In unincorporated areas, partition or boundary line fences, where necessary, shall be built and maintained between adjacent property owners in accordance with I.C.32-10-9.

B) In the City of Frankfort or any incorporated town all other boundary line fences, not built in accordance with I.C.32-10-9, shall be entirely located upon the private property of the owner constructing, or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the partition line of the respective properties. No setback requirements shall apply to boundary line fences.

C) No fence in any district, except for those servicing agricultural uses, shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous

objects, nor be electrically charged, except that in commercial or industrial districts barbed wire may be used at the top portion of a permitted fence or wall if located more than seven feet above the adjacent ground level. This section shall not be constructed to prohibit underground, radio-controlled, “invisible” pet fences or control equipment.

D) In any district, fences, not exceeding 42 inches in height, shall be permitted in any required front yard or the required yard of a corner lot.

E) In any residential or business districts or on a non-farm residential use in the A-1 district, no fence or wall of more than six feet in height may be placed, built, or installed in the side and rear yards of any lot.

F) In industrial districts, a fence or wall not to exceed eight feet in height may be placed, built, or installed at the property lines. Additionally, the height of such fences may be increased by six inches for each three feet of distance from the property line, in the required side and rear yards only, to a maximum height of twelve feet.

G) Open wire mesh fences surrounding tennis courts, baseball fields, and similar recreational or educational facilities may be erected to a height of sixteen feet.

H) On a corner lot in any district, a fence or wall not exceeding six feet may be located in a required yard adjacent to the street at a setback equal to the setback of the existing principal building. On any through lot, a fence or wall not exceeding six feet may be located in a required yard of any street equal to the setback of the principal building also facing said street.

I) All posts and supporting rails for wood panel, stockade, or similar type fences shall not be located on the side of said fence facing adjacent property or road right-of-way.

J) Fences for swimming pools shall meet Section 503.03 of this Ordinance and all other applicable provisions of state law.

K) All fences constructed abutting a residential lot or district shall be designed so that ventilation to said residence is not prohibited on the fence side of such dwelling. No solid fence, which prohibits the free flow of air through it, exceeding three (3) feet in height, shall be permitted within less than ten (10) feet of such neighboring residence. Fences already in existence at the time of adoption of this ordinance are exempt from this requirement.⁶

L) Any fence placed upon an erected earth berm or masonry wall must govern its height as measured to the ground adjacent to said earth berm or wall.

M) Fences located in a regulated legal drainage easement shall meet all requirements of the Clinton County Drainage Board. Fences located within any drainage easement other than a regulated legal drain shall be constructed so that the flow of water is not impeded and that all other requirements of the Clinton County Drainage Ordinance are met. Fences located in any easement shall be responsibility of the property owner as to

⁶ As amended in Ordinance 93-2 adopted on August 16, 1993

removal and replacement if any governmental agency is required to work within the easement and thus disturb the fence placement.

503.14 All lighting for any use shall be arranged and shielded so as to prevent excessive or intentional illumination and/or any glare, flashes, flashing or reflections on any adjacent property or any public right-of-way.⁷

504 ADULT BUSINESS In the development and adoption of these regulations, it is recognized that there are some adult business uses which, due to their very nature, have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below, and as such, serve a substantial character of residential neighborhoods, to deter the spread of blight, and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, schools, public parks, and other public facilities and residential areas, while at the same time allow for reasonable alternative ways of communication. This section is based on the findings of a study entitled "Adult Entertainment Businesses in Indianapolis, An Analysis, 1984" which documents the blighting influences of adult businesses on surrounding neighborhoods. The findings of this study are valid for Clinton County because of the close proximity of Indianapolis and because of general social-economic similarities throughout Indiana. A copy of this study is on file with the Zoning Administrator. All adult businesses shall comply with the following provisions:

504.01 The establishment of any adult business shall be prohibited if such business is within 500 feet of any other such adult business or within 500 feet of the property line of any church, school, public park, or other public facility or the boundary line of any residential or agricultural district.

A) The distance between one adult business and another adult business shall be measured in a straight line, without regard to intervening structures or objects, from the closest property line of each such business.

B) The distance between an adult business and any church, school, public park, or other public facility or a residential or agricultural district shall be measured in a straight line, without regard to intervening structures or objects from the closest property line of the adult business to the nearest boundary line of a residential or agricultural district.

C) If any adult business is part of or included within a shopping center, only the portion of said center or leased space occupied by such adult business shall be included in determining the closest property line of said adult business.

504.02 No adult business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to matters or performances as defined by I.C.35-49-2, as amended, by display, decorations, sign, show window, or other opening from any public right-of-way.

⁷ As amended in Ordinance 95-3 adopted on January 25, 1995

504.03 All adult businesses shall comply with I.C.35-49-2, as amended.

505 AUTOMOBILE SERVICE STATIONS AND COMMERCIAL GARAGES All automobile service stations and commercial garages established after the effective date of this Ordinance shall meet the following standards:

505.01 The minimum lot size shall be 15,000 square feet and, in addition:

A) Gasoline service stations shall have 500 square feet of lot area for each additional pump over four and 1,000 square feet of lot area for each additional vehicle storage space.

B) Commercial garages shall have 1,000 square feet of lot area for each additional service bay over two. There shall also be 300 square feet of additional land area for each space intended for storage of disabled vehicles awaiting repair.

505.02 The minimum lot width shall be 132 feet.

505.03 All activities except those to be performed at the fuel pumps shall be performed within a completely enclosed structure.

505.04 Fuel pumps shall be at least fifteen feet from any street right-of-way and any canopies shall meet the standards of Section 306.13 of this Ordinance on page 60.

505.05 There shall be no outdoor storage of discarded auto parts.

505.06 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. Vehicles awaiting repair shall not be stored outside for more than seven days. No vehicles may be parked or stored on any public right-of-way.

505.07 Permanently disabled vehicles, which are not awaiting repair, may not be stored on the premises at any time.

505.08 Principal access shall be from an arterial or collector street.

505.09 Parking areas, vehicle stacking spaces, bufferyards, and signs shall meet applicable sections of this Ordinance.

505.10 Parking of rental trucks or trailers shall be permitted, as an accessory use, provided that:

A) Not more than five vehicles of any one type or more than ten vehicles altogether shall be stored on the premises;

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

C) 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;

D) Rental vehicles shall not be parked in any required automobile parking spaces or in any required yards.

505.11 Whenever an automobile service station or commercial garage is abandoned or discontinued for a period of one 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 Indiana Department of Environmental Management, 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.

506 BED AND BREAKFAST ESTABLISHMENTS AND COUNTRY INNS Bed and breakfast establishments and country inns shall meet the following standards:

506.01 A bed and breakfast establishment shall have no more than six rooms or lodging units and a country inn shall have no more than twenty rooms or lodging units. These rooms or lodging units may be located within the principal structure or in an accessory structure.

506.02 The owner and operator of the bed and breakfast establishment or country inn shall live on the property.

506.03 No alterations shall be made to the external appearance of any principal or accessory structure or of the property which change the residential character of the bed and breakfast establishment or country inn.

506.04 No sign shall be permitted other than a non-illuminated name plate attached to the main entrance of the principal structure of the bed and breakfast establishment or country inn. This name plate shall not exceed two square feet in area.

506.05 There shall be one additional off-street parking space provided for each guest room at the bed and breakfast establishment or country inn.

506.06 In addition to the above requirements, country inns shall also be located in a historic and/or architecturally significant building or in a scenic or historic location as determined by the Board of Zoning Appeals.

507 CONFINED FEEDING/FEEDLOT, LIVESTOCK TRAILER WASHES, LIVESTOCK AUCTION BARNs, GRAZING, GRAIN HANDLING OPERATIONS AND WILD ANIMALS⁸

Confined feeding/feedlot, livestock trailer washes, livestock auction barns, grazing, grain handling operations and wild animals shall meet the following standards:

507.01 Each feeding structure, pen, or grain handling facility located on contiguous lots under common ownership and/or management shall be considered a single operation where such structures, pens, or grain handling facilities are located not more than 1320 feet from one.⁹

507.02 All structures shall be set back at least twenty-five feet from the right-of-way line and fifteen feet from any other boundary line.

⁸ As amended in Ordinance 2010-01 adopted on March 15, 2010

⁹ As amended in Ordinance 07-15 adopted on November 26, 2007

507.03 The outer perimeter of each structure or feeding facility of a confined feeding/feedlot operation, livestock trailer wash, livestock auction barn,¹⁰ or any new grain handling operation, including new open pits, lagoons or manure slurry holding tanks, pens or lots shall not be located any closer than:

A) The distance shown in Column II in Table H-1 from any dwelling except any quarters provided for any hired help connected with a Confined Feeding Operations and/or the living quarters of such facilities owner/operator, any church, business, recreational area (public or private), public building, or any residential district zoning boundary line.

B) The distance shown in Column III in Table H-1 from the nearest boundary of any Incorporated City, Town, or Public School System facilities.

507.04 An existing CFO or grain handling operation may expand their operation at the same immediate location to within 660 feet of a dwelling if said dwelling was constructed following the establishment of the CFO or grain handling operation. Where there are four (4) or more dwellings that are clustered within a radius of 150 feet, each of which dwelling is not more than 100 feet from at least one of the other dwellings, and such cluster of dwellings is less than 1320 feet from said existing Confined Feeding Operation, such expansion shall be made on the side opposite from such cluster of dwellings. Expression is not permitted within 1320 feet of an Urban Growth Boundary.

507.05 Grazing operations which exceed animal unit concentrations as detailed in Table H-2 shall be considered Confined Feeding Operations and their outer perimeters subject to the setbacks provided in Table H-1. Exceeding these concentrations through the use of livestock management practices such as pasture rotation, or temporary confinement for animal health and safety reasons shall not automatically result in CFO designation.

507.06 Confined feeding in unincorporated areas involving one or fewer animal units of livestock kept as pets, for 4-H, or for other hobby shall be considered Pasture and Grazing on Table A for purposes of approval and must continue to meet the standards of UZO Section 507.03.¹¹

507.07 Any new dwelling, other than quarters provided for any hired help connected with such operation and/or the dwelling of the confined feeding owner/operator, or any new church, business, school, recreational area (public or private), or public building shall be the distance specified in Column II of Table H from each applicable existing confined feeding or grain handling operation.

507.08 All confined feeding/feed lots shall meet all applicable regulations of the Indiana Department of Environmental Management.

507.09 Wild Animals-Class 1, Class 2 and Class 3 shall comply with 312 IAC 9-11 and all other applicable State and Federal rules and regulations.

508 CONVERSION DWELLINGS Except for accessory apartments, no structure may be converted to accommodate an increased number of dwelling units unless:

¹⁰ As amended in Ordinance 2010-01 adopted on March 15, 2010

¹¹ As amended in Ordinance 2014-14 adopted on November 3, 2014.

508.01 The single-family appearance of the structure is not altered;

508.02 Additional off-street parking shall be available as necessary;

508.03 The total number of dwelling units shall not exceed the maximum number permitted in the zoning district in which it is located. The lone exception to this is the A-1 district where two-family dwellings may be permitted by special exception. Table A indicates that two-family dwellings are not permitted in the A-1 district. The language in this provision shall supercede that of Table A when two-family conversion dwellings are at issue.¹²

508.04 The conversion is in compliance with all other applicable codes and ordinances.

509 DAY CARE CENTERS All day care centers, Class 1, Class 2, and Class 3, shall meet the following standards except where noted:

509.01 There shall be no modification of the residential character of any structure in a residential district.

509.02 Indiana Department of Public Welfare licensing shall be obtained as applicable.

509.03 All applicable state building code and county health department regulations shall be met.

509.04 The size of outside play areas shall be in compliance with State Department of Public Welfare requirements or have at least fifty square feet of outdoor play area per child, whichever is greater.

509.05 For Class 2 and Class 3-day care centers, outdoor play areas which are adjacent to residences in residential districts shall be fenced with a solid fence or planting of at least six feet height.

509.06 For Class 3-day care centers, drop-off and pick-up areas shall be off-the-street. In addition to required parking, there shall be at least one loading space per five children of the largest shift which shall be so located that there will be no backing onto public right-of-ways.

509.07 For Class 3-day care centers, there shall be direct access from collector or arterial roads.

509.08 Only one sign is permitted not exceeding two square feet in any residential or the A-1 district.

510 DRIVE-IN ESTABLISHMENTS Drive-in restaurants, financial services with drive-up windows, car washes, drive-up photo finishing, and other businesses with drive-up windows shall meet the following standards:

510.01 Principal access shall be from arterial or collector streets.

510.02 The establishment shall be located a minimum of 500 feet from an automobile service station, commercial garage, or another drive-in establishment located on the same side of the street, as measured by a line drawn along the right-of-way from the nearest existing access drive to the nearest proposed access drive for the planned drive-in establishment. This requirement

¹² As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

shall not apply to businesses located along a designated service drive intended to serve multiple drive-up businesses.¹³

510.03 Parking areas, vehicle stacking spaces, bufferyards, and signs shall meet applicable sections of this Ordinance.

511 FARM LABOR CAMP/DWELLINGS Farm labor camps and/or dwellings shall meet the following standards:

511.01 Occupancy shall not exceed 90 days in any calendar year.

511.02 Such uses shall be permitted as an accessory use in connection with permitted agricultural uses. Farm labor dwellings not located on a farm to which they are accessory shall obtain special exception approval from the Area Board of Zoning Appeals.

511.03 All requirements of I.C. 13-1-9, as amended, shall be met.

512 HOME OCCUPATIONS Home Occupations Class 1 and Class 2 may be permitted where allowed subject to the provisions of this section. Home Occupations in Incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in Appendix "B" of this Ordinance.

512.01 Home Occupations Class 1¹⁴ may be approved by the Zoning Administrator when it is determined the following standards are met:

A) The home occupation shall be carried on by a resident of the premises with no more than one employee not a resident on the premises and there shall be no more than one separate home occupation per premise.

B) Exterior indication of the home occupation or variation from the residential character of the premises shall not be permitted.

C) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D) In any residential district, the home occupation shall not be conducted in any accessory building and shall not occupy more than twenty-five percent of the floor area of the principal dwelling unit. In the A-1 district, an accessory structure may be used provided that this structure not exceed fifty percent of the gross floor area of the principal residential structure, and that the accessory structure, if new, comply with principal structure setback requirements. No more than twenty-five percent of the floor area of the principal structure in the A-1 district may be used and in no case shall both the principal structure and an accessory structure be used for the home occupation.

E) The use may increase vehicular traffic flow and parking by no more than one additional vehicle at a time than normally expected in the residence. Any parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard. Delivery of materials to or from the premises by

¹³ As amended in Ordinance 02-13 adopted on December 2, 2002

¹⁴ As amended in Ordinance 2014-14 adopted on November 3, 2014

commercial vehicles shall not exceed once per week and for a period no longer than one hour. No vehicle with commercial markings of the home occupation shall be parked at the site.

F) There shall be no outdoor storage of materials or goods produced and no display of goods visible from any adjoining property line or right-of-way.

G) No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire, hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence nor shall any toxic explosive, flammable, or similar hazardous materials be used beyond what normally is associated with a residence.

H) No more than one sign shall be allowed. Such signs shall be attached flat to the house and shall meet all applicable requirements of Section 526.05(L) of this Ordinance.

I) A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation or ownership of the property or tenants in the house.

512.02 Home occupations Class 2 may be approved by special exception when it is determined that the following standards are met:

A) The home occupation shall be carried on by a resident of the premises with no more than five employees not residing on the premises and no more than one separate home occupation is allowed per premises.

B) Exterior indication of the home occupation or variation from the residential character of the premises shall be minimized.

C) The use of the dwelling unit or accessory building for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D) No more than five vehicles and/or pieces of equipment (other than automobiles) shall be operated from the site or stored there overnight and shall meet Section E below.

E) Any outdoor storage of materials, equipment, or goods produced shall be effectively screened from adjacent properties and road.

F) Any sales or displays of articles produced on or off the premises shall be effectively screened from adjacent properties and road.

G) The use may increase vehicular traffic flow by no more than two additional vehicle at a time than normally expected in the residence (other than those provided for by Section D above). There may be no more than an average of seven visits per week of a commercial vehicle for delivery of materials or goods to or from the premises.¹⁵

¹⁵ As amended in Ordinance 2010-01 adopted on March 15, 2010

H) No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, glare, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence.

I) No more than one sign shall be allowed. Such sign shall meet the requirements of Section 526.05(L) of this Ordinance.

J) A permit for a home occupation is not transferable and a new occupancy permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the house.

K) The area occupied by the home occupation shall be such size to meet all above applicable standards.

513 JUNK YARDS/AUTOMOBILE GRAVEYARDS AND SCRAP METAL PROCESSING FACILITIES All junk yards, automobile graveyards, and scrap metal processing facilities must meet the following requirements and all other conditions deemed necessary by the Area Board of Zoning Appeals.

513.01 The minimum lot area shall be ten acres.

513.02 All operations shall be conducted entirely within an enclosed building or opaque fence of sufficient height to screen outdoor storage and which bears no advertising and does not violate Section 503.12 of this Ordinance. Such building or fence shall be constructed on or inside the front, side, and rear yard setback lines required within the district in which located and shall be constructed in such a manner that no outdoor storage or salvage operations shall be visible from an adjacent property or rights-of-way. Storage, either temporary or permanent, between such fence and any property line is prohibited.

513.03 No such facility shall be closer than 2,640 feet from residential district lines or a residential use in the A-1 district.

513.04 Principal access shall be from an arterial or collector street.

513.05 All applicable standards of I.C. 8-23-1, as amended, shall be met.

514 LAND APPLICATION OF SLUDGE AND WASTEWATER Land application of sludge and wastewater shall be in accordance with the procedure, standards, and definitions of I.C. Title 13 and Article 330 IAC 3.3 of the Regulations of the State of Indiana, as amended.

515 LAND RECLAMATION Land reclamation projects shall meet the following requirements:

515.01 A uniform contour which blends in with the topography of the surrounding area shall be established throughout the reclaimed area;

515.02 Soil that can provide a high quality growth medium for native plants of aesthetic and ecological value (not noxious or invasive weeds or plants) shall be replaced over the slopes to a permanent uniform depth of not less than six inches.¹⁶

¹⁶ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

515.03 The reclaimed area shall be seeded, landscaped, and maintained with perennial plant material until a permanent type ground cover is established to prevent erosion.

515 LIVESTOCK AUCTION BARNs Livestock auction barns and sale barns shall meet the following requirements:

516.01 Such use shall be located on a lot that measures not less than 250 feet at the narrowest part and not less than three acres in area;

516.02 Such use shall be set back not less than 2,640 feet from any existing neighboring residence, church, business, school, recreational use, public building, any area zoned residential, or any area that has a recorded residential plat;

516.03 Principal access shall be from arterial or collector streets.

516.04 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.

517 MANUFACTURED HOUSING/MOBILE HOMES¹⁷ These regulations shall apply to manufactured or mobile homes located outside of manufactured or mobile home parks, except where noted. Also, the placement of manufactured and mobile Homes shall comply with the ordinances of incorporated towns.

517.01 A manufactured or mobile home placed and maintained on a parcel of land prior to the effective date of this Ordinance shall continue to be a legal non-conforming use. If the non-conforming use is discontinued for a period of one year, the land thereafter shall be used in conformity with all provisions this mobile home may be approved for a newer manufactured or mobile home subject to Area Board of Zoning Appeals approval as a special exception.

517.02 Permanent additions to any manufactured home or mobile home on individual parcels or in mobile home parks are permitted but the provisions of this Ordinance, manufacturer's specifications and building codes shall be met.

517.03 The Area Board of Zoning Appeals shall have the authority to grant a special exception based upon a finding, after an advertised public hearing, that a "documented hardship" exists which is the result of: Poor physical health; breakdown in mental health or a mental handicap; infirmities of age; or any similar situation which renders a catastrophic condition beyond the control of the person or persons requiring help. Said permit shall be for the installation and occupancy of a manufactured or mobile home and on the same lot as that of an owner-occupant of the principal dwelling on said lot or premises. Said second dwelling structure shall be for the exclusive use of the parents, grandparents, or handicapped progeny that are more than 17 years old of such owner-occupant of the principal dwelling. The use of such second dwelling shall cease when the hardship has been terminated. Such mobile or manufactured home shall be removed from said lot or premises not later than 3 months after said termination and the Area Board of Appeals shall not grant any extension of such use unless it can be determined through

¹⁷ As amended in Ordinance 2010-01 adopted on March 15, 2010

written documentation that the original dependency occupant will require the future use of said facilities.¹⁸

517.04 Unless otherwise permitted, no abandoned manufactured or mobile home shall be kept, placed or stored in any zoning district except in a legal conforming junk yard or scrap metal yard.

517.05 In the A-1 district, a temporary manufactured or mobile home may be placed on a lot following the issuance of a permit for construction of a permanent Single Family Dwelling for a time period not to exceed one year from the date of permit issuance of the permanent dwelling. In residential districts, a temporary manufactured or mobile home may be placed on a lot following the issuance of a permit for construction of a permanent single family dwelling for a period not to exceed one year following approval as a special exception by the Area Board of Zoning Appeals. The Area Board of Zoning Appeals may grant a one year extension for any temporary manufactured or mobile home in the A-1 or any residential district by special exception approval.

517.06 The following standards apply to temporary manufactured or mobile homes in the case of fire, natural disaster or State of Emergencies.

A) In the A-1 district, a temporary manufactured or mobile home may be placed upon any lot where a permanent dwelling has been destroyed by fire or natural disaster within the prior twelve months for a period not to exceed one year. In other districts, a temporary manufactured or mobile home may be placed on a lot following special exception approval by the Area Board of Zoning Appeals. The Area Board of Zoning Appeals may grant a one year extension for any temporary manufactured or mobile home in any district where a permanent dwelling has been destroyed by fire or natural disaster.

B) If a Federal or Indiana State of Emergency has been declared for Clinton County, a temporary manufactured or mobile home may be granted for a period not to exceed six months on any lot in any district where a dwelling has been destroyed or made uninhabitable by disaster. The Area Board of Zoning Appeals may grant up to a three year extension for any temporary manufactured or mobile home following the declaration of a State of Emergency.

518 MOBILE/MANUFACTURED HOME PARKS Mobile/manufactured home parks shall meet the following requirements:

518.01 No park shall have an area of less than five acres.

518.02 Each home site within the park shall have an area of at least 4,000 square feet.

518.03 There shall be at least twenty-five feet between homes.

518.04 No home shall be closer than forty feet to an adjacent property line.

518.05 Not less than ten percent of the gross area of the park must be improved for recreational activity of the residents of the park.

¹⁸ As amended in Ordinance 93-2 adopted on August 16, 1993

518.06 The park shall be appropriately landscaped and screened from adjacent properties in accordance with the approved site plan.

518.07 All streets, sidewalks, and driveways shall be privately maintained and shall be constructed in accordance with the applicable standards of the Subdivision Control Ordinance.

518.08 Applicable requirements of I.C. 13-1-7, as amended, shall be met.

518.09 Mobile home parks with five or more homes shall also meet Indiana State Board of Health Rule 410 I.A.C 6-6, as amended.

518.10 An existing non-conforming manufactured or mobile home in a manufactured/mobile home park may be replaced by a manufactured home, provided the replacement is of an equal or a higher type, as specified in Section 517 of this Ordinance. Equal or higher type means that a mobile home may be replaced with a Type I, Type II, or Type III Manufactured Home or another mobile home; A Type III Manufactured Home could be replaced with a Type I, Type II, or Type III Manufactured Home; A Type II Manufactured Home could be replaced with a Type I or Type II Manufactured Home could be replaced with another Type I Manufactured Home.

518.11 An existing Manufactured or mobile home non-conforming only because of setback requirements may be replaced provided that Sections 518.10 and 306.15 of this Ordinance are met.

519 MINERAL EXTRACTION Nothing in this Ordinance shall prevent the use and alienation of mineral resources by the owner or alienee. However, mineral extraction shall be subject to the following standards:

519.01 No production shall be started nor shall any permit be issued until the Area Board of Zoning Appeals has made a written determination with respect to the conditions under which such operation shall be conducted. The Board shall investigate the area to be developed, as well as the surrounding area, in order to determine the condition to be prescribed so as to protect surrounding property.

519.02 In their review, the Board shall determine that the following standards are met, but my, where deemed necessary, make reasonable exceptions:

A) That the site will be used for mineral extraction activities (as defined). Concrete batching plants and mixing plants for Portland cement or asphaltic concrete, and the manufacture of concrete, clay, or cement products are only permitted if zoned industrial. All mineral extraction and related uses are subject to the performance standards prescribed in Section 309 of this Ordinance and shall be removed upon completion of active mining at the site upon which they are located.

B) No production from an open pit shall be permitted which creates a finished slope steeper than two feet horizontal to one foot vertical for the excavation of sand and gravel, or which creates a finished slope steeper than 1 ½ foot horizontal to one foot vertical for the excavation of products other than sand and gravel, except that in locations where the soil or rock content is such that vertical cuts are proven to be safe, a vertical cut thereafter of any depth shall be allowed.

C) Property to be used for production shall be enclosed by a 5-foot (minimum) galvanized chain link fence along the exterior boundaries for the promotion of safety and general welfare of the community.

D) Where required, suitable plant material shall be placed and maintained to screen cut slopes from public view. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.

E) Access roads to any site shall be limited to two, or at most three points shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty feet therefrom, and said road shall be improved with an asphalt entrance and a dustless surface back to the extraction area. Adequate sight distance shall be maintained for traffic safety in compliance with the standards and requirements of the highway department.

F) Upon the completion of operations, the land shall be left in a safe condition as shown on the plan of rehabilitation as required by Section 519.03 and applicable sections of the Clinton County Drainage Ordinance so that sufficient drainage is provided so as to prevent water pockets or undue erosion. All grading and drainage shall be completed so that natural storm water leaves the entire property at the original, natural drainage points, and that the drainage to any one such point is not increased. In any case, the provisions of this section shall agree with the Clinton County Drainage Ordinance, as currently amended.

G) Vehicles carrying materials from the site shall be loaded in such manner as to prevent spilling rock, gravel, sand, or other materials of a similar nature while in transit upon roads and highways.

H) Mining shall be done so as to keep noise and dust to a minimum. Explosives shall be used only between sun-up and sun-down except in case of emergency.

519.03 All applications for mineral extraction shall be accompanied by a map or plat showing the existing conditions of the area proposed for mining (including existing two foot contours and drainage); a plan of the operational and excavation area; the time estimate for removal of the materials; and a plan of rehabilitation showing the redevelopment and reuse of the entire site following extraction (including proposed two foot contours and drainage).

519.04 Prior to commencing such operations, the owner shall execute an indemnity agreement utilizing a bond or cash escrow account renewable until work is performed in favor of the legislative body for the purpose of assuring the restoration and reclamation of the site according to the plan of rehabilitation and according to the following specifications and within the specified period of time, as established in the agreement:

A) A uniform contour which blends in with the topography of the surrounding area, shall be established throughout the excavated area;

B) Soil that can provide a high quality growth medium for native plants of aesthetic and ecological value (not noxious or invasive weeds or plants) shall be replaced over the slopes to a permanent uniform depth of not less than six inches, and;¹⁹

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

519.05 Mineral extraction must comply with all applicable section of I.C. 13-4-6, I.C. 14-4-2, and I.C. 14-4-2.1.

520 OUTDOOR SHOOTING RANGES AND LAW ENFORCEMENT PRACTICE RANGES, INCLUDING SKEET, TRAP, AND ARCHERY AND HUNTING PRESERVES AND GAMELANDS shall meet the following:²⁰

520.01 Such uses shall be located on not less than twenty (20) acre parcels and separated by not less than 2,640 feet from residential zoning district boundaries and not less than 1,500 feet from the nearest neighboring dwelling structure.

520.02 Any structure, permanent or portable, serving such use shall be set back not less than 75 feet from any street or road right-of-way line and not less than 40 feet from all other property lines.

520.03 Adequate provisions shall be made for on site parking and to protect the public from noise, traffic, and dangers from the use of firearms and/or deadly weapons, and shall be constructed per “NRA THE RANGE MANUAL”, current edition, and under the supervision of local law and conservation officials.

521 RECREATIONAL VEHICLE PARKS/CAMPGROUNDS All recreational vehicle parks and campgrounds shall meet the following requirements:

521.01 Recreational vehicle parks and campgrounds shall have direct access to a public street with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of all vehicles into and out of the park.

521.02 Conditions of soil, ground water level, drainage, geologic structure, and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe erosion.

521.03 The minimum area of a recreational vehicle park or campground shall be three acres.

521.04 The density of a park shall not exceed seventeen recreational vehicle or camping spaces per acre of gross site area.

521.05 Recreational vehicles spaces and camping spaces shall be separated from each other and from other park structures by at least ten feet.

