CLINTON COUNTY, INDIANA

2015 UNIFIED DEVELOPMENT ORDINANCE

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Also, thank you to all the members of the public who attended meetings, gave us feedback, and pointed out areas that needed attention!

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How to Use This Document

This document is designed to be interactive and easy to navigate in both digital and paper formats. Each chapter has its own color to assist with visual identification. The Table of Contents will also assist in locating sections of this ordinance. This document also contains digital bookmarks to assist in quick navigation. These can be opened in Adobe Acrobat or Reader.

Any text with a color contains a hot link to the referenced portion of the document. Specially defined words are in italics like ***This***, with any color highlighting, and references to other parts of this ordinance are in regular text like **This**, with any color highlighting.

If you have any questions about how to use this document or about the interpretation relevant to a specific plan you may have, please feel free to contact the Area Plan Commission at 765-659-6302. We would welcome the opportunity to serve you!

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ARTICLE 1:
BASIC PROVISIONS

1 Unified Development Ordinance

The 1993 Clinton County Unified Zoning Ordinance as amended and the 1993 Clinton County Unified Subdivision Control Ordinance as amended through (insert Date), 2015 are herein combined to form a single comprehensive Clinton County Unified Development Ordinance thus allowing for efficient administration and quick reference to all land use regulations in Clinton County Indiana and each *participating locality*.

101 SHORT TITLE

This Ordinance shall be formally known as the “Clinton County Unified Development Ordinance” and may be cited or referred to as the “Zoning Ordinance”, “Subdivision Control Ordinance”, “Unified Development Ordinance”, or “UDO”

102 DEFINED TERMS

Words and phrases used in a special sense in this Ordinance are defined in UDO Article Twelve.

103 PURPOSE

This Ordinance is intended to encourage the growth and *development* of the *County* in accordance with the Clinton County *Comprehensive Plan* and for the following purposes:

103.01 To protect and provide for the public health, safety, and general welfare of the *County*.

103.02 To secure adequate light, air, and convenience of access; and that safety from fire, *flood* and other dangers may be secured;

103.03 To guide the future *development* of the *County* in accordance with the *Comprehensive Plan* and any related policies.

103.04 To lessen or avoid congestion in the *public way*s;

103.05 To provide for the safety, comfort, and soundness of the built environment and related open spaces.

103.06 To promote the public health, safety, comfort, convenience, and general welfare;

103.07 To protect the compatibility, character, economic stability and orderliness of all *development* through reasonable design standards.

103.08 To plan for the future *development* of the *County* with the result:

A. That highway systems be carefully planned;

B. That new communities grow only with adequate *public way*, utility, health, educational, and recreational facilities;

C. That the needs of agriculture, *industry* and *business* be recognized in future growth;

D. That residential areas provide healthful surroundings for family life; and

E. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds.

F. That non-hazardous solid waste disposal facilities are properly regulated and sited.

103.09 To insure that adequate public facilities will be provided in conjunction with new *development*.

103.10 To supply proper land boundary records.

A. To provide for the survey, documentation, and permanent monumentation of land boundaries of property.

B. To provide for identification of property.

C. To provide public access to land boundary records.

103.11 To establish a procedure for the vacation of platted areas, *public way*s and platted *easement*s.

104 COMPLIANCE

No *structure* shall be located, erected, constructed, re-constructed, moved, altered, converted, or enlarged; nor shall any *structure* or land be used, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Unified Development Ordinance. No improvements may be commenced upon any *parcel* of land which was created by subdivision after the effective date of and not in conformity with the provisions of this Ordinance or the proceeding ordinance in effect at the time of creation of the subdivision. No owner or agent may *sell, lease*, or advertise for *sale* any land within a subdivision before such has been *approved* and recorded in the manner prescribed in this Ordinance. No road shall be laid out or constructed unless it is consistent with the Clinton County *Comprehensive Plan* or *Thoroughfare Plan* and/or has been *approved* by the *Plan Commission* as part of a subdivision.

1 Unified Development Ordinance

105 SEVERABILITY

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

106 INTERPRETATION

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards of physical environment.

106.01 If two or more provisions in this Unified Development Ordinance conflict or are not consistent with each other, the most restrictive provision shall be followed.

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

107 JURISDICTION AREA

This Ordinance shall apply to all unincorporated land within Clinton County, when adopted by the *County Commissioners*, and all land within the corporate boundaries of participating *town*s, when adopted by each respective Town Council.

108 SAVING PROVISION

This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing zoning or subdivision control ordinances, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any *person*, firm, or corporation, or as waiving any right of the *participating locality* under any section or provision existing at the time of the effective date of this ordinance, or as vacating or annulling any rights obtained by any *person*,

firm, or corporation, by lawful action of the *participating locality* except as shall be expressly provided for in this ordinance.

109 SUBDIVISION CONDITIONS

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the *County*. The *subdivider* has the duty of design, of *dedication*, construction of improvements, and restrictive creation of restrictions upon the *use* of the land in order to conform to the physical and economical *development* of the *County* and to promote the safety and general welfare of the future plot owners in the *subdivision* and of the *County* at large.

