

# Zoning Ordinance

## of Clark County, Indiana

Prepared for:

**Clark County**

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***Replaces 1998 Zoning Ordinance***

**NOTICE: The following is an unofficial compilation of the Clark County Zoning Ordinance of 2007 and highlighted amendments replacing or adding to the original language of the Ordinance. This format is intended to facilitate easy review but may not be relied upon as the official Zoning Ordinance. Also, this compilation may not contain all up to date amendments. Copies of the official Clark County Zoning Ordinance are available for viewing or purchase at the Clark County Plan Commission office.**

## ACKNOWLEDGEMENTS

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Clark County was awarded a Community Planning grant by the Indiana Department of Transportation (INDOT) in February 2004 to conduct local and regional community planning activities. This grant will aid in the development of responsible community growth associated with the impact of the Louisville-Southern Indiana Ohio River Bridges.





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## **Article I: Purpose**

The purpose of this ordinance is to promote the public health, safety, and general welfare of the county residents, to enhance the use and enjoyment of property, and to provide for the regulation of land use in the community, while preserving the right of the individual property owner to use and enjoy his property. These purposes require a Zoning Ordinance which will define the districts into which the County is divided, the restriction on the uses within the districts, and the minimum standards for the use of buildings, structures, and the land within the districts.

## Article II: General Provisions

**Purpose** – The official title of this Ordinance is the "Zoning Ordinance of Clark County, Indiana."

**Authority** – This Ordinance is adopted pursuant to Public Law 309, Acts of 1981 of the General Assembly of Indiana, and all acts supplemental and amendatory thereto.

**Compliance** – No structure shall be located, erected, constructed, reconstructed, moved, converted or enlarged; nor shall any structure or land be used or designed to be used, except in full compliance with all provisions of this Ordinance and after lawful issuance of permits required by this Ordinance.

**Severability** – If any provision of this Ordinance or application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provisions to other circumstances shall not be affected.

**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 not specifically repealed by this Ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions, provisions of this Ordinance shall control. This Ordinance shall not affect valid private covenants.

**Jurisdiction** – This Ordinance shall apply to all unincorporated land within Clark County, but including all of the town of Borden.

**Nonconforming Structures and Uses** – A nonconforming structure or use lawfully existing prior to the effective date of this paragraph may be continued and maintained except as otherwise provided in this section. A nonconforming structure may be repaired in the interior or exterior or altered in the interior, provided no structural change shall be made except as herein provided. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of the structure is made to conform to all requirements of the district in which it is located. A nonconforming use may be changed only to a use within the same or a more restrictive zoning district classification, provided any nonconforming structure is not expanded. A nonconforming use shall not be expanded or extended into any other portion of a structure or into any other portion of such lot. Whenever a nonconforming use has been discontinued for a period of six (6) months, such use shall not be re-established and use thereafter shall conform to the requirements of this Ordinance. No structure which has been damaged by fire, explosion, act of God or other casualty, to the extent of fifty percent (50%) or more of its fair market value, shall be restored, repaired or rebuilt except in conformity with the provisions of this Ordinance.

**Nonconforming Structures and Uses in 2012 Tornado Zone** – A nonconforming structure or use located in the path of the March 2, 2012, tornado or tornado buffer zone as shown on the Clark County, Indiana GIS map may be continued, maintained, repaired, rebuilt, reconstructed, and/or restored so long as: (1) the nonconforming structure or use lawfully existed on March 2, 2012, (2) the owner of the land obtains a Location Improvement Permit on or before December 31, 2012, and (3) the structure was damaged or destroyed by the March 2, 2012, tornado.

## Article III: Administration

**Administration** – The administration of this Ordinance shall be in accordance with IC 36-7-4 et seq.

**Authority of Plan Commission, Board of Zoning Appeals and Staff** – The Plan Commission, Board of Zoning Appeals and Staff shall be authorized to perform the following duties:

(a) The Plan Commission is hereby authorized to perform those duties and functions specified in Indiana Code, IC 36-7-4-400 et seq. and other applicable sections of Indiana Law and such other responsibilities as may be assigned to it from time to time by the Board of Commissioners of Clark County. The Plan Commission shall adopt written rules of procedure for the administration of the affairs of the Plan Commission and its staff for investigations and hearings.

(b) The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in Indiana Code 36-7-4-900 et seq. and other applicable sections of Indiana Law. The Board shall adopt written rules of procedure pertaining to the administration of this chapter and the conduct of hearings.

(c) The staff is authorized to take those lawful actions necessary to enforce the terms of this Ordinance on behalf of the Plan Commission and Board of Zoning Appeals. The staff shall also have the authority to perform inspections, to review applications, and to issue permits. The Staff is authorized to make inspections of all lands located in the jurisdiction of the Plan Commission or to enforce the provisions of this Ordinance. In order to execute inspections, the staff shall have the right to enter any premises at any reasonable time for the purpose of carrying out their duties in the enforcement of this Ordinance. The staff is authorized to take any action authorized under Indiana Code IC 36-7-4 et seq. to correct such violations.

**Building/Location Permits** – A Location Improvement Permit (Building Permit) shall be required for the construction, reconstruction, enlargement or location of any building, structure, manufactured housing or mobile home on any lot or lots. No permit shall be issued until all other permits required under this Ordinance have been issued. The permit shall expire if the work described in the permit has not commenced within twelve (12) months of the date of the permit or if substantial completion (ready for occupancy and/or utilization for its intended use and with all exterior construction completed) is not achieved within twenty-four (24) months from the date of the permit. Prior to the issuance of a Location Improvement Permit the applicant(s) shall submit a copy of the most recent Deed or Land Contract, a plot plan showing the exact location and measurement of existing and proposed structure(s) and either written approval from the Clark County or Indiana State Board of Health approving a sanitary sewage disposal system for the subject property or written approval from a legally established and maintained public or private utility approved by the State of Indiana permitting connection to or confirming prior connection to a sanitary sewer system.

A Location Improvement Permit shall also be required for the construction of a driveway, entrance, dam, culvert, bridging structure or any other improvement requested to be constructed in any right-of-way of Clark County, Indiana. The application shall be accompanied by a drawing of the proposed improvement. The permit may be denied if the proposed improvement is deemed a hazard to the safety of persons traveling the road. If granted, the applicant may be required to install a minimum twelve (12) inch galvanized steel culvert pipe in order to insure proper drainage past the improvement to be built. The culvert, if required, shall be installed at the sole cost of the applicant.

A Location Improvement Permit shall also be required for the placement of an Above Ground Swimming Pool.



Each Above Ground Swimming Pool shall be enclosed by a substantial fence or other barrier of at least sixty (60) inches in height, which shall be adequate to prevent persons, children or domestic animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Such protective barrier may be chain-link, ornamental, solid fence, or other solid vertical barrier, including buildings. Where the pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access or a ladder or steps, then the ladder or steps shall be capable of being secured by lock or removed to prevent access, or the ladder or steps shall be surrounded by a protective barrier. The protective barrier shall be so constructed as to prevent the passage of a four (4) inch diameter sphere and not to create a ladder effect.

**Questions of Interpretation** – It is the intent of this Ordinance that all questions of interpretation shall be first presented to the staff. Appeals of staff decisions interpreting this Ordinance may be presented to the Board of Zoning Appeals as provided for in Article XXII.

**Platting, Replatting and Parcelization of Land** – A parcel of land platted or parcelized after the effective date of this chapter must conform to the minimum lot area, setbacks and lot width established for the district in which it is located, and must conform to all requirements set forth in the Subdivision Control Ordinance of Clark County.

All splits must have a plat prepared by a Licensed Professional Land Surveyor and approved by the Plan Commission before the lot is recorded by the Recorder and Auditor and said plat shall be recorded with the Deed. Parcels with existing buildings or structures must comply completely with this ordinance and the Subdivision Control Ordinance. Parcels which do not ever create building sites are not required to meet the lot size and width requirements.

**Amendments** – A proposal to amend the zoning maps incorporated by reference in this zoning ordinance shall be submitted to the Plan Commission and may be initiated by a member of the Board of Commissioners of Clark County, the Plan Commission or by a petition submitted by a property owner of the property affected by the proposed amendment to the zoning maps. All proposals to amend the zoning maps must be submitted, reviewed and acted upon in the manner prescribed by Indiana Code 36-7-4-608; Indiana Code 36-7-4-608.5; Indiana Code 36-7-4-609 and Indiana Code 36-7-4-610. In addition to the requirements set forth in the referenced statutes, a petition to amend the zoning maps must also be submitted in the form which complies with the rules and regulations of the Plan Commission.

A proposed ordinance for the amendment or repeal of the zoning ordinance must be referred to the Plan Commission for consideration and report before the Board of Commissioners of Clark County takes any final action. Upon receiving or initiating a proposed ordinance the Plan Commission shall, within sixty (60) days, hold a public hearing on the proposed ordinance.

(a) Notice of the public hearing shall be published one time at least ten (10) days before the date of the Plan Commission hearing.

(b) The petitioner must mail a notice of the hearings by certified mail, return receipt to each of the abutting property owners no less than ten (10) days prior to the Plan Commission hearing. In the event there are less than five (5) abutting property owners, the petitioner must notify the abutting property owners and the next closest property owners so that a minimum of five (5) property owners closest to the subject property are properly notified.

(c) Cost of the notices, including publication, shall be born by the petitioner

(d) In addition to all other notices as required by this ordinance or state law, notice of all hearings before the Clark County Plan Commission, with the exception of Subdivision Final Plats, shall be posted in a conspicuous place on the subject property along all road frontage of the subject property at least every 500 feet at least ten (10) days prior to the date of the hearing. Such signs shall be no smaller than 22 inches in height and 28 inches in width and shall bear lettering large and bold enough to be read from the road frontage. Each such notice shall state as a minimum:

"The owner of this property has made a request before the Clark County Plan Commission on a proposed (rezoning, subdivision, etc.). A public hearing will be held on the request at Room 308, County Building, Jeffersonville, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ pm."

Signs may be purchased in the Plan Commission Office.

All signs shall be removed within ten (10) days following final action.

Any other amendments to the text of this Zoning Ordinance shall be effectuated in the manner prescribed by Indiana Code 36-7-4-602, Indiana Code 36-7-4-603, Indiana Code 36-7-4-604, Indiana Code 36-7-4-605, Indiana Code 36-7-4-606, and Indiana Code 36-7-4-607.

## **Article IV: Establishment of Districts and Official Maps**

**Zoning Maps** – The current zoning maps for each township section in Clark County are hereby adopted as part of this Ordinance. Zoning maps shall be kept on file and available for examination at the offices of the Plan Commission.

The FO District is hereby established as an overlapping district, covering the entire jurisdictional area of the Clark County Plan Commission.

**Flood Insurance Rate Maps.** The flood plain districts (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the County of Clark" with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Office of the Clark County Plan Commission.

**Zoning Districts** – The County is divided into the districts stated in this Ordinance as shown by district boundaries on the zoning maps. The districts are:

C1	Conservancy Zone
A1	Agricultural Zone
RP	Patio Home Residence Zone
R1	One-Family Residence Zone
R2	Limited Multiple-Family Residence Zone
R3	Multi-Family Residence Zone
B1	Limited Business Zone
B2	Roadside Business Zone
B3	General Business Zone
M1	Light Industrial Zone
M2	Heavy Industrial Zone
M3	Hazardous Waste Disposal
FO	Fill Operations District
I-265 COD	I-265 Corridor Overlay District
AOD	Airport Overlay District

### **Determination and Interpretation of District Boundaries**

In establishing the boundaries of the districts and the regulations applicable to these districts, due and careful consideration has been given to the existing conditions to characterize the intention of each district the most desirable use for which the land in each district may be adapted and the conservation of property values throughout the unincorporated territory of the county. Where uncertainty exists as to the exact boundaries of any district as shown in the zone map, the following rules shall apply:

- (a) In an unsubdivided area where a district boundary divides a lot, the exact location of the boundary shall be determined by use of the scale of the zone map.
- (b) In the case of further uncertainty, Plan Commission shall interpret the zoning map for the location of the boundary in question.

### **Procedure for Vacated Areas**

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 such street, alley, public way, railroad right-of-way, waterway or similar area should be extended automatically to the center of such vacation. All areas included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

## Article V: Definitions

**Word Interpretations** – For the purpose of this Ordinance, the following terms have the meanings indicated below:

- (a) Present tense shall also include the future tense.
- (b) A "singular" shall include plural and "plural" shall include singular.
- (c) The word "shall" is mandatory; the word "may" is permissive.
- (d) The word "used" includes "designated" or "intended to be used."

**Specific Definitions** – Certain words used in this Ordinance are defined below. Any words not defined as follows shall be construed in their generally accepted meanings.

**Above Ground Pool** – A portable metal, vinyl, plastic, or inflatable fabric above ground structure intended for swimming, wading, or other water recreation purpose having a water depth in excess of thirty-six (36) inches and a diameter in excess of twelve (12) feet with an attached water filtering system.

**Accessory Use and Structure** – One which (a) is subordinate to and serves a principal building or use; (b) is subordinate in area, extent or purpose to the principal building or use served; (c) contributes to the comfort, convenience or necessity of occupants of the principal building or use served; and (d) is located on the same lot as the principal building or use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**Active Recreation Space (PUD)** – All land that is not part of an individual home owner's parcel of land and can be used for recreational purposes. It may include open fields, detention areas that only temporarily hold water, basketball/tennis courts, playgrounds, athletic fields, walking/biking trails, etc.

**Adult Entertainment** – Regular commercial participation in one or more of the following defined activities:

- Adult Bookstore
- Adult Video Rental Center
- Adult Motion Picture Theater
- Adult Retail Store
- Adult Strip Club
- Adult Entertainment Center (Commercial)

**Adult Bookstore** – An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in books, magazines, periodicals or other printed material, or photographs, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities.

**Adult Video Rental Center** – An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in films, motion pictures, video cassettes, digital video discs (DVDs) or other forms of video recordings which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities.

**Adult Motion Picture Theater** – An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in the presentation of films, motion pictures, slide projections or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities.

**Adult Retail Store** – An establishment having more than ten percent (10%) of its stock in trade or its dollar volume in devices, toys, audio or visual recordings, games, attire, or other items intended for adult sexual activities or used for erotic, pornographic, or related sexual activities.

**Adult Strip Club** – An establishment (indoor or outdoor; and private or public) for audiences or individuals to observe nudity or partial nudity of any persons, or any other services designed to appeal to erotic or sexual interests.

**Adult Entertainment Center (Commercial)** – Any establishment not otherwise defined as an adult bookstore, adult video rental center, adult motion picture theater, adult retail store, or adult strip club, which as one of its principal uses (defined as more than ten percent (10%) of its stock in trade or its dollar volume, if applicable) regularly offers matter, goods, services or entertainment appealing to adult sexual interests and distinguished or characterized by emphasis on matter depicting, describing or relating to sexual activities.

**Agriculture** – The use of land or structures for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry; necessary accessory structures and uses such as tenant housing; and for the packing, treating or storage of produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**Alley** – A public right-of-way which normally affords a secondary means of access to abutting property.

**Block** – Property having frontage on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway or other barrier.

**Block, Residential** – A block in which business or industrial uses are not permitted.

**Board** – The Clark County Board of Zoning Appeals.

**Board of Commissioners** – The Board of Commissioners of Clark County, Indiana.

**Building** – A structure built for the support, enclosure, shelter or protection of persons, animals, chattels or movable property of any kind, and which is permanently fixed to the land.

**Building, Accessory** – A subordinate building, or a portion of a main building, the use of which is incidental to that of the main building.

**Building Area** – The maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two (2) feet.

**Building Commissioner/Enforcement Officer** – The employee of the County who enforces the provisions of this Ordinance under the guidance, direction and control of the Plan Commission.

**Building, Detached** – A building having no structural connection with another building.

**Building Frontage** – The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

**Building, Height Of** – The vertical distance measured from the top of the foundation to the top of the plate at its highest point.

**Building Line** – The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

**Building, Principal** – A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

**Business or Commercial** – The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

**Camp, Public** – Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, mobile homes or two (2) or more camping parties, including cabins, tents or other camping outfits.

**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 and within the boundary of such cemetery.

**Centralized Sewage Treatment Plant** – Any sewage treatment facility that requires an NPDES permit from the Indiana Department of Environmental Management (IDEM) to discharge treated effluent.