¹⁹ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

²⁰ As amended in Ordinance 95-7 adopted on May 22, 1995

521.06 In addition to complying with any side or rear yard requirements of the district in which the park is located:

A) No recreational vehicle or camping space shall be nearer than fifty feet to the right-of-way line of the road or street.

B) Where the boundary line of a recreational vehicle park coincides with that of land in a residential district, a yard of at least twenty-five feet shall be provided from a camping space.

521.07 In the A-1 district, food stores, restaurants, sporting good sales, Laundromats, and similar convenience and service shops shall be permitted in recreational vehicle parks and campgrounds which contain fifty or more spaces provided:

A) Such shops and the parking areas required by their use shall not occupy more than ten percent of the total area of the park.

B) The use of such shops shall be used solely by the occupants of the park.

C) Such shops shall be so located or designated within the park to present no visible evidence of their commercial nature to persons outside the park.

521.08 Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other structures customarily incidental to a recreational vehicle park or campground shall be permitted as accessory uses.

521.09 All applicable regulations of the Indiana Board of Health shall be met.

522 ROADSIDE STANDS Roadside stands shall meet the following requirements:

522.01 Roadside stands shall be accessory to a principal agricultural use and shall be erected for the purpose of displaying and selling primarily those products of a fruit or vegetable nature that are grown or produced by the operator;

522.02 There shall be not more than one such stand per lot with maximum area and yards as set forth in Table B;

522.03 A minimum of 1,000 square feet shall be provided for off-street parking and;

522.04 Signs shall be permanent in appearance and kept in a state of good repair; shall not exceed thirty two square feet in area; shall be erected only for the purpose of identification of the roadside stand and for advertising the products for sale on the site; and shall meet other applicable provisions of Section 526 of this Ordinance.

523 DWELLINGS IN THE A-1 DISTRICT Lots for dwellings in the A-1 District shall be approved according to the following regulations and procedures. Approval shall be by a "point" system which factors in a range of criteria as described below. Except where noted, all measurements are from the outer boundary line of the new lot. The applicant shall be responsible for providing all information necessary for conducting the evaluation including the percentage of soil types on the new lot. All dwellings

previously approved by Special Exception by the Board of Zoning Appeals shall be buildable or re-buildable provided the criteria contained in Section 811.01 of this ordinance are still met.²¹

523.01 Dwellings in the A-1 District may be approved by the Zoning Administrator if a lot for a dwelling has a total of 10 points as specified in Table I-1 below. Dwellings with less than 10 points must be approved by the Board of Zoning Appeals. All dwellings must comply with a 100-foot setback from any Commercial WECS Tower.²² All dwellings shall also comply with the Confined Feeding/Feedlot and Grain Handling Operation separation standards in Section 507 of this Ordinance. Only one score from each factor may be counted, except as specified below.

523.02 The total number of lots from the parcel of record (Parent Tract) approved by the Zoning Administrator or Board of Zoning appeals shall not exceed the number specified in Table I-2.

523.03 All other new lots for dwellings shall come before the Area Board of Zoning Appeals. The Board shall affirmatively find that the new lot meets the following conditions²³:

- A) That the lot shall be located such that the proximity to other dwellings, the configuration of the parent tract or the location of creeks, ditches and other natural features have the least negative impact on the use of agricultural equipment, or use of the property as part of a farm.
- B) Locating a dwelling on the new lot would not require changes in road surfaces or bridges.
- C) Locating a dwelling on the new lot would not interfere with current agricultural practices in the adjacent area and would not substantially restrict the expansion of confined feeding and other agricultural practices.
- D) That there are mitigating circumstances in the application of the above rating criteria.

523.04 The record owner or contract purchaser of such building lot shall submit a signed agreement as required by subsection 816.02 of this Ordinance. Such written agreement shall recognize that the current owner and all subsequent owners of such building site (lot) shall not object to, nor file suit against any farmer in the vicinity who operates a confined feeding operation or grain handling operation as long as such operation follows generally accepted farming practices. Such agreement language shall be approved by the Board Attorney and shall be comparable to the following:

“In accepting this deed, grantees do hereby acknowledge that the surrounding land is agricultural in usage and subject to intense agricultural practices; and grantees, and their heirs, assigns, and successors in interest, are precluded from complaining, seeking damages and/or attempting to enjoin the use of the property (land) for confined feeding, grain handling operations, the use of manure, fertilizers or other agricultural chemicals, or the presence of odors because of nuisances which may result from such practices as long as generally accepted farming practices are followed. It is further recognized that farming operations may include disruptive noises and light for 24 hours per day during

²¹ As amended in Ordinance 06-24 adopted on December 11, 2006 and Ordinance 07-15 adopted November 26, 2007.

²² As amended in Ordinance 2009-03 adopted on May 18, 2009

²³ As amended in Ordinance 2014-02 adopted on May 19, 2014.

the crop planting and harvesting seasons. This condition and agreement shall run with the land.²⁴

523.05 Soils shall meet all requirements of the Clinton County Board of Health's Private Sanitary Sewage Disposal Ordinance for Septic systems.

523.06 Existing natural drainage field tile or regulated legal drains will not be altered without Drainage Board approval and all standards of the Clinton County Draining Ordinance will be met.

523.07 All applicable standards of the Clinton County Subdivision Control Ordinance will be met for the lot.

524 MUNICIPAL SOLID WASTE LANDFILL Municipal Solid Waste Landfills shall meet the following standards:²⁵

524.01 The following Accessory Uses are permitted:

- Compost Facilities
- Municipal Solid Waste Landfill Units Borrow Areas
- Vehicle Parking Temporary Storage Staging Area
- Container Temporary Storage
- Scales
- Truck and Tire Washes
- Landfill Buildings
- Soil Stockpiles
- Stormwater Management Features
- Buffer Areas
- Monitoring Wells
- Landfill Gas Management and Energy and Electric Generation Systems
- Pasture land and temporary farming activities
- Recycling and Waste Transfer facilities
- Other ancillary use to construction, operation, closure, and post-closure of a landfill

524.02 Lateral Size: There is no minimum or maximum lateral size for a landfill.

524.03 Vertical Size: The height of the waste-receiving areas of a landfill shall not exceed 1012 feet above mean sea level (AMSL) unless otherwise approved by the Clinton County Commissioners.

524.04 Setbacks: Any existing Municipal Solid Waste Landfill permitted by IDEM as of the effective date of the ordinance and to the extent of the IDEM approved solid waste boundary shall not be subject to the setbacks required by Section 524.04. The solid waste boundary of a landfill or any other site where waste excluding recyclables is stored or held for more than one business day, must not be located within the specified distances of the following designated points in existence on the date of application to IDEM for a permit:

A) 200 feet from the real property boundary of the landfill measured from the road right-of-way or the property line of the adjacent owners.

²⁴ As amended in Ordinance 02-12 adopted on December 2, 2002 and Ordinance 2009-03 adopted on May 18, 2009

²⁵ As permitted in Ordinance 2009-04 adopted on July 6, 2009

- B) 100 feet from a federally jurisdictional wetland or water of the United States, except as listed in C) and D) below.
- C) 500 feet from a continuously flowing river or stream, except as listed in D) below
- D) 1,000 feet from Sugar Creek, South Fork of the Wildcat Creek,
- E) 600 feet from a factory or office.
- F) 900 feet from a dwelling.
- G) 1,000 feet from a drinking water supply reservoir that is being used as a drinking water supply for humans or is intended to be used as a drinking water supply for humans.
- H) 1,000 feet from a potable water supply or drinking water supply.
- I) 1,250 feet from a public or private hospital with more than twenty (20) beds.
- J) 2,640 feet from a public or nonpublic school.
- K) Outside the 5-year time-of-travel distance for a wellhead protection area, or 3,000 feet from a community water supply well.
- L) 1,320 feet from any residential zoned major subdivision
- M) 2,640 feet from an Urban Growth Boundary unless industrially zoned.

524.05 Access Standards: A Landfill shall:

- (A) Have only one entrance/exit which shall be located with direct access to a collector or arterial road unless an alternative plan is approved by the County Commissioners, following recommendation by the Area Plan Commission. When a collector or arterial road bisects a Landfill, one entrance/exit shall be constructed and used for each side of the bisecting roadway and shall be directly across from each other. Entrances shall comply with Indiana Department of Transportation and Clinton County Highway Department requirements. Passing lanes and turning lanes shall be constructed.
- (B) A Transportation Plan shall be filed which provides for the landfill operator to have an agreement between the operator and Clinton County Commissioners to avoid negative traffic impact on residential zoned areas.

524.06 Visibility and Screening Standards

- A) be fenced with a minimum 6-foot high slatted fence to ensure entry cannot be obtained except through a gate.
- B) include a perimeter buffer screen consisting of a combination of berms, landscaping, and fencing to enhance its appearance and screen the facility and activities from public view either on residential areas or public right-of-ways.
- C) the bufferyard shall meet the standards of Section 306.12.
- D) Accessory uses, whose boundaries are frequently altered, may substitute fencing to a height of 8' such that it is not visible to neighboring parcels for side and rear bufferyards at the discretion of the Zoning Administrator.²⁶

524.07 Operational Requirements: A Landfill shall:

- (A) Include an entrance sufficiently wide to accommodate a truck entering and a truck exiting the landfill at the same time.
- (B) Include on-site truck queuing to limit problems associated with trucks backing up onto public roads.

²⁶ As amended in Ordinance 2013-03 adopted on March 18, 2013.

- (C) Use portable wind screens or litter fences at the active face of the landfill to minimize windblown debris.
- (D) Use a tire wash, road sweeper, water tank, or such other measures as are needed to control and limit the tracking of dirt and mud onto public roadways.
- (E) Develop and maintain an IDEM-approved leachate management plan.
- (F) Develop and maintain an IDEM-approved methane management plan.
- (G) Have a final cover slope of no less than 4% and no more than 33%.
- (H) Allow the Clinton County Commissioners or their designee to conduct a daily inspection of the landfill, if requested.
- (I) Participate in a Citizen's Advisory Board, if requested to do so by the Clinton County Commissioners.
- (J) Comply with all commitments of a Clinton County Solid Waste Agreement.

524.08 Building Coverage: No requirement.

524.09 Lot Coverage: No requirement.

524.10 Building Height: The provisions of ARTICLE 3, SECTION 307 shall apply.

524.11 Parking: The Provisions of ARTICLE 3, SECTION 308 shall apply in addition to the following:

- (A) Off-street parking spaces shall be provided in sufficient number to meet the needs of workers and guests without interference with normal movement of traffic.
- (B) Parking areas shall be graded and properly drained in such a manner as to prevent free flow of water onto adjacent property, including street right-of-ways. Stormwater generated by parking areas shall flow into an approved drainage system or be contained on site.
- (C) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded, and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic and comply with Section 532 OUTDOOR LIGHTING of the Unified Zoning Ordinance. In no instance shall bare, unshaded bulbs be used for parking lot illumination.

524.12 Closure Plan: A Closure Plan (together with all amendments) shall be prepared for approval according to the requirements of 329 IAC Article 10 and submitted to IDEM with a copy sent to the Clinton County Commissioners.

524.13 Post-Closure Care Plan:

- A) Post-Closure Care Plan (together with all amendments) shall be prepared for approval according to the requirements of 329 IAC Article 10 and submitted to IDEM with a copy sent to the Clinton County Commissioners.
- B) A Post-Closure Agreement between the County Commissioners and County Council which provides sufficient financial guarantees for permanent post closure compliance beyond IDEM regulation shall be established prior to receiving of solid waste at any new site.

524.14 Within 10 days of the Closure Plan being filed with IDEM, the Landfill owner shall meet with the Clinton County Commissioners to negotiate a Re-use Plan for the landfill site post-closure. The re-use plan shall be funded and implemented by the Landfill Owner. Permitted re-

uses include but will not be limited to the following, which use must be a use allowed by then existing state law and county ordinances:

- wildlife sanctuary
- nature and habitat area
- park and sports fields
- golf driving range
- golf course
- ski/sledding slopes
- bike trails
- sculpture or botanical garden
- amphitheater
- public work or other municipal facilities
- energy generation facilities

524.15 Financial Assurance: Financial assurance shall be established, documented, and maintained as required by 329 IAC 10-39 and shall name Clinton County as additional insured.

524.16 The location, installation, operation, closure, and post-closure care of a landfill shall meet the requirements of, and receive approval from, the Indiana Department of Environmental Management prior to commencing activities, according to the requirements presented in 329 IAC Articles 10, 11, and 12.

525 SLAUGHTERHOUSE/RENDERING PLANT Slaughterhouses and rendering plants shall meet the following standards:

525.01 Slaughter, dressing, and packing operations shall take place within a completely enclosed building;

525.02 There shall be no outside storage of gasoline, feathers, or objectionable waste;

525.03 The sanitary systems of such facilities shall be subject to the approval of the County Health Officer;

525.04 Such facilities and all operations connected therewith shall be fenced or buffered according to the standards of this Ordinance.

526 SIGNS The purpose of this section is to regulate all exterior signs placed for exterior observance so as to protect property values, to protect character of the various neighborhoods in the county, to facilitate the creation of a convenient, attractive, and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the purposes and intent of the Zoning Ordinance.

526.01 Any sign erected on a lot or building for the purpose of advertising a use conducted therein or thereon shall be an accessory use to the principal use.

- A) It is further intended that all signs within a given development be coordinated with the architecture of the principal use in such a manner that the overall appearance is harmonious in form and proportion and that the signs shall be structurally sound so as to ensure the safety of the general public.
- B) No sign shall be permitted in any district except as herein provided. No sign, except as specified herein, shall be erected unless a sign permit has been issued by the Zoning Administrator. Applications for sign permits shall include drawings of the sign, and shall be accompanied by such fee as may be established by the Fee Schedule.

526.02 The following signs are permitted in all districts. No sign permit is required for these signs.

- A) One residential identification sign, not to exceed two square feet in area, for each residential dwelling, may be affixed to a mailbox, fence, or structure or be freestanding. In addition, one sign not exceeding two square feet for any permissible home occupation is allowed.
- B) Property address numbers for any house or business are permitted not to exceed two square feet in residential areas or four square feet in commercial or industrial areas.
- C) Signs for the purposes of identifying the name of schools, churches, community buildings, or other public or semi-public institutional buildings, residential subdivisions, apartments or mobile home parks, shall be permitted provided the following conditions are met:
 - 1) The sign shall not exceed 32 square feet.
 - 2) If freestanding, the sign shall be located not less than fifteen feet from the road right-of-way. Freestanding signs may be doublefaced, and such sign, including any structure to which it is attached, shall not exceed six feet in height.
 - 3) The Zoning Administrator may authorize additional signs if the building fronts on more than one street.
- D) One bulletin board, not illuminated except by indirect light and not exceeding 32 square feet in surface area is permitted with any church, school, or other similar public or semi-public structures.

- E) Permanent off-site directional signs intended for the purposes of directing traffic to such civic or public facilities as churches, schools, or public parks shall be permitted, provided such signs do not exceed six square feet in area and are not placed so as to create a traffic hazard.
- F) Signs required or erected by the city, county, state, or a public utility are permitted including traffic-control and safety signs, handicapped parking signs, railroad signals, entrance and exit signs, indicating scenic or historical places, welcome signs, public directional signs and memorial plaques.
- G) Show window displays are permitted, including displays of merchandise, photographs, drawings, prices, promotional statements or messages designed and intended to be viewed from outside the building.
- H) An exterior building directory, on a multiple tenancy structure, is permitted provided it does not exceed one sign per entrance and does not exceed six feet in area.
- D) Any flags bearing the official design of a nation, state, city, or organization, a corporation or a school or decorative flags are permitted.
- J) On-site directional signs shall be permitted for the purpose of directing traffic and parking on the same lot as the signs. Such signs shall not exceed five square feet, shall not be located in any public right-of-way, and such sign, including any structure to which it is located, shall not exceed four feet in height. In industrial districts, on-premise directional signs may exceed the minimum size requirement at the Zoning Administrator's discretion and they may be attached to structures exceeding four feet in height.²⁷
- K) Signs located on-site warning the public against hunting, fishing, dumping, trespassing, dangerous animals, swimming or the like, shall be permitted. Such signs may be freestanding or attached to a fence.
- L) Names of buildings, dates of construction, commemorative tablets and the like are permitted, when carved in stone, concrete or similar material or made of bronze, aluminum or other permanent type of construction and made an integral part of the building and structure.
- M) Signs accessory to an agricultural use located on a parcel of not less than twenty acres for the purpose of identifying such agricultural uses or advertising the products thereof, including seed and demonstration test areas. No such sign shall exceed thirty-two square feet in area, and all such signs on a given farm shall not exceed sixty square feet in area. No such sign shall exceed eight feet in height or be located within any street right-of-way.
- N) Signs erected by farm operators on their barns or other accessory buildings giving their name, the name of the farm and the year the farm was established are permitted.

526.03 The following signs are prohibited in all districts:

²⁷ As amended in Ordinance 2011-10 adopted on October 17, 2011.

- A) Any sign that does not meet electrical codes, is no longer functional, or is abandoned. All signs shall be repaired, removed or relocated in compliance with the regulations of this section within one month after notification by the Zoning Administrator. Signs shall be considered no longer functional or abandoned:
 - 1) When the sign is materially obstructed by view.
 - 2) When its essential elements are no longer readable.
 - 3) When a sign has been left by a business which has ceased to operate at that location.
 - 4) When a condition shows deterioration or dilapidation.
- B) Any sign which is constructed, altered, located or illuminated in any manner that causes undue glare, distraction, confusion, nuisance, noise, or hazard to traffic or to other properties. Signs may not be illuminated after 11:00 p.m. if it is located within or adjacent to a residential district, except those businesses remaining open beyond that time, in which case illumination shall cease upon closing.
- C) Signs that are attached to a tree or other living vegetation, public utility pole, rock, curbstone, sidewalk, public lamppost, hydrant, bridge, highway marker, or another sign, except for public information signs as provided in 526.02 (E) and (F).²⁸
- D) Any sign that is not expressly listed in this subsection is prohibited.
- E) Signs advertising activities which are illegal under federal, state, or local laws or regulations are prohibited.
- F) Any sign so placed that it obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from any building is prohibited.
- G) Any signs that violate any provision of I.C. 8-12-2.5-1 or I.C. 9-4-1-38.

526.04 The following temporary signs are permitted within all zoning districts subject to these conditions:

- A) Temporary real estate signs are permitted on any property being sold, leased, or developed if they are not illuminated, or located between the sidewalk and curb, or in any required side or rear yard setback. They shall be no larger than seven square feet in any residential district. These signs shall be promptly removed when the sale, lease or development of the property has been completed. A sign permit is not required.
- B) Temporary signs announcing events such as “Grand Opening”, “Under New Management”, or “Going Out of Business”, may be either freestanding or building-mounted and shall be subject to the following standards:
 - 1) Only one sign is permitted with a maximum of twenty square feet in area.

²⁸ As amended in Ordinance 2011-10 adopted on October 17, 2012

- 2) If freestanding, the sign is not to exceed eight feet in height or be located closer than ten feet to any lot line.
 - 3) The sign is not to be located for a period more than sixty days except for a “Going Out Of Business” sign which shall not exceed 120 days.
- C) Any temporary construction sign is permitted which announces the names of architects, engineers, contractors, other individuals or firms involved with the construction, alteration or repair of a building or development. The sign may also announce the character of a building enterprise or the purpose which the building is intended. These signs shall be located on the site of the construction work, and not more than thirty-two square feet in area. A sign permit is not required.
- D) Seasonal displays and decorations are permitted for events such as religious holidays and the Fourth of July, but they cannot advertise a product, service, or entertainment. A sign permit is not required.
- E) Temporary on-site signs advertising any temporary use specified in Section 527 are permitted. These signs may be freestanding or be building-mounted, and shall not exceed one per use, and shall not exceed thirty-two square feet in area. All freestanding signs shall not exceed eight feet in height. Such signs may be erected only for the duration of the temporary use and shall be located only as approved by the Zoning Administrator. In addition, there may be off-site directional signs as specified in subsection (F) below.
- F) Freestanding, off-site directional signs providing information for the location of grand openings, private garage or yard sales, other temporary uses, or real estate that is for sale or for rent. These signs do not require a permit but shall be subject to the following conditions.
- 1) These signs shall not exceed six square feet in area or four feet in height.
 - 2) No more than five signs per site for this purpose are allowed.
 - 3) These signs shall not be located in any public right-of-way.
 - 4) These signs shall not be situated to cause an obstruction or distraction to passing motorists.
 - 5) These signs shall be removed promptly after the sale or temporary activity has ended.
- G) Banners or flags announcing a campaign, drive or event of a civic, charitable, educational, historical or religious organization are permitted. Such signs may be mounted on a building or freestanding and may be on or over public property or right-of-way with the approval of the governing body. These signs do not have to be located at the site of the event, and may be erected for a period not more than sixty days. A sign permit is not required.

- H)** Political campaign signs erected on election day at officially designated polling places are permitted. A sign permit is not required. They are subject to the following conditions:
- 1) Each sign shall not exceed thirty-two square feet in area, and a freestanding sign shall not exceed eight feet in height.
 - 2) A sign shall not be erected for more than sixty days before the primary election, general election or referendum which they advertise.
 - 3) All signs shall be removed within five days after the election or referendum.
 - 4) This provision shall not authorize the posting of political campaign signs upon trees, utility poles, traffic-control signs, street lights, or in any place prohibited by this sub-chapter.
 - 5) The political party and candidate shall be responsible for the prompt removal of signs.
- I)** Signs displayed on private property which express a political, religious, social, or similar message, shall be permitted in any district subject to the following:
- 1) The sign shall not exceed thirty-two square feet in area, and the freestanding sign shall not exceed eight feet in height.
 - 2) No sign shall be erected for more than sixty days.
 - 3) A sign permit is not required.
- J)** Inflatable hot-air or gas-filled balloons used for the purpose of product advertising shall be permitted as temporary signs in a business district for a period not to exceed seven days. A sign permit is required from the Zoning Administrator who shall determine that the usage of the balloons will meet safety standards.
- K)** Search or spot lights placed temporarily on the ground for grand openings or special promotions are permitted provided the device has a vertical beam and it does not create an air traffic hazard. A sign permit is required from the Zoning Administrator who shall determine that safety standards are met.
- L)** Portable signs are permitted as temporary signs in Commercial and Industrial Districts and up to seven days per year in residential areas. There shall be only one sign per business or residence. In Residential Areas the City Building Inspector must be notified for a Safety Inspection. Commercial and Industrial areas signs may be located for a period of one hundred twenty (120) days and a Sign Permit is required. The following standards apply:
- 1) Signs shall meet the visual clearance requirements as specified in Section 306.11 of this Ordinance.
 - 2) In residential districts, the sign shall not display any product advertising.

- 3) The sign shall not obstruct the view of traffic from any driveway, alley or street.
- 4) There shall be no flashing lights or any moving parts.
- 5) The sign shall be anchored to the ground and shall meet applicable electrical codes.

526.05 The following on-premises signs are permitted in business and industrial districts subject to the standards set forth below. All signs require a permit except those in subsection (A).

- A) Signs permitted in all districts and temporary signs as specified in this section. Sign permits not required where specified above.
- B) One or more business signs not exceeding four square feet for each foot of frontage of the building mounted on the building shall be permitted.
 - 1) Signs not to exceed four square feet for each foot of frontage shall be permitted.
- C) As determined by the Zoning administrator, additional building-mounted business signs are permitted if one of the following conditions are met:
 - 1) The business fronts on more than one thoroughfare.
 - 2) More than one business located in a building. In such instance, the combined total area of the business signs shall not exceed four square feet per front foot of the building in the City of Frankfort and shall not exceed two square feet for each foot of frontage in other participating localities.
 - 3) The business has rear or side parking, in which case one additional business sign may be permitted on the side or rear of the building occupied provided such sign is constructed to the same standards as are required in the front of said premises.
 - 4) The sign is part of a wall graphic.
 - 5) The sign is a projecting sign. Where there may be more than one sign per business and the total surface area of the sign (both sides) shall be included in the maximum sign surface area specified in Section 526.05 (B)(2). The sign shall not project more than ten feet from a structure nor be closer than eight feet to the ground. If the sign is over the public sidewalk or right-of-way, legislative body approval shall be obtained, except in Frankfort where Board of Public Works and Safety approval shall be obtained.
 - 6) The sign is a canopy sign. There may be more than two business uses and the total surface area of the sign (both sides) shall be included in the maximum sign surface area specified in Section 526.05 (B). The sign shall be no closer than eight feet to the ground. If the canopy is over a public sidewalk or right-of-way, legislative body approval shall be obtained, except in Frankfort where Board of Public Works and Safety approval shall be obtained.

- D)** In addition to the building-mounted sign or signs, one single or double-faced, freestanding sign may be erected on a business or industrial site, provided the following conditions are met:
- 1)** Such sign, including any structure to which the sign is attached, shall not exceed thirty-five feet in height, shall be set back not less than ten feet from the road right-of-way and from adjacent property.
 - 2)** The sign shall not be larger in total surface area than 100 square feet per face.
 - 3)** The sign shall contain only the logotype, trademark or name of the company, commercial or industrial center on the property.
 - 4)** Only one freestanding sign shall be permitted on each individual parcel. However, within commercial or industrial centers where more than one business is located in a building, the freestanding sign may identify all businesses in the center but in this instance, the combined total area of the sign shall not exceed the standards of this section. In such instances where an individual business site or commercial or industrial center has access on more than one street, the Zoning Administrator may authorize such additional signs as are warranted. Additional freestanding signs may be approved as a special exception by the Board of Zoning Appeals where special circumstances warrant.
 - 5)** Businesses which require the frequent display of special prices and events shall be permitted, in addition to a logo sign, one permanent message board which does not exceed the size of the permissible logo sign. Where additional logo signs have been allowed by this subsection, additional message boards shall also be allowed. All such signs shall be mounted on the same pole or structure as the logo or signs or on the building, and there shall be no freestanding message signs or product advertising signs whatsoever other than as permitted above.
- E)** For businesses which sell gasoline, sign on pump islands and canopies relating to self-service or full-service locations, prices and similar information are permitted provided the numerals of any sign do not exceed eight inches in height and the signs do not exceed a total area of six square feet on each pump island.
- F)** For businesses with drive-up windows, directional signs and outside menu display boards are permitted but said signs shall be directed toward customers on the property and shall not display any product advertising visible by passing motorists or pedestrians.
- G)** For businesses which have service bays, wall signs which identify the special functions of the various service bays are permitted provided they do not exceed ten square feet each and do not contain any product advertising.
- H)** The following alternating illumination signs are permitted:
- 1)** Time, temperature and changing devices customarily identified with banks and lending institutions.

- 2) Barber poles, provided such devices meet other applicable provisions of this subchapter.
- I) Signs on vending machines, where permitted, are allowed provided that all such machines on a parcel are placed together in a single group against a building.
- J) Streamers, pennants, banners and decorative flags are permitted in business and industrial districts. No sign permits required.
- K) Signs which have a rotating beam or beacon shall be permitted for advertising or identification purposes where no hazard or need for caution exists.
- L) Disregarding all other business sign requirements, signs for home occupations approved as specified by Section 512 of this Ordinance and signs for other non-residential uses not elsewhere specified in residential districts by the Area Board of Zoning Appeals approval or otherwise shall not exceed one sign per use either attached or freestanding, nor exceed four square feet²⁹ in total area. Such sign may not be illuminated except by indirect light. Freestanding signs may be double-faced and shall be located in a landscaped area of the front yard.

526.06 Off-premises signs are permitted and shall be treated as a principal land use and may be on the same property as other principal land uses provided all standards of this section are met for each land use.³⁰

- A) The following standards apply to both building-mounted and freestanding off-premise signs:
 - 1) Off-premises signs shall be permitted in the following zoning districts: B-4 (General Business), B-5 (Agribusiness), I-1 (Light Industrial), and I-2 (Heavy Industrial) District.
 - 2) Off-premises signs shall be permitted by special exception in the B-3 (Roadside Business) District.
 - 3) The maximum height of an off-premises sign above the road grade from which it is to be viewed shall not exceed thirty-five feet.
 - 4) Lighting for off-premises signs shall be indirect and non-flashing in nature.
 - 5) No off-premises sign shall be placed so as to obstruct the view of on-coming traffic or create any kind of traffic hazard.
 - 6) All signs shall meet the adopted building code for signs.
 - 7) No off-premises sign structure shall be placed until such time as a permit shall have been issued for said placement in accordance with this subchapter.