110 ORDINANCE CONFORMITY

All land subdivided or platted under the terms of UDO Article Seven shall comply with the minimum standards prescribed in the rest of this Unified Development Ordinance. The *Commission* shall not have the authority to approve any subdivision which does not comply with the rest of this Unified Development Ordinance. It is the intent of these regulations that subdivision review may be carried out simultaneously with the review of planned developments as permitted by the UDO Article Eight. The plans required for planned developments may be submitted in a form to satisfy the requirements of the subdivision regulations.

111 REPEALER

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

The 1993 Unified Zoning Ordinance adopted by Clinton County on April 12, 1993, as amended

The 1993 Unified Zoning Ordinance adopted by The Town of Colfax on June 14, 1993, as amended

The 1993 Unified Zoning Ordinance adopted by The Town of Mulberry on May 11, 1993, as amended

The 1993 Unified Zoning Ordinance adopted by The Town of Rossville on May 11, 1993, as amended

The 1993 Unified Zoning Ordinance adopted by The Town of Kirklin on May 4, 1993, as amended

The 1993 Unified Subdivision Control Ordinance adopted by Clinton County on April 12, 1993, as amended

The 1993 Unified Subdivision Control Ordinance adopted by The Town of Colfax

1 Unified Development Ordinance

on June 14, 1993, as amended

The 1993 Unified Subdivision Control Ordinance adopted by The Town of Mulberry on May 11, 1993, as amended

The 1993 Unified Subdivision Control Ordinance adopted by The Town of Rossville on May 11, 1993, as amended

The 1993 Unified Subdivision Control Ordinance as amended adopted by The Town of Kirklin on May 4, 1993, as amended.

ARTICLE 2:

ADMINISTRATION

2 Unified Development Ordinance

201 THE LEGISLATIVE BODY

The duties of the *legislative body* with regards to the Unified Development Ordinance are fully defined by Indiana Code and include:

201.01 AMENDMENTS In accordance with I.C. 36-7-4-602, as currently amended, the *legislative body* may amend or partially repeal the text of this Ordinance or they may amend the *zoning maps* of this Ordinance as follows:

A. The *legislative body* or the Area Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607, as currently amended, and according to the *Commission rules*.

B. The *legislative body*, Area Plan Commission, or at least fifty percent of the affected property owners may initiate a petition to change the *zoning maps* according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608, as currently amended, and according to the *Commission rules*.

C. In its review of the text and zone map amendments, the *legislative body* and the Area Plan Commission shall pay reasonable regard to:

1. The most recently adopted *Comprehensive Plan*.

2. Current conditions and the character of *structure* and uses in each *district*.

3. The most desirable *use* for which the land in each *district* is adapted.

4. The conservation of property values throughout the jurisdiction.

5. Responsible *development* and growth.

D. WRITTEN COMMITMENTS In accordance with I.C. 36-7-4-1015, the applicant in any rezoning application may make written commitments regarding the characteristics of the proposed future *use* of, or the resolution of outstanding issues in existence on, the subject property.

1. Written commitments may be proposed by the applicant or required by the Area Plan Commission or *legislative body* as an element of the initial submittal of application materials or in response to any modifications requested by the Area Plan Commission or *legislative body*.

2. All commitments shall be considered by the Area Plan Commission and *legislative body* in the review of the application.

a. Commitments shall be included as an element of the rezoning ordinance prepared by the *Plan Commission* following action taken at the public hearing.

b. Any deletion, addition, or alteration of the written commitments proposed by the *legislative body* may be referred back to the *Plan Commission* for consideration and included in a revised or affirmed recommendation regarding the application.

3. Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Clinton County Recorder. A copy of any recorded commitments shall be provided to the *Zoning Administrator* for inclusion in the application file prior to the issuance of any *Improvement Location Permit*. No *Improvement Location Permit* shall be issued for a permit application that does not comply with the written commitments.

4. The written commitments shall be considered part of this Ordinance binding on the subject property.

a. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any *person* or entity that acquires an interest in the subject property or portion thereof.

b. The written commitments shall be enforceable by the *Plan Commission* in accordance with the enforcement procedure in UDO Section 1003.

c. The written commitments may be modified only through the zoning map amendment process described in UDO Section 201.01.

201.02 OTHER DUTIES The obligation to adopt, reject, or amend proposals for *Planned Unit Development*s, Commercial WECS Facilities Transportation Plans, and any other review or approval required by this ordinance.

202 THE AREA PLAN COMMISSION

The duties of the Area Plan Commission are fully defined in Indiana Code. The *Plan Commission* is authorized to perform these duties as well as any other responsibilities assigned to it by the *legislative body*.

202.01 AMENDMENTS For the purpose of protecting and promoting public health, safety, and general welfare, the *Plan Commission* may from time to time

amend the provisions imposed by these regulations in accordance with procedure established by Indiana law and UDO Section 201.01.