**Child Day Care Facility** – is defined as the following:

- A. **Child Care** – a service that provides for the care, health, safety and supervision of a child's social, emotional and educational growth. Pursuant to IC 12- 7-2-28.2
- B. **Child Care Center** – a non-residential site or structure where at least one (1) child receives "Child Care" from a provider:
  - a. While unattended by a parent, legal guardian or custodian;
  - b. For regular compensation;
  - c. For more than four (4) hours but less than twenty-four (24) hours of each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays. Pursuant to IC 12- 7-2-28.4.
- C. **Child Care Home** –
  - a. a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian or other relative) at any time receive "Child Care" from a provider:
    - (1) while unattended by a parent, legal guardian or custodian;
    - (2) for regular compensation; and
  - b. for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays and holidays;
  - c. The term includes:
    - (1) a Class I Child Care Home; and
    - (2) a Class II Child Care Home.Pursuant to IC 12-7-2-28.6
    - a. **Child Care Home Class I - Nonresident Operator** – a Child Care Home that serves any combination of full-time and part –time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. The addition of three (3) school age

children may not occur during a break in the school year that exceeds four (4) weeks. Pursuant to IC 12- 7-2-33.7.

- b. **Child Care Home Class I - Resident Operator** – a Child Care Home that serves any combination of full-time and part –time children, not to exceed at any one (1) time twelve (12) children plus three (3) children during the school year only who are enrolled in at least grade 1. The addition of three (3) school age children may not occur during a break in the school year that exceeds four (4) weeks. The site or structure of the "Child Care Home" must be the primary residence of the person who operates the "Child Care Home". Pursuant to IC 12-7-2-33.7; IC 36-7-4-1 108.
- c. **Child Care Home Class II - Nonresident Operator** – a Child Care Home that serves more than twelve but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time. Pursuant to IC 12-7-2-33.8.
- d. **Child Care Home Class II - Resident Operator** – a Child Care Home that serves more than twelve but not more than any combination of sixteen (16) full-time and part-time children at any one (1) time. The site or structure of the "Child Care Home" must be the primary residence of the person who operates the "Child Care Home". Pursuant to IC 12- 7-2-33.8.

**Clinic** – Any establishment where human patients are examined and treated by physicians, or other health professionals, but not hospitalized overnight.

**Commercial Greenhouse** – A venture that includes a building or buildings, constructed mainly of glass or plastic, for the growing or protection of plants which are to be sold or rented.

**Confined Feeding Operation** – Any confined feeding operation shall mean (a) any confined feeding of at least 300 cattle, 600 swine or sheep or at least 30,000 fowl; or (b) any other animal feeding operation subject to Indiana Code 13- 18- 10, et seq.

**Development** – Any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Development Plan** – Specific plan for the residential, commercial, or industrial development of property setting forth certain information and data required by the plan commission.

**Drainage Board** – The Clark County Drainage Board established under IC 36-2-2-2 and by Clark County Ordinance 5-2000. The Board operates pursuant to IC 36-9-27-1 through IC 36-9-27-113 as amended and has been designated by the Clark County Commissioners to administer Clark County Ordinances:

- 7-2002 Clark County Drain Ordinance
- 9-2002 Clark County Erosion and Sediment Control
- 3-2004 Clark County Drainage Review Fees
- 19-2004 Stormwater Illicit Discharge Control Ordinance of Clark County
- 20-2004 Construction Site Run-off Control Ordinance of Clark County
- 13-2007 Drainage Ordinance

**Dwelling** – A permanent building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, motels, or lodging houses.

**Dwelling Unit** – One (1) or more rooms that are arranged, designed or used as living quarters for one (1) family.

**Dwelling, Multiple-Family** – A dwelling or portion thereof containing three (3) or more dwelling units, including condominiums.

**Dwelling, Single-Family** – A dwelling containing one (1) dwelling unit only.

**Dwelling, Two-Family** – A dwelling containing two (2) dwelling units only.

**Family** – One (1) or more persons, each related to the other by blood, marriage or adoption, or a group of not more than three (3) persons not all so related, together with his/their domestic servant(s), maintaining a common household in a dwelling unit. A family may include not more than two (2) roomers, boarders or permanent guests, whether gratuitous or not.

**Fence, Privacy** – A fence of uniform construction which is no more than eight (8) feet in height designed to obscure the area which it covers and defined by the commonly used understanding of the word as given by dictionary definition. A privacy fence may be constructed of wood, painted rustproof metal, vinyl or other commercially produced synthetic fencing material so long as it is durable, uniform and attractive. No privacy fence may be maintained or used in any condition which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the other property in the neighborhood in which the fence is located.

**Fencing, Opaque** – A barrier constructed to enclose or screen areas of land, constructed of solid material and/or in such a manner so as to effectively screen the view of the land and all materials within the fenced in area from public streets and adjoining properties. For example, a solid wall or chain link fence with slats would be opaque; a chain link fence with no slats or a picket fence would be transparent.

**FHBM** – Flood Hazard Boundary Map.

**Fill Material** – Means earthen matter, including but not limited to rock, gravel, sand or soil that, when placed in position or discharged, causes replacement of any portion of State waters with dry land, or which causes a change in the bottom elevation of any portion of waters of the State.

**Fill Operations** – Means the placement of fill material in waters of the State located entirely in the County. An activity or operation is subject to a permit issued by the Indiana Department of Environmental Management pursuant to 327 Indiana Administrative Code 15 [NPDES program and non-isolated wetlands; point source discharges] is not a Fill Operation for purposes of this Zoning Ordinance.

**FIRM** – Flood Insurance Rate Map.

**Flood Hazard Areas** – Means any flood plain district, floodway district, floodway fringe district, or any combination thereof which is subject to inundation by the regulatory flood or any flood plain district as delineated by Zone A on a Flood Hazard Boundary Map.

**Flood or Floodwater** – Means the water of any lake or watercourse which is above the banks and/or outside the channel and banks of such watercourse.

**Flood Plain** – The area adjoining the river or stream that has been or may hereafter be covered by flood waters.

**Floodway District** – That area designated as a "Commission Floodway" by DNR.

**Floodway Fringe District** – Those portions of flood hazard areas lying outside the floodway district.

**Floor Area of Building** – (For determining off-street parking and loading requirements.) The sum of the gross horizontal areas of the floors of a building or portion thereof devoted to a specific use, including all accessory storage areas located in selling or working space such as counters, racks or closets; and any basement floor areas devoted to retailing activities, production or processing of goods, or to business or professional offices.



**Front Yard** – The space not containing any structures between a structure and thoroughfare right-of-way line.

**Garage, Private** – An accessory building for the storage of motor vehicles in association with a residence on the same lot.

**Garage, Public** – Any building, or premises, except those defined herein as a Private Garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

**Grade** – The average level of the finished surface on the ground adjacent to the exterior walls of the building or structure.

**Ground Floor Area** – The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, exterior and interior stairways.

**Group Home** – a residential facility that provides room and board, personal care, habilitation services and supervision in a family setting.

**Height** – The height of a building shall mean the vertical distance measured from the top of the foundation to the top of the plate at its highest point. The height of a structure other than a building shall mean the vertical distance measured from the lowest ground level touching the building to the highest point of the structure.

**Home Occupation** – An occupation or activity conducted within a dwelling by the occupants thereof or within an accessory structure upon the same premises as such dwelling, which is clearly incidental and secondary to the use of the premises for dwelling purposes, pursuant to this Ordinance. This definition shall also include the conduct of a small business in a barn, garage or other outbuilding by the owner and the owner's family members. Any occupation or activity which requires the services and/or assistance of persons other than family members shall not qualify as a home occupation.

**Hotel or Motel** – A building or group of buildings in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

**Impound Lot** – A lot where abandoned or wrecked vehicles are impounded or stored temporarily. Vehicles with license plates more than 30 days overdue are considered junk vehicles and not allowed within an impound lot.

**Industrial, Heavy** – The processing and manufacturing of materials or products predominantly from extracted or raw materials or storage of or manufacturing activities and processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industrial, Light** – The manufacturing and assembly activity utilizing previously prepared materials of finished products or parts, including processing, fabrication, assembly, treatment packaging, incidental storage sales, and distribution of products but excluding basic industrial processing, extracted or raw materials.

**Inundated** – Means a condition of frequent or permanent water coverage of a land surface.

**Junkyard** – An area wherein any of the following are located outside of an enclosed Building:

1. One (1) or more inoperative or unlicensed motor vehicles or parts thereof; and/or
2. Watercraft, appliances, furniture, aircraft, farm implements, machinery, parts thereof or like materials which have been damaged to such an extent or are in such a state of disrepair that

such items are not immediately useable for the purpose originally intended and/or will require substantial repair before being usable; and/or

3. Scrap, waste and/or discarded used property.

**Kennel** – Any premises or portions thereof on which more than four (4) dogs, cats or other household domestic animals over four (4) months of age are kept or on which more than two (2) such animals are maintained, 'boarded, bred or cared for, in return for remuneration, or are kept for the purpose of sale.

**Loading and Unloading Berths (docks)** – The off-street area required for the receipt or distribution by vehicles of material or merchandise.

**Lot of Record** – A lot which is part of a subdivision, the plat of which has been recorded in the County Recorder's office, or a parcel of land, the deed to which was recorded in the Recorder's Office prior to the adoption of this Ordinance.

**Lot** – A tract or parcel of land of sufficient size to meet minimum zoning requirements for use and area and to provide such yards and other open spaces as are herein required.

**Lot, Corner** – A lot situated at the intersection of two (2) or more streets.

**Lot, Interior** – A lot other than a Corner Lot or Through Lot.

**Lot, Through** – A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot. Both streets lines shall be deemed front lot lines.

**Lot Coverage** – The percentage of the area of a lot which is covered by principal and accessory structures. This includes all of the horizontal area within outside walls in both principal and accessory buildings. This includes dwellings, garages, carports, greenhouses, enclosed patios and sheds. Coverage shall not include projections of eaves or similar architectural projections, at grade driveways, at grade walkways, uncovered parking, unenclosed swimming pools, walls or fences, covered but unenclosed patios, or landscaping.

**Lot Depth** – The mean horizontal distance between a front lot line and rear lot line, measured within the lot boundaries.

**Lot Line, Front** – In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

**Lot Line, Rear** – A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side** – Any lot boundary line not a front lot line or a rear lot line.

**Lot Width** – The horizontal distance between side lot lines, measured at right angles to the lot depth at the established front building lines.

**Manufactured Housing** – A dwelling unit designed and built in a factory which bears a seal certifying that it was built in compliance with the Federal Manufactured Housing Construction Safety Standards law of 1974 (42 U.S.C. § 5401 et seq.).

**Minimum Road Frontage** – The minimum property on one (1) side of a highway, street or county road measured along the right-of-way of the street or county road between property lines.

**Mobile Home** – A transportable structure six hundred forty-four square feet or larger that is designed to be used as a year-round residential dwelling.

**Mobile Home Park** – An area of land under single ownership used for parking of two (2) or more occupied mobile homes.

**Mobile Home Tie Downs** – Sufficient anchorage to resist flotation, collapse or lateral movement of any mobile home.

**Mobile Home Site** – The area of land in a mobile home park for the parking of one mobile home.

**Non-Conforming Structure** – A structure designed, converted or adapted legally for a use prior to the adoption of provisions prohibiting such use or structure in such location.

**Non-Conforming Use** – Non-conforming use is 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 provisions of this Ordinance.

**Occupied Space** – The total area of earth horizontally covered by the structure, excluding accessory structures, such as, but not limited to, garages, patios and porches.

**Open Space (PUD)** – All land that is not covered by buildings, parking lots, driveways or streets and is not part of an individual home owner's parcel of land. It may include sidewalks, vegetation, bodies of water, and retention and detention ponds.

**Off-Street Parking** – The provision of parking spaces which are not located on any public right-of-way.

**Parking Area, Public** – An open area, other than a street or alley, designed for use or used for the temporary parking of more than four (4) motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

**Parking Space (Off-street, One)** – A space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than ten (10) feet wide and twenty (20) feet long, exclusive of passageways.

**Permitted Use** – The uses which are allowed within a specific zoning district.

**Persons** – A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

**Plan Commission** – Plan Commission for Clark County, which is the agency charged with the administration and enforcement of this Ordinance.

**Plan Commission Executive Director** – The employee of the County who issues permits and administers the daily office business of the Plan Commission under the guidance, direction and control of the Plan Commission.

**Private Pond** – Means any accumulation of surface water that is privately owned, and is entirely located within the boundaries of a privately owned parcel or lot, and which does not directly discharge to other surface waters of the State. The term includes wetlands that otherwise meet this definition.

**Private Road** – means a local road that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access, and for which long-term maintenance responsibility has been explicitly defined before such roadways are built.

**Professional Office** – Office of members of recognized professions, such as an architect, artist, dentist, engineer, musician, physician, surgeon or other professional person.

**Public Utility Structure** – Electrical and telephone substations and distribution centers; filtration plants, pumping stations, water reservoirs, public or package sewage treatment plants; telephone exchanges; radio and television transmitting or relay stations; antenna towers and other similar public utility service structures.

**Recreational Vehicle** – Means a vehicle which is (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.

**Recreational Vehicle Park** – An area of land used for the parking of two (2) or more recreational vehicles.

**Regulatory Flood** – Means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

**Regulatory Flood Profile** – Means a longitudinal profile along the thread of a stream showing the maximum water surface elevation attained by the regulatory flood.

**School, Private** – Private pre-primary, primary, grade, high or preparatory school or academy.

**School, Trade or Business** – Secretarial or Business School or College when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for teaching industrial or technical arts.

**Setback, Front** – The minimum horizontal distance between the location of the building or structure from the reference points of all roads, streets or highways adjoining the property (i.e., center of roadway or right-of-way) as established in this Ordinance.

**SFHA or Special Flood Hazard Area** – Means those lands within the jurisdiction of the county that are subject to inundation by the regulatory flood. The SFHA's of the County are generally identified as such on the Flood Insurance Rate Map of the County, prepared by the Federal Emergency Management Agency.

**Sign** – A single or multi-faced structure or device designed for the purpose of informing or attracting the attention of persons not on the premises on which the structure or device is located.

**Sign, (Off-Premises)** – A sign, including a billboard, which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

**Sign, (On-Premises)** – A sign which directs attention to a business, building, product, activity, or service, manufactured, sold, or offered upon the premises as the primary use(s) where such sign is located.

**Sign, Gross Area Of** – The entire area within a single continuous perimeter enclosing the extreme limits of such sign. Such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Street** or **Road** means a thoroughfare within the right-of-way that carries traffic between land use activities and/or provides access to abutting properties. A road may be designated an avenue, boulevard, drive, highway, lane, parkway, place, street, court, or appropriate name. Roads are identified according to type of use or function, as follows:

1. **Major Arterials.** Major Arterials include interstates, freeways/expressways and principal arterials. The National Highway System of 155,000 miles includes the nation's most important rural Principal Arterials in addition to interstates.
  - a. **Interstates/Freeways/Expressways.** Freeways and expressways are the highest category of arterial streets and serve the major portion of the through-traffic entering and leaving the metropolitan area (i.e., inter-urban traffic). These roadways carry the longest trips at the highest speeds, and are designed to carry the highest volumes. In metropolitan areas, intra-urban traffic (such as between the central business district and outlying residential areas and between major inner-city communities or major urban centers) may also be served by streets of this class. Interstates are fully-controlled access facilities that are grade-separated from other roads and railroads, such as Interstate 65. All roadways that are on the nation's interstate system of approximately 45,000 miles are fully grade-separated with full access control. Freeways are non-interstate, fully-controlled access facilities that are also grade-separated from all intersecting transportation facilities. Expressways are partially-controlled access facilities that may have occasional at-grade intersections.
  - b. **Principal Arterials.** Principal Arterials (sometimes termed Other Principal Arterials under the federal functional classification system) are the highest category of arterial streets without grade separation. This functional class complements the freeway/expressway system in serving through-traffic entering and leaving the metropolitan area. Within the metropolitan area, major intra-urban trips are served between the central business district and suburbs, and between major suburban activity centers. Although Principal Arterials may lack access control, some level of access control is highly desirable such as the minimum spacing of intersections with public roads and the control of driveway entrances. For Principal Arterials, maintaining traffic-carrying capacity for through-traffic is more important than providing access to abutting property.
2. **Minor Arterials.** Minor Arterials, the lowest category of arterial streets, serve trips of moderate length and offer a lower level of mobility than Principal Arterials. This class augments the Major Arterials, distributing traffic to smaller geographic areas, and linking cities and towns to form an integrated network providing interstate highway and inter-county service. Minor Arterials also provide urban connections to rural collectors.
3. **Collector Streets.** Collector streets serve as the link between local streets and the arterial system. Collector streets provide both access and traffic circulation within residential, commercial and industrial areas. Moderate to low traffic volumes are characteristic of these streets. In rural areas, the Major Collectors provide service to county seats, larger towns (2,500 or more persons) and other major traffic generators that are not served by arterials. These roads serve the most important intra-county corridors. Minor Collectors link local roads in rural areas and serve the smallest rural communities (fewer than 2,500 persons).
4. **Local Streets.** Local streets are composed of all streets not designated as collectors or arterials. Primarily serving abutting properties, local streets provide the lowest level of mobility and, therefore, exhibit the lowest traffic volumes. Through-traffic on local streets is deliberately discouraged. This class of street is not part of any town or county thoroughfare network, and is not eligible for federal aid with the exception of bridges and bikeway/walkway facilities.
5. **Private Road.** A private road is a local street that is not dedicated or accepted for public use or maintenance, which provides vehicle and pedestrian access, and for which long-term maintenance responsibility has been explicitly defined before such roadways are built.