²⁹ As amended in Ordinance 2010-01 adopted on March 15, 2010

³⁰ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

B) The following additional standards apply to freestanding off-premises signs:

- 1) Advertising space shall not total more than 672 square feet (e.g. fourteen by forty-eight feet) per side. No sign structure shall contain more than two sign faces in the same direction that shall not be separated by more than twelve inches. The total of the two sign faces may not exceed the 672 square foot maximum.³¹**
- 2) Back-to-back freestanding signs may be separated in the shape of the “V: if the greatest point of separation between sign faces does not exceed fifteen feet.**
- 3) The distance between legally erected freestanding off-premises sign structures shall be a linear measure taken along right-of-way lines of that side of the street on which the sign is to be located. Freestanding signs shall be at least:
 - a) 500 feet or more from one sign to another on the same side of the street which need not be met where a physical obstruction exists which prevents viewing two off-premises sign structures at the same time.**
 - b) 100 feet to any residential district or to a church, school or health care institution. This measurement is taken along right-of-way lines of that side of the street on which the sign is located.****
- 4) The distance measured at a right angle from the right-of-way line to the leading edge of an off-premise sign structure shall be no less than fifteen feet.**

C) The following additional standards apply to building-mounted signs:

- 1) Each building-mounted sign face shall contain no more than 300 square feet (e.g. twelve feet by twenty-five feet) and there shall be no more than one such face on any building wall facing in the same direction.**
- 2) No building-mounted sign shall exceed beyond the corner edge of the building to which it is attached.**
- 3) Building-mounted signs shall not be located closer than:
 - a) 250 feet from any freestanding or building-mounted off-premise sign on the same side of the street.**
 - b) 100 feet to any residential district or to a church, school or health care institution. This measurement shall be a linear measure taken along right-of-way lines of that side of the street on which the sign is located.****

D) Notwithstanding the provisions of Article Seven of this Ordinance, nonconforming off-premise sign structures may be continued, but may not be replaced or otherwise increased in nonconformity except as specified herein or as permitted by the

³¹ As amended in Ordinance 02-13 adopted on December 2, 2002

provisions of this subchapter. Nonconforming off-premises sign structures may be maintained and repaired subject to the above restrictions.

- E)** In the A-1 District and all business and industrial districts, one off-premises permanent directional sign is permitted on each parcel within 300 feet of an intersection of public roads subject to the following.³²
- 1) The sign shall provide direction to a use conforming with this Ordinance.
 - 2) The sign shall not exceed six square feet in area nor exceed six feet in height.
 - 3) The sign shall not be located in any public right-of-way.
 - 4) The visual clearance provisions of Section 306.11 of this Ordinance shall be met.
 - 5) The sign shall not be lighted.
 - 6) On highways where signage is regulated by the Indiana Department of Transportation, all state standards shall be met.
 - 7) A sign permit is required with permit number to be shown on lower right corner of the sign face with permit numbers to be at least $\frac{3}{4}$ inches in size.

526.07 The following operations are not considered as creating a sign and will not require a sign permit:

- A)** The changing of advertised copy of a message on any approved sign, painted or printed. This also includes billboards, theater marquees and similar approved signs which are specifically designed for the use of replaceable copy.
- B)** Painting, repainting, cleaning, and other normal maintenance and repair of an approved sign or sign structure, unless a structural alteration is made.

526.08 Taking into account all the above provisions of this Section shrubbery and other landscaping shall be planted around all freestanding signs when possible and that landscaping must be attractively maintained.

526.09 Any new business or occupant which locates on a property that already has a building-mounted or freestanding nonconforming sign due to setback and size, may reuse the existing sign pole or sign face, provided the extent of nonconformity is not increased and that no more than one nonconforming freestanding sign may be reused per property. A nonconforming sign pole may not be replaced except in conformance with this subsection. All other applicable regulations of this section shall be complied with and all abandoned or obsolete signs shall be removed from the property.

527 TEMPORARY USES A temporary use may be permitted by the Zoning Administrator subject to the standards in Table K (See Appendix D [D-25]) and after receipt of Board of Health approval, if

³² As added in Ordinance 06-18 adopted on July 24, 2006.

applicable. Access and parking for all temporary uses shall be adequately cleaned up at the conclusion of the event. Signs for temporary uses shall comply with Section 526 of this Ordinance. Any temporary use exceeding the standards of Table K shall be considered a special exception in the district in which it is located. A permit shall be obtained from the Administrator except where specified. A city and/or town business license may also be necessary.

527.01 Amusement and charitable activities, sponsored by public agencies, churches, civic and charity groups, schools, and other non-profit organizations on a temporary basis are permitted in any zoning district, provided it is on the site of said sponsor. If an amusement or charitable activity does not meet the standards, it shall be considered under Use 1 of Table K. (See Appendix d [D-25])

528 VACANT NON-RESIDENTIAL STRUCTURES The Area Board of Zoning Appeals may approve the reuse of non-residential structures which were in existence on the effective date of this Ordinance and which were non-conforming because of the structure or use on the effective date of this Ordinance.

528.01 The Area Board of Zoning Appeals may only approve the reuse of an existing non-conforming structure and not the reuse of open land which previously had a non-conforming use. However, the Board may approve the use of a reasonable amount of land around a vacant non-residential structure which is necessary for and accessory to the reuse of the structure, including parking and loading areas, bufferyards and outdoor storage areas.

528.02 The Area Board of Zoning Appeals may authorize the reuse of the vacant non-residential structure as a special exception provided the Board finds all special exception requirements are met as well as the following standards:³³

- A) Such reuse is equal to or more appropriate to the district in which it is located than previous use of the structure.
- B) Such reuse 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;
- C) Such reuse would not substantially alter the land use characteristics for the vicinity and district in which the property is located;
- D) Such reuse would not substantially increase vehicular traffic in the area;
- E) Such reuse would comply with the requirements of the Zoning Ordinance 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;
- F) 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.
- G) Such reuse is not approved for a period longer than twenty years.

³³ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

529 VETERINARY HOSPITAL AND CLINICS AND KENNELS-CLASS A, KENNELS-CLASS B AND KENNELS-CLASS C Veterinary Hospitals and Clinics and Kennels-Class A, Class B and Class C shall meet the following standards:³⁴

529.01 Such facilities shall be approved by the Clinton County Health Department and Animal Control Officer.

529 Kennels-Class C shall be at least 1,320 feet from the Corporation limits of any city or town.

529.03 Veterinary Hospitals and Clinics and Kennels-Class C shall be soundproofed.

530 WAREHOUSES/TRUCKING TERMINALS Warehouses and trucking terminals shall meet the following standards:

530.01 Such uses shall be located on a lot having an area at least two acres and a front width of not less than 225 feet.

530.02 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 twenty feet, except that on such side where loading and unloading facilities are provided or located, such side yard shall be not less than ninety feet; in all cases, rear yards shall be not less than 100 feet; provided further, in all cases where a trucking terminal abuts a residential district or residential use, loading and unloading facilities, parking facilities, driveways, and maneuvering room shall be located not less than ninety feet from such residential use;

530.03 Any loading and unloading berths serving such use shall be located on the same lot as the use served.

530.04 Except for engine exhaust fumes commonly associated with such use, there shall be no obnoxious odors emitting from such use.

531 COMMUNICATION TOWERS³⁵

531.01 Co-Location Requirements: All commercial wireless telecommunication towers erected or constructed shall comply with the following requirements:

531.02 (A) A proposal for a new commercial wireless telecommunication service tower shall not be approved unless it is determined by the zoning administrator that the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within a one mile search radius (or ½ mile search radius for towers under 120 feet in height, ¼ mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

- (1) The planned equipment would exceed the structural capacity of the existing or approved tower or building.
- (2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment.
- (3) Existing towers and buildings cannot accommodate the proposed equipment at a height necessary to function.

³⁴ As amended in Ordinance 06-03 adopted on January 23, 2006.

³⁵ As amended in Ordinance 03-11 adopted on September 2, 2003

531.02 (B) Any proposed commercial wireless telecommunication service towers shall be designed in all respects to accommodate both the applicant's equipment and at least two additional users.

531.03 Tower Design Requirements: Proposed or modified towers and antennas shall meet the following design requirements:

531.03 (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.

531.03 (b) Wall- or roof-mounted facilities are generally preferred over freestanding facilities. An applicant requesting approval to construct a freestanding tower must demonstrate that a wall- or roof-mounted facility is not feasible or is inadequate to provide service.

531.03 (c) Commercial wireless telecommunication towers shall be a monopole design unless the zoning administrator determines that an alternative design would better blend into the surrounding environment.

531.03 (d) To allow the integration of a tower into an existing or proposed structure such as a church steeple, light standard, power line support device, or similar structure, a tower's setback may be reduced or its location in relation to a public street varied at the discretion of the Board of Zoning Appeals through the Variance process.

531.03 (e) Freestanding towers shall not be artificially lighted, unless required by FAA or other applicable governmental authority. If lighting is required, the zoning administrator may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light falling onto nearby properties, particularly residences.

531.03 (f) Associated equipment: ground equipment associated with a tower shall be screened by vegetation or other screening compatible with the surrounding environment at the discretion of the zoning administrator. When ground equipment is housed in an affiliated structure, the structure shall be architecturally designed to blend in with the surrounding environment (i.e. in an agricultural area, should appear to be an agricultural structure). Associated equipment is subject district setback requirements.

531.04 Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

531.05 Abandoned or Unused Towers: Towers that have been unused in the judgment of the Board of Zoning Appeals for more than 12 months shall be removed:

531.05 (a) All applicants for proposed towers shall establish a bond for 125% of the cost of demolition.³⁶

³⁶ As amended in Ordinance 08-04 adopted April 21, 2008

531.05 (b) Demolition guarantees shall consist of a demolition bond issued by a credit worthy surety approved by the hearing authority (or other performance surety or guaranty accepted by the hearing authority) (Hereinafter referred to as "Performance Guaranty") payable to the Plan Commission in an amount equivalent to 125 percent of the estimated cost of demolition. An estimate shall be prepared by the applicant and reviewed by an engineer approved by the hearing authority who shall recommend the amount of the Performance Guaranty to the hearing authority. Such Performance Guaranty shall comply with all statutory requirements and the hearing authority may request information on the surety and may deny approval if the form of Performance Guaranty or the surety is not satisfactory. The applicant for the proposed tower and surety shall be severally and jointly liable for completing the demolition according to the specifications. The Performance Guaranty shall either be perpetual in duration and terminable only on not less than sixty advance written notice or shall be for a fixed period of time and shall provide that it is a default under the terms of the Performance Guaranty if the Performance Guaranty shall not be renewed or replaced sixty days before the expiration date. Upon advance notice of intent to terminate or upon failure to renew within sixty days, a default shall have occurred and the Plan Commission shall be entitled to draw on the Performance Guaranty and invest the funds in an interest bearing account with the funds to be used to demolish the tower upon its abandonment. If any excess funds remain after demolition said remaining funds shall be paid to the Clinton County Unsafe Building Fund.³⁷

531.05 (c) Notwithstanding anything to the contrary elsewhere in this ordinance, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of twelve (12) months shall be considered abandoned (unless an extension is granted by the zoning administrator) and the owner of the tower shall remove it within ninety (90) days of receipt of notice from the zoning administrator notifying the owner of such abandonment. Failure to remove an abandoned tower within the ninety (90) days shall be grounds for the Area Plan Commission to proceed under the conditions of the demolition bond or letter of credit to remove the tower. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

531.06 Tower Development Submittal Requirements: In addition to the development plans required elsewhere in this code, tower requests shall include:

531.06 (a) A report by a licensed professional engineer which

- (1) Describes the tower height and design including cross section and elevation
- (2) Documents the height above grade for all potential mounting positions
- (3) Describes the tower's capacity for number and type of antennas
- (4) Documents the steps to be taken to avoid interference with public safety communications
- (5) Engineer's stamp and registration number

³⁷ As amended in Ordinance 08-04 adopted on April 21, 2008

531.06 (b) A letter of intent committing the tower owner and successors to sharing the use of the tower if reasonable conditions are met.

531.06 (c) Prior to the release of an improvement location permit, the applicant must prove the tower complies with Federal Aviation Administration regulations

531.06 (d) The requirements of Section 531 of this Code shall not apply to public utility structures. Public utility structures include but are not limited to water towers, antennas, lights and signals, power and telephone poles, public safety radio towers and poles supporting emergency warning devices.

532 OUTDOOR LIGHTING All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, area lighting, or parking lot lighting shall comply with the requirements of this chapter. Luminaires shall not be located closer to the property line than a distance equal to three times the fixture's mounting height above grade at the property line.³⁸

532.01 Definitions

Axis of illumination, or centerline beam – the midline of the primary beam of light emitted by a spotlight, floodlight or other fixture.

Constant lighting – a light fixture meant to operate continually, and not meant to operate only briefly upon activation by a motion sensor or other device. A motion detector activated light would be a non-constant light.

Fixture – The bulb and the assembly that holds the bulb (or lamp), in a lighting system, including the elements that provide light output control such as a reflector (mirror) or refractor (lens) and the ballast, photosensor, and housing.

Flood light – a luminaire or bulb which projects light in a specific direction in a wide beam, typically 100 degrees or more.

Footcandle – a measure of illumination striking a surface. Measured by a light meter.

Full-cutoff (fco) – a light fixture which cuts off all upward transmission of light

Fully shielded – a fixture with housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the light source at or above a horizontal plane running through the lowest portion of the fixture

Gas discharge lamp – family of bulb type that produces illumination by passing an electric current through gas. Includes low and high-pressure sodium, mercury vapor, metal halide and florescent.

Glare – discomfort experienced by an observer with a direct line of sight to a light source which often results in annoyance, discomfort or loss of visual performance causing visual impairment.

HID lighting – a family of bulb type known as high intensity discharge, including high-pressure sodium, mercury vapor, and metal halide.

Horizontal (or vertical) foot-candles – the amount of light striking a vertical or horizontal plane

Inventory of lighting – a list of fixtures relative to a parcel, indicating fixture cutoff design, location, and bulb type, wattage, and bulb manufacturer from which a lumen rating can be determined.

IESNA – Illuminating Engineering Society of North America

Lamp – the bulb.

³⁸ As amended in Ordinance 03-12 adopted on September 8, 2003

Light source – source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.

Light trespass, or spillage – light projected onto property or onto a right of way from another property.

Lumen – the unit used to measure the actual amount of light that is produced by a bulb as provided by the manufacturer. A 60-watt incandescent household bulb is usually 890 lumens. For the purposes of this ordinance, for HID lighting lumens means initial lumens.

Lumen cap – the specified maximum number of lumens allowed for an application of outdoor lighting.

Luminaire – the complete lighting unit, including the lamp, fixture, and other parts.

Outdoor light – a fixture which illuminates an exterior area. Includes lighting at locations such as under canopies, pavilions, or drive-through bays not fully enclosed such that the fixture or the illuminated area is visible from beyond the property line.

Spotlight – a fixture or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less

Floodlight – a fixture or bulb which is intended to project primarily in a broad directed beam, typically 100 degrees wide.

532.02 Light Trespass: All areas containing outdoor lighting shall limit light spillage onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors.

Adjoining Districts	Light Spillage Measured in Foot-Candles
R-1, R-2, R-3, R-4, B-1 Public right-of-way	0.10
B-2, B-3	0.20
A-1, B-4, B-5, I-1, I-2	0.50

532.03 Illumination of Buildings and Other Vertical Structures: When buildings or other structures are illuminated, the design for the illumination must be in accordance with the following:

- A) The maximum illumination on any vertical surface or angular roof surface shall not exceed 1.0 foot-candle;
- B) Lighting fixtures shall be located and/or aimed such that light is directed only onto the building surface. All fixtures used to illuminate buildings shall be fully shielded;
- C) For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest; and

- D) If upward lighting is used to illuminate flags, only spotlights (1500 lumen maximum) shall be used; floodlights directed above the horizontal shall not be used to illuminate a flag.

532.04 Parking Areas: All lighting fixtures serving parking lots shall be full cutoff fixtures. The minimum illumination level for a parking lot shall be no more than 0.4 horizontal foot-candles at grade level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1. Parking lot light fixtures shall be fully shielded from off site. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line. Light poles used in lots designed to contain 100 vehicles or less shall not exceed twenty (20) feet in height.

532.05 Lighting of Exterior Display or Open Sales Areas: Areas designated as exterior display or open sales areas shall be illuminated so that average horizontal illumination at grade level does not exceed 4.0 foot-candles, and the ratio of average to minimum illumination shall not exceed 4:1. The average and minimum shall be computed for only that area designated as exterior display or open sales area. Light fixtures shall be fully shielded from off site. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.

532.06 Lighting of Walkways, Bikeways, Parks and Playgrounds: Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

- A) The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average horizontal foot-candles;
- B) The vertical illumination levels at a height of five (5) feet above grade shall be no more than 0.5 average vertical foot-candles; and
- C) Lighting fixtures shall be designed to direct light downward, and the initial output of light sources shall not exceed one thousands (1,000) lumens.

532.07 Lighting of Canopies, Bays, and Loading and Unloading Spaces:

- A) The minimum horizontal illumination under canopies shall not exceed 5.0 foot-candles at grade level, and the average maintained horizontal illumination shall not exceed fifteen (15) foot-candles. The ratio of average to minimum illumination shall not exceed 4:1.
- B) Areas used for parking or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.
- C) Light fixtures mounted on or under canopy ceilings, in bays, and in loading and unloading spaces shall be full cutoff and fully shielded, unless indirect lighting is be used whereby light is directed upward and then reflected down from the ceiling of the structure. In this case, light fixtures must be shielded so that direct illumination is focused exclusively on the ceiling of the structure.
- D) Lights shall not be mounted on the top or sides of a canopy, and the sides of a canopy shall not be illuminated.
- E) Lighting for drive-through bays must be fully shielded as if located outside

532.08 Outdoor Activity Facilities

- A) Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted glare, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.
- B) Limits on light trespass appearing in 531.01 of this Chapter apply to such outdoor facilities. If floodlighting is used in place of full cutoff fixtures, the center beam shall be aimed below the horizontal plane at an angle not less than $\frac{1}{2}$ the angular beam spread of the fixture. Glare shall be controlled by fixture design, location, and shielding, natural or positioned obstructions on the parcel where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.
- C) Except for professional or amateur events covered by televised broadcast, thirty (30) foot-candle horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications.

532.09 Street Lighting: Unless street fixtures of a particular period or architectural style are used, all new, repaired or replaced street lighting, whether public or private, shall utilize full cutoff fixtures. If street light fixtures of a particular period or architectural style are used then the maximum lumens generated by each fixture not designed or installed as full cutoff shall not exceed 2,000. In no case shall the resulting illumination exceed levels contained in the Recommended Practices published by the Illuminating Engineering Society of North America.

531.10 Neon Lighting: Light sources consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as "neon lighting") are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the light trespass requirements of UZO 531.01. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs in UZO 531.10 (C). Neon lighting shall not be considered as security lighting.

532.11 Sign Illumination

- A) Whenever an external artificial light source is used to illuminate a sign, such source shall be fully shielded. A receptacle or device housing a permitted light source shall be top mounted and directed below the horizontal, except for ground-mounted signs no higher than six (6) feet which may be illuminated with ground-mounted or bottom-mounted lighting fixtures.
- B) The average level of illumination on the vertical surface of an externally illuminated sign shall not exceed three (3) foot-candles, unless permitted ground-mounted or bottom-mounted lighting fixtures are used in which case the average level of illumination on the vertical surface of the sign shall not exceed two (2) foot-candles. No exposed bulb or lamp shall be used on the exterior surface of any sign so as to

expose the face of the bulb, light or lamp to any public right-of-way or adjacent property.

- C) Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within six hundred (600) feet of a Residential District; the average level of illumination on the vertical surface shall not exceed three (3) foot-candles.

532.12 Other Outdoor Lighting

- A) Outdoor lighting not otherwise specified in this Ordinance emitting more than 1200 lumens (except motion detector activated lighting) shall be full cutoff and fully shielded. Bulbs in outdoor light fixtures emitting from 600 to 1200 lumens may be installed in fixtures that are not full cutoff and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.
- B) A spotlight or floodlight of less than 1800 lumens need not be full cutoff or fully shielded if its center beam is aimed at a point not beyond any property lines and no less forty five (45) degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal business or resident activity.
- C) Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration. Required lighting shall be of the lowest allowed intensity and red unless specifically forbidden under FAA requirements.
- D) The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited with the exception of grand openings that have obtained a permit.

532.13 Lighting Plan: Wherever a lighting plan is called for, such plan shall include the following:

- A) Lighting plan showing buildings, landscaping, parking areas, and the locations of all proposed exterior lighting fixtures, with designation of cutoff and/or shielded fixtures;
- B) A description of the outdoor light fixtures which may include but is not limited to manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;
- C) Proposed mounting height of all exterior lighting fixtures;
- D) Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance; and

- E) For buildings to be illuminated in accordance with the requirements of this Ordinance, the applicant shall include drawings of all relevant building elevations showing the fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures.

533 WIND ENERGY CONVERSION SYSTEM (WECS) – COMMERCIAL Permitted within WECS Overlay District. See UZO Section 406.³⁹

534 WIND ENERGY CONVERSION SYSTEM (WECS) – NON-COMMERCIAL A Non-Commercial Wind Energy Conversion System shall meet the following standards⁴⁰:

534.01 Permitting and application requirements are as follows:

- A) An application for Special Exception approval must be submitted to the Board of Zoning appeals and may be a combined application provided all property owners where the WECS facilities are to be located are Co-Applicants. The Applicant may also submit a joint application for any Variances that are needed for the project area. The application shall include the following items, in addition to the regular Special Exception Requirements:
1. A WECS project summary, including, to the extent available:
 - a. A general description of the project, including its approximate name plate generating capacity, the potential WECS equipment manufacturer, type of WECS, number of WECS, the name plate generating capacity of each WECS, the maximum diameter of the WECS rotors, and the general location of the project
 - b. A description of the Applicant, Owner, and Operator, including their respective business structures.
 2. The names, addresses and phone numbers of the Applicants, Owners and Operators, and all Co-Applicants with WECS on their properties.
 3. A map of the project area, encompassing an area at least a quarter mile radius from the project site.
- B) After Special Exception approval is obtained, but before any construction commences or Improvement Location Permits may be acquired, all applicable state and federal permits, approvals and licenses must be obtained and all state and federal statutes and regulations must be complied with and the following requirements satisfied:
1. A site plan at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet); the proposed location of the wind energy facility (including planned locations of each WECS Tower, guy lines and anchor bases (if any); electrical cabling; ancillary equipment; and any structures that are a direct functional part of the WECS). In addition, the site plan shall show: primary

³⁹ As added in Ordinance 06-04 adopted on April 3, 2006, amended in Ordinance 2009-03 adopted on May 18, 2009

⁴⁰ As added in Ordinance 2009-03 adopted on May 18, 2009

structures within one quarter of one mile of any WECS; property lines, including identification of adjoining properties; setback lines; public roads; County regulated drains, open ditches, or titles; private septic systems, tiles, and wells; location of all above-ground utility lines within a distance of two (2) times the WECS Tower Height of any WECS Tower; location of all existing underground utility lines associated with the WECS site; floodplains; and any wetlands based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

2. If any oversize or overweight vehicles will be utilizing public county roads for construction or maintenance activities the WECS Applicant, Owner, or Operator must contact the County Highway Supervisor to develop a Transportation Plan.
3. Written Clinton County Drainage Board and Clinton County Health Department Approval must be submitted with the application for Development Plan Review.
4. A copy of a recorded agreement between all applicants detailing provisions for maintenance and decommissioning shall be submitted with the application for Development Plan Review.

534.02 Design and installation standards shall be as follows:

- A) Turbines of 50 kW name plate generating capacity or greater must be installed with a tubular, monopole type tower.
- B) The minimum distance between the ground and any protruding blades for turbines of 50 kW name plate generating capacity or greater is twenty-five (25) feet. The minimum distance between the ground and any protruding blades for turbines of less than 50 kW name plate generating capacity is fifteen (15) feet.
- C) No WECS Turbine or Tower may be attached to any residence or dwelling structure, either as freestanding or by guy wires.
- D) For all guyed towers install either (A) visible reflective colored objects such as flags, reflectors, or tape on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground or (B) a single visible fence to a height of not less than four (4) feet such that it surrounds the tower and all anchor points of the guy wires.
- E) All electrical components and Collectors (as defined) of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards. All WECS Collectors between WECS Towers shall be located underground.
- F) All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

- G)** Towers and blades shall be painted with non-reflective white or gray color. The Applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS Tower, except for manufacturers name on the nacelle.
- H)** All blades shall utilize stick-free surface coatings to minimize ice buildup.
- I)** A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- J)** All WECS Tower designs must include features to deter climbing or be protected by anti-climbing devices as: 1) fences with locking portals at least eight feet high, 2) anti-climbing devices 15 feet vertically from the base of the WECS Tower, and/or 3) locked WECS Tower doors.
- K)** At any non-Co-Applicant residentially zoned lot, public school, or public library, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 45 decibels or, 5 decibels above the Ambient Baseline Sound Pressure Level of the wind farm project area at Critical Wind Speeds. At any non-Co-Applicant residence on Agricultural, Industrial, or Business zoned land, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 51 decibels or, 5 decibels above the Ambient Baseline Sound Pressure level of the wind farm project area at Critical Wind Speeds. The Ambient Baseline Sound Pressure Level, if used, shall be determined by a baseline acoustic emissions study conducted by the Clinton County area Plan Commission and funded by the Applicant. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in the International Electrotechnical Commission IEC 61400-11 Standard: *Wind turbine generator systems – Part II: Acoustic noise measurement techniques*. Noise and vibration levels shall also be in compliance with all other applicable county, state and Federal regulations.
- L)** Red strobe lights are preferred during the night to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in Section 532 of this Ordinance. All lighting shall be shielded so that no glare extends substantially beyond the boundaries of the wind farm facilities.
- M)** Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.
- N)** Setbacks shall be as follows:
- 1.** No WECS shall be constructed in any setback, dedicated public easement or dedicated public right-of-way without prior written authorization from the county.
 - 2.** Except as provided herein, installation of any WECS may not be nearer than 1.1 times the height of the WECS including the blade at its highest point, to

any non-Co-Applicant property lines, dedicated roadway, Co-Applicant residences, railroad right-of-way or overhead electrical transmission or distribution lines. Also, the minimum setback distance for all turbines, substations, maintenance structures, storage yards, permanent Meteorological Towers, and other buildings that are a direct functional part of the WECS shall be not less than 1,000 feet from any non-Co-Applicant residence, public building or Urban Growth Boundary. Distance shall be measured at the time of application for Improvement Location Permit from the center of the foundation at the base of the tower.

New structures built adjacent to wind power facilities shall maintain these same minimum setback requirements. The setback distance will be followed except in specific instances allowed by the Area Board of Zoning Appeals in a Variance hearing.

3. The WECS Tower shall not be nearer than 1.1 times the height of the WECS Tower including the blade at its highest point from any other WECS Tower.

535 WIND ENERGY CONVERSION SYSTEM (WECS) – PRIVATE A Private Wind Energy Conversion System shall meet the following standards:⁴¹

535.01 Permitting and application requirements are as follows:

- A) Prior to receiving an Improvement Location Permit the Applicant must provide a map of the project area, including distances of the proposed WECS Turbine from all property lines, public easements and right-of-ways, wells and septic systems, and overhead transmission or distribution lines or dwellings.
- B) The Applicant must submit turbine technical specifications with the application. At a minimum, the specifications must include; rated power generating capacity, rotor diameter, swept area, and the level of sound generated. If manufacturer's specifications are not available the Applicant may submit results from a reliable testing entity such as the National Renewable Energy Laboratory or the Small Wind Certification Council. If no specifications are available the Applicant must submit a report from a qualified engineer.
- C) The Applicant must submit tower specifications with the application including type and height of tower (guyed, lattice, monopole, etc.) and combined height of the tower and turbine with vertically extended blade.

535.02 Design and installation standards shall be as follows:

- A) The minimum distance between the ground and any protruding turbine blades is fifteen (15) feet.
- B) Installation of any WECS Tower may not be nearer than 1.1 times the height of the Tower including the blade at its highest point, to any property lines, dedicated roadway, railroad right-of-way or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower.

⁴¹ As added in Ordinance 2009-03 adopted on May 18, 2009

- C) No WECS Turbine may be attached to any dwelling structure, including by guy wires.
- D) For all guyed towers install either (A) visible reflective colored objects such as flags, reflectors, or tape on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground or (B) a single visible fence to a height of not less than four (4) feet such that it surrounds the tower and all anchor points of the guy wires.
- E) All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.
- F) All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.
- G) Towers and blades shall be painted with non-reflective white or gray color. The Applicant shall comply with applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS, except for manufacturers name on the nacelle.
- H) All blades shall utilize stick-free surface coatings to minimize ice buildup.
- I) Sound pressure levels may not exceed 45 decibels at six feet in height at any adjacent lot line.
- J) Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.
- K) Minimal lighting should be used. All lighting shall be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in Section 532 of this Ordinance. Red strobe lights are preferred during the night to reduce impacts of the migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall be shielded so that no glare extends substantially beyond the WECS Tower.