202.02 RULES The Area Plan Commission shall adopt *rules* which shall not conflict with the Unified Development Ordinance, nor the Indiana Code concerning:

A. *Improvement Location Permit*s and *Certificate of Occupancy* permits application and approval procedure;

B. *Development Plan* application and approval procedure;

C. Zoning text and zoning map amendment application and approval procedure;

D. Enforcement procedure;

E. Meeting and public hearing procedure;

F. Hearing Officer procedure; and

G. All other procedures necessary for the proper administration and enforcement of this Ordinance.

202.03 SCHEDULE OF FEES In accordance with I.C. 36-7-4-4-411, the Area Plan Commission may establish a schedule of reasonable fees to defray the administrative costs connected with:

A. Processing and hearing appeals and petitions for rezoning, special exceptions, and *variance*s;

B. Checking, verifying, and hearing proposed *plat*s;

C. The issuing of permits; and

D. Other official actions provided for in this Ordinance.

202.04 MINUTES The Area Plan Commission shall keep minutes of its proceedings and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the Area Plan Commission *staff* office and shall be a public record.

202.05 ASSIGNMENT OF POWERS The Area Plan Commission shall assign powers of review or form committees as necessary and shall determine their powers, duties, authority and membership.

A. SUBDIVISION ADMINISTRATOR The *Subdivision Administrator* is hereby designated to be responsible for administration, interpretation, and enforcement of UDO Article Seven. The *Subdivision Administrator* is authorized to do all things and to take all action necessary and prudent, under the circumstances, to enforce the provisions hereof.

1. The *Subdivision Administrator* is designated as the official authorized to give secondary approval to subdivisions.

2. It shall be the duty of the *Subdivision Administrator* to periodically research the *County Auditor*'s records and perform other necessary investigation to detect any violations of these regulations.

B. PLAT COMMITTEE Pursuant to I.C. 36-7-4-701(e) the *Plan Commission* may appoint a *Plat Committee* to hold hearings on and approve *plat*s and replats on behalf of the *Plan Commission*. The *Plat Committee* may consist of three or five persons, with at least one of the members being a member of the *Plan Commission*. Each appointment of a member of the *Plat Committee* is for a term of one year, but the *Plan Commission* may remove a member from the Committee. The *Plan Commission* must mail notice of the removal, along with written reasons, if any, for the removal, to the member at his residence address. A member who is removed may not appeal the removal to a court or otherwise. The *Plat Committee* may take action only by a majority vote.

C. HEARING OFFICER In accordance with I.C. 36-7-4-923, the Area Plan Commission may authorize a Hearing Officer who has the power of a *Board* of Zoning Appeals to approve or deny a *variance* from developmental standards or a *special exception*.

1. The Hearing Officer may be a *Board* member, a *staff* member, or other person.

2. The Area Plan Commission may adopt *rules* for the Hearing Officer in accordance with I.C. 36-7-4-924.

202.06 MODIFICATIONS The *Plan Commission* may grant such modifications to the requirements and standards of UDO Article Seven as will not be contrary to the public interest, where owing to extraordinary conditions, fully demonstrated by the *subdivider* on the basis of facts presented, strict compliance with the provisions of this Ordinance will result in practical difficulties or misuse of property.

A. In the exercise of its authority under this section, the *Plan Commission* shall grant modifications only upon finding all of the following:

1. The modification will not be detrimental to the public health, safety, or general welfare.

2. The modification will not adversely affect adjacent property.

3. The modification is justified because of exceptional topographic or other physical conditions unique to the property involved and is not to correct mere inconvenience or financial disadvantage.

4. The modification is consistent with the intent of this and other applicable ordinances of the *Comprehensive Plan*.

5. The condition necessitating the modification was not created by the owner or *subdivider*.

6. The modification will not conflict with the powers and duties of the Board of Zoning Appeals as defined by the Zoning Ordinance.

B. Any request for modifications from the standards of this Ordinance shall be submitted in writing as part of the application for approval of a subdivision. Such request shall make specific reference to the section of the Ordinance from which such modification is requested and shall state the reasons for the request, addressing the criteria in this section.

C. In approving or denying a modification request, the *Plan Commission* shall make specific findings on each of the criteria in this section. If the *Plan Commission* approves a modification request, it may impose such conditions as it deems necessary and proper to carry out the intent and purposes of this Ordinance.

202.07 APPEAL Any final decision of the *Subdivision Administrator* may be appealed to the *Plan Commission*. The notice of final decision shall contain the date of mailing thereon. Said appeal may be initiated by the *subdivider* or any property owner affected by such final decision. The appeal shall be directed to the *Plan Commission* and shall be filed in the *Plan Commission* office. Such appeal must be made within ten days of the mailing of such final decision to the *subdivider*.

A. An appeal of a final decision of the *Subdivision Administrator* shall be heard by the *Plan Commission* within forty-five days after the filing of an appeal petition with the *Plan Commission*, and the *Plan Commission* shall render its written final decision within 15 days after such hearing. With the consent of the *subdivider* and *Plan Commission*, said hearing date may be extended.

B. Pursuant to I.C. 36-7-4-1600 a decision of the ***Plan Commission*** may be appealed to the Circuit Court or Superior Court of Clinton County, Indiana. Said appeal shall be through a Petition for Writ of Certiorari filed with the clerk of the appropriate court within 30 days after the date of such decision. Said petition shall, in all respects, conform with Indiana Law.