The designation of roads by type of use or function is defined by the functional classification of the Federal Highway Administration and Indiana Department of Transportation unless otherwise defined by future county ordinance or amendment of this ordinance.

**Structure** – Anything constructed or erected, the use of which requires permanent location on the ground or is attached to something having a permanent location on the ground, except public utility, communication and electrical transmission lines and equipment and facilities supporting same and/or incidental thereto.

**Structural Modification** – A change in the structural members of a building such as walls, columns, beams, girders, or floor or other structural element of a building.

**Use** – The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

**Used Car Lot** – A lot where a used car dealer displays cars for sale. The dealer must be properly licensed by the Indiana Bureau of Motor Vehicles. All vehicles on the lot must be operable.

**Variance** – A modification of the specific requirements of this Ordinance granted by the Board in accordance with the terms of this Ordinance for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

**Vision Clearance on Corner Lots** – A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above established grade, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each property line.

**Waste Disposal Facility** – A landfill, composting facility, incinerator, transfer station, or any similar use. This definition excludes salvaging, storage, or processing of scrap, metal, paper, cloth, or other material and excludes junkyards.

**Waters of the State** – Shall have the meaning set forth at Ind. Code 13-11-2-265.

**Wetland or Wetlands** – Means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**Yard** – An open space on the same lot with a building or structure, unoccupied and unobstructed from its lowest level upward, except as otherwise permitted by this Ordinance.

**Yard, Front** – A yard extending along the full length of the front lot line between side lot lines.

**Yard, Rear** – A yard extending along the full length of the rear lot line between side lot lines.

**Yard, Side** – A yard extending along a side lot from the front to the rear yard.

**Zone Map** – The maps of each township section showing the zoning districts therein.

## Article VI: C1 Conservancy Zone

**Intention of District** – The intention of this district is to guide land use in those areas which have limited utility due to the terrain, natural conditions or flood-prone nature.

**Permitted Uses** – Agricultural uses such as the production of crops, pastures, orchards, nurseries, vineyards, farming, forestry, wildlife, and natural preserves.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – As per requirements for the particular special use as provided under Article XXIII.

**Setback Lines** – As per requirements for the particular special use as provided under Article XXIII.

**Height Restrictions** – As per requirements for the particular special use as provided under Article XXIII.

**Lot Coverage** – As per requirements for the particular special use as provided under Article XXIII.

**Off-Street Parking** – As per requirements for the particular special use as provided under Article XXIII.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article VII: A1 Agricultural Zone**

**Intention of District** – The A1 Agricultural District is designated for agricultural uses and is intended to protect rural areas from urban encroachment until such areas are adaptable to orderly urban expansion. Residential development is limited to houses on large lots, which provide adequate space for private sewer and water systems. It is the intent of this Ordinance to allow the continuation of existing agricultural operations and protect the use and value of both agricultural and non-agricultural land within the jurisdiction of the Plan Commission.

**Permitted Uses** – No building structure or premises shall be used, arranged, or designed to be used except for one (1) or more of the following uses:

- (a) Agricultural uses including crop raising, truck gardens, greenhouses and plant nurseries and accessories as normally associated with such agricultural operations and/or raising of livestock;
- (b) Single-family dwellings;
- (c) Soil, water, fish, forest and wildlife conservation uses;
- (d) Accessory uses;
- (e) Churches;
- (f) Seed dealers;
- (g) Mobile homes;
- (h) Group Homes.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – The minimum lot size and dimensions for a single-family dwelling shall be as follows:

- (a) Lots not served by sanitary sewer facilities approved by the State Board of Health (lots on septic systems):
  - (1) Area: 40,000 square feet;
  - (2) Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than a 1:6 ratio of width to depth.
- (b) Lots served by sanitary sewer facilities:
  - (1) Area: 9,600 square feet;
  - (2) Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

**Minimum Floor Area (Residential)** – Nine Hundred Fifty (950) square feet for single-family dwelling, except mobile home, which shall be Six Hundred Forty-Four (644) square feet.



**Setback Lines** – The minimum setback lines for a lot used for a single-family dwelling shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved-roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be fifty (50) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Rear: The rear setback shall be ten (10) feet.

(c) Side: The side setback shall be six (6) feet for all lots less than one hundred (100) feet in width and ten (10) feet for all lots one hundred (100) feet or more in width.

(d) The side and rear setback for accessory structures shall be five (5) feet.

**Minimum Lot Width** – The minimum lot width for a lot used as a single-family dwelling, without a sanitary sewer, shall be one hundred (100) feet, and with a sanitary sewer, shall be sixty (60) feet, on a county-maintained roadway or on a private easement or private right-of-way that provides ingress and egress to a county-maintained roadway, PROVIDED, however, that a private easement or private right-of-way shall not serve a lot unless the following conditions have been met: (A) Each such easement or right-of-way shall be in writing and recorded in the office of the Clark County Recorder; (B) Each such easement or right-of-way shall be no less than twenty (20) feet wide; (C) Each such easement or right-of-way shall identify the landowner/s who is/are responsible for the construction and maintenance of the easement or right-of-way, the frequency with which the easement or right-of-way must be maintained, and the construction and maintenance standards that must be met; and (D) the lot served by each such easement or right-of-way must be exempt from the subdivision platting requirements of the Clark County, Indiana, Subdivision Control Ordinance, as amended.

**Height Restrictions** – The maximum height in an A1 district shall be thirty (30) feet for residential buildings.

**Lot Coverage** – The maximum lot coverage for a lot used as a single-family dwelling shall not exceed twenty-five (25%) percent of the lot area.

**Off-Street Parking** – The off-street parking space shall be two (2) spaces per dwelling unit.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article VIII: R1 Single-Family Residential**

**Intention of District** – The R1 Single-Family Residential District is intended for moderately dense single-family residential developments.

**Permitted Uses** – No building structure or premises shall be used, arranged, or designed to be used except for one (1) or more of the following uses:

- (a) Single-Family Dwelling;
- (b) Accessory Uses to a Single-Family dwelling;
- (c) Temporary Single-Family Dwelling Uses;
- (d) Mobile Homes.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Connection to Water** – All structures shall be attached to public water facilities that have been approved by those state agencies charged with the licensing, permitting and monitoring of said facilities.

**Lot size** – The minimum lot size and dimensions for a single-family dwelling shall be as follows:

- (a) Lots not served by sanitary sewer facilities approved by the State Board of Health or a centralized sewage treatment plant (lots on septic systems):
  - (1) Area: 40,000 square feet;
  - (2) Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than a 1:6 ratio of width to depth.
- (b) Lots served by sanitary sewer facilities or a centralized sewage treatment plant:
  - (1) Area: 9,600 square feet;
  - (2) Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

**Minimum Floor Area (Residential)** – Nine Hundred Fifty (950) square feet for single-family dwelling.

**Setback Lines** – The minimum setback lines for a lot used for a single-family dwelling shall be as follows:

- (a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:
  - 1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
  - 2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.

3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.

4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Rear: The rear setback shall be ten (10) feet.

(c) Side: The side setback shall be six (6) feet for all lots less than one hundred (100) feet in width and ten (10) feet for all lots one hundred (100) feet or more in width.

(d) The side and rear setback for accessory structures shall be five (5) feet.

**Minimum Lot Width** – The minimum lot width for a lot used as a single-family dwelling, without a sanitary sewer, shall be one hundred (100) feet, and with a sanitary sewer, shall be sixty (60) feet, on a county-maintained roadway or on a private easement or private right-of-way that provides ingress and egress to a county-maintained roadway, PROVIDED, however, that a private easement or private right-of-way shall not serve a lot unless the following conditions have been met: (A) Each such easement or right-of-way shall be in writing and recorded in the office of the Clark County Recorder; (B) Each such easement or right-of-way shall be no less than twenty (20) feet wide; (C) Each such easement or right-of-way shall identify the landowner/s who is/are responsible for the construction and maintenance of the easement or right-of-way, the frequency with which the easement or right-of-way must be maintained, and the construction and maintenance standards that must be met; and (D) the lot served by each such easement or right-of-way must be exempt from the subdivision platting requirements of the Clark County, Indiana, Subdivision Control Ordinance, as amended.

**Height Restrictions** – The maximum height in an R1 district shall be as follows:

(a) Primary Building: thirty (30) feet;

(a) Accessory Building: fifteen (15) feet.

**Lot Coverage** – The maximum lot coverage shall not exceed thirty (30%) percent of the lot area.

**Off-Street Parking** – The off-street parking in an R1 district shall be two (2) spaces per single-family dwelling unit.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## Article IX: R2 Two-Family Residential

**Intention of District** – The R2 Residential District is primarily provide for urban density, residential development will allow for more choice in dwelling unit types by providing for two family dwelling structures.

**Permitted Uses** – Within the R2 district, no building structure or premises shall be used, arranged, or designed to be used except for one or more of the following uses:

- (a) Single-Family Dwelling;
- (b) Two-Family Dwelling;
- (c) Accessory Uses to single-family and/or two-family dwelling;
- (d) Mobile homes.
- (e) Group Home

**Special Use** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Connection to Water** – All structures shall be attached to public water facilities that have been approved by those state agencies charged with the licensing and monitoring of said facilities.

**Lot Size** – The minimum lot size and dimensions for single-family dwellings, two-family dwellings and all non-residential uses shall be as follows:

- (a) Lots not served by sanitary sewer facilities approved by the State Board of Health or a centralized sewage treatment plant (lots on septic systems):
  - (1) Area: 40,000 square feet;
  - (2) Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than a 1:6 ratio of width to depth.
- (b) Lots served by sanitary sewer facilities or a centralized sewage treatment plant:
  - (1) Area: 9,600 square feet;
  - (2) Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

**Minimum Floor Area (Residential)**. The minimum floor area in the district shall be as follows:

- (a) Nine Hundred Fifty (950) square feet for single-family dwelling, except mobile home, which shall be Six Hundred Forty-Four (644) square feet;
- (b) for two-family structures (duplexes) five hundred (500) square feet per unit for one (1) bedroom unit; six hundred (600) square feet per unit for a two (2) bedroom unit; and seven hundred (700) square feet per unit for a three (3) or more bedroom unit. Minimum floor area is exclusive of open porches, attached garages, and accessory structures.

**Setback Lines**. The minimum setback lines for a lot used for a single-family dwelling shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Rear: The rear setback shall be ten (10) feet.

(c) Side: The side setback shall be six (6) feet for all lots less than one hundred (100) feet in width and ten (10) feet for all lots one hundred (100) feet or more in width.

(d) The side and rear setback for accessory structures shall be five (5) feet.

**Minimum Lot Width** – The minimum lot width for a lot used as a single-family dwelling, without a sanitary sewer, shall be one hundred (100) feet, and with a sanitary sewer, shall be sixty (60) feet, on a county-maintained roadway or on a private easement or private right-of-way that provides ingress and egress to a county-maintained roadway, PROVIDED, however, that a private easement or private right-of-way shall not serve a lot unless the following conditions have been met: (A) Each such easement or right-of-way shall be in writing and recorded in the office of the Clark County Recorder; (B) Each such easement or right-of-way shall be no less than twenty (20) feet wide; (C) Each such easement or right-of-way shall identify the landowner/s who is/are responsible for the construction and maintenance of the easement or right-of-way, the frequency with which the easement or right-of-way must be maintained, and the construction and maintenance standards that must be met; and (D) the lot served by each such easement or right-of-way must be exempt from the subdivision platting requirements of the Clark County, Indiana, Subdivision Control Ordinance, as amended.

**Height Restrictions** – The maximum height in an R2 district shall be as follows:

(a) Primary Building: thirty (30) feet;

(b) Accessory Building: fifteen (15) feet.

**Lot Coverage** – The maximum lot coverage shall not exceed thirty (30%) percent of the lot area.

**Off-Street Parking** – The off-street parking in an R2 district shall be two (2) spaces per dwelling unit.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article X: R3 Multi-Family Residential**

**Intention of District** – This district is intended primarily for multi-family low-rise residential development including detached, attached, or semi-attached dwellings.

**Permitted Uses** – No building structure or premises shall be used, arranged, or designed to be used except for one or more of the following uses:

- (a) Single-Family Dwelling;
- (b) Two-Family Dwelling;
- (c) Multi-Family Dwelling (two or more families);
- (d) Accessory uses in conjunction with single and/or multi-family dwelling;
- (e) Temporary uses in conjunction with single and/or multi-family dwelling;
- (f) Group Homes;
- (g) Churches;
- (h) Child Care Centers;
- (i) Child Care Homes.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Connection of Water** – All structures shall be attached to public water and septic or sanitary sewer facilities that have been approved by the Indiana Board of Health.

**Lot Size** –

The minimum lot size and dimensions for single-family dwellings and all non-residential uses shall be as follows:

- (a) Lots not served by sanitary sewer facilities approved by the State Board of Health or a centralized sewage treatment plant (lots on septic systems):
  - (1) Area: 40,000 square feet;
  - (2) Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than a 1:6 ratio of width to depth.
- (b) Lots served by sanitary sewer facilities or a centralized sewage treatment plant:
  - (1) Area: 9,600 square feet;
  - (2) Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

The minimum lot size and dimensions for two-family dwellings, multi-family dwellings and Group Homes shall be as follows:

(a) Lots not served by sanitary sewer facilities approved by the State Board of Health or a centralized sewage treatment plant (lots on septic systems):

(1) Area: 40,000 square feet;

(2) Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than a 1:6 ratio of width to depth.

(b) Lots served by sanitary sewer facilities or a centralized sewage treatment plant:

(1) Area: 5,000 square feet per unit;

(2) Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

**Minimum Floor Area** – The minimum floor area in this district shall be as follows:

(a) Nine Hundred Fifty (950) square feet for single-family structures;

(b) four Hundred (400) square feet for efficiency units in a multiple dwelling structure;

(c) five hundred (500) square feet for efficiency units in a multiple dwelling structure;

(d) six hundred (600) square feet for a two-bedroom unit in a multiple dwelling structure;

(e) seven hundred (700) square feet for a three-bedroom unit in a multiple dwelling structure.

Minimum floor area is exclusive of open porches, attached garages, and accessory structures.

**Setback Lines** – The minimum setback lines shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.

2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.

3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.

4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: The side and rear setbacks shall each be ten (10) feet.

(c) Distance between buildings: In projects containing two (2) or more buildings the minimum distance between all buildings shall be twenty (20) feet.

**Minimum Lot Width** – The minimum lot width for a lot used as a single-family dwelling, without a sanitary sewer, shall be one hundred (100) feet, and with a sanitary sewer, shall be sixty (60) feet, on a county-maintained roadway or on a private easement or private right-of-way that provides ingress and egress to a county-maintained roadway, PROVIDED, however, that a private easement or private right-of-way shall not serve a lot unless the following conditions have been met: (A) Each such easement or right-of-way shall be in writing and recorded in the office of the Clark County Recorder; (B) Each such easement or right-of-way shall be no less than twenty (20) feet wide; (C) Each such easement or right-of-way shall identify the landowner/s who is/are responsible for the construction and maintenance of the easement or right-of-way, the frequency with which the easement or right-of-way must be maintained, and the construction and maintenance standards that must be met; and (D) the lot served by each such easement or right-of-way must be exempt from the subdivision platting requirements of the Clark County, Indiana, Subdivision Control Ordinance, as amended.