536 METEOROLOGICAL TEST TOWERS Meteorological Test Towers must comply with the following standard:⁴²

- A) The structure shall not be nearer than 1.1 times the height of the structure from the nearest property line or right-of-way.
- B) The structure shall not be installed for a period of more than two (2) years, with up to two (2) renewals by the Zoning Administrator, for no more than a total of six years.
- C) A financial assurance in an amount of 125% of the estimated cost of said demolition and removal shall be filed in the form of a bond, letter of credit or other security acceptable to the County prior to Improvement Location Permit issuance.

⁴² As added in Ordinance 2009-03 adopted on May 18, 2009

- D) The structure shall comply with all Federal Aviation Administration and other Federal and state regulations and all building codes.
- E) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor point of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

537 BIOFUEL REFINERY AND ANAEROBIC DIGESTORS A Biofuel Refinery and Anaerobic Digesters shall meet all applicable state, federal and industry standards and the following standards.⁴³

537.01 A Biofuel Refinery – Class 1 shall:

- A) Have a maximum annual production capacity of less than 10,000 gallons of biofuel.
- B) Utilize no animal products or animal waste, wholly or partially, as a feedstock.
- C) Product manufacturing, storage and distribution shall be located no less than 660 feet from a residence located in the A-1 district or a residential zoning district boundary and no less than 1,320 feet from a public school.

537.02 A Biofuel Refinery – Class 2 shall:

- A) Have a maximum annual production capacity of 150,000 gallons of biodiesel or 600,000 gallons of ethanol or methanol.
- B) Only utilize feedstock produced on-site.
- C) Utilize no animal products or animal waste, wholly or partially, as a feedstock.
- D) Product manufacturing, storage and distribution shall be located no less than 660 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 1,320 feet from a public school.

537.03 A Biofuel Refinery – Class 3 shall:

- A) Have an annual production capacity from 10,000 to 1 million gallons of biofuel.
- B) Utilize no animal products or animal waste, wholly or partially, as a feedstock.
- C) Product manufacturing, storage and distribution shall be located no less than 660 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 1,320 feet from a public school.

537.04 A Biofuel Refinery – Class 4 shall:

⁴³ As added in Ordinance 06-18 adopted on July 24, 2006 and remembered in Ordinance 2009-03 adopted on May 18, 2009.

- A) Have an annual production capacity greater than 1 million gallons of biofuel.
- B) Utilize no animal products or animal waste, wholly or partially, as a feedstock.
- C) Product manufacturing, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 2,640 feet from a public school.

537.05 A Biofuel Refinery, Class 5 shall:

- A) Have no restrictions on production level.
- B) Utilize animal or human by-products, wholly or partially, as a feedstock.
- C) Screen areas for loading and unloading of offensive animal materials, such as offal, feathers, bone, and manure so they are not visible from the street and/or adjacent properties and to minimize odor.
- D) Have no outside storage of offensive animal materials such as offal, feathers, bone and manure.
- E) Product manufacturing, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 2,640 feet from a public school.

537.06 A Anaerobic Digester – Class 1 shall:

- A) Utilize biomass feedstock completely produced on-site.
- B) Product manufacturing, storage and distribution shall be located no less than 660 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 1,320 feet from a public school.

537.07 A Anaerobic Digester – Class 2 shall:

- A) Utilize biomass feedstock wholly or partially produced off-site.
- B) Screen areas for loading and unloading of biomass products so they are not visible from the street and/or adjacent properties and to minimize odor.
- C) Have no outside storage of biomass feedstock or products.
- D) Product manufacturing, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 district or a residential zoning district boundary and no less than 2,640 feet from a public school.

537 FAMILY HOMESTEAD Family Homesteads shall meet the following additional standards:

538.01 There shall be a minimum of one acre per dwelling.

538.02 The dwellings shall be arranged so that if the property is ever subdivided, all dwellings will meet all setbacks on future lots.

538.03 The dwellings shall share a common driveway, with only one entrance onto a public right-of-way. The common driveway shall be designed to comply with the standards of the Unified Subdivision Control Ordinance should the property ever be divided.

538.04 Except for Section 523.01, 523.02 and 523.07, all standards of Section 523 shall be met.

ARTICLE SIX DEVELOPMENT PLANS

601 DEVELOPMENT PLAN APPROVAL¹: Pursuant to IC 36-7-4-1400 Series, no Improvement Location Permit shall be issued until a Development Plan has been submitted, reviewed and approved in accordance with these provisions.

601.01 Development Plans shall be submitted for any new or enlarged structure or use in the:

- A)** B-3 Roadside Business District
- B)** B-4 General Business District
- C)** I-1 Light Industrial District
- D)** State Road 28 Corridor Overlay Zone as specified in Section 404.02
- E)** Wind Energy Conversion System (WECS) Overlay Districts as specified in Section 406.
- F)** PUD as specified in UZO Section 312

601.02 Pursuant to IC 36-7-4-1404 (b), the Zoning Administrator may review the Development Plans within the affected Districts without a public hearing as specified below. Any decision of the Zoning Administrator may be appealed directly to the Area Plan Commission for a public hearing:

- A)** In the B-3, B-4 and I-1 Districts, any accessory structure or addition to a principal structure which is not expanded to the extent so as to need additional parking as specified in this Ordinance.
- B)** In the State Road 28 Overlay District, a change of use or any structure requiring a permit.
- C)** In the WECS Overlay District, any amendment to the WECS Development Plan that was approved by the Area Plan Commission, provided it is deemed to be a non-material change as specified in Section 406.02.

601.03 The application for Primary Development Plan Review shall be submitted to the Zoning Administrator, and shall be accompanied by a fee as specified by the Fee Schedule. The application shall include a drawing of the proposed development drawn in accordance with standard architectural and engineering practices and shall show the following:

- A)** Property lines and total acreage of the parcel proposed for development.
- B)** All existing street right-of-ways and easements related to the development.
- C)** Location of existing structures, relevant natural features and other improvements to the property which may affect the development of the site.

¹ As amended in Ordinance 2009-09 adopted Sept 29, 2009.

- D)** Location of proposed structures, walkways, driveways, entrances, parking facilities, loading space, landscaping, signs, lighting, fencing, bufferyards, and other site improvements.
- E)** Contours and sufficient elevations to show proposed gradings and other site improvements or amenities.
- F)** Location and approximate size of utilities to serve the development.
- G)** A drainage plan which has been approved by the Clinton County Drainage Board.
- H)** In the State Road 28 Overlay District, all requirements of Section 404 of this Ordinance.
- I)** In the WECS Overlay District, all information required by Section 406.01 B) of this Ordinance.
- J)** In the PUD district, all information required by UZO Section 312.02 and 312.03.

601.04 Unless exempted by Section 601.02 above, a Primary Development Plan that meets the above criteria shall be docketed for public hearing by the Area Plan Commission for review and approval. However, if a variance or a special exception is necessary from the Board of Zoning Appeals for a proposal, said Board approval must be received prior to submission to the Commission.

601.05 Following its review, the Commission may grant primary approval to the proposal, and such approval will authorize the applicant to proceed with the preparation of a final Development Plan.

601.06 The Plan Commission shall not grant primary approval unless all screening, landscaping, parking, loading, outdoor storage, and all other general development standards of this Ordinance are met. Additionally, the Commission shall ensure that all utilities and drainage are properly planned for and designed. The Commission may request that other interested agencies review the Plan prior to Commission approval.

601.07 Secondary Development Plan Approval may be granted by the Zoning Administrator after primary approval has been granted and after any conditions that may have been attached to primary approval have been met.

601.08 Pursuant to IC 36-7-4-613 the Area Plan Commission may permit or require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel as a condition of approval.

A) The Commission may adopt rules:

- 1)** Governing the creation, form, recording, modification, enforcement, and termination of commitments; and
- 2)** Designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

B) Commitments shall be recorded in the office of the County Recorder and take effect upon granting of the approval. Unless modified or terminated by the Commission, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring

an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A Commitment may be modified or terminated only by a decision of the Commission made at a public hearing after notice as provided by rule.

C) This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

ARTICLE SEVEN NON-CONFORMITIES

701 NON-CONFORMING USES OF LAND OR STRUCTURES: A non-conforming use of land or structure or both in combination may be continued but shall not be extended, expanded, or changed unless to a conforming use, except as specified herein or as permitted by the Area Board of Zoning Appeals, in accordance with the provisions of this Ordinance. Non-conforming Uses in Incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in Appendix "B" of this Ordinance.

701.01 A non-conforming use may be expanded, subject to the approval of a Special Exception by the Board of Zoning Appeals. In reviewing petitions, the Board shall, in addition to other criteria, consider the following:

A) The number of times a use may be expanded shall be limited to once, unless special circumstances warrant further expansion.

B) Expansions which would significantly increase the market value of the use shall be discouraged unless special circumstances warrant. As a general guide, the Board shall consider an increase of forty percent over the pre-improvement market value as being a significant increase.

701.02 An existing non-conforming use which occupies only a portion of an existing structure may be extended throughout such structure, provided such change or extension does not eliminate, displace, prevent, or restrict the continuance of any then existing use being concurrently carried on in said structure which conforms with the requirements of this Ordinance. A non-conforming use shall not be extended to occupy any land outside the structure.

701.03 If no structural alternations are made, any non-conforming use of a structure, or structure and land, may be changed to another non-conforming use provided that the Board of Zoning Appeals approves of such change as a Special Exception. In reviewing specific cases, the Board shall only approve a proposed use if it is equally appropriate or more appropriate to the district than the existing or former non-conforming use. In addition, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

701.04 If any non-conforming use of land, or structure, or both in combination is abandoned, the land, structure, or structure and land in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located, unless, after this time period has elapsed, a use is approved as a Special Exception by the Board of Zoning Appeals. However, a discontinuance occurring seasonally, for necessary repairs, or as a result of any act of government shall be considered a temporary discontinuance and shall not result in elimination of the use.¹

701.05 An intention on the part of the owner of the property to put it some day to a non-conforming use or to resume such use after it has been abandoned, shall be insufficient to preserve the owner's right to a non-conforming use.²

701.06 Whenever a non-conforming use is abandoned, the owner shall remove within six months after abandonment any and all appurtenances connected with the previous use, such as signs and fences, and the abandoned premises shall be maintained by the owner so as not to become a public nuisance, as defined in any local codes and ordinances.³

701.07 When a non-conforming status applies to structure and land or premises in combination, removal, or destruction of the structure shall eliminate the non-conforming status of land or premises.

¹ As amended in Ordinance 06-2 adopted on January 3, 2006

² As amended in Ordinance 06-2 adopted on January 3, 2006

³ As amended in Ordinance 06-2 adopted on January 3, 2006

701.08 Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed again to a non-conforming use.

701.09 A non-conforming junkyard shall not be expanded to cover a greater land area or greater height than what was in existence on the effective date of this Ordinance.

701.10 An existing use which is listed herein as a Special Exception, and which is located in a district in which such Special Exception may be permitted, is a conforming use. Any expansion of such Special Exception involving the enlargement of buildings, structures, and land area devoted to such use, shall be subject to the requirements and procedure described in this section.

702 NON-CONFORMING LOT OF RECORD: The following provisions shall apply to a non-conforming lot of record:

702.01 In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory structures may be erected on any single lot of record as of the effective date of this Ordinance. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the lot and/or yard area or width requirements of the district. Yard dimensions (including yard requirements not involving area or width of the lot) shall conform to the regulations for the district in which the lot is located.

702.02 If two or more non-conforming lots, or combination of non-conforming lots and portions of lots, are adjacent and under the same ownership at the time of passage of this Ordinance, such lots shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold which does not meet the appropriate lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

703 NON-CONFORMING STRUCTURES: Where a structure exists that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, and other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions.

703.01 No such structure may be enlarged or altered in a way which increases its non-conformity.

A. An open porch or carport non-conforming only to setbacks may be enclosed provided the original foundation or roof and supports are not removed but, in no event shall such improvement be less than fifty percent of that distance required.

B. A structure, non-conforming only to the setback regulations, may be added to, improved, enlarged, or partially rebuilt if said enlargements do not encroach into any portion of any required yard to a greater extent than the existing non-conforming building.

703.02 If any non-conforming structure is damaged by fire, flood, explosion, or other casualty to an extent more than fifty percent of its pre-damaged value, such structure shall not be restored except in conformity with the regulations of the district within which it is located. Any non-conforming structure damaged to a lesser extent shall be subject to approval by the Board of Zoning Appeals prior to reconstruction or restoration.

703.03 Ordinary repairs may be made to a non-conforming structure to an extent not exceeding 30 percent of the current replacement cost, provided that the cubic content of the structure shall not be increased, although nothing in this section shall prevent the repair of a structure ordered by the Zoning Administrator or authorized officer because of an unsafe condition.

704 ENFORCEMENT: Action brought under this Article, the party alleging the existence of a lawful non-conforming lot, structure, or use has the burden of proof. Such proof shall be in the form of written, sworn statements and other written documents which shall become part of the record. Any lot, structure, or use in violation of this section may be declared a common nuisance and such may be abated under existing law.

ARTICLE EIGHT

BOARD OF ZONING APPEALS

801 AREA BOARD OF ZONING APPEALS-CLINTON COUNTY DIVISION There is hereby established a division of the Area Board of Zoning Appeals to be known as the Area Board of Zoning Appeals-Clinton County Division. The Area Board of Zoning Appeals-Clinton County Division shall be a continuation of the present Area Board of Zoning Appeals of Clinton County, Indiana heretofore established under the area plan law, being Indiana Code section 36-7-4-900, as added by Acts 1981, P.L. 309 Sec. 23.

801.01 The Area Board of Zoning Appeals-Clinton County Division shall consist of and continue as a five member board appointed as follows:

- A)** One (1) citizen member appointed by the Area Plan Commission from its membership.
- B)** One (1) citizen member, who may not be a member of any Plan Commission, appointed by the executive of the largest municipality in the county participating in the commission.
- C)** Two (2) citizen members, of whom one must be a member of the Area Plan Commission and one must not be a member of any Plan Commission, appointed by the county legislative body.
- D)** One (1) citizen member, who may not be a member of any Plan Commission, appointed by the executive of the second largest municipality in the county participating in the commission. However, if there is only one municipality in the county participating in the commission, then the county legislative body shall make this appointment.

801.02 The Area Board of Zoning Appeals-Clinton County Division shall have jurisdiction over all the land subject to the zoning ordinance, except for the territorial jurisdiction of any other division of the Area Board of Zoning Appeals herein established.

802 AREA BOARD OF ZONING APPEALS-FRANKFORT DIVISION: There is hereby established a division of the Area Board of Zoning Appeals to be known as the Area Board of Zoning Appeals-Frankfort Division. The Area Board of Zoning Appeals-Frankfort Division shall be a continuation of the present Frankfort Board of Zoning Appeals heretofore authorized under Chapter 174 of the Acts of the Indiana General Assembly 1947.

802.01 The Area Board of Zoning Appeals-Frankfort Division shall consist of and continue as a five member board appointed as follows:

- A)** Three citizen members, one who must be a member of the Area Plan Commission and two of whom must not be members of the Area Plan Commission, appointed by the Mayor of Frankfort.
- B)** One citizen member, who may not be a member of any plan commission, appointed by the Common Council of Frankfort.
- C)** One citizen member, who must be a member of the Area Plan Commission other than the member appointed by 802.01 A, appointed by the Area Plan Commission.

802.02 At least one member shall be a resident of the territorial jurisdiction that is outside of the corporate limits of Frankfort.

802.03 The Area Board of Zoning Appeals-Frankfort Division shall have territorial jurisdiction over all the land within the corporate limits of the City of Frankfort, Indiana and all land within Clinton County that is shown as part of the Frankfort/Clinton County Urban Growth Area as identified in the Frankfort/Clinton County Comprehensive Plan. However, the Area Board of Zoning Appeals-Clinton County Division has territorial jurisdiction in the area outside of the corporate limits during any period of time when the city of Frankfort does not have this ordinance in effect.

803 TERMS The members of each Division of the Area Board of Zoning Appeals shall be initially appointed pursuant to State law to staggered terms per I.C.36-7-4-906, as amended, as follows:

One for a term of one year.

One for a term of two years.

One for a term of three years.

Two for a term of four years.

Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment. When an initial term expires, each new appointment is for a term of four years. A member of a board of zoning appeals serves until his successor is appointed and qualified. A member is eligible for reappointment.

804 RESIDENCE Each member shall reside in the geographic area under the jurisdiction of the division of the Area Board of Zoning Appeals to which he is appointed.

805 CONFLICT OF INTEREST No member of the Board shall participate in a hearing or decision of the Board concerning a matter in which he has a direct or indirect financial interest or, which for any other reason brought to the attention of the Board, results in his disqualification either by himself or by the Board.

805.01 The Board shall enter in its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.

805.02 An alternate member shall be appointed by the legislative body having jurisdiction of the same area as the member who has been disqualified.

806 COMMUNICATION WITH BOARD MEMBERS No person shall communicate with any Board member prior to a hearing or decision with the intent to influence the actions of any member of the Board regarding any matter pending before the Board. However, the Staff may file a written statement with the Board setting forth facts or its opinions concerning that matter.

807 RULES In accordance with I.C. 36-7-4-916, each Division of the Area Board of Zoning Appeals shall adopt rules, which may not conflict with this Ordinance, nor I.C. 36-7-4-900 Series and I.C. 36-7-4-1000 Series, concerning the filing of appeals; the application for variances and special exceptions; the giving of notice; and the conduct of hearings.

808 MINUTES AND RECORDS Each division of the Area Board of Zoning Appeals shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Commission office and shall be a public record.

809 POWERS Each Division of the Area Board of Zoning Appeals shall have exclusive jurisdiction within their territory to hear the following:

809.01 Appeals as specified in I.C. 36-7-4-918.1 and Section 810 of this Ordinance.

809.02 Special Exceptions as specified in I.C. 36-7-4-918.2 and Section 811 of this Ordinance.

809.03 A variance from developmental standards as specified I.C. 36-7-4-918.5 and Section 812 of this Ordinance.

809.04 Variances and special exceptions in the Flood Plain Overlay District as specified in Section 813 of this Ordinance.

810 APPEALS: From cases arising within their territorial jurisdiction, each Division of the Area Board of Zoning Appeals shall hear and determine appeals from and review:

810.01 Any order, requirement, decision, or determination made by an administrative official, hearing officer, or staff member under the zoning ordinance;

810.02 Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning ordinance adopted under this chapter requiring the procurement of an improvement location or occupancy permit; or

810.03 Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location permit or occupancy permit.

810.04 An appeal shall stay proceedings, operations, and work on the premises concerned as provided in I.C. 36-7-4-1000, as amended.

811 SPECIAL EXCEPTIONS From cases arising with their territorial jurisdiction, each Division of the Area Board of Zoning Appeals shall approve or deny all special exceptions from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The Board may impose reasonable conditions as a part of its approval.

811.01 A special exception shall be approved if it is found to meet the following criteria:

A) The proposed use conforms to the district provisions in which it will be located and all general regulations of this Ordinance;

B) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards herein;

C) The proposed use shall be sited, oriented, and landscaped so that the relationship of its buildings and grounds to adjacent buildings and properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent properties;

D) The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood;

E) The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets; and

F) The proposed use shall promote the objectives of this Ordinance and shall be consistent with the Frankfort/Clinton County Comprehensive Plan.

811.02 There shall be no classes of cases or applications therefor, nor any particular situation in which this Ordinance authorizes either special uses, contingent uses or conditional uses.

811.03 A special exception may not be expanded, extended, or enlarged unless reauthorized by the approving Area Board of Zoning Appeals under the procedures set forth in this Ordinance for granting a special exception.

811.04 Special exception approvals must comply with the information provided in the application and at the public hearing. The Board may limit special exceptions to a specified time period or other conditions or commitments. Special exceptions shall be invalid if 1) the property becomes a conforming use with the Ordinance as then promulgated, 2) if the special exception approval is terminated as specified in Section 818 of this Ordinance or 3) if the special exception use is discontinued at the petition site for a twelve month period during which time it is not succeeded by the same use specifically authorized as a special exception.¹

811.05 A special exception may be terminated by the approving Area Board of Zoning Appeals upon filing of an application therefor by an interested person, a member of the staff, or an Administrative Officer, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance, or conditions of approval or commitments, have not been complied with.

812 VARIANCE-DEVELOPMENTAL STANDARDS From cases arising within their territorial jurisdiction, each division of the Area Board of Zoning Appeals shall approve or deny variances from the developmental standards (such as height, bulk, or area) of the Zoning Ordinance.

812.01 A variance may be approved under this section if, after a public hearing, the Board makes findings of fact in writing that;

- A) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- C) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

812.02 No approval of a Division of the Area Board of Zoning Appeals granting a variance as to construction shall be valid for a period longer than six months from the date of the approval unless construction is started within such period, or unless the Board should grant such variance for a longer period.

812.03 A variance granted by the Board and executed in a timely manner as described in this Section shall run with the parcel until such time as the property conforms with the Ordinance as written or the variance is terminated. A variance ceases to be authorized and is void if that variance is not established within a twelve month period of the date of the variance was granted. The Zoning Administrator may grant up to two, one-year extensions to the special exception if the Administrator determines that the facts or circumstances have not materially changed.²

813 FLOOD PLAIN VARIANCES/SPECIAL EXCEPTIONS In addition to the above standards, variances and special exceptions in the Flood Plain Overlay District shall meet the following:

813.01 From cases arising within their territorial jurisdiction, each Division of the Area Board of Zoning Appeals may consider issuing a variance to the terms and provisions of the Flood Plain Overlay district provided that:

- A) There exists a good and sufficient cause for the requested variance;
- B) The strict application of the terms of this Ordinance will constitute an exceptional hardship to the applicant; and

¹ As amended in Ordinance 06-03 adopted on January 23, 2006 and in Ordinance 06-18 adopted on July 24, 2006.

² As amended in Ordinance 06-03 adopted on January 23, 2006.

C) The grant of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

813.02 From cases arising within their territorial jurisdiction, each Division of the Area Board of Zoning Appeals may issue a variance or a special exception in the underlying zoning district of a Flood Plain Overlay District subject to the following standards:

A) Any variance or special exception granted in a Flood Plain Overlay District will require a permit or letter of recommendation from DNR;³

B) Variances or exceptions to the Building Protection Standards of Section 401.07 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

C) A variance or special exception may be granted for the reconstruction or restoration of any structure listed on the National Register of Historic Places or the Indiana State Survey of Historic, Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

D) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction.

E) A division of the Area Board of Zoning Appeals shall issue a written notice to the recipient of a variance or special exception that the proposed construction will be subject to increased risks to life and property and could require payment of excessive flood insurance premiums.

814 PROCEDURE An appeal or an application for a variance or special exception filed with a Division of the Area Board of Zoning Appeals shall specify the grounds of the petition and shall be filed within such time and in such form as may be prescribed by the Division of the Area Board of Zoning Appeals by rule.

814.01 The Zoning Administrator, Hearing Officer, or other administrative person or body shall, upon the request of the Division of the Area Board of Zoning Appeals, transmit to it all documents, plans and papers constituting the record of the appeal, variance, or special exception application.

814.02 Preceding a decision, the appropriate division of the Area Board of Zoning Appeals shall hold a public hearing as specified in Section 815 of this Ordinance.

814.03 Following a hearing, the Board may reverse, affirm, or modify the order, requirement, decision or determination which was appealed. For this purpose, the Board has all the powers of the Zoning Administrator, Hearing Officer, or other administrative person or body from which the appeal is taken.

814.04 Following a hearing, the Board may approve, deny, or approve with conditions a variance or special exception.

814.05 All decisions of the Board in all matters within their jurisdiction and authority shall be in writing and supported by specific written findings of fact on each element pertaining to the matter under consideration.

814.06 The Board shall make a decision on any matter that it is required to hear at either the first meeting at which that matter is first presented, or at the conclusion of the hearing on that matter if it is continued.

814.07 Within five days after making any decision, the Area Board of Zoning Appeals shall file, in the office of the Board, a copy of its decision.

³ As amended in Ordinance 00-1 adopted on April 3, 2000 and Ordinance 02-13 adopted on December 2, 2002

815 HEARINGS The Division of the Area Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals and other applications.

815.01 Public notice, in accordance with I.C. 5-3-1, and due notice to interested parties shall be given at least ten days before the date set for the hearing.

815.02 The party taking the appeal, or applying for the variance or special exception may appear in person, by agent, or by attorney.⁴

815.03 The Board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

815.04 The Area Plan Commission staff, if any, may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a matter before the Board.

815.05 Other persons may appear and present relevant evidence.

815.06 The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a site plan of the property involved.

816 COMMITMENTS In accordance with I.C. 36-7-4-921, the Board, in the case of a petition for a special exception or a variance from developmental standards, may permit or require the owner of a parcel of land to make a written commitment concerning the use or development of that parcel.

816.01 The Board may:

A) Adopt rules governing the creation, form, recording, modification, enforcement, and termination of commitments; and

B) Adopt rules designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

816.02 Commitments shall be recorded in the office of the County Recorder and take effect upon the granting of the special exception or variance. Unless modified or terminated by the Board, a commitment is binding on the owner of the parcel, each subsequent owner, and each other person acquiring an interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the Board made at a public hearing after notice as provided by rule.

816.03 By permitting or requiring commitments, the Board does not obligate itself to approve or deny any request.

816.04 Conditions imposed on the granting of a special exception or variance are not subject to the rules applicable to commitments.

816.05 This section does not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.

817 HEARING OFFICER In accordance with I.C. 36-7-4-923, the Area Plan Commission may authorize a Hearing Officer who has the power of a Board of Zoning Appeals to approve or deny a variance from developmental standards or a special exception.

⁴ As amended in Ordinance 96-1 adopted on March 4, 1996

817.01 The Hearing Officer may be a Board member, a staff member, or other person.

817.02 The Area Plan Commission may adopt rules for the Hearing Officer in accordance with I.C. 36-7-4-924.

818 TERMINATION A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure:⁵

818.01 Upon determination by the Zoning Administrator that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for public hearing. The Zoning Administrator shall provide notice according to Board rules with the exception of the posting of a sign on the petition site.

818.02 At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true:

- A) The land use is not consistent with the approval granted by the Board.
- B) The land use is not consistent with any condition of approval.
- C) The land use is not consistent with any written commitment, or
- D) The approval was the result of fraud or the misrepresentation of facts.

818.03 No special exception or variance may be reviewed for termination by the Board of Zoning Appeals for the same cause more than once in any one-year period.

⁵ As amended in Ordinance 06-03 adopted on January 23, 2006.

ARTICLE NINE ADMINISTRATIVE PROCEDURES

901 ZONING ADMINISTRATOR The administration of this ordinance shall be vested in the office of the Zoning Administrator. The Zoning Administrator shall be appointed by the Area Plan Commission. The Zoning Administrator shall have the following duties:

901.01 To administer and enforce the provisions of this Ordinance in participating localities in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance.

901.02 To review and approve or deny all applications for Improvement Location Permits and Certificate of Occupancy Permits.

901.03 To conduct inspections of buildings, structures and any uses to determine compliance with this Ordinance.

901.04 Maintain current and permanent records of this Ordinance, including maps, amendments, Improvement Location Permits, variances, appeals, and applications thereof.

901.05 Receive and forward all petitions to amend the Ordinance to the Area Plan Commission for review and recommendation.

901.06 Carry out investigations or studies at the request of a legislative body.

901.07 To identify and register all non-conforming uses and to issue nonconforming use certificates to the owner of said use or structure.

901.08 In floodplain overlay districts, the Zoning Administrator shall review all development to insure compliance with Sections 401.14 through 401.20 of this Ordinance including, but not be limited to:¹

A) Review all floodplain improvement location permits to assure that the permit requirements of this ordinance have been satisfied.

B) Inspect and inventory damaged structures in the SFHA and complete substantial damage determinations.

C) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Section 401.17 and Section 401.19 A) of this Ordinance and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)

D) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit.

E) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

¹ As amended in Ordinance 2011-10 adopted October 17, 2011.

F) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and floodproofing data for all buildings constructed subject to this ordinance.

G) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.

H) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

I) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 902.04 H) and I)..

J) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Section 902.04 H) and I)..

K) Review certified plans and specifications for compliance.

L) Stop Work Orders and Revocation of Permits shall be according to Commission Rules.

902 IMPROVEMENT LOCATION PERMIT The Zoning Administrator shall issue Improvement Location Permits in participating localities in accordance with this section.

902.01 Except as provided below, an Improvement Location Permit shall be obtained before any person may occupy or use any land; construct, reconstruct, move, alter, or enlarge any structure; change the use of a structure or land to a different use; or change a non-conforming use.