203 AREA BOARD OF ZONING APPEALS

There is hereby established a Area Board of Zoning Appeals to be known as The Area Board of Zoning Appeals of Clinton County, Indiana. The Area Board of Zoning Appeals shall be a continuation of the present Area Board of Zoning Appeals - Clinton County Division heretofore established under the area plan law, being Indiana Code section 36-7-4-900.

203.01 COMPOSITION The Area Board of Zoning Appeals shall consist of and continue as a five member ***Board*** appointed as follows:

A. One citizen member appointed by the Area Plan Commission from its membership.

B. One citizen member, who may not be a member of any Plan Commission, appointed by the executive of the largest municipality in the ***county*** participating in the ***Commission***.

C. Two citizen members, of whom of one must be a member of the Area Plan Commission and one must not be a member of any Plan Commission, appointed by the ***county legislative body***.

D. One citizen member, who may not be a member of any Plan Commission, appointed by the executive of the second largest municipally in the ***county*** participating in the ***commission***. However, if there is only one municipality in the ***county*** participating in the ***commission***, then the ***county legislative body*** shall make this appointment.

203.02 JURISTICTION The Area Board of Zoning Appeals shall have jurisdiction over all the land subject to the zoning ordinance.

203.03 TERMS The members of the Area Board of Zoning Appeals shall be initially appointed pursuant to State law to staggered terms per I.C.36-7-4-906, as amended, as follows:

One for a term of one year
One for a term of two years
One for a term of three years
Two for a term of four years

Each term expires on the first Monday of January of the first, second, third, or fourth year, respectively, after the year of the member's appointment. When an initial term expires, each new appointment is for a term of four years. A member of a board of zoning appeals serves until his successor is appointed and qualified. A member is eligible for reappointment.

203.04 RESIDENCE Each member shall reside in the geographic area under the jurisdiction of the Area Board of Zoning Appeals of Clinton County, Indiana.

203.05 CONFLICT OF INTEREST No member of the *Board* shall participate in a hearing or decision of the *Board* concerning a matter in which he has a direct or indirect financial interest that results in his disqualification either by himself or by the *Board*.

A. The *Board* shall enter in its records the fact a regular member has such a disqualification and the name of the alternate member, if any, who participates in the hearing or decision.

B. An alternate member may be appointed by the *legislative body* having jurisdiction of the same area as the member who has been disqualified.

203.06 COMMUNICATION WITH *BOARD* MEMBERS No *person* shall communicate with any *Board* member prior to a hearing or decision with the intent to influence the actions of any member of the *Board* regarding any matter pending before the *Board*. However, the *staff* may file a written statement with the *Board* setting forth facts or its opinions concerning that matter.

203.07 RULES In accordance with I.C. 36-7-4-916, the Area Board of Zoning Appeals shall adopt *rules*, which may not conflict with this Ordinance, nor I.C. 36-7-4, concerning the filing of appeals; the application for *variance*s and special exceptions; the giving of notice; and the conduct of hearings.

203.08 MINUTES AND RECORDS The Area Board of Zoning Appeals shall keep minutes of its proceedings, keep records of its examinations and other official acts, and shall record and vote on all actions taken. All minutes and records shall be filed in the *Commission* office and shall be a public record.

203.09 POWERS The Area Board of Zoning Appeals shall have exclusive jurisdiction within their territory to hear the following:

A. Appeals as specified in I.C. 36-7-4-918.1 and UDO Section 203.10.

B. *Special exception* as specified in I.C. 36-7-4-918.2 and UDO Section 203.11.

C. A *variance* from developmental standards as specified I.C. 36-7-4-918.5 and UDO Section 203.12.

D *Variance*s and special exceptions in the Flood Plain *Overlay district* as specified in UDO Section 203.13.

203.10 APPEALS From cases arising within their territorial jurisdiction, the Area Board of Zoning Appeals shall hear and determine appeals from and review:

A. Any order, requirement, decision, or determination made by an administrative official, hearing officer, or *staff* member under the zoning ordinance;

B. Any order, requirement, decision, or determination made by an administrative board or other body except a *Plan Commission* in relation to the enforcement of the zoning ordinance adopted under this chapter requiring the procurement of an improvement location or *occupancy permit*; or

C. Any order, requirement, decision, or determination made by an administrative board or other body except a *Plan Commission* in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location or *occupancy permit*; or

D. An appeal shall stay proceedings, operations, and work on the premises concerned as provided in I.C. 36-7-4-1000, as amended.

203.11 SPECIAL EXCEPTIONS From cases arising with their territorial jurisdiction, the Area Board of Zoning Appeals shall approve or deny all special exceptions from the terms of the zoning ordinance, but only in the classes of cases or in the particular situations specified in the zoning ordinance. The *Board* may impose reasonable conditions and/or commitments as per I.C. 36-7-4-1015.

A. A *special exception* shall be *approved* if it is found to meet the following criteria:

1. The proposed *use* conforms to the *district* provisions in which it will be located and all general regulations of this Ordinance;

2. The proposed *use* shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards herein;

3. The proposed *use* shall be sited, oriented, and landscaped so that the relationship of its *building*s and grounds to adjacent *building*s and

properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent properties;

4. The proposed *use* shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood;

5. The proposed *use* shall organize vehicular access and *parking* to minimize conflicting traffic movement on adjacent *street*s; and

6. The proposed *use* shall promote the objectives of this Ordinance and shall be consistent with the Clinton County *Comprehensive Plan*.