**Height Restrictions** – The maximum height shall be as follows:

- (a) Primary Building: thirty-five (35) feet.
- (b) Accessory Building: twenty (20) feet.

**Landscaping and Buffering** – Twenty-five (25) feet of the front setback area and all the rear and side setback areas shall be maintained in natural material and utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front building line to the rear. Any lot within this district that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet and natural material consisting of either small trees and/or shrubs. This paragraph shall not apply to single family and two-family dwelling use.

**Lot Coverage** – The maximum lot coverage shall not exceed forty (40%) percent of the lot area.

**Off-Street Parking** – The minimum off-street parking shall be one and a half (1 1/2) spaces per dwelling unit.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."



## Article XI: B1 Limited Business

**Intention of District** – This district is intended primarily for professional office uses, personal service uses and retail service uses which dispense convenience goods and services directly to consumers on the premises.

(a) The conduct of uses shall be completely within enclosed buildings except for accessory off-street parking, loading facilities and drive-in service windows approved as special uses.

(b) Establishments where the principal use is the drive-in type of business, however, are not permitted.

**Permitted Uses** – No building structure or premises shall be used, arranged or designed to be used except as one or more of the following uses:

(a) Any use permitted in the R3 Multi-Family Residential District;

(b) General business offices including insurance agencies, real estate agencies, trade association offices, communication company offices, travel agencies and health studios;

(c) Clothing service uses including dry cleaning and laundry receiving stations, laundromats, dressmaking, tailoring and shoe repair shop;

(d) Equipment service uses including electrical household appliance store, radio, television, record sales and repairs, sporting goods and hardware stores;

(e) Food service uses including grocery, meat and fish markets, delicatessen eating places and bakery;

(f) Personal service uses including beauty and barber shops, camera and photographic shops and optician shops;

(g) Professional office uses including Clinics;

(h) Retail service uses including drug stores, variety stores, book and stationary stores, news stands, candy and ice cream stores, florists, gift, antique, art, music, toy, hobby shops, package liquor stores, paint and wall paper stores, jewelry and leather stores;

(i) Special service uses including children's homes, day care facilities, kindergartens, and nursing homes;

(j) Accessory uses which are incidental to or commonly associated with the operation or permitted use;

(k) Temporary uses;

(l) Other uses comparable and compatible with those set forth in this Article.

(m) Funeral Home or Mortuary

**Minimum Floor Area (Residential)** – The minimum floor area in this district shall be as follows:

(a) Nine Hundred Fifty (950) square feet for single-family structures;

- (b) for two-family structures (duplexes) Five Hundred (500) square feet for one (1) bedroom;
- (c) six hundred (600) square feet for a two (2) bedroom unit;
- (d) seven hundred (700) square feet for a three (3) bedroom unit.

Minimum floor area is exclusive of open porches, attached garages, and accessory structures.

**Maximum Floor Area (Business Use)** – No single business establishment shall exceed twelve thousand (12,000) square feet in total gross floor area.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Setback Lines** – The minimum setback lines shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: The side and rear setbacks shall each be ten (10) feet.

**Lot Size (Residential)** – The minimum lot size and dimensions for a residential dwelling shall be as follows:

- a) Lots not served by sanitary sewer facilities approved by the State Board of Health or a centralized sewage treatment plant (lots on septic systems):
  - a. 1. Area: 40,000 square feet;
  - b. Width and lot ratio: Minimum width of said lots shall be 100 feet, with no lot having more than 1:6 ratio of width to depth.
- b) Lots served by sanitary sewer systems or centralized sewage treatment plant:
  - a. Area: 9,600 square feet;
  - b. Width and lot ratio: The minimum width of said lots shall be 60 feet, with no lot having more than a 1:4 ratio of width to depth.

**Lot Size (Non Residential)** – The minimum lot size for a non-residential use shall be as follows:

- a) Area: Five thousand (5,000) square feet.
- b) Frontage: fifty (50) feet.

**Landscaping and Buffering** – Twenty-five (25) feet of the transitional setback area and an area ten (10) feet in width along the rear and ten feet in width along each side of the transitional setback area shall be maintained in natural material and utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front building line to the rear. Any lot within this district that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet and natural material consisting of either small trees and/or shrubs.

**Height Restrictions** – The maximum building height shall be thirty (30) feet.

**Lot Coverage** – The maximum lot coverage cannot exceed seventy-five percent (75%) of the total lot area.

**General Off-Street Parking and Loading Requirements** – Where a particular use in a specific district requires off-street parking, off-street parking shall be defined as hard surface area; parking spaces shall be a minimum of ten (10) feet in width and twenty feet (20) in length. If the off-street parking space cannot be provided on the same lot which the principal use is conducted, the Plan Commission may permit such space be provided on other off-street property provided such space be within three hundred (300) feet of any entrance to such principal use. Such off-street parking space shall thereafter be deemed to be required open space associated with this permitted use and shall not be reduced nor encroached upon in any manner.

Where the specific use or district requires off-street loading of facilities each single loading berth shall be not less than ten (10) feet in width and forty-five (45) feet in length and fourteen (14) feet in height if enclosed.

**Obstructions to Vision at Intersections Prohibited** –No fence, wall,-hedge, earth terraces, parking facilities or other structure or plant which would obstruct motor vehicle visibility, traffic approaching a corner or intersection shall be erected.

**Off-Street Parking and Loading** – One (1) space for each four hundred (400) square feet of gross floor area, and for office uses one (1) space for each three hundred (300) square feet of gross floor area. For any other non- residential use that is not appropriately defined as "retail or office," the minimum parking requirements shall be one (1) space per two hundred (200) square feet of building area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article XII: B2 Community and Roadside Business**

**Intention of District** – This district is intended primarily for highway oriented business uses offering supplies and services to the general public which are ordinarily located along highways and roadways designated as major arterials.

**Conduct of Permitted Uses** – The conduct of permitted uses in a B2 district shall be within completely enclosed buildings except for accessory uses that are clearly subordinate to the permitted use. Such accessory uses shall not occupy an area in excess of thirty (30%) percent of the total floor area of the main building. Outdoor storage and display of merchandise shall be allowed, but stockpiling of material which are not immediately available for purchase shall be prohibited. Retail establishments providing drive-in services, outdoor sales, service and display of merchandise shall be allowed. All outdoor storage and materials shall be within completely enclosed buildings or effectively screened by a solid wall or fence not less than six (6) feet in height. Storage within such enclosures shall not be in excess of the height of the wall or fence provided that for display of goods, such as automobiles, such wall or fence shall not be less than two (2) feet in height.

**Permitted Uses** – No building structure or premises shall be used, arranged or designed to be used except for one or more of the following uses:

- (a) Any use permitted in B1 district (with the exception of residential uses (Single-Family Dwellings, Two-Family Dwellings, Multi-Family Dwellings, Patio Homes, Group Homes, Child Care Homes));
- (b) Public service uses including utility substations, distribution center, bus, police, fire stations, post offices, libraries, telephone exchanges, waterworks, pumping stations, assembly halls, vocational and special schools;
- (c) General business offices including insurance agencies, real estate agencies, trade association offices, communication company offices, travel agencies, health studios and banking facilities;
- (d) Retail service uses including department stores, furniture, carpet, interior decorating, upholstering and other office supply stores, restaurants and catering establishments, hotels, taverns, and night clubs, and storage processing and/or conditioning when incidental to any of these uses;
- (e) Indoor commercial recreational uses including auditorium, theater, bowling alley, billiard rooms, dance studios, and amusement facilities;
- (f) Mortuaries, funeral parlors;
- (g) Garden supply centers;
- (h) Automobile accessory stores;
- (i) Automobile service station uses but not including major body repair, the dismantling or wrecking or the storage of inoperable or damaged vehicles;
- (j) Sales, rental and storage of automobiles, campers, recreational vehicles, manufactured homes, and boats provided that all service and maintenance work shall be conducted within enclosed buildings;
- (k) Drive-in restaurants;

(l) Commercial recreational uses including golf, amusement parks, drive-in movies, riding stables and other similar outdoor amusement facilities;

(m) Special service uses including model home displays, building materials sales, vending preparation, food locker plants, auction rooms, plant, nursery and greenhouses;

(n) Accessory uses that are incidental to and are commonly associated with the operation of the permanent use;

(o) Other uses comparable and compatible to those set forth in this Article.

(p) Mini-Warehouses.

(q) Car Wash and Automotive detailing.

(r) Feed or Fuel Stores

**Minimum Floor Area (Residential)** – The minimum floor area in this district shall be as follows:

(a) Nine hundred fifty (950) square feet for single-family structures;

(b) for two-family structures (duplexes) five hundred (500) square feet for one (1) bedroom; six hundred (600) square feet for a two (2) bedroom unit; and seven hundred (700) square feet for a three (3) bedroom unit. Minimum floor area is exclusive of open porches, attached garages, and accessory structures.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – The minimum lot area in a B2 district shall be as follows:

(a) Area: five thousand (5,000) square feet.

(b) Frontage: fifty (50) feet.

**Setback Lines** – The minimum setback lines in a B2 district shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.

2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.

3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.

4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: The side and rear setbacks shall each be ten (10) feet.

**Landscaping and Buffering** – Twenty-five (25) feet of the transitional setback area and an area ten (10) feet in width along the rear and ten (10) feet in width along each side of the transitional setback area shall

be maintained in natural material for landscaping purposes. Landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front of the building line to the rear. Any lot within this district that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet, and natural material consisting of either small trees and/or shrubs.

**Height Restrictions** – The maximum building height permitted shall be forty (40) feet.

**Floor Area** – The total floor area of the building shall not exceed one hundred and fifty (150%) percent of the lot area.

**Off-Street Parking and Loading** – The minimum parking area for retail establishments shall be one (1) space for each four hundred (400) square feet of gross floor area. The minimum off-street parking for office uses shall be one (1) space for each three hundred (300) square feet of floor area. For theaters, auditoriums, including school auditorium, church or other place of public assembly, there shall be a minimum of one (1) space for each eight (8) seats available at maximum capacity. The minimum off-street parking requirements for all other uses shall be one (1) space per two hundred (200) square feet of floor area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## Article XIII: B3 General Business

**Intention of District** – The B3 district is intended to serve as a general business district where a full range of goods and services are offered at the greatest amount of land use intensity.

**Conduct of Uses** – The conduct of permitted use in a B3 district shall be within completely enclosed buildings except for accessory uses that are clearly subordinate to the permitted use in area, extent, and purpose. Such accessory uses shall not occupy an excess of thirty percent (30%) of the floor area used in the same building or the same firm or enterprise. Outdoor storage and display of merchandise shall be limited to materials that are not immediately available for purchase. Any other storage or display of merchandise must be within an enclosed building.

**Permitted Uses** – No building structure or premises shall be used, arranged or designed to be used except for one (1) or more of the following uses:

- (a) Any use permitted in the B2 district (no residential uses);
- (b) Transportation facilities and accessory facilities, including but not limited to, waiting rooms, loading and unloading areas, storage and associated commercial uses;
- (c) Printing and publishing establishments, blue printing and photo establishments, radio and television studios;
- (d) Public and semi-public buildings;
- (e) Off-street parking facilities including parking garages and limited automobile servicing when enclosed;
- (f) Sales and display rooms for retail wholesale distribution of goods and materials and products;
- (g) Accessory uses which are incidental to and commonly associated with the permitted use including accessory drive-in services, wholesale distribution storage uses and the processing or light manufacturing of goods by retailers and wholesalers;
- (h) Hotels and motels.
- (i) Major Automotive Body Repair so long as inoperable or unlicensed motor vehicles or parts thereof are not located outside.
- (j) Pawn Shop or Gun or Ammunition Sales.
- (k) Carpenter, Cabinet, Plumbing, or Sheet Metal
- (l) Second-Hand Store
- (m) Upholstery Shop
- (n) The Following Uses – May be conducted wholly within a building or within an area enclosed on all sides by a solid wall, compact evergreen screen or uniformly painted board fence:
  - (i) Building material sales yard, including the sale of lumber.

- (ii) Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.
- (iii) Draying, freighting, or trucking yard or terminal.
- (iv) Public Utility service yard or electrical receiving or transforming station.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – There shall be no minimum lot size.

**Setback Lines** – The minimum setback lines shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: No setback required when a lot line abuts a business or industrial district lot line subject to the landscaping and buffering requirements set forth in this Article.

(c) Special Requirements/Proximity to Residential Districts: In any instance where a front, side or rear business lot line faces a residential district on the opposite side of the street or abuts a residential district the minimum required setback distance shall be sixty (60) feet plus one-half of the right-of-way in front and forty (40) on the side and rear. These setback distances shall be used only for driveways and parking but shall also be landscaped with opaque fencing and natural buffer material i.e., trees, shrubs, and similar natural material.

**Landscaping and Buffering** – Twenty-five (25) feet of the front setback area and ten (10) feet in width along the rear and ten (10) feet in width along each side of these respective setback areas shall be maintained in natural material and utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front of the building line to the rear. Any lot within this district that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet and natural material consisting of either small trees and/or shrubs.

**Height Restriction** – The maximum building height permitted shall be forty (40) feet.

**Floor Area** – The total floor area of the building shall not exceed one hundred and fifty percent (150%) of the lot area.

**Off-Street Parking and Loading** – The minimum parking area for retail establishments shall be one (1) space for each four hundred (400) square feet of gross floor area. The minimum off-street parking for office uses shall be one (1) space for each three hundred (300) square feet of floor area. For theaters, auditoriums, including school auditorium, church or other place of public assembly, there shall be a



minimum of one (1) space for each eight (8) seats available at maximum capacity. For hospitals and other institutions for care and treatment one space for 1 each four (4) beds plus one (1) space for each staff and visiting doctor plus one (1) space for each three (3) employees. For hotels and motels one (1) space for each room offered for tourist accommodations. For all other uses not specified herein one (1) parking space per two hundred (200) square feet of building area. The minimum off-street parking requirements for all other uses shall be one (1) space per two hundred (200) square feet of floor area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## Article XIV: M1 Light Industrial

**Intention of District** – The light industrial districts shall be for the type of industrial operation conducted within completely enclosed buildings that have no nuisance factors that result in emission outside of the building.

**Permitted Uses** – No building structure or premises shall be used, arranged or designed to be used except for one or more of the following uses:

- (a) Any use permitted in the B2 or B3 districts (no residential uses);
- (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis;
- (c) Light manufacturing including processing, refining, fabricating, assembly cleaning, testing, or repairing of goods, materials or products;
- (d) Enclosed wholesaling and warehousing packaging, storage or distribution facilities;
- (e) General offices associated with an industrial use including service facilities for employees or 1 guests provided that any service facility shall be entirely enclosed within a building;
- (f) Utility installations and facilities;
- (g) Accessory uses which are incidental or commonly associated with the operation or permitted use including recreational areas for employees, lodging facilities for owners, guards, or care takers;
- (h) Bakeries, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages;
- (i) Machine, welding, tool and die shops and electroplating operations;
- (j) Manufacture of cloth, jewelry and leather products;
- (k) Biological, medical and cosmetic manufacturing;
- (l) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical;
- (m) Manufacture and assembly of marine, office, household appliances, furniture, communication and automobile equipment, air conditioning, heating, and refrigeration equipment;
- (n) Can and container manufacture, processing and milling of forest products;
- (o) Dyeing and cleaning works and services such as linen suppliers, freight movers and communication and canteen operations;
- (p) Trucking and railroad terminals;
- (q) Upholstering and leather goods manufacture;

(r) Cannery, bottling, processing, and packaging of food and beverages, granaries, grain processing, meat processing and starch manufacture;

(s) Vehicle impound lots with no more than one (1) vehicle per 30 square feet of outdoor vehicle storage space (excluding stacking of vehicles) located entirely on concrete or asphalt, fenced on all sides, and with no license plate expired more than thirty (30) days. This use shall not include parking lots.

(t) Other uses comparable and compatible to those set forth in this Article.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – There shall be no minimum lot size in this district.

**Setback Lines** – The minimum setback lines shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.

2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.

3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.

4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: No setback required when a lot line abuts a business or industrial district lot line subject to the landscaping and buffering requirements set forth in this Article.

(c) Special Requirements/Proximity to Residential Districts: In any instance where a front, side or rear industrial lot line faces land zoned either A1, RP, R1, and R2 on the opposite side of the street or abuts any such zoned area, the minimum required setback distance shall be 250 feet from the front, side and rear. These setback distances shall be used only for driveways and parking and shall be landscaped with opaque fencing and natural buffer material, i.e., trees, shrubs and similar natural material.