902.02 No permit pertaining to the erection, alteration, or use of land or structures shall be issued by an officer, department, or employee of the County or any participating locality unless an Improvement Location Permit shall have been issued by the Zoning Administrator, stating that the proposed improvement or use complies with all the provisions of this Ordinance.

902.03 Improvement Location Permits are not required for the following:

- A)** Agricultural use numbers 1.01, 1.02, 1.04, 1.11, and 1.12 of Table A in this Ordinance.
- B)** Natural Resource use numbers 2.01, 2.02, and 2.09 of Table A of this Ordinance.
- C)** Transportation, Communication, and Utility use numbers 13.08 and 13.12 of Table A of this Ordinance.
- D)** Land Preparation activities listed in Section 310.16 of this Ordinance.
- E)** Day care centers – Class 1 as specified in Section 509 of this Ordinance.

- F) Storage of recreational vehicles and trucks as specified in Sections 503.04 and 503.05 of this ordinance.
- G) Collection boxes, refuse disposal boxes, outside vending machines in other than B-2 zoning districts, and other uses listed in Sections 503.07, 503.08, and 503.09 of this Ordinance.
- H) Fences as specified in Section 503.12 of this Ordinance.
- I) Accessory uses and yard improvements listed in Section 306.04³ of this Ordinance.
- J) Certain signs as specified in Section 526 of this Ordinance.
- K) Certain temporary uses as specified in Section 527 of this Ordinance.
- L) Kennels – Class A²
- M) Portable sheds, not affixed to the real estate, 200³ square foot or less in size.⁴
- N) Structures assessed as personal property, other than Single Wide Mobile Homes, not affixed to the real estate & portable by use and design, such as calf hutches, hoop houses, row covers, portable livestock feeders, and other similar items.³
- O) Above ground swimming pools under 42" in depth.³

902.04 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;

- A) The boundaries of the subject property, all existing easements, section lines and property lines, existing streets, buildings, watercourses, waterways, lakes, and other physical features in or adjoining the property;
- B) Location and character of proposed buildings or use, including height and bulk of buildings and structures, open space, bufferyards and landscaping, outdoor lighting, signs, and;
- C) The location, dimensions, and character of construction of proposed streets, alleys, driveways, curb cuts, entrances, exits, loading areas, and parking areas, including numbers of parking and loading spaces.
- D) The application shall be accompanied by a letter of approval from the Clinton County Drainage Board for compliance with the Clinton County Drainage Ordinance.

² As amended in Ordinance 06-03 adopted on January 23, 2006.

³ As amended in Ordinance 2014-14 adopted on November 3, 2014

⁴ As amended in Ordinance 2013-03 adopted on March 18, 2013.

E) The application shall be accompanied by a letter of approval from the Board of Health for compliance with the Clinton County Private Sewage Disposal Systems Ordinance if any of the following situations apply:

- 1) Construction of a residence or placement of a manufactured or mobile home which will not be connected to a public or approved private sanitary sewage system.
- 2) Any replacement, reconstruction, expansion or remodeling of a residence which increase the number of bedrooms served by the on-site residential sewage disposal system.

F) The application shall be accompanied by a fee established by the Fee Schedule.

G) The application shall be accompanied by such other information as the Zoning Administrator may require under the provisions of this Ordinance.

H) In the Floodplain Overlay District the following additional information shall be filed with the application:⁵

- 1) Existing and proposed land grades;
- 2) Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in NAVD 88 or NGVD;
- 3) Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed; and
- 4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

I) Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Administrator a certification of the NAVD 88 or NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.⁶

902.05 Within fifteen days after the receipt of a completed application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. If the Improvement Location Permit application is approved, the applicant may proceed to secure any other applicable permits. If the application is disapproved, the Zoning Administrator shall state the reasons for disapproval in writing and shall state the reasons for disapproval in writing and shall deliver such notice of refusal to the applicant.

⁵ As amended in Ordinance 2011-10 adopted October 17, 2011.

⁶ As amended in Ordinance 2011-10 adopted October 17, 2011.

902.06 An applicant shall begin construction authorized in an Improvement Location Permit after the permit is issued.⁷

- A)** An applicant shall also have all construction completed, or have all the work described in the permit finished if a change of use, within six months from the date of issuance of said permit. Such time limit shall be specified on the permit.⁸
- B)** The applicant, upon determining that the stated period of time is inadequate for such completion and that extenuating circumstances exist, may request the Executive Director, Building Inspector, and/or Zoning Administrator for an extension of time. The executive Director, Building Inspector, and/or Zoning Administrator may grant up to two extensions for a period not to exceed an additional three months for each extension.
- C)** Following the two extensions described in Section B above, the permit shall expire and a new Improvement Location Permit shall be obtained and fees paid according to the procedures of this Article of the Ordinance. If the permit involved a variance or special exception that was approved by the Board of Zoning Appeals, all applicable requirements of Article Eight shall be met prior to permit re-issuance.⁹
- D)** At any time during construction authorized by an Improvement Location Permit, non-compliance with the approved site plan as determined by the Executive Director, Building Inspector, and/or Zoning Administrator shall result in the permit being null and void.
- E)** All requests for extension of time by the Executive Director, Building Inspector, and/or Zoning Administrator or the Board of Zoning Appeals shall be timely filed so that the extension may be granted prior to expiration of the original time period.
- F)** If an Improvement Location Permit expires before the construction authorized by the permit is completed and an extension has not been obtained before expiration, said permit shall be null and void.
- G)** In any case where an Improvement Location Permit becomes null and void prior to completion of construction, a new permit may only be approved upon payment of new filing fees with an expiration date exceeding the date which would have been required if the permit had not become null and void. Any additional extension time may only be granted by the Area Board of Zoning Appeals as specified in this section.
- H)** If an Improvement Location Permit expires and the original permit was work which required a variance or special exception, new approval shall be obtained from the Board of Zoning Appeals prior to issuance of a new Improvement Location Permit.

⁷ As amended in Ordinance 2013-03 adopted on March 18, 2013.

⁸ As amended in Ordinance 06-04 adopted on April 3, 2006.

⁹ As amended in Ordinance 06-03 adopted on January 23, 2006.

The Board shall handle the application of said work as if it were an original application for approval.

- I) 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 Executive Director, Building Inspector, and/or Zoning Administrator.

903 CERTIFICATE OF OCCUPANCY¹⁰

A request for an Improvement Location Permit shall also be considered a request for a Certificate of Occupancy. A change of use on a property also requires the issuance of a Certificate of Occupancy by the Area Plan Commission even if an Improvement Location Permit is not necessary. Applicants make their requests for a Certificate of Occupancy to the Executive Director or the Zoning Administrator with the appropriate fees as set forth in the Fee Schedule.

903.01 When a Certificate of Occupancy request is jointly filed with the Improvement Location Permit Application, the request for the applicant shall notify the Executive Director/Zoning Administrator in writing, within seven days of the completion of the structure or building. When an applicant requests a Certificate of Occupancy independent of an Improvement Location Permit, the applicant must make the request seven days before the proposed change of use.

903.02 The Executive Director/Zoning Administrator after consultation with the Building Inspector may elect to conduct inspections of structures, buildings, and uses for compliance with the final site plan and the Zoning Ordinance before issuing a Certificate of Occupancy. For new dwellings, the Executive Director/Zoning Administrator must receive a copy of a signed Certificate of Inspection from the Health Department verifying the installed septic system complies with the submitted and approved septic plan before issuing a Certificate of Occupancy. If the property does comply with the plan and the Unified Zoning Ordinance, the Executive Director/Zoning Administrator shall issue the Certificate of Occupancy. Until the Executive Director/Zoning Administrator issues a Certificate of Occupancy, the applicant shall not do any of the following:

- A) Occupy any building or major alteration or addition constructed after the effective date of this Ordinance,
- B) Occupy any building under a change of use, or
- C) Commence any use not requiring an Improvement Location Permit after the effective date of this Ordinance.

903.03 Pending the issuance of a Certificate of Occupancy the Executive Director/Zoning Administrator may issue a Temporary Certificate of Occupancy for a period not to exceed six months, pending the completion of a major alteration of an existing building, for the use of a portion of a structure as a permitted accessory use while the primary use is being established, or for the occupancy or partial occupancy of a new or renovated building.

¹⁰ As amended in Ordinance 04-10 adopted on September 8, 2004

903.04 No utility, either private or public, shall furnish any utility service, temporary or permanent, to any location not requiring an Improvement Location Permit in the absence of a valid Certificate of Occupancy.

903.05 The Executive Director/Zoning Administrator must make a written statement containing the reasons for denying a request for a Certificate of Occupancy.

903.06 The Executive Director/Zoning Administrator has a period of fifteen days from the notification from the Building Inspector of a completion of a structure or building to issue a Certificate of Occupancy or issue a written statement of denial. The Executive Director/Zoning Administrator also has a period of fifteen days or less to issue a Certificate of Occupancy to an applicant who proposes to change the use of a property without the need of an Improvement Location Permit or issue a written statement of denial.

904 ENFORCEMENT AND PENALTIES The procedures for the enforcement of this Ordinance are as follows:

904.01 The Zoning Administrator shall be the designated enforcement officer and shall act for the Area Plan Commission and shall not be personally liable for his or her official acts.

904.02 Where a violation occurs, or is alleged to have occurred, any person, firm, or corporation may file a written complaint stating fully the causes and basis thereof with the Zoning Administrator, who shall record the complaint, investigate, and take action as prescribed in this Section and the Rules of the Commission.

904.03 Any person who violates any provision of this Ordinance or any regulation of the Commission hereunder enacted shall be fined not less than Ten Dollars and not more than Three Hundred Dollars. Each day a violation occurs or continues constitutes a separate offense.

904.04 The owner or tenant of any lot, structure, use, or part thereof, and any architect, builder, contractor, agent, or other person who commits, assists in, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties as provided herein and the rules of the Commission.

904.05 Any person who knowingly engages in any activity under the control of this Ordinance without first obtaining the required Improvement Location Permit shall have violated the terms of this Ordinance and shall be liable to pay a fine of Twenty-five Dollars in addition to the fees required under section 906. If any person required to pay this additional fee subsequently fails to obtain the required permit, that person shall pay a fine of fifty Dollars in addition to the fees required under section 906 on each and every occasion the required permit is not obtained.

904.06 Any building or structure, erected, raised, or converted, or land or premises used in violation of any provisions of this Ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated under existing law.

904.07 In accordance with I.C. 36-7-4-1014(a) and (b), the Area Plan Commission, a division of the Area Board of Zoning Appeals, or Zoning Administrator may bring an action under I.C. 36-1-6 for the enforcement of this ordinance and/or to enforce conditions imposed by the Area Plan Commission or by a Division of the Area Board of Zoning Appeals or covenants made in

connection with a subdivision plat, a development plan, or a PUD district ordinance. In accordance with I.C. 36-7-4-1014 (d) the Area Plan Commission, a Division of the Area Board of Zoning Appeals, or the Zoning Administrator may bring an action to invoke any legal, equitable, or special remedy in such action.¹¹

904.08 In accordance with I.C. 36-7-4-1013 (b) the Area Plan Commission or a Division of the Area Board of Zoning Appeals may request the prosecuting attorney of the county to take appropriate action in any case involving the violation of this chapter or of any ordinance or regulation adopted under it. The prosecuting attorney shall act promptly when requested.

905 AMENDMENTS In accordance with I.C. 36-7-4-602, as currently amended, the legislative body may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

905.01 The legislative body or the Area Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607, as currently amended, and according to the Commission rules.

905.02 The legislative body, Area Plan Commission, or at least fifty percent of the affected property owners may initiate a petition to change the zoning maps according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608, as currently amended, and according to the Commission rules.

905.03 In its review of the text and zone map amendments, the legislative body and the Area Plan Commission shall pay reasonable regard to:

- A) The most recently adopted Comprehensive Plan.
- B) Current conditions and the character of structure and uses in each district.
- C) The most desirable use for which the land in each district is adapted.
- D) The conservation of property values throughout the jurisdiction.
- E) Responsible development and growth.

905.04 WRITTEN COMMITMENTS In accordance with I.C. 36-7-4-615, the applicant in any rezoning application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property.¹²

- A) Written commitments may be proposed by the applicant or required by the Area Plan Commission or County Commissioners as an element of the initial submittal of

¹¹ As amended in Ordinance 2011-10 adopted on October 17, 2011.

¹² As amended in Ordinance 06-03 adopted on January 23, 2006.

application materials or in response to any modifications requested by the Area Plan Commission or County Commissioners.¹³

- B) All commitments shall be considered by the Area Plan Commission and County Commissioners in the review of the application.
 - 1) Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.
 - 2) Any deletion, addition, or alteration of the written commitments proposed by the County Commissioners may be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application.
- C) Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Clinton County Recorder. A copy of any recorded commitments shall be provided to the Zoning Administrator for inclusion in the application file prior to the issuance of any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application that does not comply with the written commitments.
- D) The written commitments shall be considered part of this Ordinance binding on the subject property.
 - 1) The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
 - 2) The written commitments shall be enforceable by the Plan Commission in accordance with the enforcement procedure in Section 904 of this Ordinance.
 - 3) The written commitments may be modified only through the zoning map amendment process described in Section 905 of the Ordinance.

906 SCHEDULE OF FEES In accordance with I.C. 36-7-4-4-411, the Area Plan Commission may establish a schedule of reasonable fees to defray the administrative costs connected with:

906.01 Processing and hearing appeals and petitions for rezoning, special exceptions, and variances;

906.02 The issuing of permits; and

906.03 Other official actions provided for in this Ordinance.

¹³ As amended in Ordinance 2011-10 adopted October 17, 2011.

907 ADMINISTRATIVE DECISIONS Whenever, in the course of administration and enforcement of this Ordinance, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the area affected.

908 RULES The Area Plan Commission shall adopt rules which shall not conflict with the Zoning Ordinance, nor the Indiana Code concerning:

908.01 Improvement Location Permits and Certificate of Occupancy permits application and approval procedure;

908.02 Development Plan application and approval procedure;

908.03 Zoning text and zoning map amendment application and approval procedure;

908.04 Enforcement procedure;

908.05 Meeting and public hearing procedure;

908.06 Hearing Officer procedure; and

908.07 All other procedures necessary for the proper administration and enforcement of this Ordinance.

909 EFFECT OF ANNEXATION OR VACATION ON ZONING The effect of annexation or vacation on zoning should be as follows:

909.01 After the effective date of this Ordinance, areas annexed by participating localities shall remain zoned as they were on the date of the annexation. However, if not zoned, the annexed area will be zoned r-2 Low Density Residential as of the date of annexation. In any case:

A) Within sixty days after the date of annexation, the Area Plan Commission shall submit to the legislative body a recommended plan for zoning for the area;

B) The procedure specified in section 905 of this Ordinance, shall be followed in adopting the plan for zoning, and;

D) An Improvement Location Permit shall not be issued in an area annexed by a legislative body until a plan for zoning 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 subdivision, provided that all other provisions of the Ordinance are complied with.

909.02 Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the districts adjoining each side of the street, alley, public way, railroad right-of-way, or similar areas shall be extended automatically to the center of the vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining

district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.

**ARTICLE TEN
ENACTMENT**

1001 ENACTMENT This Ordinance shall be in full force and effect upon its passage and notice of adoption as required by law.

Passed and adopted by the Board of Commissioners of Clinton County, Indiana on the ____ day of _____, 2002.

BOARD OF COMMISSIONERS OF CLINTON COUNTY

ATTEST:

Secretary

Passed by the Town Council of the Town of Colfax on this ____ day of _____, 2003.

Town Council President
Town of Colfax

ATTEST:

Town Clerk/Treasurer
Town of Colfax

Passed by the Town Council of the Town of Kirklin on this ____ day of _____, 2003.

Town Council President
Town of Kirklin

ATTEST:

Town Clerk/Treasurer
Town of Kirklin

Passed by the Town Council of the Town of Michigantown on this ____ day of _____, 2003.

Town Council President
Town of Michigantown

ATTEST:

Town Clerk/Treasurer
Town of Michigantown

Passed by the Town Council of the Town of Mulberry on this ____ day of _____, 2003.

Town Council President
Town of Mulberry

ATTEST:

Town Clerk/Treasurer
Town of Mulberry

Passed by the Town Council of the Town of Rossville on this ____ day of _____, 2003.

Town Council President
Town of Rossville

ATTEST:

Town Clerk/Treasurer
Town of Rossville

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

1.00 AGRICULTURE	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
1.01 CROPLAND AND ORCHARDS	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
1.02 PASTURE & GRAZING [including animals kept as pets or for hobby]	P	S	S	S	S	S	S	S	S	S	P	P	P	A	C	
1.03 CONFINED FEEDING OPERATION	P	S	X	X	X	X	X	X	X	S	X	S	S	A	C	507
1.04 GRAIN HANDLING OPERATION	P	S	S	X	X	X	X	X	S	S	S	S	S			507
1.05 COMMERCIAL FISH WORM FUR FARMS AND OTHER SPECIALTY FARMS	P	S	X	X	X	X	X	X	S	P	X	S	S	A	C	
1.06 AGRICULTURAL ACCESSORY STORAGE FACILITIES [including barns, sheds, silos, bins]	P	P	S	X	X	S	S	S	S	P	P	P	S	A	C	
1.07 PROCESSING OF AGRICULTURAL GOODS PRODUCED ON PROPERTY ONLY	P	S	S	X	X	X	X	X	S	P	P	P	S	A	C	
1.08 ROADSIDE STAND ON-SITE SALE OF AGRICULTURAL GOODS PRODUCED ON PROPERTY [seasonal]	P	S	S	X	X	P	S	P	S	P	P	P	S	A	D	522
1.09 ROADSIDE STAND ON-SITE SALE OF AGRICULTURAL GOODS PRODUCED ON PROPERTY [permanent]	S	S	S	X	X	S	S	P	S	P	P	S	S	C	D	522
1.10 IRRIGATION FACILITIES	P	X	X	X	X	X	X	X	X	P	P	P	S	A	C	
1.11 LAND APPLICATION OF SLUDGE & WASTEWATER	P	X	X	X	X	X	X	X	X	X	X	X	P	A	C	514
1.12 CROPLAND RESEARCH OR DEMONSTRATION TEST PLOT [temporary or permanent]	P	P	P	X	X	P	P	P	P	P	P	P	P	A	C	507
1.13 LIVESTOCK RESEARCH OR EVALUATION	P	X	X	X	X	X	X	X	X	S	S	S	S	B	C	507
1.14 AGRICULTURAL AND ENVIRONMENTAL RESEARCH CENTERS	S	X	X	X	X	X	X	X	S	S	P	P	S	B	B	507
1.15 FARM MANAGEMENT SERVICES	P	S	S	X	X	P	P	P	P	P	S	S	S	B	B	
1.16 WILD ANIMALS - CLASS 1	P	S	S	S	S	P	P	P	P	P	P	P	P	A	C	507
1.17 WILD ANIMALS - CLASS 2	P	X	X	X	X	P	P	P	P	P	P	P	P	A	C	507
1.18 WILD ANIMALS - CLASS 3	S	X	X	X	X	S	S	S	S	S	S	S	S	A	C	507

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

1.00 AGRICULTURE	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
1.19 HORSE OR OTHER DOMESTIC ANIMAL RESCUE SERVICE	P	S	X	X	X	X	X	X	X	S	X	S	S	A	A	507
1.20 FARM BASED BUSINESS CLASS 1	P	P	S	X	X	S	S	P	P	P	X	S	X	A	A	
1.21 FARM BASED BUSINESS CLASS 2	S	S	S	X	X	S	S	P	P	P	X	S	X	C	A	
1.22 AGRITOURISM CLASS 1	P	S	S	X	X	S	S	P	P	P	X	S	X	A	A	
1.23 AGRITOURISM CLASS 2	S	S	S	X	X	S	S	P	P	P	X	S	X	C	A	
2.00 NATURAL RESOURCES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
2.01 FORESTRY/WOODLAND	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
2.02 PLANT NURSERY [does not include office or retail business facilities]	P	S	X	X	X	X	X	X	X	P	S	S	S	A	C	
2.03 NATURE/NATURAL RESOURCE PRESERVES	P	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.04 BOAT LANDING FACILITIES	P	X	X	X	X	S	P	P	P	P	P	P	S	A	C	
2.05 CONSERVATION OR ENVIRONMENTAL STUDY CLUB FACILITIES	P	S	X	X	X	X	X	X	S	S	X	X	X	B	C	
2.06 MINERAL EXTRACTION (1)	S	X	X	X	X	X	X	X	X	S	S	S	S	E	B	519
2.07 OIL & GAS PRODUCTION [not to include refining]	S	S	X	X	X	X	X	X	X	S	S	S	S	E	B	
2.08 WATER AREAS, MARSHLAND	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
2.09 FILL OF NATURAL WETLAND, WATER AREAS OR MARSHLAND	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.10 FISH HATCHERIES	P	X	X	X	X	X	X	X	P	P	P	P	S	A	C	
2.11 ARTIFICIAL LAKE OR RESERVOIR OF ONE ACRE OR MORE	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.12 WATER MANAGEMENT AND USE FACILITIES SUCH AS DAMS, DOCKS AND FLOODWALLS	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	

(1) At the time the Ordinance was prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this Ordinance, as written recognizes these limitations so compliance must be as specified in this table.

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

3.00 RESIDENTIAL	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
3.01 DWELLING-SINGLE FAMILY-DETACHED	(2)P	P	P	P	P	X	X	X	X	X	X	X	X	A	A	523
3.02 DWELLING - SINGLE FAMILY - ATTACHED FOR SALE OR RENT	S	S	S	S	P	X	X	X	X	X	X	X	X	B	A	
3.03 DWELLING - TWO FAMILY FOR SALE OR RENT	S	S	S	S	P	X	X	X	X	X	X	X	X	B	A	
3.04 DWELLING - MULTI-FAMILY FOR SALE OR RENT	X	S	S	S	P	S	S	X	X	X	X	X	X	B	A	
3.05 FAMILY HOMESTEAD	S	S	X	X	X	X	X	X	X	X	X	X	X	A	A	523
3.06 DWELLING - EARTH SHELTERED HOME	(1)P	P	P	P	P	X	X	X	X	X	X	X	X	A	A	523
3.07 DWELLING - COTTAGE OR CABIN	S	S	S	X	X	X	X	X	X	X	X	X	X	A	A	523
3.08 DWELLING - FARM LABOR CAMP	S	X	X	X	X	X	X	X	X	X	X	X	X	A	A	511
3.09 DWELLING - ACCESSORY APARTMENT (WITHIN PRINCIPAL DWELLING STRUCTURE)	P	P	P	P	P	S	S	S	S	S	S	S	X	A	A	502
3.10 DWELLING - ACCESSORY APARTMENT (In accessory structure, including guest/caretaker dwelling)	S	S	S	S	S	S	S	S	S	S	X	X	X	A	A	502
3.11 DWELLING - APARTMENT WITHIN OR ABOVE NON-RESIDENTIAL/COMMERCIAL STRUCTURE	S	X	X	X	X	S	S	S	S	S	S	S	X	A	A	
3.12 MANUFACTURED HOME	(1)P	P	P	P	P	X	X	X	X	X	X	X	X	A	A	517, 523
3.13 MOBILE HOME	S	S	X	X	X	X	X	X	X	X	X	X	X	A	A	517, 523
3.14 MANUFACTURED HOME/MOBILE HOME AS ACCESSORY USE TO EXISTING DWELLING [limit one per parcel] [seasonal or permanent]	S	S	X	X	X	X	X	X	X	X	X	X	X	A	A	517
3.15 MANUFACTURED HOME/MOBILE HOME AS DWELLING WHEN LOCATED IN CONNECTION WITH A PERMITTED BUSINESS [accessory use]	X	X	X	X	X	S	S	S	S	S	S	S	S	A	A	517
3.16 MANUFACTURED HOME/MOBILE HOME PARK	X	X	X	X	S	X	X	X	X	X	X	X	X	A	A	518

(1) This use is subject to the point system in A1 land. This use in the A1 district is considered a rural non-farm residential dwelling, subject to the standards of Section 523 of this Ordinance

(2) At the time the Ordinance was prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this Ordinance, as written, recognizes these limitations so compliance must be as specified in this table.

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

4.00 SOCIAL SERVICES RESIDENTIAL	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
4.01 LIFE CARE FACILITY	S	S	X	S	S	X	X	X	X	X	X	X	X	B	K	
4.02 CONGREGATE HOUSING/RETIREMENT COMMUNITY	S	S	X	S	S	X	X	X	X	X	X	X	X	B	K	
4.03 NURSING HOME	S	S	X	S	S	X	X	X	X	X	X	X	X	B	K	
4.04 CHILDREN'S HOME	S	S	S	S	S	X	X	X	X	X	X	X	X	B	J	
4.05 RESIDENTIAL FACILITY(1) WHEN LOCATED GREATER THAN 3000 FEET FROM ANOTHER RESIDENTIAL FACILITY	P	P	P	P	P	X	X	X	X	X	X	X	X	B	J	
4.06 RESIDENTIAL FACILITY(1) WHEN LOCATED CLOSER THAN 3000 FEET FROM ANOTHER RESIDENTIAL FACILITY	S	S	S	S	S	X	X	X	X	X	X	X	X	B	J	
4.07 GROUP CARE HOME(1) WHEN LOCATED GREATER THAN 3000 FEET FROM ANOTHER GROUP CARE HOME	P	P	P	P	P	X	X	X	X	X	X	X	X	B	J	
4.08 GROUP CARE HOME(1) WHEN LOCATED LESS THAN 3000 FEET FROM ANOTHER GROUP CARE HOME	S	S	S	S	S	X	X	X	X	X	X	X	X	B	J	
4.09 SOCIAL REHABILITATION CENTER	S	X	X	X	X	X	X	X	S	S	S	X	X	B	J	
5.00 RESIDENTIAL RELATED																
5.01 GROUP HOUSING QUARTERS	S	X	X	X	S	S	S	X	X	X	X	X	X	B	K	
5.02 MOTEL OR HOTEL	X	X	X	X	X	X	P	P	P	P	S	S	X	D	S	
5.03 BED AND BREAKFAST FACILITY/ TOURIST HOME	S	S	S	S	S	S	S	X	X	X	X	X	X	B	506	
5.04 COUNTRY INN	S	S	X	X	X	S	S	S	S	X	X	X	X	D	S	506
5.05 HOME OCCUPATION - CLASS 1	P	P	P	P	P	P	P	P	P	P	S	S	S	A	A	512
5.06 HOME OCCUPATION - CLASS 2	S	S	S	S	S	S	P	P	P	P	S	S	S	C	A	512
5.07 RESIDENTIAL ACCESSORY USES AND STRUCTURES	P	P	P	P	P	P	P	P	P	P	S	S	S	A	A	503

(1) This use is subject to the point system in A1 land. This use in the A1 district is considered a rural non-farm residential dwelling, subject to the standards of Section 523 of this Ordinance

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

6.00 RETAIL TRADE	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
6.01 RETAIL TRADE OF NO MORE THAN 1000 SQUARE FEET PER ESTABLISHMENT	X	X	X	X	X	P	P	P	P	S	S	S	X	C	D	
6.02 RETAIL TRADE OF MORE THAN 1000 SQUARE FEET PER ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	S	S	X	D	F	
6.03 SHOPPING CENTER OF UP TO 200,000 SQUARE FEET	X	X	X	X	X	S	S	P	S	S	X	X	X	D	I	
6.04 SHOPPING CENTER OF OVER 200,000 SQUARE FEET	X	X	X	X	X	X	S	P	S	S	X	X	X	D	H	
6.05 CONVENIENCE STORE	X	X	X	X	X	P	P	P	P	S	X	X	X	D	H	
6.06 RESTAURANT AND CAFETERIAS [not including drive-ins or sidewalk cafes]	X	X	X	X	X	P	P	P	P	S	S	S	X	D	L	
6.07 DRIVE-IN WINDOW RESTAURANTS	X	X	X	X	X	S	S	S	P	S	S	X	X	D	L	510
6.08 SIDEWALK CAFÉ	X	X	X	X	X	S	S	S	S	S	S	X	X	D	L	
6.09 DINNER THEATER, NIGHT CLUB, AND TAVERNS	X	X	X	X	X	S	P	P	P	S	X	X	X	D	L	
6.10 LIQUOR STORES	X	X	X	X	X	S	P	P	P	S	X	X	X	D	F	
6.11 MONUMENT SALES	X	X	X	X	X	X	S	P	P	S	S	X	X	E	D	
6.12 LUMBER AND BUILDING SUPPLIES LAWN AND GARDEN SUPPLIES, AND FARM SUPPLY CENTERS [including outdoor storage]	S	X	X	X	X	X	X	S	P	P	S	X	X	E	F	
6.13 RETAIL/WHOLESALING	X	X	X	X	X	X	S	S	P	P	P	P	S	E	F	
7.00 AUTOMOTIVE/HEAVY EQUIPMENT TRADE AND SERVICES																
7.01 AUTOMOTIVE SALES AND RENTAL-NEW AND USED AND ACCESSORY SERVICE AND REPAIR (including motorcycles)	X	X	X	X	X	X	S	S	P	S	S	X	X	E	N	
7.02 COMMERCIAL GARAGES	X	X	X	X	X	X	S	X	P	S	S	S	X	E	M	505
7.03 AUTOMOBILE SERVICE & FUELING STATIONS AND TIRE AND BATTERY DEALERS AND ACCESSORY SERVICES AND REPAIR [not including junk yards]	X	X	X	X	X	X	S	S	P	S	S	S	X	E	M	505
7.04 CAR WASH	X	X	X	X	X	X	X	S	P	S	S	X	X	E	E	510
7.05 TRUCK WASH	S	X	X	X	X	X	X	S	P	P	S	P	P	E	E	510
7.06 LIVESTOCK TRAILER WASHES (as a principle use)	S	X	X	X	X	X	X	X	S	S	X	S	X	E	E	507, 510
7.07 MOBILE HOMES AND RECREATIONAL VEHICLE SALES AND RENTAL AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	X	X	P	S	S	X	X	E	N	