B. There shall be no classes of cases or applications therefore, nor any particular situation in which this Ordinance authorizes either special uses, contingent uses or conditional uses.

C. A *special exception*, other than a *single family dwelling* (under UDO Section 513), may not be expanded, extended, or enlarged unless reauthorized by the approving Area Board of Zoning Appeals under the procedures set forth in this Ordinance for granting a *special exception*.

D. *Special exception* approvals must comply with the information provided in the application and at the public hearing. The *Board* may limit special exceptions to a specified time period or other conditions or commitments. Special exceptions shall be invalid if 1) the property becomes a conforming use with the Ordinance as then promulgated, 2) if the *special exception* approval is terminated as specified in UDO Section 203.17 or 3) if the *special exception* use is discontinued at the petition site for a twelve month period during which time it is not succeeded by the same *use* specifically authorized as a *special exception*.

E. A *special exception* may be terminated by the approving area Board of Zoning Appeals upon filing of an application therefore by an interested *person*, a member of the *staff*, or an Administrative Officer, and upon a finding at a public hearing, with notice to the property owner, that the terms of this Ordinance, or conditions of approval or commitments, have not been complied with.

203.12 VARIANCE-DEVELOPMENTAL STANDARDS From cases arising within their territorial jurisdiction, the Area Board of Zoning Appeals shall approve or deny all *variance*s from the developmental standards (such as height, *bulk*, or area) of the Zoning Ordinance. The *Board* may impose conditions and/or commitments as per I.C. 36-7-4-1015.

A. A *variance* may be *approved* under this section if, after a public hearing, the *Board* makes findings of fact in writing that;

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; and

3. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the *use* of the property.

B. No approval of the Area Board of Zoning Appeals granting a *variance* as to construction shall be valid for a period longer than twelve months from the date of the approval unless construction is started within such period, or unless the *Board* should grant such *variance* for a longer period.

C. A *variance* granted by the *Board* and executed in a timely manner as described in this Section shall run with the *parcel* until such time as the property conforms with the Ordinance as written or the *variance* is terminated. A *variance* ceases to be authorized and is void if that *variance* has not commenced within a twelve month period of the date the *variance* was granted. The *Zoning Administrator* may grant up to two, one-year extensions to the *variance* if the *Zoning Administrator* determines that the facts or circumstances have not materially changed.

203.13 FLOODPLAIN VARIANCES In addition to the above standards, *variance*s in the Flood Plain *Overlay district* shall meet the following:

A. The Area Board of Zoning Appeals as established by this ordinance shall hear and decide *appeal*s and requests for *variance*s from requirements in the Floodplain *Overlay district*.

B. In passing upon such applications, the *Board* shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

1. The danger of life and property due to flooding or *erosion* damage;

2. The susceptibility of the proposed facility and its contents to *flood* damage and the effect of such damage on the individual owner;

3. The importance of the services provided by the proposed facility to the *community*;

4. The necessity to the facility of a waterfront location, where applicable;

5. The availability of alternative locations for the proposed use which are not subject to flooding or *erosion* damage;

6. The compatibility of the proposed use with existing and anticipated *development*;

7. The relationship of the proposed use to the *Comprehensive Plan* and *floodplain management* program for that area;

8. The safety of access to the property in times of *flood* for ordinary and emergency vehicles;

9. The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,

10. The costs of providing governmental services during and after *flood* conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and *street*s and bridges.

C. Conditions for *variance*s in the Floodplain *Overlay district* are as follows:

1. *Variance*s shall only be issued when there is:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the *variance* would result in exceptional *hardship*; and,

c. A determination that the granting of a *variance* will not result in increased *flood* heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

2. No *variance* for a residential use within a *floodway* subject to UDO Sections 401.17 or 401.19 A. may be granted.

3. Any *variance* granted in a *floodway* subject to UDO Sections 401.17 or 401.19 A. will require a permit from the Indiana Department of Natural Resources.

4. *Variance*s to the Provisions for Flood Hazard Reduction of UDO

Section 401.14, may be granted only when a new *structure* is to be located on a *lot* of one half acre or less in size, *contiguous* to and surrounded by lots with existing structures constructed below the *flood protection grade*.

5. *Variance*s shall only be issued upon a determination that the *variance* is the minimum necessary, considering the flood hazard, to afford relief.

6. *Variance*s may be granted for the reconstruction or restoration of any *structure* individually listed on the National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

7. Any application to whom a *variance* is granted shall be given written notice specifying the difference between the *base flood elevation* and the elevation to which the *lowest floor* is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced *lowest floor* elevation (See UDO Section 215).

8. The *Zoning Administrator* shall maintain the records of *appeal* actions and report any *variance*s to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See UDO Section 203.13 E).