**Landscaping and Buffering** – Twenty-five (25) feet of the front setback area and ten (10) feet in width along the rear and ten (10) feet in width along each side of these respective setback areas shall be maintained in natural material and utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front of the building line to the rear. Any lot within this district that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet and natural material consisting of either small trees and/or shrubs.

**Height Restrictions** – The maximum building height permitted shall be forty (40) feet provided that additional height shall be permitted to the maximum extent of one hundred (100) feet when additional setback distance is provided to the minimum extent of two (2) feet for each five (5) feet in height over such forty (40) feet.

**Performance Standards** – Prior to the issuance of a building permit the following requirements shall be met:

(a) Plans and specifications for proposed sewage disposal facilities and all required written approvals, required under State, Federal and local laws from all appropriate State, Federal and local agencies, shall be submitted to the Plan Commission.

(b) Written approval of proposed connection to a public sewer shall be obtained from said utility.

(c) Plans and specifications for proposed storm drainage facilities shall be submitted with evidence of written approval obtained from the county engineer in addition to all necessary permits which must be obtained from all appropriate state agencies.

**Off-Street Parking and Loading** – The minimum parking area for retail establishments shall be one (1) space for each four hundred (400) square feet of gross floor area. The minimum off-street parking for office uses shall be one (1) space for each three hundred (300) square feet of floor area. For theaters, auditoriums, including school auditorium, church or other place of public assembly, there shall be a minimum of one (1) space for each eight (8) seats available at maximum capacity. Wholesale storage and manufacturing establishments shall have one (1) space for each two (2) employees per shift. Every building or structure used for loading and unloading of vehicles on premises shall have one (1) loading berth if less than ten thousand (10,000) square feet, two (2) loading berths if between ten thousand (10,000) and twenty-five thousand (25,000) square feet, and one (1) berth for each additional twenty-five thousand (25,000) square feet up to two hundred thousand (200,000) square feet (nine (9) berths required) then one (1) berth for each additional two hundred thousand (200,000) square feet of floor area. The minimum off-street parking requirements for all other uses shall be one space per two hundred (200) square feet of floor area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## Article XV: M2 Heavy Industrial

**Intention of District** – Heavy industrial district is intended for those heavy industrial uses that are typically characterized by objectionable factors which are exceedingly difficult to eliminate. These industries are therefore buffered by efficient areas that minimize any adverse effects and wherever practical this district is removed as far as possible from residential areas buffered by intervening minor industrial districts.

**Permitted Uses** – No building structure or premises shall be used, arranged or designed to be used except as one or more of the following uses:

- (a) Any use permitted in the M1 district (with the exception of Day Care Centers and Churches);
- (b) Creosote manufacturing and treatment of petroleum products;
- (c) Foundry, smelting operations, metal forging, fabricating, rolling and stamping operations;
- (d) Boiler manufacturing, structural steel fabricating, general manufacturing assembly plants;
- (e) Railroad equipment manufacturing, repair and service yards;
- (f) Manufacturing of soaps, pharmaceutical paper products, manufacturing of malt products, brewing distillation of liquor and spirits, poultry hatchery, stone works and stone cutting, thermal, electric, and steam power plants;
- (g) Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufactured;
- (h) Mining, extraction, washing, and processing of sand, gravel, and other minerals;
- (i) Manufacture and assembly of glass, plastic and rubber products and implements;
- (j) Manufacture of colors, dye, paint and other coatings, and tar products;
- (k) Other uses comparable and compatible to those set forth in this Article.
- (l) Municipal solid waste landfill (non-hazardous) as defined by 329 IAC 10-2-116, as the same may be amended from time-to-time.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – The minimum lot size shall be as follows:

- (a) Area: forty thousand (40,000) square feet.
- (b) Frontage: two hundred (200) feet.

**Setback Lines** – The minimum setback lines shall be as follows:

- (a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: No limits when a lot line abuts other business or industrial district lot lines.

(c) Special Requirements/Proximity to Residential Districts: In any instance where a front, side or rear industrial lot line faces any agricultural or residential district on the opposite side of the street or abuts any agricultural or residential district, the minimum required setback distance shall be 500 feet from the front, side and rear. These setback distances shall be used only for driveways and parking and shall be landscaped with opaque fencing and natural buffer material, i.e., trees, shrubs and similar natural material.

(d) The provisions of subsections (a), (b), and (c) shall not be applicable to a municipal solid waste landfill (non-hazardous) as define by 329 IAC 10-2-116, as the same may be amended from time-to-time, but rather that the minimum setback requirements for such use shall be :

- a. For a new use or facility, in accordance with the minimum requirements of 329 IAC 10-16-11, as the same may be amended from time-to-time.
- b. For the lateral expansion of an existing facility or use, regardless of whether or not it is on land previously under the ownership of the existing facility or use, in accordance with the minimum requirements of 329 IAC 10-16-12(d), as the same may be amended from time-to-time.

**Landscaping and Buffering** – Twenty-five (25) feet of the front setback area and ten (10) feet in width along the rear and ten (10) feet in width along each side of these respective setback areas shall be maintained in natural material and utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front of the building line to the rear. Any lot within this district-that abuts any lot utilized for residential purposes shall also be screened with a combination of opaque fencing, not to exceed six (6) feet and natural material consisting of either small trees and/or shrubs.

**Height Restrictions** – The maximum building height permitted shall be forty (40) feet provided that additional height shall be permitted to the maximum extent of one hundred (100) feet when additional setback distance is provided to the minimum extent of two (2) feet for each five (5) feet in height over such forty (40) feet.

**Performance Standards** – Prior to the issuance of a building permit the following requirements shall be met:

(a) Plans and specifications for proposed sewage facilities shall be submitted to the Plan Commission which shall include all required written approvals, which are required under Federal, State and local laws.

(b) In the event the proposed use contemplates connection to an existing IDEM/Indiana Dept. of Health sewer, written approval from the Sewer District and/or Utility Department for said proposed connection shall be submitted to the Plan Commission.

(c) Any and all plans and specifications which may be required, given the contemplated use and acreage involved, as required under Article XXV.

**Off-Street Parking and Loading** – Wholesale storage and manufacturing establishments shall have one (1) space for each two (2) employees per shift. Every building or structure used for loading and unloading of vehicles on premises shall have one (1) loading berth if less than ten thousand (10,000) square feet, two (2) loading berths if between ten thousand (10,000) and twenty-five thousand (25,000) square feet, and one (1) berth for each additional twenty-five thousand (25,000) square feet up to two hundred thousand (200,000) square feet (nine (9) berths required) then one berth for each additional two hundred thousand (200,000) square feet of floor area. The minimum off-street parking requirements for all other uses shall be one (1) space per two hundred (200) square feet of floor area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article XVI: M3 Hazardous Waste Disposal District**

**Intention of District** – This district is restricted to facilities for the disposal; destruction, or recycling of toxic chemicals, radioactive wastes, heavy metals, asbestos and other forms of hazardous waste whether through incineration, land filling, or other mechanical, chemical, or technological means.

**Permitted Uses** – No building, structure or premises shall be used, arranged or designed to be used except for one or more of the following uses:

- (a) Any use permitted in the M2 district (no Day Care Centers or Churches);
- (b) Landfill;
- (c) Waste transfer facilities;
- (d) Recycling facilities and related operations;
- (e) Storage processing and recycling of hazardous materials.

**Special Uses** – Those special uses that are permitted in this District are set forth in Article XXIII.

**Lot Size** – The minimum lot size shall be as follows:

- (a) Area: forty thousand (40,000) square feet.
- (b) Frontage: two hundred (200) feet.

**Setback Lines** – The minimum setback lines in a M3 district shall be as follows:

(a) Front: The front yard setback shall be determined, with reference to the United States Department of Transportation Functional Roadway Classification System, in the manner provided as follows:

1. For lots located on a major collector, the front setback shall be a distance of seventy (70) feet from the center of the paved roadway.
2. For lots located on interstates, expressways or other principal arterials, the front setback shall be a distance of sixty (60) feet from the right-of-way.
3. For lots located on a minor collector, the front setback shall be seventy (70) feet from the center of the paved roadway.
4. For local or minor streets, the front setback shall be fifty (50) feet from the center of the paved roadway.

(b) Side and rear: No limits when a lot line abuts other business or industrial district lot lines.

(c) Special Setback Requirements: No M3 use shall be located within one (1) mile of any other business, residence, church, school, health care facility, or child care facility as measured from the point of admission discharge or regulate activity to the nearest property line.

**Landscaping and Buffers** – An area twenty-five (25) feet width running along the front of the subject property measured from the right-of-way line or even in the right-of-way, one cannot be determined from



the nearest edge of the paved roadway and an area ten (10) feet in width along the rear and ten (10) feet along each side of the subject property shall maintain a natural material utilized for landscaping purposes. Said landscaping materials shall include appropriate vegetation, durable plants, and trees such as pine and evergreen species from the front of the building line to the rear.

**Height Restrictions** – The maximum building height permitted shall be forty (40) feet provided that additional height shall be permitted to the maximum extent of one hundred (100) feet when additional setback distance is provided to the minimum extent of two (2) feet for each five (5) feet in height over such forty (40) feet.

**Performance Standards** – Prior to the issuance of an improvement location permit the following requirements shall be met:

(a) Plans and specifications for proposed sewage disposal facilities unless a connection is made to a public sewer industrial waste treatment disposal facilities shall be submitted to in a written approval obtained from all appropriate state, federal and local agencies.

(b) Written approval of proposed connection to a public sewer shall be obtained from said utility.

(c) Plans and specifications for proposed storm drainage facilities shall be submitted in written approval obtained from the county engineer in addition to all necessary permits which must be obtained from all state agencies.

(d) Legal description of the property included in the request.

(e) Drawing indicating existing features of the site and property within one-half mile of the site including vegetation, water features, topography, soil characteristics, flood hazard areas, drainage structure, land uses, zoning, groundwater levels and groundwater gradient, and other pertinent features.

(f) Site plan showing the details of the proposed development, including proposed structures, fill areas and maximum heights of fill, barrow areas, access drives, parking area screening, and/or buffering, and other similar information which the staff may reasonably require given the nature of the proposed use.

(g) Any use in this district must meet all applicable construction, operating standards of all local, state and federal regulatory agencies including, but not limited to Clark County Health Department, Indiana State Board of Health, Indiana Department of Environmental Management and United States Environmental Protection Agency.

**Off-Street Parking and Loading** – Wholesale storage and manufacturing establishments shall have one (1) space for each two (2) employees per shift. Every building or structure used for loading and unloading of vehicles on premises shall have one (1) loading berth if less than ten thousand (10,000) square feet, two (2) loading berths if between ten thousand (10,000) and twenty-five thousand (25,000) square feet, and one (1) berth for each additional twenty-five thousand (25,000) square feet up to two-hundred (200,000) square feet (nine (9) berths required) then one berth for each additional two-hundred thousand (200,000) square feet of floor area.

**Signs** – All signs are subject to those provisions set forth in Article XX "On Premises Signs" and Article XXI "Outdoor Advertising Displays/Off-Premise Signs/Billboards."

## **Article XVII: Supplemental Fill Operations District**

This district is an overlapping district covering the entire jurisdictional area of the Clark County Plan Commission.

**Uses Permitted** – Fill operations on or adjacent to private ponds.

All earth disturbing activity must go before the County Drainage Board for approval.

## **Article XVIII: I-265 Corridor Overlay District (I-265 COD)**

**Intention of District** – The intent of the I-265 Corridor Overlay District is to promote aesthetics and compatible uses surrounding the future I-265 Corridor. In anticipation of the future I-265 extension leading to a new East End Bridge, this area is prime for development. The purpose of this district is to maximize the area's potential and ensure that future development is compatible with existing uses.

The I-265 Corridor Overlay District adds development standards and guidelines to the existing underlying zoning district. All properties within the District are subject to the underlying zoning district in which they are located, unless other requirements are specifically established by the I-265 Corridor Overlay District. In this case, the I-265 COD requirements shall take precedence.

The I-265 Corridor Overlay District surrounds the future I-265 extension. The new portion of I-265 will run from the existing I-265 and SR 62 interchange to the new Ohio River Bridge that will be located to the northeast of Utica. The I-265 Corridor Overlay District is essentially bounded by the River Ridge Commerce Center to the north, the Ohio River to the east, the Utica and Jeffersonville boundaries to the south, and SR 62 to the west. Refer to the I-265 Corridor Overlay District Map (Figure 1) for the actual boundaries of the district. If the district boundary runs through a property, then any property that is 50 percent or more within the district must follow the regulations of the I-265 Corridor Overlay District. Because the district first takes affect after adoption of this Zoning Ordinance, all uses and structures in this district existing prior to the adoption of this ordinance, which would not conform to these regulations, may continue as such until the property changes its use. This district only applies to properties in unincorporated Clark County. If the city of Jeffersonville or Utica were to annex properties located within this district, these regulations would no longer be applicable for such properties.

**Location** – The I-265 Corridor Overlay District is essentially bounded by the River Ridge Commerce Center to the north, the Ohio River to the east, the Utica and Jeffersonville boundaries to the south, and SR 62 to the west. Refer to the I-265 Corridor Overlay District Map (Figure 1) for the actual boundaries of the district.

**Permitted Uses** – Permitted uses within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property. Exceptions are the I-265 COD Prohibited Uses listed below.

**Prohibited Uses** – The following uses shall not be permitted within the I-265 Corridor Overlay District:

- Adult entertainment establishments
- Automobile parts recycling facilities
- Billboards and off-site/outdoor advertising
- Flea Markets
- Land clearing and inert debris landfills
- Sanitary landfills and/or other similar refuse or garbage processing facility
- Mines and quarries
- Mobile home parks
- Scrap yards
- Penal and correctional facilities
- Land or structure(s) used for the storage of junk or salvage, business selling principally junk or salvage
- Electronic message boards and/or signs with flashing, moving, rotating or intermittent lights, or animated messages
- Utility installations, including but not limited to electric power or steam generating plants
- Mineral extraction, storage or processing
- Livestock sale or auction stockpens

- Confined animal feeding and/or breeding operations
- Gun clubs, skeet shoots or target ranges

**Minimum Floor Area** – Minimum floor area for structures within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**Maximum Floor Area** – Maximum floor area (if applicable) for structures within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**Setback Lines** – Minimum setback lines for structures within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**Landscaping and Buffering** – Landscaping and buffering within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property. Exceptions are the additional screening requirements for mechanical equipment, outside storage and trash collection (i.e. dumpsters).

(a) **Screening of mechanical equipment**

1. All non-residential uses must screen all roof, ground and wall mounted mechanical equipment (i.e. heating and air conditioning units, duct work, transformers, etc.) from view at ground level on adjacent properties or public streets.
2. Screening shall result in mechanical equipment that appears to be part of the primary building rather than separate from the building.
3. Roof-mounted mechanical equipment shall be screened from view on all sides by materials consistent with the primary building materials.
4. Ground and wall mounted mechanical equipment screening shall be constructed of evergreen shrubs or other planting screens that create a solid screen all year long; brick, stone or other masonry materials that are similar to the primary building; or fences built with pressure treated wood or similar materials that create a solid screen.

(b) **Screening of outside storage and trash collection**

1. Outside storage and trash collection shall be located on the side of rear of the building and screened from view on adjacent properties or public streets.
2. Screening shall be a minimum of seven (7) feet tall or a minimum of one (1) foot above the top of the storage materials or trash bin/dumpster.
3. Screens shall be constructed of evergreen shrubs or other planting screens that create a solid screen all year long; brick, stone or other masonry materials that are similar to the primary building; shrubs or other planting screens; or fences built with pressure treated wood or similar materials that create a solid screen.

**Height Restrictions** – The maximum building height for structures within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**Lot Coverage** – The maximum lot coverage for structures within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**General Off-Street Parking and Loading Requirements** – Off-Street Parking and Loading within the I-265 Corridor Overlay District is subject to the requirements of the underlying zoning district for the individual property.

**Signs** – There shall be no off-premise signs (i.e. billboards) placed within the I-265 Corridor Overlay District. All signs within the I-265 Corridor Overlay District are subject to those provisions set forth in Article XX "On Premises Signs."

## **Article XIX: On Premises Signs**

**Purpose** – This Article is intended to provide reasonable standards for signs utilized for identification of an owner's business or industry while discouraging their proliferation, disrepair, or garishness.