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

7.00 AUTOMOTIVE/HEAVY EQUIPMENT TRADE AND SERVICES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
7.08 TRUCK SALES AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	S	X	P	S	S	X	X	E	N	
7.09 TRUCK STOPS, FUELING STATIONS, AND SERVICE CENTERS	X	X	X	X	X	X	X	X	S	S	S	S	X	E	M	
7.10 INDUSTRIAL AND HEAVY EQUIPMENT SALES AND RENTAL NEW AND USED AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	X	X	P	P	S	S	X	E	N	
7.11 AIRCRAFT SALES, STORAGE AND RENTALS AND ACCESSORY SERVICE AND REPAIR [including crop dusting services]	S	X	X	X	X	X	X	X	X	S	S	X	X	E	N	
7.12 BOAT AND OTHER MARINE SALES AND RENTAL AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	S	S	P	S	S	X	X	E	N	
7.13 TRUCK AND TRAILER RENTALS [as principal or accessory use]	X	X	X	X	X	X	X	S	P	S	S	X	X	E	N	
7.14 AUTOMOTIVE GRAVEYARD	X	X	X	X	X	X	X	X	X	X	X	S	S	E	N	513
8.00 AGRIBUSINESS																
8.01 FOOD PROCESSING FACILITY	X	X	X	X	X	X	X	X	S	P	P	P	X	E	B	
8.02 FARM EQUIPMENT SALES AND RENTAL NEW AND USED AND ACCESSORY SERVICE AND REPAIR	S	X	X	X	X	X	X	X	S	P	S	S	X	E	N	
8.03 LIQUID FERTILIZER AND AGRICULTURAL CHEMICALS SALES MIXING STORAGE AND DISTRIBUTION	S	X	X	X	X	X	X	X	X	P	S	S	S	E	B	
8.04 GRAIN ELEVATORS AND FEED DEALERS STORAGE AND DISTRIBUTION (Including feed mills)	S	X	X	X	X	X	X	X	X	P	P	P	X	E	B	
8.05 LIVESTOCK AUCTION BARN	P	X	X	X	X	X	X	X	X	P	X	S	X	E	G	507, 516
8.06 SLAUGHTERHOUSE AND RENDERING PLANT	X	X	X	X	X	X	X	X	X	X	X	S	X	E	B	525
8.07 BIOFUEL REFINERY - CLASS 1	P	X	X	X	X	X	X	S	P	P	P	P	S	A	C	534
8.08 BIOFUEL REFINERY - CLASS 2	S	X	X	X	X	X	X	S	P	P	P	P	S	E	B	534
8.09 BIOFUEL REFINERY - CLASS 3	S	X	X	X	X	X	X	X	S	S	S	P	S	E	B	534
8.10 BIOFUEL REFINERY - CLASS 4	X	X	X	X	X	X	X	X	X	S	S	S	S	E	B	534
8.11 BIOFUEL REFINERY - CLASS 5	S	X	X	X	X	X	X	S	S	S	S	S	S	E	B	534

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

8.00 AGRIBUSINESS	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
8.12 ANAEROBIC DIGESTOR - CLASS 1	P	X	X	X	X	X	X	S	S	P	P	P	P	A	C	534
8.13 ANAEROBIC DIGESTOR - CLASS 2	S	X	X	X	X	X	X	X	S	S	S	S	P	E	B	534
9.00 PERSONAL, PROFESSIONAL AND REPAIR SERVICES																
9.01 FINANCIAL SERVICES	X	X	X	X	X	P	P	P	P	P	S	X	X	D	E	
9.02 FINANCIAL SERVICES-DRIVE-UP WINDOWS/AUTOMATIC TELLER MACHINES	X	X	X	X	X	S	S	S	P	P	S	X	X	D	E	510
9.03 REPAIR SERVICES	X	X	X	X	X	P	P	P	P	P	S	X	X	C	D	
9.04 HOSPITALS	S	X	X	X	X	S	S	S	S	X	X	X	X	B	J	
9.05 MEDICAL AND DENTAL OFFICES AND CLINICS	S	X	X	X	X	P	P	P	P	S	S	X	X	C	O	
9.06 ENGINEERING, RESEARCH AND DEVELOPMENT LABORATORIES [including fire or explosives]	X	X	X	X	X	X	X	X	X	X	S	S	S	E	B	
9.07 RESEARCH AND DEVELOPMENT LABORATORIES [not including fire or explosives]	X	X	X	X	X	S	S	S	S	S	P	P	S	B	B	
9.08 BARBER AND BEAUTY SHOPS	X	X	X	X	X	P	P	P	P	S	X	X	X	C	D	
9.09 COIN OPERATED LAUNDRIES AND DRY CLEANING	X	X	X	X	X	P	P	P	P	S	S	X	X	D	D	
9.10 LAUNDRIES [commercial]	X	X	X	X	X	X	S	S	P	S	S	S	X	D	B	
9.11 MORTUARY	X	X	X	X	X	S	P	P	P	S	S	X	X	D	R	
9.12 PHOTOGRAPHIC STUDIO	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.13 DRIVE-UP PHOTO FINISHING DEALERS STORAGE AND DISTRIBUTION	X	X	X	X	X	P	P	P	P	S	S	X	X	D	E	510
9.14 VETERINARY HOSPITAL AND CLINIC	S	X	X	X	X	X	X	S	S	P	X	X	X	C	O	529
9.15 KENNEL - CLASS A	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	529
9.16 KENNEL - CLASS B	P	S	S	S	S	P	S	P	P	P	X	X	X	A	A	529
9.17 KENNEL - CLASS C	S	S	X	X	X	S	S	S	S	S	X	X	X	C	N	529

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

9.00 PERSONAL, PROFESSIONAL AND REPAIR SERVICES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
9.18 DAY CARE CENTER(1) CLASS 1	P	P	P	P	P	P	P	P	P	P	P	P	X	B	T	509
9.19 DAY CARE CENTER(1) CLASS 2	S	S	S	S	S	S	S	P	P	P	P	P	X	B	T	509
9.20 DAY CARE CENTER(1) CLASS 3	X	X	X	X	X	S	S	S	S	S	P	P	X	B	T	509
9.21 NURSERY SCHOOL	S	X	X	X	X	S	S	S	S	S	S	S	X	B	T	
9.22 WOODWORKING, CABINET SHOP [not to include manufacturing]	S	X	X	X	X	S	P	P	P	S	S	X	X	C	D	
9.23 TAXIDERMIST	S	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.24 SIGN PAINTING	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.25 WELDING	S	X	X	X	X	X	P	P	P	P	S	S	X	C	D	
9.26 BLUEPRINTING AND PHOTOCOPYING	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.27 PRINT SHOP/PRINTING	X	X	X	X	X	S	P	P	P	S	S	X	X	C	D	
9.28 DATA PROCESSING	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.29 TRAVEL BUREAU	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.30 LANDSCAPING [not to include nurseries]	S	X	X	X	X	X	P	P	P	S	X	X	X	C	D	
9.31 TAILORING AND DRESS MAKING	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.32 INTERIOR DECORATING SERVICE	X	X	X	X	X	P	P	P	P	S	S	X	X	C	D	
9.33 OTHER PROFESSIONAL SERVICES/OFFICES OF NO MORE THEN 1000 SQ FT PER ESTABLISHMENT	X	X	X	X	X	P	P	P	P	S	S	S	X	C	D	
9.34 OTHER PROFESSIONAL SERVICES/OFFICES OF NO MORE THEN 1000 SQ FT PER ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	S	S	X	C	D	
9.35 CONTRACTORS, INCLUDING PLUMBING, HEATING, COOLING, ELECTRICAL, ROOFING, WATER SOFTENING, WELL DRILLING, EXCAVATING, BUILDING, AND HOUSE MOVING [including, but not limited to, service yard and showroom]	S	X	X	X	X	X	S	P	P	P	S	P	X	E	D	

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

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**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

10.00 GOVERNMENTAL, RELIGIOUS AND CHARITABLE SERVICES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
10.01 SCHOOL-COLLEGE AND UNIVERSITY [public or private]	S	X	X	X	X	P	P	P	X	S	S	S	X	B	Q	
10.02 SCHOOL-ELEMENTARY AND SECONDARY [public or private]	P	P	P	P	P	P	P	P	P	S	S	S	X	B	P	
10.03 SCHOOL-TRADE VOCATIONAL BUSINESS ART OR MUSIC [private or public]	S	X	X	X	X	P	P	P	P	S	S	S	X	B	Q	
10.04 GOVERNMENT OFFICES AND AUTO LICENSE BUREAUS	S	S	S	S	S	P	P	P	P	P	P	S	X	C	D	
10.05 POLICE, FIRE AND AMBULANCE STATIONS AND SERVICES	P	S	S	S	S	P	P	P	P	P	P	P	X	B	B	
10.06 LIBRARIES COMMUNITY CENTERS SENIOR CITIZENS CENTERS AND POST OFFICES	S	S	S	S	S	P	P	P	P	P	P	X	X	B	D	
10.07 JAIL [local operation]	X	X	X	X	X	X	S	X	S	S	S	S	X	B	B	
10.08 PENAL OR CORRECTIONAL INSTITUTIONS [state, federal or private operation]	X	X	X	X	X	X	X	X	S	S	S	S	X	B	B	
10.09 RELIGIOUS MEETING FACILITIES (Church, Synagogue, Mosque, or similar facility)	P	P	P	P	P	P	P	P	P	P	S	S	S	B	R	
10.10 CEMETERY	S	X	X	X	X	X	X	X	S	S	S	S	X	B	C	
10.11 OTHER CIVIC AND CHARITABLE ORGANIZATION FACILITIES	S	X	X	X	X	S	P	P	P	S	S	S	X	C	X	
11.00 RECREATIONAL FACILITIES [public or private]																
11.01 BOWLING ALLEY	X	X	X	X	X	X	P	P	P	S	S	X	X	D	U	
11.02 BILLIARD AND POOL ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	S	X	X	D	U	
11.03 DANCE HALL AND SCHOOLS OF DANCE	X	X	X	X	X	X	P	P	P	S	S	X	X	D	V	
11.04 FAIRGROUNDS	S	X	X	X	X	X	X	X	S	S	S	X	X	A	W	

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
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BUFFER CLASS - SEE TABLE C
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**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

11.00 RECREATIONAL FACILITIES [public or private]	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
11.05 GOLF AND COUNTRY CLUBS	S	S	X	X	X	X	X	S	S	S	S	S	S	A	X	
11.06 GOLF COURSES AND ACCESSORY STRUCTURES	S	S	S	S	S	S	S	S	S	S	S	S	S	A	U	
11.07 GOLF DRIVING RANGES	S	X	X	X	X	X	X	P	P	S	S	S	S	A	W	
11.08 MINIATURE GOLF COURSES AND SIMILAR WALK-THROUGH FACILITIES	X	X	X	X	X	X	P	P	P	S	S	X	S	D	W	
11.09 LODGES FRATERNAL ORGANIZATIONS AND PRIVATE CLUBS	S	X	X	X	X	S	P	P	P	S	S	X	X	D	X	
11.10 INDOOR THEATER	X	X	X	X	X	X	P	P	P	S	S	X	X	D	R	
11.11 OUTDOOR THEATER/AMPHITHEATER	X	X	X	X	X	X	X	S	S	S	S	X	X	D	R	
11.12 MUSEUM AND ART GALLERY	X	X	X	X	X	S	P	P	P	S	P	P	X	D	D	
11.13 RACE TRACK	X	X	X	X	X	X	X	S	S	S	S	X	X	D	R	
11.14 PUBLIC OWNED PARK OR RECREATIONAL FACILITY AND ACCESSORY STRUCTURES	P	P	P	P	P	P	P	P	P	P	P	P	S	A	C	
11.15 AUDITORIUM, COLISEUM, STADIUMS	X	X	X	X	X	X	X	S	S	S	S	X	X	D	R	
11.16 OUTDOOR SHOOTING, SKEET AND TRAP RANGE/ARCHERY RANGE	S	X	X	X	X	X	X	S	S	S	S	X	S	D	W	520
11.17 SHOOTING OR ARCHERY RANGE[indoor]	S	X	X	X	X	X	P	P	P	S	S	X	X	D	V	
11.18 ICE/ROLLER SKATING ARENA/RINK	X	X	X	X	X	X	P	P	P	S	S	X	X	D	V	
11.19 AMUSEMENT PARK	X	X	X	X	X	X	X	X	S	S	S	S	X	D	W	
11.20 TENNIS AND RACQUET CLUBS	X	X	X	X	X	X	P	P	P	S	S	X	X	D	U	
11.21 SKI AND TOBOGGAN RUNS	S	X	X	X	X	X	X	P	P	S	S	X	S	A	W	
11.22 RECEPTION HALLS	X	X	X	X	X	X	P	P	P	S	S	X	X	D	V	
11.23 ZOOS BOTANICAL GARDENS	S	X	X	X	X	X	P	P	S	S	S	X	S	A	W	
11.24 RECREATIONAL VEHICLE PARK	S	X	X	X	X	X	S	S	S	S	S	X	X	D	A	521
11.25 ORGANIZATIONAL CAMPGROUND [scouts, churches, recreational clubs, and similar organizations]	S	X	X	X	X	X	S	S	S	S	S	X	X	D	W	

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

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District Land Usage**

11.00 RECREATIONAL FACILITIES [public or private]	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
11.26 CAMPGROUND [public or private]	S	X	X	X	X	X	S	S	S	S	S	X	X	D	A	521
11.27 HUNTING PRESERVES AND GAMELANDS [including wild or exotic animals]	S	X	X	X	X	X	X	S	S	S	S	S	S	A	W	520
11.28 WEIGHT REDUCTION EXERCISE FACILITY	X	X	X	X	X	S	P	P	P	P	S	X	X	D	V	
11.29 MOTORCYCLE OR SNOWMOBILE RIDING TRAILS	S	X	X	X	X	X	X	S	S	S	S	X	S	D	W	
11.30 BOAT RENTAL AND STORAGE	S	X	X	X	X	S	P	P	P	P	S	S	X	D	W	
11.31 VIDEOGAME ARCADE	X	X	X	X	X	S	P	P	P	X	X	X	X	D	F	
11.32 COMMUNITY RECREATIONAL FACILITY	S	X	X	X	X	S	S	S	S	S	X	X	X	D	Z	
11.33 WATER SLIDE PARK/PUBLIC SWIMMING AREA	S	X	X	X	X	X	S	S	S	S	X	X	X	D	W	
11.34 MODEL AIRPLANE FACILITY	S	X	X	X	X	X	X	S	S	S	S	X	X	D	W	
11.35 PAINT BALL FACILITY (Indoor)	S	X	X	X	X	X	P	P	P	S	S	S	X	D	W	
11.36 PAINT BALL FACILITY (Outdoor)	S	X	X	X	X	X	X	S	S	S	X	S	X	D	W	
12.00 WHOLESALE TRADE WAREHOUSING, AND STORAGE																
12.01 WHOLESALE DISTRIBUTOR	X	X	X	X	X	S	S	S	P	P	P	P	S	E	B	
12.02 GREENHOUSE [commercial]	S	X	X	X	X	S	S	P	P	P	S	X	X	E	N	
12.03 BOTTLED GAS STORAGE AND DISTRIBUTION	S	X	X	X	X	X	X	X	S	P	P	P	S	E	B	
12.04 BULK FUEL YARD	S	X	X	X	X	X	X	X	S	S	S	P	X	E	B	
12.05 HIGHWAY MAINTENANCE GARAGE AND STORAGE YARD	S	X	X	X	X	X	X	X	S	P	P	P	X	E	B	
12.06 UTILITY COMPANY OFFICE AND STORAGE YARD	S	X	X	X	X	X	X	X	S	P	P	P	X	E	B	
12.07 FROZEN FOOD LOCKERS	X	X	X	X	X	S	S	S	S	P	P	P	X	E	B	
12.08 SELF SERVICE STORAGE/ MINIWAREHOUSES	X	X	X	X	X	X	X	X	S	S	P	P	X	E	B	
12.09 MOVING COMPANIES AND STORAGE	X	X	X	X	X	X	X	X	S	S	P	P	X	E	B	

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R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
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District Land Usage**

12.00 WHOLESALE TRADE WAREHOUSING AND STORAGE	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
12.10 AUCTION SALES YARD [not involving livestock]	S	X	X	X	X	X	X	X	S	P	P	P	X	E	N	
12.11 SUPPLY YARD	X	X	X	X	X	X	X	X	X	S	S	P	X	E	N	
12.12 JUNK YARD	X	X	X	X	X	X	X	X	X	X	X	S	P	E	N	513
12.13 SCRAP METAL PROCESSING FACILITY	X	X	X	X	X	X	X	X	X	X	S	P	P	E	N	513
12.14 TRUCKING TERMINAL FREIGHT DISTRIBUTION CLUBS AND SIMILAR ORGS.	X	X	X	X	X	X	X	X	S	P	P	P	X	E	B	530
12.15 WAREHOUSING (as defined) OR STORAGE INSIDE [involving flammable, explosive or radioactive materials (as defined)]	X	X	X	X	X	X	S	S	S	P	P	P	X	E	B	530
12.16 WAREHOUSING (as defined) OR STORAGE INSIDE [not involving flammable, explosive or radioactive materials as principal or accessory uses]	X	X	X	X	X	P	P	P	P	P	P	P	X	E	B	530
12.17 AIR CARGO SERVICES	S	X	X	X	X	X	X	X	S	P	P	P	X	E	B	
12.18 WHOLESALING/RETAIL	X	X	X	X	X	X	S	S	P	P	P	P	S	E	F	
12.19 INDUSTRIAL SUPPORT	X	X	X	X	X	X	X	S	S	P	P	P	S	E	F	
13.00 TRANSPORTATION COMMUNICATIONS, UTILITIES																
13.01 AIRPORT LANDING STRIP/HELIPORT	S	X	X	X	X	X	X	X	X	S	P	P	X	A	M	
13.02 NON-COMMERCIAL HELIPORT (for personal use)	S	S	X	X	X	X	X	X	X	S	P	P	S	A	M	
13.03 RADIO OR TV BROADCASTING STUDIO	X	X	X	X	X	X	P	P	P	S	S	S	X	A	B	
13.04 RADIO OR TV BROADCASTING TOWER(1)	S	X	X	X	X	X	S	S	S	S	S	S	S	A	C	
13.05 COMMUNICATIONS TOWER	S	X	X	X	X	X	S	S	S	S	S	S	S	A	C	
13.06 TELEPHONE EXCHANGE(1)	S	S	S	S	S	S	S	S	P	P	P	P	S	A	B	
13.07 UTILITY STATION-MAIN INSTALLATION(1)	S	S	S	S	S	S	S	S	P	P	P	P	P	E	B	
13.08 UTILITY STATION/SUBSTATION(1)	S	S	S	S	S	S	S	S	P	P	P	P	P	A	C	
13.09 RAILROAD/HIGHWAY RIGHT-OF-WAY	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	

(1) At the time the Ordinance was prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this Ordinance, as written recognizes these limitations so compliance must be as specified in this table.

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
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R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

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District Land Usage**

13.00 TRANSPORTATION COMMUNICATIONS, UTILITIES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
13.10 PIPELINE PUMPING STATIONS(1)	S	X	X	X	X	X	S	S	P	P	P	P	P	A	C	
13.11 PIPELINES [interstate] (2)	S	S	S	S	S	S	P	P	P	P	P	P	P	A	C	
13.12 ELECTRIC GENERATION (2)	S	X	X	X	X	X	S	S	S	S	S	S	S	E	C	
13.13 BRIDGES	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
13.14 PUBLIC WATER WELLS FILTRATION PLANTS AND STORAGE TANKS(2)	S	S	S	S	S	S	S	S	P	P	P	P	X	B	B	
13.15 SEWAGE TREATMENT PLANTS(2)	S	X	X	X	X	X	X	X	S	S	P	P	S	E	B	
13.16 OTHER ESSENTIAL SERVICES [not separately listed] (2)	P	P	P	P	P	P	P	P	P	P	P	P	S	A	C	
13.17 WECS - COMMERCIAL	X	X	X	X	X	X	X	X	X	X	X	X	X	A	C	406/533
13.18 WECS - NON-COMMERCIAL	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	534
13.19 WECS - PRIVATE	P	S	S	S	S	S	S	S	S	S	P	P	S	A	A	535
13.20 METEOROLOGICAL TEST TOWER	P	S	S	S	S	S	S	P	P	P	P	P	S	A	A	536
14.00 INDUSTRIAL																
14.01 LIGHT MANUFACTURING	X	X	X	X	X	X	X	X	S	S	P	P	X	E	B	
14.02 HEAVY MANUFACTURING	X	X	X	X	X	X	X	X	X	X	P	P	X	E	B	
14.03 BOTTLING COMPANY/COMMERCIAL BAKERY/ICE MANUFACTURING	X	X	X	X	X	X	X	X	S	S	P	P	X	E	B	
14.04 SAWMILLS AND PLANING MILLS [as distinguished from a temporary sawmill on the property where lumbering is being done]	S	X	X	X	X	X	X	X	X	P	P	P	X	E	B	
14.05 PRINTING AND PUBLISHING [including newspapers, books, periodicals]	X	X	X	X	X	X	S	S	X	X	P	P	X	E	B	
14.06 EXPLOSIVES MANUFACTURING	X	X	X	X	X	X	X	X	X	X	X	S	X	E	B	
14.07 PETROLEUM REFINING [including paving and roofing material]	X	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.08 ASPHALT OR READY MIX PLANT	X	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.09 ORDINANCE PRODUCTS [including arms and ammunition]	X	X	X	X	X	X	X	X	X	X	X	S	X	E	B	
14.10 GENERAL OFFICES ASSOCIATED WITH A MANUFACTURING USE [including service facilities for employees and guests]	X	X	X	X	X	X	X	X	P	P	P	P	S	E	B	

(1) Except it is a permitted use where a WECS Overlay District has been created. See UZO Section 406.

(2) At the time the Ordinance was prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this Ordinance, as written recognizes these limitations so compliance must be as specified in this table.

Table A - As Revised March 15, 2010 in Ordinance 2010-01

District Land Usage

14.00 INDUSTRIAL	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
14.11 ACCESSORY USE RETAIL OR WHOLESALE TRADE ASSOCIATED WITH A MANUFACTURING USE	X	X	X	X	X	X	X	X	P	P	P	P	S	E	B	
14.12 ACCESSORY USE STORAGE OF SUPPLIES OR FINISHED PRODUCTS ASSOCIATED WITH ANY PERMITTED MANUFACTURING USE	X	X	X	X	X	X	X	X	P	P	P	P	S	E	B	
14.13 CONCRETE BATCHING PLANTS AND MIXING PLANTS FOR PORTLAND CEMENT OR ASPHALTIC CONCRETE	S	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.14 MANUFACTURING OF CEMENT CONCRETE OR CLAY PRODUCTS	S	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.15 MUNICIPAL SOLID WASTE LANDFILL	X	X	X	X	X	X	X	X	X	X	X	X	P	E	B	524
14.16 CONSTRUCTION DEMOLITION SITE	S	X	X	X	X	X	X	X	X	X	X	S	P	E	B	
14.17 SOLID WASTE PROCESSING FACILITY	X	X	X	X	X	X	X	X	X	X	S	P	P	E	N	
14.18 RECYCLING CENTER	X	X	X	X	X	X	X	X	S	S	S	P	P	E	N	
15.00 MISCELLANEOUS LAND USES																
15.01 TEMPORARY USE	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	Y	527
15.02 NON-RESIDENTIAL ACCESSORY USES AND STRUCTURES	P	S	S	S	S	P	P	P	P	P	P	P	P	N/A	C	503
15.03 PARKING IN CONJUNCTION WITH A PERMITTED USE	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	C	
15.04 LOADING AREA IN CONJUNCTION WITH A PERMITTED USE	P	X	X	X	X	P	P	P	P	P	P	P	P	N/A	C	
15.05 SIGNS	P	P	P	P	P	P	P	P	P	P	P	P	P	N/A	C	526
15.06 STORAGE OR DISABLED VEHICLES	X	X	X	X	X	X	X	X	X	X	X	S	S	E	C	
15.07 MANUFACTURED/MOBILE HOMES WHEN USED FOR AGRICULTURAL, COMMERCIAL OR INDUSTRIAL PURPOSES	S	X	X	X	X	X	X	S	S	S	S	S	S	N/A	B	
15.08 ADULT BUSINESS	X	X	X	X	X	X	X	X	S	X	X	X	X	D	F	504

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

**Table A - As Revised March 15, 2010 in Ordinance 2010-01
District Land Usage**

15.00 MISCELLANEOUS LAND USES	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2	LD	BUFFER CLASS	PARKING CLASS	DEVELOPMENT STANDARDS
15.09 SHIPPING/CARGO CONTAINERS	S	X	X	X	X	X	X	X	S	S	S	S	S	E	B	
15.10 PROCESSING, STORAGE, RECYCLING AND DISPOSAL OF HAZARDOUS WASTE [as principal or accessory use] (1)	X	X	X	X	X	X	X	X	X	X	S	S	S	E	B	
15.11 PARKING STRUCTURES OR LOTS [principal use]	X	X	X	X	X	X	S	S	S	S	X	X	X	D	C	
15.12 REUSE OF VACANT NONRESIDENTIAL STRUCTURES	S	S	S	S	S	P	P	P	P	P	P	P	S	C	D	528

(1) At the time the Ordinance was prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this Ordinance, as written recognizes these limitations so compliance must be as specified in this table.

A1 - AGRICULTURAL	B2 - CENTRAL BUSINESS	LD - LANDFILL
R1 - RURAL RESIDENTIAL	B3 - ROADSIDE BUSINESS	
R2 - LOW DENSITY RESIDENTIAL	B4 - GENERAL BUSINESS	
R3 - MEDIUM DENSITY RESIDENTIAL	B5 - AGRIBUSINESS	
R4 - HIGH DENSITY RESIDENTIAL	I1 - LIGHT INDUSTRIAL	
B1 - NEIGHBORHOOD BUSINESS	I2 - GENERAL INDUSTRIAL	

P - PERMITTED
S - SPECIAL EXCEPTION
X - PROHIBITED
BUFFER CLASS - SEE TABLE C
PARKING CLASS - SEE TABLE D

Table B (Amended in Ordinance 2014-14 Adopted November 3, 2014)

District Performance Standards

District	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	I1	I2
Minimum Lot Area (A)												
No Central Sewage		43,560	43,560	NA	NA	24,000	NA	24,000	24,000	24,000	24,000	40,000
With Central Sewage		24,000	8,700	7,200	6,000	6,000	NONE	8,700	10,000	10,000	10,000	24,000
Minimum Lot Width (B)												
No Central Sewage	150	100	80	NA	NA	80	NA	80	80	80	80	150
With Central Sewage	100	100	70	60	50	50	NONE	70	70	70	70	100
Minimum Lot Area Per Family (A)												
No Central Sewage	43,560	43,560	43,560	NA	NA	4,000	NA	24,000	24,000	24,000	NA	NA
With Central Sewage	24,000	24,000	8,700	3,000	2,000	2,000	NONE	8,700	10,000	10,000	NA	NA
Impervious Surface Ratio (C)	0.15/ 0.30**	0.30	0.30	0.50	0.50	0.35	0.95	0.80	0.80	0.50	0.50	0.50
Minimum Front Yard (B)	50	50	45	40	20	25	NONE	30	25	40	40	40
Minimum Side Yard (B)	15	15	7(*)	6(*)	5(*)	15	NONE	15	15	20	20	20
Minimum Rear Yard (B)	20	20	20(*)	15(*)	15(*)	20	NONE	20	20	25	25	25
Minimum Distance Between Structures	10	10	10	10	10	15	NONE	15	15	25	25	25

(A) = Square Feet (B) = Feet (C) = Percent

NOTE: SETBACKS FOR ALL STRUCTURES/LOT SIZE in incorporated Towns shall be governed by the Addendum for the particular Incorporated Town which Addendum is located in APPENDIX "B" of this Ordinance.