D. Any applicant to whom a *variance* is granted shall be given written notice over the signature of a *community* official that:

1. The issuance of a *variance* to construct a *structure* below the *base flood elevation* will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and;

2. Such construction below the base flood level increases risks to life and property.

E. The *Zoning Administrator* will maintain a record of all *variance* actions, including justification for their issuance, and report such *variance*s issued in the *community*'s biennial report submission to the Federal Emergency Management Agency.

F. *Variance*s may be issued for the repair or rehabilitation of "*historic structure*s" upon a determination that the proposed repair or rehabilitation will not preclude the *structure*'s continued designation as an "*historic structure*" and the *variance* is the minimum to preserve the historic character and design of the *structure*.

G. Upon the consideration of the factors listed in this section, and the purposes of this ordinance, the *Board* may attach such conditions to the granting of *variance*s as it deems necessary to further the purposes of the Floodplain *Overlay district*.

203.14 PROCEDURE An appeal or an application for a *variance* or *special exception* filed the Area Board of Zoning Appeals shall specify the grounds of the petition and shall be filed within such time and in such form as may be prescribed by the Area Board of Zoning Appeals by rule.

A. The *Zoning Administrator*, Hearing Officer, or other administrative *person* or body shall, upon the request of the Area Board of Zoning Appeals, transmit to it all documents, plans and papers constituting the record of the appeal, *variance*, or *special exception* application.

B. Preceding a decision, the Area Board of Zoning Appeals shall hold a public hearing as specified in UDO Section 203.15.

C. Following a hearing, the *Board* may reverse, affirm, or modify the order, requirement, decision or determination which was appealed. For this purpose, the *Board* has all the powers of the *Zoning Administrator*, Hearing Officer, or other administrative person or body from which the appeal is taken.

D. Following a hearing, the *Board* may approve, deny, or approve with conditions a *variance* or *special exception*.

E. All decisions of the *Board* in all matters within their jurisdiction and authority shall be in writing and supported by specific written findings of fact on each element pertaining to the matter under consideration.

F. The *Board* shall make a decision on any matter that it is required to hear at either the first meeting at which that matter is first presented, or at the conclusion of the hearing on that matter if it is continued.

203.15 HEARINGS The Area Board of Zoning Appeals shall fix a reasonable time for the hearing of appeals and other applications.

A. Public notice, in accordance with I.C. 5-3-1, and due notice to interested parties shall be given pursuant to the *rules* of the BZA.

B. The party taking the appeal, or applying for the *variance* or *special exception* may appear in person, by agent, or by attorney.

C. The *Board* shall, by rule, determine who are interested parties, how notice

is to be given to them, and who is required to give that notice.

D. The Area Plan Commission *staff*, if any, may appear before the *Board* at the hearing and present evidence in support of or in opposition to the granting of a matter before the *Board*.

E. Other persons may appear and present relevant evidence.

F. The *Board* may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four days before the hearing, the *Board* may also require the petitioner to furnish each adverse party with a copy of the petition and a *site plan* of the property involved.

203.16 COMMITMENTS In accordance with I.C. 36-7-4-1015, the *Board*, in the case of a petition for a *special exception* or a *variance* from developmental standards, may permit or require the owner of a *parcel* of land to make a written commitment concerning the *use* or *development* of that *parcel*.

A. The *Board* may:

1. Adopt *rules* governing the creation, form, recording, modification, enforcement, and termination of commitments; and

2. Adopt *rules* designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

B. Commitments shall be recorded in the office of the *County Recorder* and take effect upon the granting of the *special exception* or *variance*. Unless modified or terminated by the *Board*, a commitment is binding on the owner of the *parcel*, each subsequent owner, and each other *person* acquiring an interest in the *parcel*. A commitment is binding on the owner of the *parcel* even if it is unrecorded; however, an, unrecorded commitment is binding on a subsequent owner or other *person* acquiring an interest in the *parcel* only if that subsequent owner or other *person* has actual notice of the commitment. A commitment may be modified or terminated only by a decision of the *Board* made at a public hearing after notice as provided by rule.

C. By permitting or requiring commitments, the *Board* does not obligate itself to approve or deny any request.

D. Conditions imposed on the granting of a *special exception* or *variance* are not subject to the *rules* applicable to commitments.

E. This section does not affect the validity of any covenant, *easement*,

equitable, servitude, or other land use restriction created in accordance with law.

203.17 TERMINATION A *variance* or *special exception* may be terminated by the Board of Zoning Appeals under the following procedure:

A. Upon determination by the *Zoning Administrator* that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for public hearing. The *Zoning Administrator* shall provide notice according to *Board rules* with the exception of the posting of a sign on the petition site.

B. At the public hearing the *variance* or *special exception* shall be revoked if a finding is made by the *Board* that one or more of the following is true:

1. The land *use* is not consistent with the approval granted by the *Board*.

2. The land *use* is not consistent with any condition of approval.

3. The land *use* is not consistent with any written commitment, or

4. The approval was the result of fraud or the misrepresentation of facts.

C. No *special exception* or *variance* may be reviewed for termination by the Board of Zoning Appeals for the same cause more than once in any one-year period.