### **Placement**

(a) A sign means an identification description, display, or illustration which is affixed to, painted, or represented directly or indirectly on a building or land and which directs attention to product, person, business, or service associated or offered as the primary use, business, or activity on the premises.

(b) A sign may not be erected or placed in any district with the exception of those signs listed in Section: (Exemptions), until a zoning use permit has been issued by the Plan Commission.

1. Items needed for a zoning use permit.

(a) Plot plans showing the exact location of the sign;

(b) Frontal elevation showing size of sign and height above street elevation.

2. Each sign requiring a permit shall display the permit number.

3. Signs erected prior to this subchapter shall have six (6) months from the effective date of this code to comply with this section.

(c) The minimum setback of freestanding signs from street right-of-way shall not be less than those given in the Clark County Chart for On-Premises Signs. Setbacks shall be measured to the nearest point of the sign to the edge of the right-of-way.

(d) The area of a sign shall be determined by the smallest circle, triangle, or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message.

(e) No sign shall be erected higher than sixty (60) feet above ground level unless a height variance is granted by the Board of Zoning Appeals.

### **Exemptions**

(a) The following signs are exempt from the requirements of this chapter.

1. Signs not exceeding two (2) square feet in area which identify the names and addresses of occupants but do not denote commercial activity;

2. Flags and insignias of a governmental unit, church, or non-profit organization except in connection with a commercial promotion;

3. Legal notices, identification, informational, warning, trespassing, or directional or architectural features of buildings;

4. Memorial plaques and historical markers;

5. Integral decorative or architectural features of buildings;

6. One real estate sign for each frontage, not exceeding six (6) square feet, indicating the sale, rental, or lease of the premises. These signs shall be removed within two (2) weeks after the sale, rental, or lease:

7. Traffic or directional signs placed by a municipality of state.

(b) An exempt sign may be illuminated but may not be flashing or animated.

### **Maintenance and Removal**

(a) When the product, person, business, or service that is advertised on a sign is abandoned or altered, the sign must be removed within sixty (60) days or altered to depict an existing product, business, or service on the premises. The owner and tenant of the land are equally responsible for removal or alteration of the sign.

(b) A sign is considered not to be functional when its essential elements are no longer readable, when it is materially obstructed from view, or when a condition of dilapidation exists.

(c) The Building Commissioner has the right of entry to inspect signs to determine whether they are functional. If the Building Commissioner determines that a sign is not functional, he shall send written notice to the owner of the sign to remove, alter, or repair the sign. If the owner does not comply within sixty (60) days, the Building commissioner shall order removal of the sign at the owner's expense.

### **Temporary Sign Permits**

(a) The following signs are permitted only with the issuance of a temporary sign permit.

1. Signs advertising a special event. Issuance of the permit shall be for a maximum of ten (10) days.

2. One sign for each street frontage of premises of buildings that are being constructed, demolished, or remolded to announce the character of the building enterprise. This sign may not exceed sixty-four (64) square feet in area. Issuance of the permit shall be for period of the construction, demolition, or remodeling.

3. One sign not to exceed ten (10) square feet in area for each street entrance to a subdivision to advertise the sale, rental, or lease of real property. The sign may not be erected until the subdivision has been recorded and approved. Issuance of the permit shall be for twelve (12) months.

4. One sign not to exceed six (6) square feet in area for each model home, temporary office, or model apartment in subdivision. The sign must be solely for direction or for promotion of the use. Issuance of a permit shall be for six (6) months with renewal by the Plan Commission for a three (3) month period.

5. Portable, folding or moving signs. Issuance of the permit shall be for a maximum of thirty (30) days. A portable sign may not be placed closer than ten (10) feet to a street or highway right-of-way or where it blocks traffic vision.

(b) All temporary signs must conform to the requirements of this chapter and are subject to the inspection, removal, and penalties provided by this chapter.

**Prohibited Signs** – The following signs are prohibited:

- (a) Signs or posters affixed to telephone and utility poles, trees or other structures on public right-of-way;
- (b) A sign placed over or in a public street or highway right-of-way;
- (c) A sign erected at a location where it may interfere with, obstruct the view of, or be confused with a traffic or railroad sign or signal, or oncoming traffic, or where it would present a traffic hazard as determined by the County Highway Engineer;
- (d) Display lights resembling danger or emergency lights;
- (e) Use of the words, "stop", "danger", "look", or any other word which would confuse traffic;
- (f) Rotating or revolving beams of light;
- (g) Placement or projection of a sign nearer than twenty-four (24) inches to a street or highway right-of-way line;
- (h) Flashing, moving, or intermittent lights except white of low intensity;
- (i) Strobe lights.

**Provisions for Theaters**

- (a) Attraction boards located on the premises of a theater shall not be included in the calculation of the forty percent (40%) maximum coverage requirements set forth in the Clark County On-Premises Sign Chart.
- (b) Use of the words, "stop", "danger", and "look", may be used only when they are part of attraction title, but may not be used in such a way that they simulate official traffic warnings.

**Permitted Signs by District**

- (a) In any district, a sign conveying only instructions related to the premises on which it is maintained may be erected so long as the area of the sign does not exceed three (3) square feet and the sign is located at least six (6) feet from any curb, and they must not be creating a traffic hazard.
- (b) In all districts, identification and instructional signs may not be erected or maintained unless they conform to the requirements shown on the Clark County Chart for On-Premises Signs.

(Clark County Chart for On-Premise Signs on next page)

**CLARK COUNTY CHART FOR ON-PREMISE SIGNS**

DISTRICT	C1, A1, R1, R2, RP	R3, B1, PUD	B2, B3	M1, M2, M3
<b>MAXIMUM AREA</b>	2 sq. ft.	100 sq. ft.	200 sq. ft.	500 sq. ft.
<b>DISTANCE FROM RIGHT-OF-WAY LINE</b>	APPLIES TO ALL DISTRICTS*			
	5 sq. ft. or less.....2 feet 5.1 sq. ft. to 14.9 sq. ft.....10 feet 15 sq. ft. or more.....25 feet			
* Provided, however, that no sign may be placed in any location or in any way as to obstruct the safe sight lines of a person operating a vehicle upon a public roadway.				
<b>NUMBER OF SIGNS PER STREET FRONTAGE</b>	1	1	2	2
<b>ILLUMINATION</b>	Yes, indirect all signs but not flashing	Yes, indirect all signs but no flashing	Yes, all signs	Yes, all signs
<b>SPECIAL RESTRICTIONS</b>	None	Bed & Breakfast & boarding house limited to maximum 6 sq. ft. sign; if lighted must be externally illuminated	Flat signs maximum coverage of wall area 40%  Canopy signs - maximum extension above canopy 6 feet	None



## **Article XX: Outdoor Advertising Displays/Off-Premise Signs/Billboards**

**Purpose** – This Article is intended to provide reasonable standards for outdoor advertising while discouraging their proliferation, disrepair, or garishness.

### **Placement**

(a) An off-premise sign means an identification, description, or illustration which directs attention to a product, person, business, or service not offered or sold as the primary use, business, or activity on the premises where it is located.

(b) An off-premise sign may not be erected or placed in any district until zoning use permit has been issued by the Plan Commission and written consent has been obtained from the owner or lessee of the premises on which the display is located. Items needed for a zoning use permit include a plot plan showing the exact location of the display and a frontal elevation showing size of sign and height above street level.

### **Maintenance and Removal**

(a) When the product, person, business, or service that is advertised on an outdoor advertising display is abandoned or altered, the display must be removed or altered within sixty (60) days to depict an existing product, person, business, or service. The owner and tenant of the land are equally responsible for removal or alteration of the sign.

(b) An outdoor advertising display is considered not functional when any of the following conditions exist.

1. Its essential elements are no longer readable.
2. It is materially obstructed from view.
3. A condition of substantial disrepair exists.
4. The area that is leased for display or within twenty-five (25) feet of a display on an undeveloped property is not kept free of weeds, debris, or refuse.

(c) The County Building Commissioner has the right of entry to inspect outdoor advertising displays to determine whether they are functional. If the Commissioner determines that a display is not functional, he shall send written notice to the owner of the display to remove, alter, or repair the display or the area of undeveloped property on which the display is located. If the owner does not comply within sixty (60) days, the Commissioner shall order removal of the sign at the owner's expense.

**Prohibitions** – The following are prohibited in connection with any outdoor advertising display.

(a) Placement over or in a street highway right-of-way, or sidewalk.

(b) Placement or installation where the display or its illumination may interfere with, obstruct the view of, or be confused with traffic or railroad signs or signals or oncoming traffic; or where said illumination and lighting would interfere with the quiet enjoyment of adjacent properties and/or where said lighting or proposed illumination would present a traffic hazard as determined by the appropriate governmental agency.

- (c) Lights resembling danger or emergency lights.
- (d) Flashing, moving, or intermittent lights except white.
- (e) Rotating or revolving beams of light.
- (f) Placement or projection of a sign nearer than fifty (50) feet to a street or highway right-of-way line:

**Permitted Signs by District**

- (a) An outdoor advertising display may not be erected or placed in a C1, AI, PUD, or any residential district.
- (b) An outdoor advertising display may be erected or placed in any other district subject to the restriction shown on the following chart.
- (c) A double-faced display whose two (2) faces are not more than ten (10) feet apart and a back-to-back whose two faces are not more than fifteen (15) feet apart is considered to be one display. A V-type display whose three (3) faces are not more than fifteen (15) feet apart is considered to be one display.

**CLARK COUNTY OUTDOOR ADVERTISING DISPLAY CHART**

	<b>B2</b>	<b>B3</b>	<b>M1, M2, M3</b>
<b>TOTAL NO. OF DISPLAYS FOR EACH STREET FRONTAGE</b>	1	2	2
<b>TOTAL AREA OF DISPLAY</b>	300 sq. ft.	700 sq. ft.	1,000 sq. ft.

## **Article XXI: Board of Zoning Appeals**

### **Variations and Appeals Procedures**

- (a) The Board of Zoning Appeals shall approve or deny all:
1. Variations from the terms of the zoning ordinance, but only in classes of cases or in the specific situation specified in the zoning ordinance.
  2. Appeals from staff decisions.
- (b) The Board shall set a date for a public hearing on the petition.
1. Notice of the public hearing shall be published one time, at least ten (10) days before the date of the hearing.
  2. Prior to the public hearing by the Board of Zoning Appeals, the petitioner must file in the Plan Commission office proof of notification.
  3. Cost of the notice must be borne by the petitioner
  4. A person may not communicate with any member of the Board before the hearing with the intent to influence the member's action on a matter pending before the Board. Not less than five (5) days before the hearing, however, the staff of the Plan Commission may file with the Board a written statement setting forth any facts or data pertinent to the matter.
  5. Should the petitioner fail to comply with the notice requirements, as provided by this section, before the second regular meeting of the Board of Zoning Appeals following the date said petition is filed, the petition shall be withdrawn by the Board of Zoning Appeals and the time limits imposed by this Article shall apply.

### **Requirements for Variance**

- (a) A person desiring a variance from the requirements of this chapter must file a petition with the Board of Zoning Appeals describing the property that is the subject of the variance, the type of variance required, the facts pertinent to the variance desired and a site plan.
- (b) Following the public hearing on the variance, the Board of Zoning Appeals must either grant or deny the petition. No variance may be granted except on a finding of all of the following factors:
1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property;
  4. The variance is not a variance of the use of the property;
  5. The petitioner's property is not located in a Planned Unit Development;

6. The applicant does not create the need for the variance.

(c) The Board of Zoning Appeals may not grant a variance from the use district or classification. The grant of a variance is by resolution of the Board of Zoning Appeals and is not an amendment of this chapter.

(d) The Board may incorporate into the granting of a variance whatever conditions or limitations are necessary to protect adjacent properties and the surrounding neighborhood and effectuate the purpose of this chapter.

### **Appeals before the Board of Zoning Appeals**

(a) The Board of Zoning Appeals shall hear and determine appeals from and review:

1. Any order, requirement, decision, or determination made by a Plan Commission staff member under the zoning ordinance;

2. Any order, requirement, decision, or determination made by an administrative board or other body except the Clark County Plan Commission in relation to the enforcement of an ordinance requiring the procurement of an improvement location permit or occupancy permit.

(b) An appeal filed with the Board of Zoning Appeals must specify the grounds of the appeal and must be filed within such time and in such form as prescribed by the Board of Zoning Appeals by rule.

(c) The administrative official, administrative board or other body from whom the appeal is taken, shall, on the request of the Board of Zoning Appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

(d) Upon appeal, the Board may reverse, affirm, or modify the order, requirement, or decision, or determination appealed. For this purpose, the Board has all the powers of the official, officer, board, or body from which the appeal was taken.

(e) Within five (5) days, the Board of Zoning Appeals shall file in the office of the Board a copy of its decision.

### **Time Limits**

(a) The denial of a petition for a variance, special use or an appeal by the Board of Zoning Appeals or the withdrawal of such a petition by the petitioner shall prohibit the Board of Zoning Appeals from hearing a petition for a variance, special use, or an appeal for the subject property or a part thereof for twelve months from the date of the denial or withdrawal.

**Appeals from Board Decisions** – A person aggrieved by a decision of the Board of Zoning Appeals may appeal the decision in the manner provided in I.C. 36-7-4-1 000 et seq.

## **Article XXII: Board of Zoning Appeals: Special Uses**

**Objectives** – Certain uses are necessary to the life and economic health of the community, but have characteristics of operation that do not readily permit classification in the usual residential, commercial, or industrial districts. Because of the various types of consideration, the specific conditions under which each use may be permitted must be considered. These uses are specifically listed in this Article. Conditions for the approval of a special use are enumerated in this Article. The BZA shall approve or deny all special uses.

**Special Uses as Secondary Classifications** – Special uses are secondary classifications. If land is approved by the Board of Zoning Appeals for a special use, the special use designation shall be placed on the zoning map in addition to its primary zoning classification.

### **Procedure**

(a) A person desiring a special use classification must submit an application to the Board of Zoning Appeals at the Plan Commission Office. The application must contain a site plan showing the following:

1. The proposed use of the land;
2. The location and size of all buildings and structures, including signs;
3. The locations of streets, access drives, and off-street parking and loading facilities;
4. Buffer landscaping and required green area;
5. Any other plans or specification which the staff of the Plan Commission deems necessary.

(b) After receipt of the application, the Board of Zoning Appeals shall conduct a public hearing pursuant to I.C. 36-4-900, et seq. for which ten (10) days prior notice shall be given by the applicant, by certified mail, return receipt requested, to all abutting property owners and to the public by legal advertisement. Should the petitioner fail to comply with the notice requirements, as provided by this section, before the second regular meeting of the Board of Zoning Appeals following the date said petition is filed, the petition shall be withdrawn by the Board of Zoning Appeals and the time limits imposed by this Article shall apply. After public hearing, the Board of Zoning Appeals shall make its determination for approval, denial, or modification of the Special Use classification based on the following criteria:

1. Whether the specific site is an appropriate location for the use;
2. Whether the use as developed will adversely affect the surrounding area;
3. Whether there will be nuisance or serious hazard to vehicle, pedestrians, or residents;
4. Whether adequate and appropriate facilities will be provided for proper operation of the use;
5. Whether the use is in harmony with the County Plan;
6. Whether the use is essential or desirable to the public convenience and welfare.

In addition to all other notices as required by this ordinance or state law, notice of all hearings before the Clark County Board of Zoning Appeals shall be posted in a conspicuous place on the subject property at least every 500 feet at least ten (10) days prior to the date of the hearing. Such signs shall be no smaller than 22 inches in height and 28 inches in width and shall bear lettering large and bold enough to be read from the road frontage. Each such notice shall state as a minimum: "The owner of this property has made a request before the Clark County Board of Zoning Appeals on a proposed (variance, special use, etc.). A public hearing will be held on the request at Room 308, County Building, Jeffersonville, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m."

Signs may be purchased in the Plan Commission Office.

All signs shall be removed within ten (10) days following final action.

(c) The Board of Zoning Appeals approval or modification of a Special Use classification may include whatever reasonable conditions, limitations, or temporary uses necessary for the protection of the public interest including the following:

1. Greater front, side, and rear yards than the minimum for the area;
2. More off-street parking and screening;
3. Modification of exterior design or materials;
4. Limitations on the lot coverage and occupancy of building or structure;
5. Limitations on signs and sign coverage;
6. Time limitations.

(d) To protect the public interest and to ensure compliance with requirements to be included in the site plan, the Board of Zoning Appeals may require whatever evidence and guarantees are necessary to assure compliance with conditions, limitations, and temporary uses.