(1) Twenty acres for all uses except for rural non-farming dwellings and other uses approved by special exception or for parcels that are otherwise exempt by the Subdivision Control Ordinance which shall have a minimum lot size of 43,560.

(2) Twenty acres except for uses in planned development overlay districts which shall have a minimum lot size of 24,000.

(*) Zero lot line structures are not required to meet this minimum where the structure and lot line are coterminous. Spacing structures must be twice the setback that is otherwise required.

(**) Lots in the A-1 district that are less than five acres may use the .30 impervious surface ratio, all larger lots must use the .15.

A1 - AGRICULTURAL

R1 - RURAL RESIDENTIAL

R2 - LOW DENSITY RESIDENTIAL

R3 - MEDIUM DENSITY RESIDENTIAL

R4 - HIGH DENSITY RESIDENTIAL

B1 - NEIGHBORHOOD BUSINESS

B2 - CENTRAL BUSINESS

B3 - ROADSIDE BUSINESS

B4 - GENERAL BUSINESS

B5 - AGRIBUSINESS

I1 - LIGHT INDUSTRIAL

I2 - GENERAL INDUSTRIAL

**Table C (306.12)
REQUIRED BUFFERYARDS**

BUFFERYARD CLASSIFICATION	ADJACENT EXISTING USE BUFFERYARD CLASSIFICATION						ADJACENT VACANT LAND (ZONING DISTRICT)				
	A	B	C	D	E	F	A-1	R1, R2, R3, R4	B1, B2, B3	B4, B5, I1, I2	LD
A	X	X	X	X	X	X	X	X	X	X	X
B	V	I	II	III	IV	V	II	III	V	V	V
C	V	IV	I	II	III	IV	IV	III	IV	V	V
D	V	IV	III	I	II	III	V	IV	I	I	I
E	V	IV	III	II	I	II	V	V	I	II	I
F	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI

X = NO BUFFERYARD REQUIRED

Bufferyard Illustrations

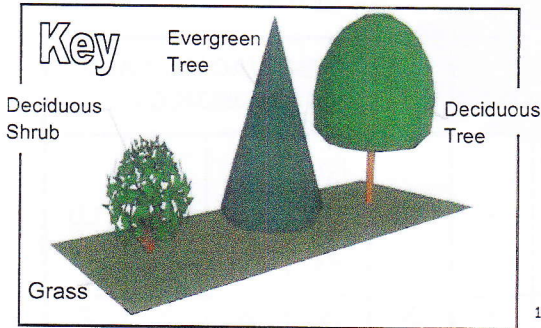


Illustration I Buffer Options
Required plants per 100'

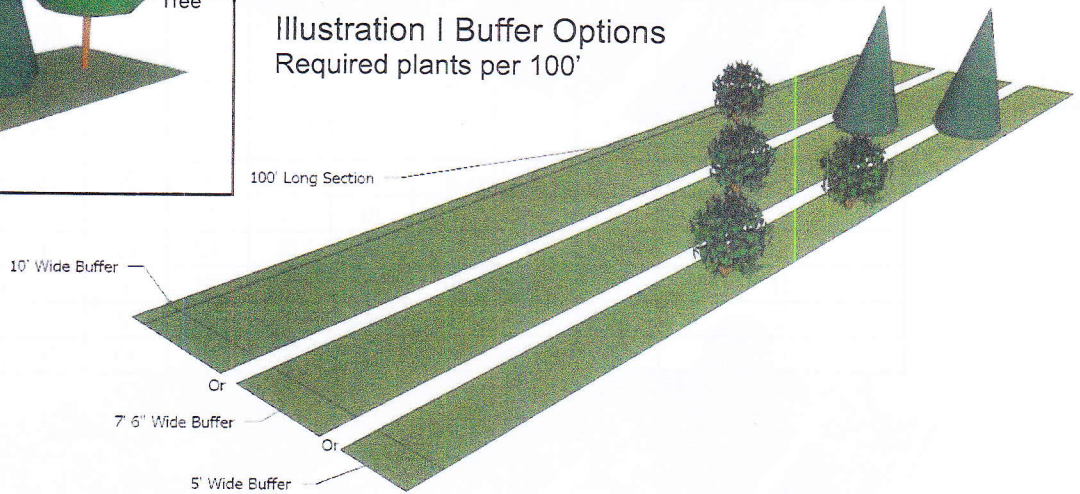


Illustration II Buffer Options
Required plants per 100'

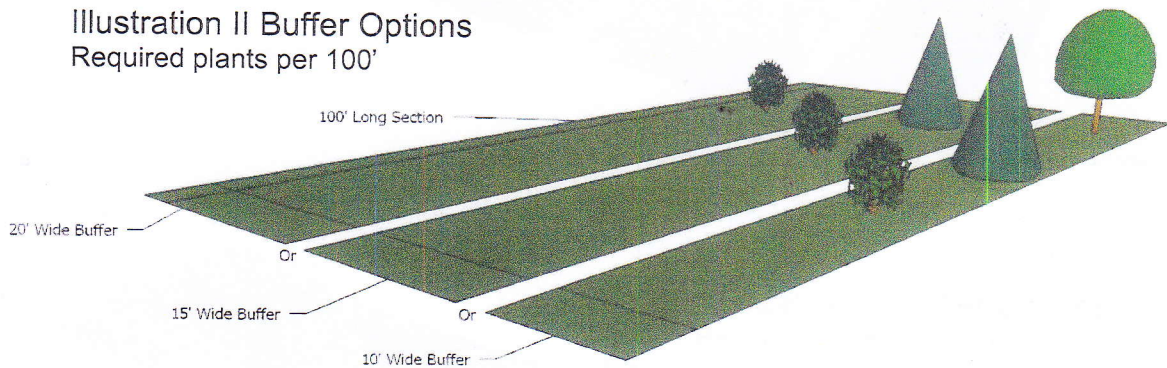


Illustration III Buffer Options
Required plants per 100'

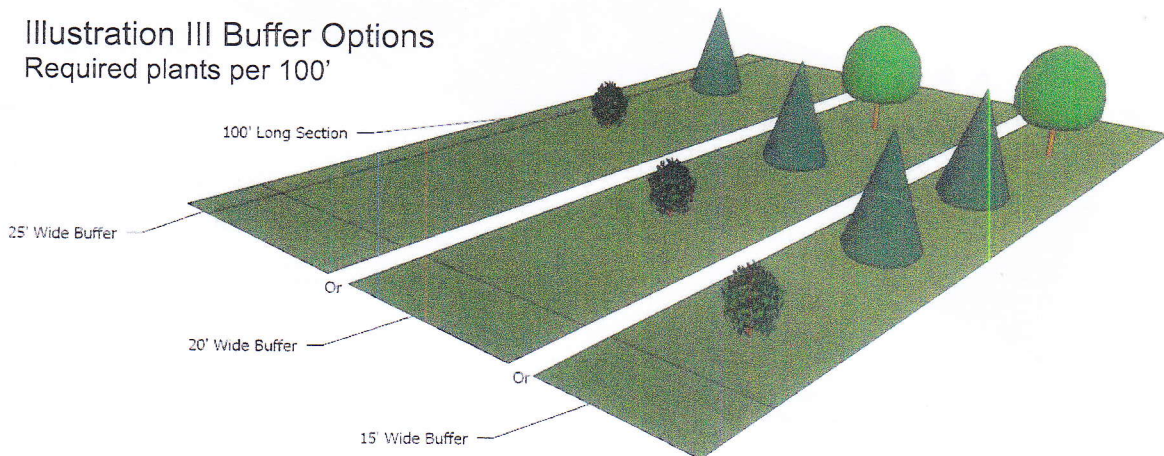


Illustration IV Buffer Options
Required plants per 100'

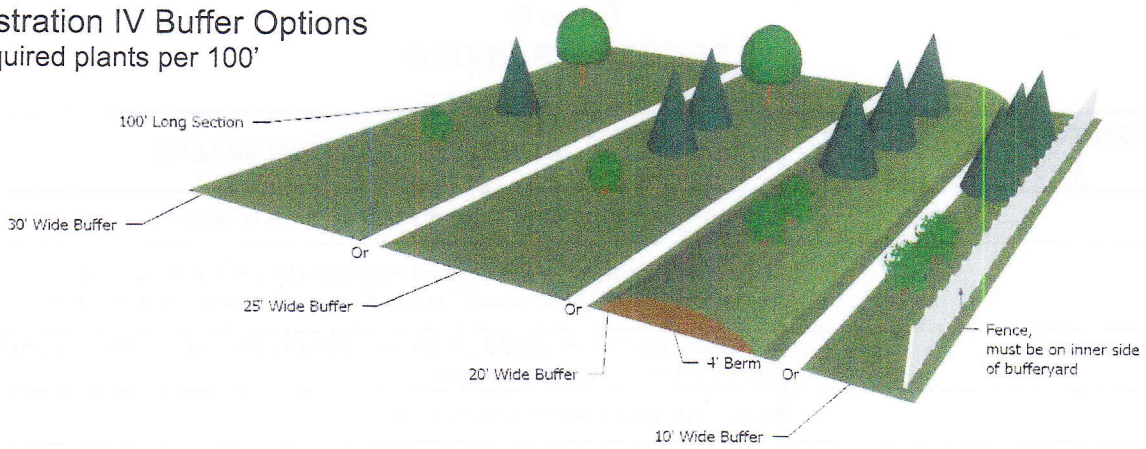


Illustration V Buffer Options
Required plants per 100'

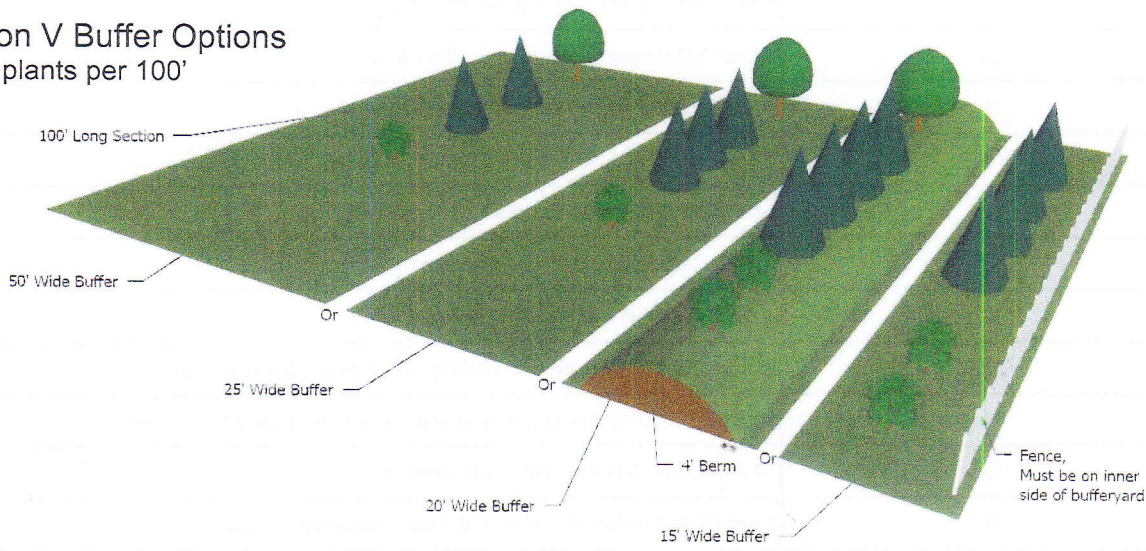
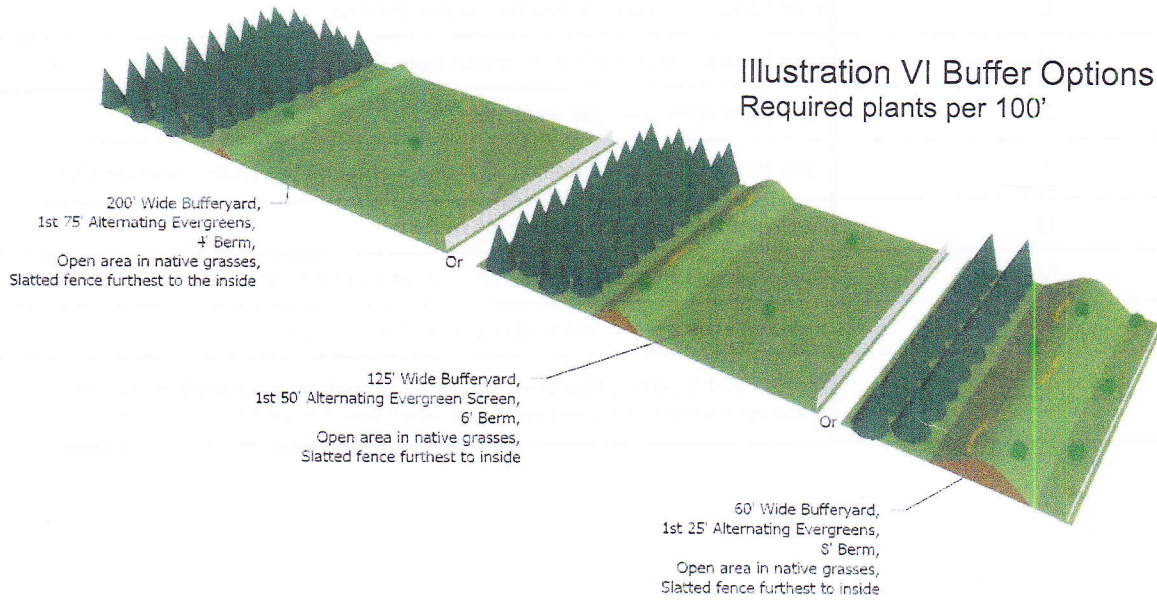


Illustration VI Buffer Options
Required plants per 100'



**Table D
REQUIRED PARKING**

PARKING CLASSIFICATION (From Table A)	NUMBER OF PARKING SPACES
A	2 per dwelling unit or pad or campsite plus 1 per home occupation.
B	2 per 3 employees of the two expected maximum shifts combined plus 1 per visitor/customer space for each 20 required employee spaces with a minimum of 4.
C	No parking required provided there are no employees at the site. If there are employees, there must be 1 space per employee.
D	3 per 1,000 square feet of gross floor area.
E	5 per 1,000 square feet of gross floor area.
F	6 per 1,000 square feet of gross floor area.
G	10 per 1,000 square feet of gross floor area.
H	5.25 per 1,000 square feet of leasable floor area.
I	5.5 per 1,000 square feet of leasable floor area.
J	1 per 3 beds or residents plus 1 per employee.
K	1 per 2 occupants plus 1 per employee.
L	1 per 4 customer seats plus 1 per employee.
M	2 per service stall or airplane parking space plus 1 per employee.
N	1.25 per 1,000 square feet of land and building area used for business.
O	10 per doctor, 5 per dentist, 3 per veterinarian.
P	1 per 15 elementary students and 1 per 4 secondary students.
Q	5 per 10 students expected to attend at any one time
R	1 per 3 seats in each auditorium, chapel room, or grandstand
S	1 per guest room plus 1 per employee
T	1 per 10 children on the maximum shift plus 1 per employee on the maximum shift
U	2 per table, 3 per hole, 4 per court, 5 per alley
V	1 per 3 persons based upon maximum occupancy plus 1 per employee
W	1 per 500 square feet of use area plus 1 per 3 employees
Z	The cumulative parking total of all component recreational activities from this table or 1 space per member family and employee, whichever is more and/or applicable

TABLE E
PARKING AREA STANDARDS

ANGLE OF PARKING (DEGREE)	STALL WIDTH	DEPTH	DRIVE TWO WAY	DRIVE ONE-WAY (1)
61 - 90	9 feet	18 feet	24 feet	18 feet
46 - 60	9 feet	18 feet	22 feet	15 feet
0 - 45	8 1/2 feet	18 feet	22 feet	12 feet
Parallel	8 feet	22 feet	22 feet	12 feet

(1) For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.

Table F
REQUIRED LOADING

USE CLASSIFICATION	GROSS FLOOR AREA (SQUARE FEET)	NUMBER OF SPACES
Office Buildings, Banks, Hotels, Auditoriums, Retail Trade, Shopping Centers, Hospitals, Services, Recreational Facilities, Multi-family Dwellings, and Similar Uses	8,000 - 60,000	1
	60,001 - 100,000	2
	For each additional 100,000 above 100,000	1
Manufacturing, Wholesale Trade, Warehousing, Storage, and Similar Uses	8,000 - 25,000	1
	25,001 - 60,000	2
	60,001 - 100,000	3
	For each additional 100,000 above 100,000	1

Table G
DRIVEWAY ACCESS

DRIVEWAY STANDARD	RESIDENTIAL PROPERTY	SERVICE STATION/TRUCK TERMINAL	OTHER NON-RESIDENTIAL
Maximum Width at Property Line	25 feet	40 feet	35 feet
Minimum Distance from Interior Lot Line	5 feet	11 1/2 feet	12 1/2 feet
Minimum Distance from Street Intersection	30 feet	30 feet	30 feet
Space between Two Drives/Same Property	25 feet	25 feet	25 feet
Radius of Curb Return			
Minimum	5 feet	5 feet	5 feet
Maximum	20 feet	20 feet	20 feet

TABLE H-1 (*)

I	II	III
ANIMAL UNITS⁽¹⁾	REQUIRED DISTANCE SEPARATION (feet) ⁽²⁾	REQUIRED DISTANCE SEPARATION (feet) ⁽²⁾
10 or Less	100	660
11-49	660	2,640
50 or more	1,320	5,280
LIVESTOCK TRAILER WASHES	1,320	5,280
LIVESTOCK AUCTION BARNs	1,320	5,280
GRAIN HANDLING FACILITY (Bushels Capacity)		
Less than 20,000 Bushels	0	0
20,000 or more Bushels	660	1,320

(1) Total number at any structure or feeding facility of a confined feeding operation at any one time.

(2) All distances to be measured from the outer perimeter of each structure or feeding facility of a confined feeding operation as determined by the Zoning Administrator.

(*) As amended in Ordinance 06-12 adopted on May 15, 2006 & Ordinance 2010-01 adopted on March 15, 2010

TABLE H-2 ()
OPEN GRAZING**

I	II	III	IV
ACREAGE ⁽³⁾	ANIMAL UNITS ⁽²⁾	ACREAGE ⁽³⁾	ANIMAL UNITS ⁽²⁾
Less than 0.5	0.1	Less than 1	0.1
0.5 - 1	1	1 - 1.49	1
1 - 1.49	2	1.5 - 1.99	2
1.5 - 1.99	3	2 - 2.49	3
2 - 2.49	4	2.5 - 2.99	4
2.5 - 2.99	5	3 - 3.49	5
3 - 3.49	6	3.5 - 3.99	6
3.5 - 3.99	7	4 - 4.49	7
4 - 4.49	8	4.5 - 4.99	8
4.5 - 4.99	9	5 - 5.49	9
5 - 5.49 ⁽¹⁾	10	5.5 - 5.99 ⁽¹⁾	10

(1) Lots exceeding the acreages in Table H-2 may increase the number of animals at the rate of one animal unit per one-half acre of additional pasture and retain open grazing designation.

(2) Lots exceeding the concentration of animal units described in Columns II and IV shall be considered Confined Feeding Operations (CFO) rather than grazing operations and will be subject to the setbacks as described in Table H-1.

(3) Acreage must be maintained so that concentrations do not exceed 2 Animal Units per acre of pasture.

(**) As added in Ordinance 06-12 adopted on May 15, 2006

Table I-1
A-1 District Dwelling Rating Criteria

(As amended in Ordinance 06-24 adopted December 11, 2006, 07-15 adopted November 26, 2007, and 2010-01 adopted March 15, 2010)

Points

Existing Parcel of Record/Parent Tract Factor (All Applicable Points May Be Used)

Based On Parent Tract on the Effective Date of Ordinance

1 st Lot Split From Parcel of Record	4
New Lot contiguous to lot line of existing lot containing a residence, providing residence on existing lot is within 300' of the shared lot line and new lot is between one and two acres in size ¹ .	4
Parent Tract with Less Than 20 Acres Not Divided Since the Effective Date of this Amendment	4
Parent Tract with 20 Acres or More Not Divided Since the Effective Date of this Amendment	10

Access Factor (All Applicable Points May Be Used)

Primary Means of Access to New Lot

Access to New Lot by Public Gravel Road	0
Access to New Lot by Public Paved Road	1
Access to New Lot by Shared Private Access Easement with 2 or More Lots	2

Perimeter Land Use Comparability Factor

Percent of Boundary of New Lot Adjacent to Non-Cropland/Pasture Land Use, excluding public roads and Railroads. Land across from public roads and railroads shall be considered contiguous.

0%	Contiguous to Cropland/Pasture	4
1 to 25%	Contiguous to Cropland/Pasture	3
25.01 to 50%	Contiguous to Cropland/Pasture	2
50.01 to 75 %	Contiguous to Cropland/Pasture	1
75.01 to 100%	Contiguous to Cropland/Pasture	0

Past Land Use Factor

Based Upon Predominant Prior Land Use On New Lot

New Lot Less Than 2 Years Not Cropland/Pasture	0
New Lot 2.01 to 5 Years Not Cropland/Pasture	1
New Lot 5.01 or More Years Not Cropland/Pasture	2
New Lot Previously Had a Residence or is Currently Part of an Identifiable, Distinct Yard Area of an Existing Residence. If lot previously had residence, new residence must be constructed within 200' of the old residences foundation in order to receive points ² .	4

Land Use Limiting Factor

If the new lot is less than 20 acres, the Percentage of the Outer Perimeter of the New Lot which adjoin the following Features: Railroad, Limited Access Road, Waterway such as a creek, open ditch or open grass waterway when those features cause an irregular or otherwise use limiting shape.

Less Than 10 %	0
10 to 24.99 %	1
25 to 49.99 %	2
50 to 74.99 %	3
More than 75 %	4

¹ As amended in Ordinance 2010-01 adopted on March 15, 2010

² As amended in Ordinance 2010-01 adopted on March 15, 2010

Table I-1
A-1 District Dwelling Rating Criteria

(As amended in Ordinance 06-24 adopted December 11, 2006, 07-15 adopted November 26, 2007, and 2010-01 adopted March 15, 2010)

	<u>Points</u>
<u>Slope</u>	
If New Lot Has 50% or More of the Following Slopes Based Upon Soil Types Slopes or Topographical Survey.	
0 to 2 % Slope	0
2.01 to 6 % Slope	1
More than 6 % Slope	3
<u>Nearby Residential Dwellings</u>	
Number of Existing Dwellings Or Platted Lots in a Residential Subdivision Within 660 Feet of Boundary of New Lot Measured from the Center Point of the New Lot	
0 to 3 Dwellings or Vacant Parcels	0
4 to 7 Dwellings or Vacant Parcels	2
8 to 11 Dwellings or Vacant Parcels	4
12 or More Non-Farm Dwellings or Vacant Parcels	6
<u>Prime Farmland Soils</u>	
Percent of New Lot with Soils Listed as Permitted for Development As Shown on Table J.	
0 to 25% of New Lot	0
25.01 to 50% of New Lot	2
50.01% or More of New Lot	3
<u>Size of New Parcel</u>	
Size in Acreage of New Lot	
<u>Small Lot Incentive</u>	
1 to 2 Acres	1
2.01 to 3 Acres	-1
3.01 to 19.99 Acres	-2
<u>Twenty Acre or More Parcels</u>	
20 to 39.99 Acres	4
40 to 59.99 Acres	6
60 to 79.99 Acres	8
80 Acres or More	10
<u>School Capacity Factor</u>	
Enrollment Percent Above or Below Capacity of Schools of the School District in Which the New Lot is Located as Measured by the Average Daily Membership (ADM) in September of Each School Year.	
<u>Below Capacity</u>	
School District Enrollment is between 1 to 5 % Under Capacity	1
School District Enrollment is more than 5 % Under Capacity	2
<u>Above Capacity</u>	
School District Enrollment is between 1 to 5 % Over Capacity	-1
School District Enrollment is more than 5 % Over Capacity	-2

Table I-1
A-1 District Dwelling Rating Criteria

(As amended in Ordinance 06-24 adopted December 11, 2006, 07-15 adopted November 26, 2007, and 2010-01 adopted March 15, 2010)

Points

Adjustments to Point Schedule

After the points are determined by the above Factors, adjustments shall be made to the points as follows:

Wetland Adjustment

New Lot Has Wetland but Still Has Sufficient Area for Development	0
New Lot Has Wetland but Does Not Have Sufficient Area for Development	Not Buildable

Floodplain Adjustment

New Lot Is More Than 75% Floodplain but Still Has Sufficient Area for Development	-1
New Lot Is More Than 90% Floodplain but Still Has Sufficient Area for Development	-2
New Lot Has Floodplain but Does Not have Sufficient Area for Development	Not Buildable

Confined Feeding Adjustment

New Lot is Less Than 2,640 Feet to a Confined Feeding Operation of a Size Requiring an IDEM Permit	-2
New Lot is Between 2,641 to 5,280 Feet to a Confined Feeding Operation of a Size Requiring an IDEM Permit	-1

Proximity to Landfill/Industrially Zoned Land Adjustment

New Lot is Less Than 2,640 Feet to a Landfill or Industrially Zoned Area C of Over 80 acres	-6
New Lot is Between 2,641 to 5.280 Feet to a Landfill or Industrially Zoned Area of Over 80 Acres	-5

Proximity to Urban Growth Boundary or Residentially Zoned Land Adjustment

New Lot is Between ½ and One Mile of Urban Growth Boundary	+1
New Lot is Within ½ Mile of Urban Growth Boundary	+2
New Lot is Contiguous to Residential Zoned Land	+5

Proximity to Public School Adjustment

New Lot is Closer Than ½ Mile to Public School	+4
New Lot is Between ½ to 1 Mile to Public School	+2

Access to Sanitary Sewer or Alternative Sewage System Adjustment

New Lot is Using Public Sanitary Sewers or Alternative Common Sewage System	+5
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Replacement Dwelling Adjustment (must meet required setbacks)³

Parent tract has an existing dwelling (provided the Existing Dwelling is removed or not used for a dwelling upon issuance of Certificate of Occupancy for new dwelling)	Buildable
Parent tract had a dwelling that was destroyed by fire or other natural means within the last 12 months	Buildable
Parent tract has existing single wide mobile home (Class I) to be replaced with a manufactured home (Class II or III) or dwelling	Buildable
Parent Tract has an existing single wide mobile home (Class I) to be replaced by another single wide mobile home.	Needs Special Exception

³ As amended in Ordinance 07-15 adopted on November 26, 2007

TABLE I - 2

Size of Parent Tract of Land in acres on the effective date of this Ordinance	Cumulative maximum Number of Non-Farm Dwelling Lots which may be approved from Patent Tract (including Parent Tract if less than 20 acres)
0 - 1.99	2
2 - 10.99	3
11 - 40.99	4
41 - 80.99	5
81 - 120.99	6
212+	1 additional lot of every 40 acres of land

TABLE J (*)
SOILS/CLINTON COUNTY

Symbol	SOIL NAME	ACRES	S	P	F	H
Be	Brenton silt loam	433	S			
CbA	Camden Variant silt loam, 0% to 2% slopes	3,118	S			
Ce	Ceresco loam	7,050			F	
Cy	Cyclone silt loam	30,435	S			
DaA	Dana silt loam, 0 to 2% slopes	1,039	S			
DaB	Dana silt loam, 2% to 6% slopes	458	S			
Dr	Drummer silty clay loam	10,547	S			
FcA	Fincastle silt loam, 0% to 2% slopes	13,102	S			
FdA	Fincastle-Crosby silt loams, 0% to 3% slopes	63,266	S			
FsB	Fox silt loam, 2% to 6% slopes	480		P		
FsC	Fox loam, 6% to 15% slopes	330		P		
Gn	Genesee silt loam, sandy substratum	1,245			F	
HeF	Hennepin silt loam, 18% to 50% slopes	1,647				H
Ho	Houghton muck, undrained	247			F	
La	Landes fine sandy loam	764			F	
Ma	Mahalasville silty clay loam	6,335	S			
McA	Martinsville silt loam, 0% to 2% slopes	814	S			
McB2	Martinsville silt loam, 2% to 6% slopes, eroded	890		P		
MnC	Miami silt loam, 6% to 12% slopes	1,630		P		
MnD	Miami silt loam, 12% to 18% slopes	227				H
MsC3	Miami clay loam, 6% to 12% slopes, severely eroded	3,126		P		
MsD3	Miami clay loam, 12% to 18% slopes, severely eroded	623				H
MtB	Miami-Crosby silt loams, 2% to 6% slopes	40,889		P		
MwA	Miami-Martinsville silt loams, 0% to 2%	462		P		
Mx	Milford silty clay loam	2,453	S			
OcA	Ockley silt loam, 0% to 2% slopes	1,942	S			
OcB	Ockley silt loam, 2% to 6% slopes	647	S			
Pc	Palms muck, undrained	194			F	
PgB	Parr silt loam, 1% to 5% slopes	689		P		
Pn	Patton silty clay loam	4,228	S			
Pr	Pitts, gravel	130				H
PtA	Proctor silt loam, 0% to 3% slopes	472	S			
Ra	Ragsdale silt loam	12,424	S			

TABLE J (*)
SOILS/CLINTON COUNTY
CONTINUED

Symbol	SOIL NAME	ACRES	S	P	F	H
RdA	Raub silt loam, 0% to 2% slopes	8,025	S			
Re	Reesville silt loam	1,270	S			
RuB	Russell silt loam, 2% to 6% slopes	1,130		P		
Sa	Sable silty clay loam	321	S			
Sc	Sable-Drummer silty clay loams	9,364	S			
Sd	Saranac silty clay loam	234			F	
St	Sleeth silt loam	496	S			
Su	Sloan silt loam	1,372			F	
Sx	Starks silt loam	6,595	S			
Ty	Treaty silt loam	14,489	S			
Ud	Udorthents, loamy	367				H
Wa	Walkkill silt loam	353		P		
We	Westland silty clay loam	773	S			
Wh	Whitaker silt loam	1,870	S			
XeA	Xenia silt loam, 0% to 2% slopes	1,071		P		
XeB	Xenia silt loam, 2% to 6% slopes	384		P		

"P" = soils type where Single Family Dwellings may be built; in areas designated "P", at least 75% of the soils within one eighth mile (1,320 ft.) Radius of the building site are classified as "F", "H", or "P".