204 ZONING ADMINISTRATOR

The administration of this ordinance shall be vested in the office of the *Zoning Administrator*. The *Zoning Administrator* shall be appointed by the Area Plan Commission. The *Zoning Administrator*, or the duly authorized representative, shall have the following duties:

204.01 To administer and enforce the provisions of this Ordinance in participating localities in accordance with its literal terms and shall not have the power to permit any construction or any *use* or change of *use* which does not conform to this Ordinance.

204.02 To review and approve or deny all applications for *Improvement Location Permit*s and *Certificate of Occupancy* Permits.

204.03 To conduct inspections of *building*s, structures and any uses to determine compliance with this Ordinance.

204.04 Maintain current and permanent records of this Ordinance, including *map*s, amendments, *Improvement Location Permit*s, *variance*s, appeals, and applications thereof.

204.05 Receive and forward all petitions to amend the Ordinance to the Area Plan Commission for review and recommendation.

204.06 Carry out investigations or studies at the request of a *legislative body*.

204.07 To identify and register all *non-conforming use*s and to issue nonconforming use certificates to the owner of said *use* or *structure*.

204.08 In floodplain *Overlay district*s, the *Zoning Administrator* shall review all *development* to insure compliance with UDO Sections 401.14 through 401.20 including, but not be limited to:

A. Review all *floodplain improvement location permit*s to assure that the permit requirements of this ordinance have been satisfied.

B. Inspect and inventory damaged structures in the SFHA and complete *substantial damage* determinations.

C. Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all *development* projects subject to UDO Sections 401.17 or 401.19 A. and maintain a record of such authorization (either copy of actual permit or *floodplain* analysis or regulatory assessment.)

D. Ensure that all necessary federal or state permits have been received prior to issuance of the local *floodplain development* permit. Copies of such permits are to be maintained on file with the *floodplain development* permit.

E. Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a *watercourse*, and submit copies of such notifications to *FEMA*.

F. Maintain for public inspection and furnish upon request local permit documents, damaged *structure* inventories, *substantial damage* determinations, *regulatory flood* data, SFHA *map*s, *Letters of Map Amendment (LOMA)*, *Letters of Map Revision (LOMR)*, copies of *DNR* permits and *floodplain* analysis and regulatory assessments (letters of recommendation), federal permit documents, and “as-built” elevation and *floodproofing* data for all *building*s constructed subject to this ordinance.

G. Utilize and enforce all *Letters of Map Revision (LOMR)* or *Physical Map*

Revisions (PMR) issued by *FEMA* for the currently effective SFHA *map*s of the *community*.

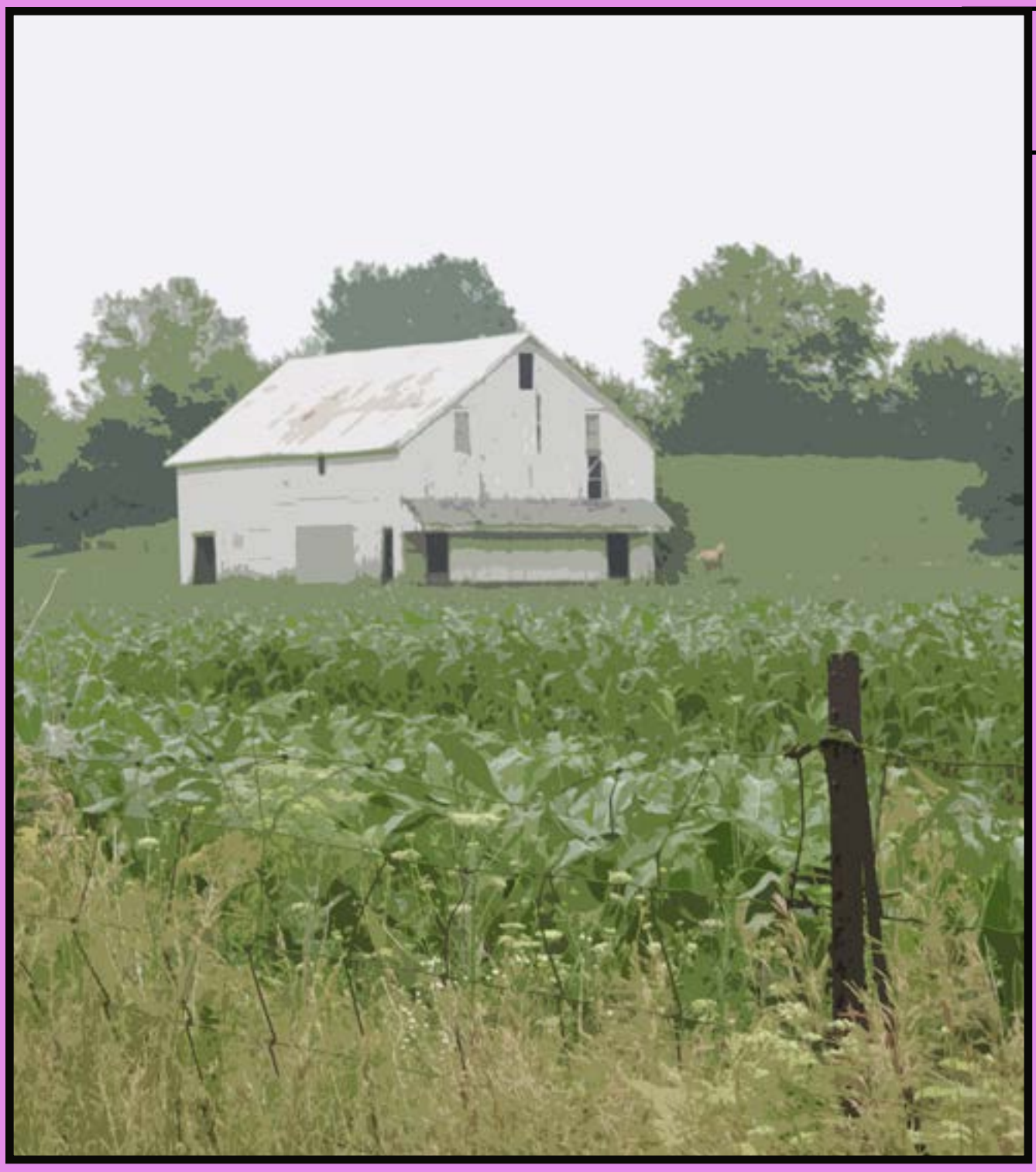
H. Assure that maintenance is provided within the altered or relocated portion of said *watercourse* so that the *flood*-carrying capacity is not diminished.