(e) In addition to all the other limitations and provisions contained in the Zoning code, "S.U. 31" shall be limited as follows:

1. Except for the shipment and receipt of goods, products or items necessary for the "S.U. 31," the use shall not be visible from the exterior of the premises;
2. No person or persons may be employed in the "S.U. 31" home occupation at the site other than the resident (or residents) of the site for which the "S.U. 31" has been granted;
3. The use may not be varied from the specified home occupation identified by the applicant for whom it is granted.

### **Discontinuance of Special Use**

(a) If a special use is abandoned for one year or has not been established within one (1) year after the date granted, the special use classification shall be null and void.

(b) A special use may not be altered to become any use other than that approved by the Board of Zoning Appeals.

**Time Limits** – The Board of Zoning Appeals may impose reasonable time limits on any Special Use granted, as circumstances warrant.

**Limitations on Special Uses** – Only those special uses that are indicated on Table S.U., following this section, shall be permitted in the zoning districts indicated by the table. The placement of an abandoned vehicle and/or abandoned mobile home on any parcel of land which has not been appropriately zoned or granted a special use for salvage purposes and which remains on said parcel for more than twenty-four (24) hours shall be considered a violation of this ordinance.

**Mobile Home Parks** – The following minimum requirements shall apply:

1. Conditions of soil, groundwater level, drainage, geologic structures and topography shall not create hazard 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.
2. The minimum area of a mobile home park shall be five acres.
3. The density of a park shall not exceed eight mobile homes per acre of gross site area. No more than one mobile home shall be placed on a lot.
4. No mobile home and enclosed accessory structures designed for living space shall be located closer than twenty feet from any other mobile home, permanent building, or structure within the mobile home park.
5. Mobile home parks shall have direct access to an adequate public thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of mobile homes into and out of the park. The entrance shall be landscaped and walled with an appropriate method of signing, to provide adequate identification from the serving highway or street.
6. All mobile homes and structures shall meet all setback and yard requirements of this Ordinance.
7. Internal mobile home park streets, if dedicated to public use, shall meet minimum standards for design and construction as required in the Subdivision Control Ordinance. Whether public or not, no street name shall duplicate any other street name in Clark County.
8. Each park shall provide a recreational area or areas equal in size to at least eight percent of the area of the park, generally in a central location. Streets, parking areas, and park service facility areas shall not be included in the required recreational area.
9. In other than Business Districts, coin-operated laundries, laundry and dry-cleaning pickup stations and other commercial convenience establishments may be permitted in mobile home parks provided:
  - a. They are subordinate to the residential character of the park;
  - b. They are located, designed, and intended to serve only the needs or persons living in the park;
  - c. The establishments and parking areas related to their use shall not occupy more than ten percent of the total park area;
  - d. The establishments shall present no visible evidence of their commercial nature to areas outside the park.

10. Each park shall provide either one or more central waterproof structures available to all mobile home sites or a single waterproof structure for each mobile home site suitable for storage of goods and the usual effects of persons occupying the park.

11. Each mobile home site shall be provided with a stand consisting of a solid concrete slab, two concrete ribbons, or concrete pillars of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons and pillars shall be filled with a layer of crushed rock or stone. All mobile homes shall be properly underpinned and anchored with anchors or straps according to manufactures specifications.

12. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park. Each mobile home park shall provide sunset to sunrise illumination at the entrance, sufficient to allow prompt recognition of the entrance, and sufficient artificial lighting at the walkways to resident facilities such as community building and laundry room facilities.

13. Each mobile home site or lot shall be provided with adequate utility connections required to service the mobile home, and said utility connections shall be located in the rear quarter of the mobile home site or lot in an area not to exceed two feet by three feet, with a concrete base of not less than eighteen inches by thirty inches by four inches thickness poured at grade level, sloped to drain. All services stubbed through this slab shall be sleeved or wrapped to allow for settlement or movement.

14. Sidewalks shall be installed on one side of the street and shall be a minimum of three (3) feet in width and three and one-half inches in thickness, properly marked and joined for expansion.

15. A minimum of two paved parking spaces per mobile home site or lot shall be placed on each mobile home site or lot, keeping the required set-back from front property line. Park roadways shall be designed to insure good circulation within the mobile home park for emergency requirements.

16. All trash and refuse storage must be in closed containers or within an enclosure, fence or wall, containing closed containers.

17. All utility lines within a mobile home park boundary shall be installed underground, and may be in a common trench as state safety requirements permit.

18. The perimeter of each mobile home park shall be fenced on sides not abutting onto street or highway with an approved woven wire fence, and on the street or highway by a block fence or combination of wood and masonry or metal and masonry, as the area dictates. Such fence shall be a minimum of four feet in height.

19. All landscaped areas of a mobile home park shall be maintained in a neat, clean and healthy condition. This shall include proper pruning, mowing, weeding, and removal of litter plus the regular watering of all plantings.

20. General Provisions.

a. No mobile home park shall be maintained without proper supervision or a resident manager, who at all times shall see that ordinances and laws regulating said park are observed.

b. Every person who owns or operates a mobile home park shall maintain a current register of all occupants, which shall include the names of all persons residing in the mobile home park, the make, type and serial or license number of each mobile home, and a designation of the space occupied.



c. No site or lot in a mobile home park may be occupied unless a mobile home is located upon the site or lot.

d. No transient or nonpermanent mobile home or travel trailers shall be located in a licensed mobile home park.

e. All construction or alterations within the mobile home park shall meet the local health and safety standards prevalent within Clark County.

**Adult Entertainment**

(a) Adult bookstores, adult theaters, massage parlors and all other forms of adult entertainment as defined in Article V – Definitions and listed as special use #26 are permitted only in the M1 – Light Industrial, M2 – Heavy Industrial and M3 – Hazardous Waste Disposal districts.

(b) All adult entertainment businesses shall be sited a minimum of five hundred (500) feet from residences, churches, parks, schools, libraries, and municipal buildings.

**TABLE S.U.**

SU	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	37	38	39			
C1				X	X		X	X		X				X		X					X	X	X							X	X	X	X							
A1	X					X	X	X	X	X	X					X		X			X	X	X				X	X	X	X	X	X	X	X	X	X	X	X	X	
R1	X						X		X						X		X									X			X	X		X	X	X	X	X	X	X	X	
R2	X						X	X	X						X		X												X	X		X	X	X	X	X	X	X	X	
R3	X	X					X	X	X	X					X		X												X	X		X	X						X	
B1		X								X	X		X			X														X	X	X						X		
B2		X	X			X				X	X		X	X	X	X										X					X	X	X						X	
B3		X	X			X	X						X	X	X	X				X						X				X	X	X							X	
M1				X	X		X						X	X	X	X	X			X				X	X					X		X								
M2				X	X		X						X	X	X	X	X	X			X			X	X					X		X								
M3				X	X		X					X	X	X	X	X			X					X	X					X		X								

(Special Use Designation List on next page)

List of Special Use Designations

<b>USE</b>	<b>SU</b>
Schools	1
Hospitals, Nursing Homes, or Convalescent Care Centers	2
Private clubs (excluding gun clubs)	3
Airports, private landing strips, heliports or marinas	4
Penal and correctional facilities, or public buildings and public uses other than permitted uses	5
Animal hospitals and kennels	6
Radio, television and/or cellular or other similar type of transmission tower facility	7
Golf courses, golf driving ranges (excluding miniature golf), charitable and philanthropic institutions	8
Cemeteries, mausoleums, columbaria or crematoria	9
Public parks, public recreational facilities and campgrounds	10
Mobile home parks	11
Land or structure(s) used for the storage of junk or salvage, business selling principally junk or salvage	12
Parking lots and parking garages open to the public	13
Bus or railroad passenger stations, garages or lots	14
Electronic message boards and/or signs with flashing, moving, rotating or intermittent lights, or animated messages	15
Utility installations, including, but not limited to, electric power or steam generating plants	16
Stadiums, auditoriums, arenas or racetracks	17
One-operator barber or beauty shops in a residence, resident-occupied and resident-operated	18
Sanitary landfills and/or other similar refuse or garbage processing facility	20
Livestock sale or auction stockpens	21
Confined animal feeding and/or breeding operations	22
Gun clubs, skeet shoots or target ranges	23
Private recreational use	24
Mobile offices, not for living or sleeping quarters	25
Adult bookstores, adult theatres, massage parlors	26
Accessory living quarters clearly complementary to main use and not for rental purposes	28
Owner-occupied/owner-operated bed and breakfast facility or boarding house limited to five rental rooms	29
Owner-occupied/owner-operated bed and breakfast facility or boarding house limited to ten rental rooms	30
Home occupation	31
Firehouses and Substations	32
Library	33
Catering	34
Group Homes	35
Child Care Center	37
Child Care Home	38
Adult Day Care	39

## Article XXIII: Planned Unit Developments

**Intent of District** – The purposes of these regulations are to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the zoning provisions of this Ordinance. The use of Planned Unit Development zoning classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

The Planned Unit Development (PUD) regulations and procedures may apply to the redevelopment of presently developed lands, or the development of open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristics of the area in which they are located.

PUD regulations are intended to encourage innovations in land development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

PUD projects should also encourage a more efficient use of land that reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

In furtherance of the purpose and intent of PUD, the use regulations and restrictions in the preceding articles shall not be applied or be applicable to or in a Planned Unit District.

### **General Design Provisions**

(a) Minimum area requirements: The minimum area required for PUD zoning shall be a gross land area of three (3) acres, provided, however, that no commercial or industrial uses shall be permitted in a PUD containing a gross land area of less than five (5) acres.

(b) Location of PUD Districts: The PUD zoning district may be applicable to any current zoning district with the exceptions of the C1-Conservancy Zone, M1-General Industrial Zone, M2-Heavy Industrial Zone, and M3-Hazardous Waste Disposal Zone where the applicant can demonstrate that the proposal will meet the objectives of this Section.

(c) Intensity of Land Use. Because land is used more efficiently in a PUD, improved environmental quality can often be produced with a greater number of structures per gross acre than is usually permitted in a traditionally zoned district. The Commission shall determine in each case the appropriate land use and density for individual projects or sections thereof.

**Organization of Proposals** – Any person or group of persons may prepare a PUD district in accordance with the procedures hereinafter established. A parcel or site proposed for a PUD need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions to enter into such private agreements between or among themselves as will facilitate their mutual enterprises, and assure its completion as planned to the satisfaction of the Plan Commission.

## **Filing Procedure**

(a) The authorization of a PUD shall be subject to the procedures expressed herein.

(b) Submission of a petition and all other documents required for rezoning for the PUD classification, which permits shall be signed by the owners of all real estate involved in the petition for the PUD, or which petition shall have attached thereto the notarized consent of all such owners to the filing of such a Petition, and to the change to a PUD classification of their real estate included.

(c) The petition, which shall include a preliminary plan and plat for the real estate proposed for developments as a PUD, shall be filed with the Administrator. The preliminary plan and plat shall include:

1. Proposed layout of streets, open spaces and other basic elements of the plan;
2. Identification of location and types of structures and their use categories within the area, including proposed densities of said uses;
3. Proposals for handling traffic, parking, water supply, sewage disposal, storm drainage, tree preservation and removal, landscaping, lighting, signage, and other pertinent development features;
4. A separate location map to scale shall show the boundary lines of adjacent land and existing zoning of the area proposed to be developed as well as the adjacent land;
5. The condominium declaration (if applicable), a document creating an owners' association, and any covenants to be made a part of the PUD as well as the order and estimated time of development;
6. A statement of the proposed order of development of the major elements of the project, including whether the development will be accomplished in phases, and if so, the order and content of each phase;
7. A legal description of the property;
8. The specific uses to be allowed;
9. All specific developmental standards applicable; and
10. An itemized and specific list of all documents presented as applicable to the PUD.

(d) The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed one hundred (100) feet equals one inch. The preliminary plan may include any additional graphics that will explain features of the development. It shall also be provided by applicant to the following checkpoint agencies for their review and comment:

1. The Administrator of the Plan Commission for review by the Technical Review Committee composed of the County Engineer, County Surveyor, Plan Commissioner Planner, Administrator and the Plan Commission President or President's appointee;
2. County Engineer;
3. County Surveyor;
4. Drainage Board;

5. Appropriate Utility Companies;
6. County Police Department;
7. Appropriate Fire Department;
8. Appropriate School Corporation;
9. Clark County Soil and Water Conservation District.

(e) Within twenty-five (25) working days after filing, the Administrator shall meet with the petitioner regarding the preliminary plan and checkpoint agency comments. Checkpoint agency personnel may attend this meeting to provide comments. After such consultation the petitioner may make modifications to the petition.

(f) After the meeting described in (e) above and after making any modifications to the proposed preliminary plans the Petitioner shall file in triplicate a "Final Proposed Preliminary Plan" which shall:

1. Include all documents included in the preliminary plan;
2. Include an index identifying all documents included in the preliminary plan;
3. Include a cover sheet indicating that -it is the Final Proposed Preliminary Plan and indicating the date and zoning case file label;
4. Be bound or stapled together and all documents therein reduced to a size no larger than 8 ½ X 11 inches except for the maps, sketches and plat (if any).

### **Preliminary Plan Hearing**

(a) The petition, if and as modified, shall then be heard by the Plan Commission as a petition for zoning map amendment and subject to the procedures applicable thereto. The Plan Commission may recommend approval or disapproval of the plan and may impose any reasonable condition(s) with its affirmative recommendation. If disapproval is recommended, the application shall be forwarded to the Clark County Board of Commissioners with a recommendation to deny. If approval is recommended, the preliminary plan shall be stamped "Approved Preliminary Planned Unit Development" and be signed by the President and Secretary of the Plan Commission. One (1) copy shall be permanently retained in the office of the Plan Commission, one copy and all conditions shall be certified as described in (B) below.

(b) The approved preliminary Planned Unit Development shall then be certified to the Clark County Board of Commissioners for adoption as a Planned Unit Development District pursuant to the laws governing proposals to change zoning maps. Upon adoption by the legislative body, the petitioner shall prepare the final detailed plan.

### **Final Review: Approval of Final Detailed Plan**

(a) Before any development takes place, the petitioner shall file with the Plan Commission a minimum of seven sets of the final detailed plan specifying the location, composition, and engineering features of all lots, storm drainage, sanitary sewage, water supply facilities, public or private streets, recreation facilities, site perimeter treatment, landscaping, utilities, plat and other site development features including locations of buildings. The petitioner shall also file the original of all signed and notarized documents pertaining to restrictive covenants, condominium declaration and/or the creation of homeowners association, along with financial assurance for the

satisfactory installation of all public improvements in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the subdivision provisions of this Ordinance. The Plan Commission shall then approve said final detailed plans by resolution duly adopted, upon an affirmative finding that the final detailed plan is consistent with the Approved Preliminary Planned Unit Development as adopted and passed by the Clark County Board of Commissioners upon rezoning. Having once approved the final detailed plan, the Plan Commission shall have not further authority to review or act thereon, except as to enforcement, any amendatory ordinance, or as hereafter provided for.

(b) The Approved Preliminary Plan may provide for development of the property involved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial final detailed plans that correspond to the phases involved. Such partial final detailed plans, when approved, shall be treated in the same manner as approved final detailed plans for an entire Planned Development.

(c) The approved final detailed plan or phase thereof shall be stamped "Approved Final Detailed Planned Unit Development" and be signed by the President and Secretary with one copy permanently retained in the office of the Plan Commission following recordation.

(d) Unless extended by the Plan Commission, approval of the first phase of the final detailed plan shall be obtained within two (2) years and approval of the balance of the final detailed plan shall be obtained within five (5) years after adoption of the Planned Unit Development District by the Clark County Board of Commissioners.

(e) In the event that approval of a final detailed plan is not timely obtained, the Plan Commission may initiate an amendment to the zoning map to return said land to its prior classification.

(f) In the exercise of continuing jurisdiction, the Administrator may from time to time approve only minor modifications of the approved Final Detailed Planned Unit Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, or any change in type of use, or any change in access points.

(g) Approval of a final detailed plan shall expire after a period of five (5) years from the approved phasing of the preliminary plan unless the development is fifty percent (50%) completed in terms of public improvements including streets, open space, walkways, utility installations and sanitary sewers. The Plan Commission, upon recommendation of the Administrator, shall make determination of the amount of completion. Following expiration of the final detailed plan, the county of Clark shall declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

### **Covenants and Maintenance**

(a) All covenants, when required by the Plan Commission, shall be set forth in detail and shall provide for a provision for the release of such restriction by execution of a document so stating and suitable for recording, signed by the Plan Commission President and Secretary upon authorization by the Plan Commission and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Plan Commission and shall be specifically enforceable by the Plan Commission when required by the Plan Commission in addition to the property owners.