"S" = status soils; Special Exception - required Board of Zoning Appeals approval

"F" = floodplain status and may require D.N.R. approval as building sites. These areas may be subject to flooding, ponding, wet spots, etc., and are generally not recommended for building.

"H" = Hazardous. Such areas have severe slope or other impediment to building.

(*) As amended in Ordinance 00-1 adopted on April 3, 2000

TABLE K*
TEMPORARY USES

USE	PERMITTED DISTRICT/TIME	CONDITIONS
Carnival, Circus, Fair, Festival, or Concert	Any non-residential district/15 days per year, per site	Lights and noise to be controlled
Tent Sale, Auto Show, Farm Equipment Show, Outdoor Promotional Attraction	Any non-residential district/30 days per year, per site	Lights and noise to be controlled
Farmers Market (sale of Agricultural Produce, off premise)	Any non-residential district/60 days per year, per site	Only agricultural produce to be sold, No permit required
Sawmills on property where the timber is cut	Any non-residential district/6 months maximum	No closer than 500 feet to off-premise residence. No permit required.
Temporary Group Camp	Any non-residential district/1 week per 6 months	Noise shall not adversely affect adjacent land
Contractor Office and Equipment Storage (including mobile homes)	Incidental to any construction/removal upon completion of construction/not to exceed 2 years	No sleeping facilities
Christmas Tree Sales	Any district/30 days per year	Unsold trees removed by Jan. 1
Real Estate Sales Office	Incidental to any development/not to exceed 1 year	No sleeping or cooking facilities
Religious Tent Meeting	Any non-residential district/30 days per 6 months	Off street parking as required for churches. No permit required.
Basement Home	A-1 district or residential district/not to exceed 1 year from permit issuance	Does not include permanently complete earth sheltered home, which are permitted
Fireworks Display and Sales (1)	Any business district/not to exceed 30 days per year	All applicable State and Federal Laws must be met.
Farm Tours, Farm Fairs, Hayrides (Commercial), Pick-your-own-produce sales, or Similar Uses	Any non-residential district/4 months per year maximum	No permit required
Yard/Garage/Porch Sales (only normal household merchandise)	Any district	Multiple participants permissible. No permit required
Sale of personal property at place of residence, including vehicles such as automobiles, motorcycles, and recreational vehicles.	Any district/not to exceed 30 days per item	No permit necessary, no more than 2 square feet sign, no more than two items at a time if displayed outside. Vehicles must be titled to resident and may not be inoperable or in any way dismantled.
Auction/Pre-priced Sales	Any non-residential District	No permit necessary, parking to be controlled
Sale or offering for sale of goods or Services from any temporary structure or vehicle, including trailers, buses or vans.	Any non-residential district/15 days per year, per site	Does not include vending from vehicles on a public street that is otherwise prohibited by law

(1) At the time the Ordinance was prepared (1993), State and/or Federal law prevented local zoning from regulating this land use. Consequently, this use is permitted wherever authorized by State and/or Federal law. Upon State and/or Federal law changes to allow local land use responsibility however, this use shall be in compliance with this table.

* As amended in Ordinance 2010-01 adopted on March 15, 2010

**ADDENDUM CHART "A"
TABLE OF SETBACKS**

	Minimum Front Yard Setback (in feet)				Minimum Side Yard Setback (in feet)				Minimum Rear Yard Setback (in feet)			
	C O L F A X	K I R K L I N	M U L B E R R Y	R O S S V I L L E	C O L F A X	K I R K L I N	M U L B E R R Y	R O S S V I L L E	C O L F A X	K I R K L I N	M U L B E R R Y	R O S S V I L L E
Single Family Dwelling	25	25	25	25	10	10	10	10	25	25	25	25
Detached Garage and Carport	25	25	25	25	10	10	10	10	15	10	25	10
Permanent Storage Structure	25	25	25	25	10	10	10	10	25	10	25	10
Swimming Pool Water Line	27	27		27	10	10		10	10	10		10
Portable and Mini Barns	25	25	25	25	10	10	10	10	10	10	10	10

NOTE: All structures exceeding 720 sq. ft. shall be on foundations having footers located below frost line. Additions to structures having such footers shall be constructed on like construction. Any detached structure on less than 720 sq. ft. may be built on a monolithic floor having either 18" deep x 8" wide perimeters or 12" x 12" perimeters. Reinforcing steel is required. Structures of 10' x 10' can be constructed on treated wood runners [portable]. All porches and those patios located closer than 18" to a dwelling shall have footings below the frost line.

**ADDENDUM CHART "B"
LOT AND FLOOR SIZES**

LOT SIZE	COLFAX	KIRKLIN	MULBERRY	ROSSVILLE
Front	80 ft.	80 ft.	80 ft.	80 ft.
Depth	130 ft.	130 ft.	130 ft.	130 ft.
MINIMUM GROUND FLOOR AREA	COLFAX	KIRKLIN	MULBERRY	ROSSVILLE
single-story building	900 sq. ft.	800 sq. ft.	950 sq. ft.	950 sq. ft.
multi-story building	700 sq. ft.	750 sq. ft.	700 sq. ft.	750 sq. ft.

NOTE: Distance between Structures/New Construction = 10' 00"

INCORPORATED TOWNS ADDENDUM

AN ADDENDUM TO THE UNIFIED ZONING ORDINANCE OF CLINTON COUNTY, INDIANA.

WHEREAS, I.C.36-5-2-9 and I.C.36-7-4 empowers the participating Incorporated Towns of Clinton County to regulate the use of land and structures within the Corporate limits, and where such regulation is at variance to the regulations of the Unified Zoning Ordinance of Clinton County, Indiana, to exercise control,

NOW THEREFORE, be it ordained by the Town Councils of the participating Incorporated Towns of Clinton County, as follows:

From and after the effective date of enactment of this Ordinance no structure shall be located, erected, constructed, altered, enlarged, or converted, nor shall any use of land or structures be used except in full compliance with the terms of this addendum of the incorporated towns of Colfax, Kirklín, Mulberry, and Rossville, and the provisions of the Clinton County Unified Zoning Ordinance. Whenever a specific use or the terms of a specified use have not been addressed in this addendum, including but not limited to, signs, canopies, and land size, then the terms of the Unified Zoning Ordinance shall control. Except where indicated otherwise, the provisions of this Addendum shall apply in each participating Incorporated Town.

MANUFACTURED HOUSING (ALL)

Manufactured Housing is restricted in all Incorporated Towns under the following terms. The Town of Mulberry and the Town of Rossville restrict manufactured housing to only those structures identified under I.C. 36-7-4-1106 and protected under the M.H.C. and Safety Standards Law of 1974 (42U.S.C.5410 et.seq.). Such structures shall be a minimum width of 23 feet and shall have a minimum of 950 sq. ft. of living area. (See Mulberry Town Ordinance #96 and Rossville Town Ordinance #1993-1. Any manufactured housing structure not meeting these requirements shall be placed in a Mobile Home Park. The Town of Colfax and the Town of Kirklín shall permit Manufactured Housing subject to the Town of Colfax Ordinance #93-1 and the Town of Kirklín Ordinance #11-89-1. Said Incorporated Town ordinances are reproduced as Appendix "C" for your convenience (only) but are not to be considered as part of this Ordinance.

HOME OCCUPATION (ALL)

Home occupations shall be permitted as the result of a favorable finding by the Town Council that such use is harmonious to the neighborhood in which it proposes to locate. Such finding shall be the result of a hearing before said Council. Notice of such hearing shall be by certified notice given to all neighboring property owners. Such notice shall be in the form similar to the form which is attached to this Addendum with instruction in such form. The burden of notification shall be on the applicant, who shall certify to the giving of such notice. Adequate on premises parking shall be required, and the street(s) and alley(s) servicing such use shall not be counted for parking for such use. Any signs associated with such use shall be attached to and parallel to the front of said dwelling and shall not exceed 12 square feet in total area. The Town Council shall physically view and approve all such home occupation signs.

FRONT YARDS [Colfax & Mulberry]

No structure, including, but not limited to, satellite dishes, antenna towers, gazebos, and doghouses, shall encroach upon, or be placed in, any required front yard. This does not include decorative plantings or decorations reasonably compatible with the neighborhood.

FRONT YARDS [Rossville & Kirklin]

No structure, including, but not limited to, satellite dishes, antenna towers, and doghouses, shall encroach upon, or be placed in, any required front yard. This does not include decorative plantings or decorations reasonably compatible with the neighborhood.

NON-CONFORMING USE; STRUCTURE [Mulberry, Colfax, Rossville, and Kirklin]

An existing legal non-conforming use or structure shall be permitted to continue and repairs to any such structure may be made as long as such repair does not exceed 60 percent of the then fair market value of such structure. Casualty repairs shall be permitted as long as such repairs do not include enlargement of such non-conforming structure or use. Except in the case of a disagreement on whether or not a repair is a casualty repair, or whether or not such casualty repair includes an enlargement of said non-conforming structure or use, such casualty loss does not require Area Board of Zoning Appeals review.

SWIMMING POOLS [Mulberry & Colfax]

Any pool that is less than thirteen (13") inches deep and less than 12 1/2 feet (150") in diameter and cannot contain more than 850 gallons of water, or, any rectangular or square pool that is less than 13 inches deep and cannot contain more than 850 gallons of water, does not require an Improvement Location Permit. All other pools, regardless of configuration, shall require an Improvement Location Permit. Any pool requiring a permit shall be fenced to a minimum height of six (6) feet above grade. Such fence shall prevent access to the pool and entry thereto shall be lockable. Building walls may be considered as part of any required fencing installation. Above ground pools, having decks, may use such deck as part of the height requirement as long as the top of the access barrier is six (6) or more feet above grade. In every case where the Town of Mulberry is concerned, any pool fence, regardless of design or shape, shall not be closer than 5 feet to any boundary line.

SWIMMING POOLS [Rossville & Kirklin]

Any pool that is less than eighteen (18) inches deep and less than 12 1/2 ft.(150") in diameter and cannot contain more than 1338 gallons of water, or any rectangular or square pool that is less than eighteen inches deep and cannot contain more than 1338 gallons of water, does not require an Improvement Location Permit. All other pools, regardless of configuration, shall require an Improvement Location Permit. Any pool requiring a permit shall be fenced to a minimum height of six (6) feet above grade. Such fence shall prevent access to the pool and entry thereto shall be lockable. Building walls may be considered as part of any required fencing installation. Above ground pools, having decks, may use such deck as part of the height requirement as long as the top of the access barrier is six (6) or more feet above grade.

KIRKLIN INDIANA - MOBILE HOME

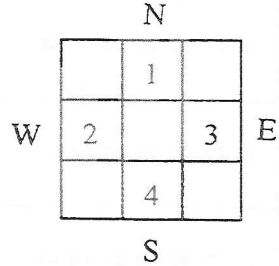
SUPPLEMENT TO IMPROVEMENT LOCATION PERMIT # _____ TO LOCATE A MOBILE HOME IN THE TOWN OF KIRKLIN, INDIANA.

Lot # _____ in the _____ ADDITION, on the _____ side of _____ Street.
 M.H. Identification #(from title) _____:Year(mfg.) _____ Dimensions: _____.

This Mobile Home has been inspected for its state of repair and condition *before* being transported into the Corporation Limits of Kirklín, Indiana.

Inspected and Approved: (signed) _____
 (Zoning Administrator)

Following is the list of required names of all contiguous property owners, including those located across any and all streets, of the proposed lot. If a property owner refuses to sign below, the refusal must be noted on this form.



NAME	ADDRESS	PHONE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

I Affirm, Under Penalties of Perjury, This _____ Day of _____, 19____, That I am the owner or authorized agent of said owner of this property and that all statements contained herein Are True and Correct.

(Signed) _____
 (Applicant)

During the regular (special) meeting of the Council for the Town of Kirklín, we, members of said Council, have examined the above supplemental statement of information and facts. The Council! (does) (does not) grant approval of improvement location permit # _____.

Dated this _____ day of _____, 19____.

 Member, President

 Member

 Member

 Member

 Member

ATTEST:

 Clerk/Treasurer

**INCORPORATED TOWNS ADDENDUM
NOTICE OF PUBLIC HEARING BEFORE THE TOWN COUNCIL**

APPLICATION NO.: _____; DATE: _____, 19 _____

NAME: _____

ADDRESS: _____

has applied for a permit for a home occupation, to wit:

THIS PETITION WILL BE HEARD IN THE TOWN HALL ON: _____, 19 _____.

NOTE: The [town name] _____ Addendum to the Unified Zoning Ordinance requires this hearing to determine the effect, if any, of permitting this USE in the community, and if the same shall be permitted. You, as a neighboring property owner, have a right to be heard in this matter. We request that you sign below AS HAVING BEEN NOTIFIED. Your refusal to sign will also be so noted.

The following are the names of the neighboring property owners including the names of all contiguous owners and also those across the street from my lot. Please indicate location by number [see right]. Refusal to sign shall be so stated.

	NAME	ADDRESS	PHONE
#1	_____	_____	_____
#2	_____	_____	_____
#3	_____	_____	_____
#4	_____	_____	_____
#5	_____	_____	_____
#6	_____	_____	_____
#7	_____	_____	_____
#8	_____	_____	_____

AFFIDAVIT

I affirm, under the PENALTIES of PERJURY this _____ day of _____, 19 _____, that the above signatures and representations and information are true and correct.

[APPLICANT]

ATTEST: _____
CLERK/TREASURER

Passed by the Town Council of the Town of Mulberry on this _____ day of _____, 1992.

Town Council President
Town of Mulberry

ATTEST:

Town Clerk/Treasurer
Town of Mulberry

Passed by the Town Council of the Town of Rossville on this _____ day of _____, 1992.

Town Council President
Town of Rossville

ATTEST:

Town Clerk/Treasurer
Town of Rossville

ENFORCEMENT

Enforcement of the provisions contained in this addendum shall be as specified in Article Nine (page 148) of the Unified Zoning Ordinance and I.C. 36-7-4-1014 and I.C. 36-7-4-1015(a)(b)(c) as amended.

APPENDIX C

PLEASE NOTE:

The information contained in APPENDIX C pertains to restrictions that affect the placing (putting, erecting, and/or installing) of single wide Manufactured Housing (Mobile Homes). It is not Zoning and is not to be considered as such. APPENDIX C is included here for your information and convenience.

ORDINANCE NUMBER 2003-3

THE FOLLOWING ORDINANCE GOVERNS THE CONSTRUCTION, PLACEMENT, OR SETTING OF A MANUFACTURED/MOBILE HOME INSIDE THE CORPORATION LIMITS OF THE TOWN OF COLFAX, INDIANA.

WHEREFORE, the Council for the Town of Colfax, Indiana, has held a public hearing in accordance with law and thereafter has obtained a majority vote, duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Colfax, in the County of Clinton, State of Indiana, as follows:

Section # 1. From and after the effective date of this ordinance, it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, park, or erect inside the corporation limits of the Town of Colfax, Indiana, any house trailer, mobile home, manufactured home, or other transportable structure to be used for human habitation, that does not comply with the following requirements:

1. a minimum of cross section dimensional width of fourteen-feet of usable ground floor living area at its narrowest,
2. a minimum length of 65-feet along the longitudinal centerline of the dwelling,
3. a title of no older than five years filed with the Colfax Town Board,
4. a masonry foundation extending below the frost line of either formed and poured cement or of 8 x 8 x 16-inches concrete block on an adequate footing located below the frost line; or a masonry facial skirting of a concrete block at least 2 x 8 X 16-inches or a type of colored brick of the standard 2^{1/2} x 3^{7/8} X 8^{1/4}-inch size on an adequate footing that runs from grade to below frost line,
5. topped with a roof comprised of a material compatible with site-built dwellings, such as fiberglass, shake, asphalt, or tile,
6. sufficient anchorage in the form of tie-downs with a minimum tensile strength of 2,000 pounds such as cast-in-place concrete dead men, eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices,
7. have all hitches and towing apparatus removed and the placement of vinyl or metal skirting compatible in color and appearance on the dwelling within thirty days of locating the dwelling on its foundation,

7. have all hitches and towing apparatus removed and the placement of vinyl or metal skirting compatible in color and appearance on the dwelling within thirty days of locating the dwelling on its foundation,
8. aesthetics compatible with adjacent site-built dwellings found throughout the Town of Colfax as exemplified by the use of clapboard style siding of any material and shutters framing exterior windows,
9. a report by a ^{Town Council approved of} certified home inspector submitted to the Area Plan Commission of Clinton County documenting the overall structural integrity of the dwelling to ensure the presence of a sound roof, no broken windows, the installation of at least two operable smoke detectors, and all doors are serviceable and undamaged so they latch shut,
10. a written recommendation from a regularly scheduled public meeting of the Colfax Town Board before the obtainment of an Improvement Location Permit.

Section # 2. Regardless of compliance with Section #1, no such structure (any type of single wide mobile home or manufactured home) shall be located less than 1,040 feet (3 1/2 blocks) from the following streets in the Town of Colfax: Old Clark Street, and Oakland Street.

Section # 3. This ordinance shall be in full force and effect from and after its passage in accordance with law.

Dated this 19 day of August, 2003

[Signature]
Member, President

[Signature]
Member

[Signature]
Member

Member

[Signature]
Member

ATTEST:

[Signature]
Clerk / Treasurer

ORDINANCE NO. 11-89-1

AND ORDINANCE GOVERNING THE PLACING OR PUTTING OF SINGLE WIDE MOBILE HOME COACH INSIDE THE CORPORATION LIMITS OF THE TOWN OF KIRKLIN, INDIANA.

WHEREAS, the Council for the Town of Kirklin has held an advertised public hearing in accordance with law and has obtained a majority vote duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Kirklin, in the County of Clinton, State of Indiana, as follows:

Section #1. From and after the effective date of this ordinance it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, or erect inside the corporation limits of the Town of Kirklin, Indiana,

Any House Trailer, Mobile Home or other transportable structure to be used for human habitation that:

1. is less than 14 ft. wide at its narrowest part;
- SEE ORDINANCE # 3-92-1
--- 2. is less than 70 ft. long and having 980 sq. ft. of useable living area;
- SEE ORDINANCE # 2-93-1
--- 3. is more than 5 years of age per legal title, a copy of which shall be filed with the Clerk/Treasurer;
4. does not have galvanized useable unaltered tie-down straps extending from under the skin covering and located at not more than 20 ft. center to center intervals;
5. has any damaged windows or doors;
6. has a damaged roof;
7. has a damaged outer skin surface;
8. has failed any inspection by the building inspector as being unfit for human habitation.
9. has an aesthetic value not in keeping with established standards.
10. has damaged interior living area, interior accessories or appurtenance.

A P P E N D I X "C" Kirklin

Section #2. Homes with rusted, drilled, foreshortened or altered (in any way) tie down straps shall not be permitted without the unanimous approval of the Town Council in a regularly scheduled public meeting.

Section #3. All mobile homes, or other transportable structures shall be inspected for minimum requirements prior to being transported to any lot, land parcel or plat within the corporate limits.

SEE ORDINANCE # 4-92-1

Section #4. Regardless of compliance with Section #1, no such house trailer, mobile home or other transportable structure shall be located on U.S. Highway 421, otherwise known as Main Street in the Town of Kirklin.

Section #5. This ordinance shall be in full force and effect from and after its passage.

Dated this 14th day of November, 1989.

APPENDIX "C" Kirklin

James A. Ross
Member, President

Walter A. Minnick II
Member

Kevin M. Egle
Member

Judd L. Faust
Member

Thomas B. Rodgers
Member

ATTEST:

Esther J. Payne
Clerk/Treasurer

ORDINANCE NO. 3-92-1

WHEREAS, the Council for the Town of Kirklin, Indiana, has determined that the requirements of Ordianace No. 11-89-1 are working an undue hardship upon the residents of the Town.

NOW THEREFORE, BE IT ORDAINED, by the Council for the Town of Kirklin, Clinton County, Indiana, that said ordinance is hereby ammended as follows:

Sub-paragraph (2) shall read, "is less than 60 ft. long".

All other provisions of said ordinance shall remain in full force and effect.

Dated: 3-3-92

A P P E N D I X "C" Kirklin

Wilbur D. Bowman
Member, President

Thomas D. Guetz
Member

Kevin M. Goh
Member

Marvin Henry
Member

Norma Stowers
Member

ATTEST:

Mary E. King
Clerk/Treasurer

ORDINANCE NO. 4-92-1

AN ORDINANCE AMENDING ORDINANCE NO. 11-89-1.

WHEREAS, the Council for the Town of Kirklin, Clinton County, Indiana, has held a public hearing in accordance with the law.

NOW THEREFORE BE IT ORDAINED by the Council for the Town of Kirklin, Clinton County, Indiana, that Ordinance No. 11-89-1 is hereby amended such that Section 4 shall read as follows:

Section #4. Regardless of compliance with Section #1, no such house trailer, mobile home or other transportable structure shall be located on U.S. Highway 421, otherwise known as Main Street, or within 350 feet of such highway or street.

This ordinance shall be in full force and effect upon its passage.

Dated: 4-13-92

APPENDIX "C" Kirklin

Wilbur D Bournan
Member, President

Martin Henry
Member

Ken [Signature]
Member

Ken M [Signature]
Member

[Signature]
Member

ATTEST:

May E. King
Clerk/Treasurer

ORDINANCE NO. 2-93-1

AN ORDINANCE AMENDING ORDINANCE NO. 11-89-1

WHEREAS, the Council for the Town of Kirklin, Clinton County, Indiana, has determined that it is desirable to encourage residents of the Town to update and improve their property;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Kirklin, Clinton County, Indiana, that Ordinance Number 11-89-1 is hereby amended to action Section #6 as follows:

Section #6. The provisions of Section #1 paragraph number 3 concerning the age of a structure shall not apply to a structure being used to replace a structure which was in place prior to the adoption of Ordinance Number 11-89-1 or which was previously placed in compliance with said ordinance so long as a majority of the Town Council of the Town of Kirklin agree that said replacement structure conforms to all other provisions of said ordinance.

This amendment shall take effect upon its passage by the Town Council of the Town of Kirklin.

Dated this 2nd day of February, 1993.

A P P E N D I X "C" Kirklin

Walter D. Bauman
Member, President

Martin Henry
Member

Samuel J. [Signature]
Member

Member

Norma Stowers
Member

ATTEST:
Mary E. King
Clerk/Treasurer

AN ORDINANCE GOVERNING THE PLACING, OR PUTTING A SINGLE WIDE MANUFACTURED (MOBILE) HOME INSIDE THE CORPORATION LIMITS OF THE TOWN OF MULBERRY, INDIANA.

WHEREAS, the Town Council for the Town of Mulberry, Indiana, has held a public hearing in accordance with law and thereafter has obtained a majority vote, duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Mulberry, in the County of Clinton, State of Indiana, as follows:

Section #1. From and after the effective date of this ordinance, it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, park or erect inside the corporation limits of the Town of Mulberry, Indiana, any house trailer, mobile home, manufactured home, or other transportable structure which may be used for human habitation or other, that is:


- #1. less than 23 feet wide at its narrowest dimension, and
- #2. less than 950 square feet in useable living area, and
- #3. not protected under the provisions of I.C. 36-7-4-110.5

Section #2. All other mobile, portable, or manufactured structures may be placed in any Mobile Home Park.


Section #3. This ordinance shall be in full force and effect from and after its passage in accordance with law.

Dated this 8TH day of MARCH, 1993.

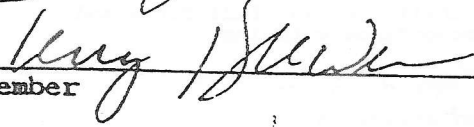
MULBERRY APPENDIX "C"



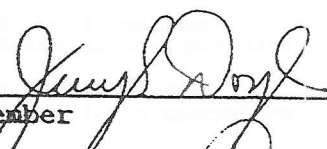
 Member, President



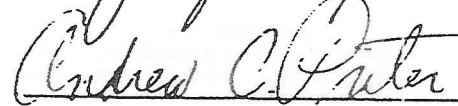
 Member



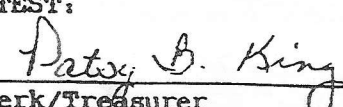
 Member



 Member



 Member

ATTEST:


Clerk/Treasurer

Appendix "C"

ORDINANCE NO. 1993-2

AN ORDINANCE GOVERNING THE CONSTRUCTION, PLACING, OR PUTTING OF A SINGLE FAMILY DWELLING INCLUDING BUT NOT LIMITED TO A SINGLE WIDE MANUFACTURED (MOBILE) HOME INSIDE THE CORPORATION LIMITS OF THE TOWN OF ROSSVILLE, INDIANA.

WHEREAS, the Town Council for the Town of Rossville, Indiana, has held a public hearing in accordance with law and thereafter has obtained a majority vote, duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Rossville, in the County of Clinton, State of Indiana, as follows:

Section #1. From and after the effective date of this ordinance, it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, park or erect inside the corporation limits of the Town of Rossville, Indiana, any structure, building or house to be used for human habitation including but not limited to any house trailer, mobile home, manufactured home, or other transportable structure which may be used for human habitation or other, that does not have:

(a) A minimum usable ground floor living area of:

- One story 950 square feet
- Multi-story 750 square feet

(b) A cross sectional dimension of at least 23 ft. in the usable ground floor living area.

(c) A roof pitch of 4/12 or greater.

(d) A roof cover equal to or better than:

- 15 pound felt paper underlayment
- 210 pound 3 in 1 seal down tap shingles.

(e) Exterior siding equal to or better than beveled vinyl or beveled aluminum.

(f) A masonry foundation of formed and poured cement or of 8" X 8" X 16" concrete block on an adequate footing located below the frost line; or,

A masonry facial skirting of at least 2" X 8" X 16" concrete block or a type of colored brick of the standard 2-1/2" X 3-7/8" X 8-1/4" size on an adequate footing that runs from grade to below the frost line.

Section #2. In any case, the dwelling shall be in harmony with the area in which it is located.

Section #3. All other mobile, portable, or manufactured structures shall be placed in any Mobile Home Park.

Section #4. The various sections of this ordinance are determined severable, such that, in the event any item(s) or section(s) should be declared invalid or not enforceable, all other sections or parts of this ordinance shall be remain in full force and effect.

Section #5. This ordinance shall be in full force and effect from and after its passage in accordance with law.

Dated this 11th day of May, 1993.

Town of Rossville
Town Council

Attest:

Margaret E. Davis
Margaret E. Davis, Clerk-Treasurer

BY Eugene Glenn
Eugene H. Glenn, President

Steven W. Miller
Steven W. Miller, Member

Herman Skiles
Herman Skiles, Member