(b) The Plan Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall

automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Plan Commission a modified final detailed plan for such land, otherwise consistent with the approved Preliminary Planned Unit Development.

(c) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Unit Development. Such development standards may include, but are not limited to, requirements as to the following:

1. Lot area;
2. Floor area;
3. Ratios of floor space to land space;
4. Area in which structures may be built ("buildable area');
5. Open space;
6. Setback lines and minimum yards;
7. Building separations;
8. Height of structures;
9. Signs;
10. Off-street parking and loading space;
11. Design standards (including landscaping requirements);
12. Phasing of development.

(d) An Owner's Association shall be formed with the direct responsibility to, and control by, all property owners in the PUD to provide for the maintenance of all open spaces and active recreation space located within the PUD. Legal assurance shall be provided and recorded which shows that the Home Owner's Association is self-perpetuating.

(e) Adequate provisions shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities and space including private streets jointly shared by such property owners if such facilities are a part of the Planned Unit Development, and, in such instance legal assurances shall be provided and recorded which show that the private organization is self-perpetuating. In addition, the private organization shall have the power to enforce covenants and restrictions.

(f) Common facilities that are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(g) All private streets shall be maintained by the aforementioned private organization in such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, school, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

### **Recording of Plans**

(a) All approved Final Detailed Planned Unit Development Plans and Plats and modifications thereto shall be recorded in the Office of the Clark County Recorder within two (2) years after approval, but before any development takes place.

(b) Failure to record shall automatically void the approval of the Final Detailed Planned Unit Development.

(c) Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public record by recording thereof, the developer may submit a copy of the approved Final Detailed Planned Unit Development to the Administrator as an amended approved Final Detailed Planned Unit Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved Final Detailed Planned Unit Development, shall reapprove, date and sign said amended approved Final Detailed Planned Unit Development, which the developer shall then record.

**Permit** – A building permit may be issued for lots within a Planned Unit Development District upon full compliance with all pre-construction provisions of the approved Final Detailed Planned Unit Development.

### **Construction**

(a) No construction or installation work shall be done on any public improvements until the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate governmental inspector(s) of his intention to begin such work, in order that inspections may be made as the work progresses.

(b) All development shall be in conformity with the approved and recorded Final Detailed Planned Unit Development and any material deviations from the approved and recorded Final Detailed Planned Unit Development shall be subject to appropriate enforcement action as provided for in this ordinance.

### **Extensions, Abandonment, and Expiration**

(a) Extensions of the time for accomplishing any matters set forth herein may be granted by the Plan Commission at a public hearing for good cause shown.

(b) Upon the abandonment of a development authorized under this Section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Final Detailed Planned Unit Development for twenty-four (24) consecutive months), or upon the expiration of five (5) years from the approval of a Final Detailed Planned Unit Development for a development which has not been completed, an amendment may be initiated as provided by law to the zoning map so that the land will be zoned into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which the legislative body deems appropriate.

**Rules of Procedure** – All proceedings brought under this section shall be subject to the Rules of Procedure of the Plan Commission, where not inconsistent with the procedure otherwise stated herein.

**Limitation of Rezoning** – The Plan Commission shall not initiate any amendments to the zoning map concerning the property involved in a PUD before completion of the development as long as the development is in conformity with the approved Final Detailed Planning Unit Development and is proceeding in accordance with the time requirements imposed herein.



## Article XXIV: Development Plans

**Purpose** – The purpose of this chapter is to provide specific criteria for certain uses that utilize significant land and impact in a significant way public infrastructure.

**Designation of Areas within Zoning Districts Requiring Development Plans** – Any of the following proposed uses may require the submission of a development plan prior to the issuance of any building permit and/or prior to the consideration of any request by a property owner for the amendment of the zoning maps of the County. Said districts are as follows:

- (a) All special uses in A1;
- (b) All special uses in C1;
- (c) Multiple building sites in R1;
- (d) Multiple building sites in R2;
- (e) R3;
- (f) B1;
- (g) B2;
- (h) B3;
- (i) M1;
- (j) M2; and
- (k) M3.

**Procedure** – The Plan Commission shall establish a technical review committee consisting of the following members: The director of the Plan commission, the County Engineer, the County Surveyor, and the director of the County Health Department. Upon submission of an application for a building permit and/or request by a property owner to amend the zoning maps (i.e., rezoning request), said technical review committee shall first determine whether the submission of a development plan shall be required. When a plan is required, the technical review committee shall review said plan and submit its recommendations to the Plan Commission. The County Drainage Board must also approve the plan before the Plan Commission can take any action to approve or deny any commercial plans. Following the submission of said recommendation by the technical review committee, the Plan Commission shall take action regarding approval or denial of said development plan in conjunction with the issuance of a building permit or acting upon a rezoning request.

**Standard of Review** – Where applicable, the Plan Commission shall review the development plan in the same manner as preliminary plans for planned unit developments are reviewed, to determine whether it is consistent with the comprehensive plan. The Plan Commission may impose conditions on the approval of the development plan, if the conditions are reasonably necessary to satisfy the development requirements specified in the zoning ordinance. The Plan Commission may also provide that the approval of the development plan is conditioned on furnishing the Plan Commission a bond or written assurance that guarantees the timely completion of any proposed public improvements of the proposed development

in a manner which is satisfactory with the Plan Commission. The Plan Commission may also require the owner of the real property to make a written commitment under I.C. 36-7-4-6 13.

**Development Standards** – The development standards which a development plan shall be required to address are as follows:

- (a) Proof of the availability and coordination of adequate water, sanitary sewers, storm sewers, water, drainage and other necessary utilities;
- (b) The management of traffic to be generated by the proposed development that includes the design and location of proposed streets and highway access points. The plan must be specific in regards to the management of traffic and must address the design location of the proposed street and highway access points noting features to minimize safety hazards and congestion and confirming under appropriate accepted standards that the capacity of adjacent streets and highways will be sufficient to safely and efficiently accept traffic generated by the proposed development.
- (c) The plan should also identify existing proposed primary structures and accessory structures, the location of all proposed signage, and the location design of all landscaping.
- (d) The management of erosion and sediment control in compliance with all applicable governmental rules and regulations, and also in a manner that minimizes damage to adjacent property, drainage channels, roads and other sensitive areas.
- (e) Storm water management plan showing compliance with all applicable local, state and federal standards, and other necessary specifications to protect adjacent down-stream areas from damage due to additional water run-off, drainage or flooding.
- (f) Proof that any outdoor illumination will not create a nuisance or interfere with the use and/or quiet enjoyment of surrounding properties, based upon generally accepted engineering and design guidelines.
- (g) Where necessary, the owner may be required to execute a use and development commitment as provided under I.C. 36-7-4-613 to assure that the subject property will be compatible with surrounding land uses and will not have an adverse effect on such surrounding land uses.

**Findings Concerning Decisions of Plan Commissions** – The Plan Commission shall make written findings concerning each decision to approve or disapprove a development plan. The findings shall be signed by the president of the Plan Commission. A decision of the Plan Commission approving or disapproving a development plan is a final decision of the Plan Commission that may be reviewed pursuant to I.C. 36-7-4-1016. Notices of any public hearing for consideration by the Plan Commission for a development plan shall be done in the same manner as that which is required for public hearings for preliminary plat approval of a proposed subdivision.

A privacy fence may not be erected in any location or in any way as to obstruct the safe sight lines of a person operating a vehicle upon a public roadway. Regardless of road sight lines, privacy fences may not be erected in a residential zone any closer to a public roadway than twenty-five (25) feet or the front of the residence, whichever is farther from the roadway.

## Article XXV: Mobile Homes

- (a) Lots on which mobile homes are to be installed must conform to all requirements of other residential lots.
- (b) Adequate sanitary facilities shall be provided for each mobile home, and such facilities shall be approved by the Clark County Board of Health prior to the installation. No application for an improvement location permit for a mobile home shall be acted upon until such time as the written recommendations of the Clark County Health Department concerning the advisability of conditions under which a septic system may be installed. Written recommendations shall not be required for mobile homes served by sanitary sewers.
- (c) All mobile home installations shall require an improvement location permit and final inspection unless said mobile home is located in a licensed mobile home park.
- (d) Mobile homes shall be allowed in R-1 districts only if wheels, axles, and tongue are removed and the mobile home is set on a permanent masonry foundation as described in Section E below.
- (e) Each mobile home shall be placed upon a foundation consisting of one of the following:
1. A permanent, continuous foundation constructed of the same type of masonry such as poured concrete, concrete block, brick, stone or similar material under all outside walls.
  2. A pad or slab consisting of solid concrete of the same width and depth of the particular mobile home and of a thickness sufficient to support the maximum load during all seasons and types of weather, but in all cases slabs must be not less than four (4) inches thick.
  3. Piers or runners, the bottom of which must be at least 24 inches below grade, and at least 18 inches wide.
- (f) All mobile homes not placed on a permanent foundation shall be underpinned completely around a noncombustible material. Underpinning must be completed within 60 days of the mobile home's placement.
- (g) All mobile homes must be anchored down by anchors or straps according to manufacturer's specifications.
- (h) If a lot on which a mobile home is to be placed conforms to all requirements of a residential lot, notice and hearing are not required, and an improvement location permit shall be issued upon request, as long as all other requirements of this ordinance have been complied with in full.
- (i) No more than one mobile home may be placed on any lot.
- (j) All trash and refuse must be placed in closed containers or within an enclosure that is fenced or walled, containing closed containers.
- (k) The applicant shall present a precise location of the lot intended for such usage on the property.
- (l) The Clark County Board of Zoning Appeals cannot grant a permit for a mobile home in violation of subdivision restrictions.

## **Article XXVI: Enforcement Provisions**

Any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this Ordinance shall be liable for civil penalties to the Plan Commission of up to \$2,500.00. Each day that the violation exists or continues shall be deemed a separate offense. The Plan Commission's Attorney shall have the right to commence proceedings for an injunction, to restrain a person from violating this Ordinance and/or for a mandatory injunction requiring that a structure in violation of this Ordinance be removed. The remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedy provided by law.

## **Article XXVII: Airport Overlay District**

### **Section I: Intent of District**

The intent of the Airport Overlay District is regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of the property, in the vicinity of the Clark Regional Airport by creating the appropriate zones and establishing boundaries thereof; defining certain terms used herein; referring to the Clark Regional Airport Zoning Map which is incorporated in and made a part of this Ordinance.

It is hereby found that an obstruction and certain uses have the potential for endangering lives and property of users of Clark Regional Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Clark Regional Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft; thus tending to destroy or impair the utility of Clark Regional Airport and the public investment therein. Accordingly, it is declared:

- (2) That the creation or establishment of an obstruction and certain uses have the potential of being a public nuisance and may injure the region served by Clark Regional Airport;
- (3) That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation and certain uses be prevented; and
- (4) It is further declared 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 the marking and lighting of obstructions are public purposes.

### **Section II: Definitions**

As used in this Article, unless the context otherwise requires:

1. **Airport** – Clark Regional Airport
2. **Airport Elevation** – 474 feet above mean sea level
3. **Approach Surface** – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. The perimeter of the approach surface coincides with perimeter of the approach zone.
4. **Approach, Transitional, Horizontal, and Conical Zones** – These zones are set forth in Section III of this Article.

5. **Conical Surface** – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
6. **Hazard to Air Navigation** – An obstruction determined to have a substantial adverse effect on the safe and effective utilization of the navigable airspace.
7. **Height** – For the purpose of determining the height limits in all zones set forth in this Article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
8. **Horizontal Surface** – A horizontal plane 150 feet above the established airport elevation, the perimeter of the horizontal is determined by swinging the arcs of the specified radii of the applicable zone under Section III herein from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.
9. **Larger Than Utility Runway** – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft (currently runway 36).
10. **Non-Conforming Use** – Any pre-existing structure, object of natural growth, or use of land which is consistent with the provisions of this Article or an Amendment thereto.
11. **Obstruction** – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Article.
12. **Person** – Any individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
13. **Precision Instrument Runway** – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document (currently runway 18).
14. **Primary Surface** – A surface longitudinally centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for runways without a specifically prepared hard surface, or a planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Article. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
15. **Runway** – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
16. **Runway Protection Zone (RPZ)** – An area defined as RPZ in Federal Aviation Administration Advisory Circular No: 150/5300 as amended from time-to-time for the Clark County Regional Airport.
17. **Structure** – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, silos, earth formation, and overhead transmission lines.

18. **Transitional Structures** – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, 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 surface and at 90 degree angles to the extended runway centerline.
19. **Tree** – Any object of natural growth.
20. **Utility Runway** – A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less (currently runways 14 and 32).

### **Section III: Airport Zones**

In order to carry out the provisions of this Article there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Clark Regional Airport. Such zones are shown on Clark Regional Airport Zoning map consisting of one (1) sheet, prepared by JTL, Inc., and dated January 5, 2011, which is attached to this Article and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility Runway Visual Approach Zone** – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Runway Larger Than Utility Visual Approach** – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet to a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. **Precision Instrument Runway Approach Zone** – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet to a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the center – line of the runway.
4. **Transitional Zones** – The transitional zones are the areas beneath transitional surfaces.
5. **Horizontal Zone** – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
6. **Conical Zone** – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

### **Section IV: Airport Zone Height Limitations**

Except as otherwise provided in this Article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limit herein established for such zone. Such, applicable height limitations are hereby established for each of the zones in question as follows:

1. **Utility Runway Visual Approach Zone** – Slopes twenty (20) feet outward for each foot upward 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 centerline.
2. **Runway Larger Than Utility Visual Approach Zone** – Slopes twenty (20) feet outward for each foot upward 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 centerline.
3. **Precision Instrument Runway Approach Zone** – Slopes fifty (50) feet outward for each foot upward 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; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
4. **Transitional Zones** – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 474 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 and at 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, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
5. **Horizontal Zone** – Established at 150 feet above the airport elevation or at a height of 624 feet above mean sea level.
6. **Conical Zone** – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
7. **Excepted Height Limitations** – Nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land based upon elevations as they exist as of the date of this ordinance.

#### **Section V: Use Restrictions**

Notwithstanding any other provisions of this Article, no use may be made of land or water within any zone established by this Article 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 eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with landing, takeoff, or maneuvering of aircraft intending to use the airport. Furthermore, the following uses are prohibited in a RPZ: (1) uses that attract wildlife, (2) churches, (3) schools, (4) hospitals, (5) office buildings, (6) shopping centers, and (7) storage or maintenance of above ground flammable liquids or explosive materials in excess of the amount of such liquids or materials normally used at a single family dwelling.

#### **Section VI: Non-Conforming Uses**

**Regulations Not Retroactive** – The regulations prescribed by this Article shall not be construed 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 this Article, or otherwise interfere with the continuance of non-conforming 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 this Article, and is diligently prosecuted.

Marking and Lighting – Notwithstanding the preceding provision of this Section, the owner of any existing non-conforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Clark County Board of Aviation Commissioners to indicate to the operators of aircraft in the vicinity of the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Clark County Board of Aviation Commissioners.

### **Section VII: Permits**

1. No material change shall be made in the use of land, no structure shall be erected or otherwise established and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Article shall be granted unless a variance has been approved in accordance with the law.
2. Existing Uses – No permit shall be granted that would allow the establishment or creation of any obstruction or permit a non-conforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Article or any amendments thereto or than it is when the application for a permit is made.
3. Non-Conforming Uses Abandoned or Destroyed – Whenever the Clark County Plan Commission determines that a non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances – Any application for a variance from the terms of this Article shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, effective use of navigable airspace. Additionally, no application for variance to the requirements of this Article may be considered by the Board of Zoning Appeals unless Notice of the application has been furnished to the Clark County Board of Aviation Commissioners for advice as to the aeronautical effects of the variance.
5. Obstruction Marking and Lighting – Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Article 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 Board of Zoning Appeals, this condition may be modified to require the owner to permit the Clark County Board of Aviation Commissioners at its own expense, to install, operate, and maintain the necessary markings and lights.

### **Section VIII: Conflicting Regulations**

Where there exists a conflict between any of the regulations or limitations prescribed in this Article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**Section IX: Severability**

If any provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Article are declared to be severable.

Figure 1: I-265 Corridor Overlay District