I. Verify and record the actual elevation of the *lowest floor* (including *basement*) of all new or substantially improved structures, in accordance with UDO Section 1002.04 H and I.

J. Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with UDO Section 1002.04 H and I.

K. Review certified plans and specifications for compliance.

L. Stop Work Orders and Revocation of Permits shall be according to *Commission Rules*.



ARTICLE 3:
DISTRICT REGULATIONS

301 OFFICIAL ZONING MAPS

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

301.01 Boundaries of the zones established in UDO Section 302 are as shown on the *Zoning Maps* which are located at http://beacon.schneidercorp.com/Application.aspx?AppID=91&LayerID=915&PageTypeID=2&PageID=586&Q=1455542228 which is accessible from the website for Clinton County, Indiana at www.clintonco.com, and made part of this ordinance. These *Zoning Maps* are the Official *Zoning Maps* and a master version of these maps shall be kept under the control of the *Executive Director* of the Area Plan Commission.

301.02 The zoning *district* boundaries shall be shown on the *Zoning Maps*. The abbreviations for the zoning *district*s appearing throughout this ordinance shall be used to identify the zoning *district*s on the map.

301.03 The Official Zoning Map shall be revised each time land is rezoned by action of the Area Plan Commission and the *County Commissioners*.

301.04 *District* boundaries on the *Zoning Maps* shall meet the following standards:

A. *District* boundaries shown within the lines of roads, streams, and transportation *right-of-way*s shall be deemed to follow the centerlines.

B. Boundaries indicated as following section or fractional section lines, platted *lot line*s, or city or *town* corporation lines shall be constructed as following such lines.

C. Boundaries indicated as parallel to, or extensions of, above features shall be so constructed.

D. Boundaries indicated, as approximately following the centerline of streams, rivers, or other bodies of water shall be constructed to follow such centerlines or meanderings as they existed on the effective date of this Ordinance.

E. Where a *district* boundary line divides a *lot of record*, in single or joint

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

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

G. When the *Zoning Administrator* cannot definitely determine the location of a *district* boundary by such centerlines, by scale or dimensions stated on the Zoning Map, or by the fact that it clearly does not coincide with a property line, he shall refuse action and the Area Board of Zoning Appeals, upon appeal, shall interpret the location of the *district* boundary with reference to the scale of the Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.

H. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections A through G above, the Board of Zoning Appeals shall interpret the *district* boundaries.

302 ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, the *County* is divided into the following zoning *district*s for purposes as stated:

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

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

302.03 R-2 Low Density Residential: This *district* includes those areas within

the incorporated towns and the *Urban Growth Area*s, which are proposed for low-density single-family use. Density will be sufficient enough where central sewage can be provided immediately or in the future. *Two-family (e.g. Duplex) and two-family zero lot line dwellings* are possible in this *district* but require a *special exception* (see Table A-1).

302.04 R-3 Medium Density Residential: This *district* includes areas of primarily *single-family dwelling*s in the towns which have historically developed at higher density and where municipal water and sewer are provided. Density shall not exceed four *dwelling unit*s per acre. *Two-family* and *multi-family* dwellings are possible in this *district* but both require a *special exception* (see Table A-1).

302.05 R-4 High Density Residential: This *district* includes areas for a wide range of *dwelling unit* types including *multi-family dwelling*s and *mobile home park*s. All *development* will be on central sewage in this *district*.

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

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

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

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

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

302.11 B-6 Office Tech Park: This *district* designates areas for *development* of offices, research, and high tech *business*es constructed in an integrated concept. All *development* will be on central sewage in this *district*..

302.12 I-1 Light Industrial: This *district* designates areas for the *development* and expansion of *manufacturing* and wholesale *business* establishments, which

operate primarily within enclosed *building*s.

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

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

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

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

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

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

302.19 West State Road 28 Overlay: This *district* is intended to protect future *commercial development* along W State Rd 28 as per UDO Section 403.

302.20 East State Rd 28 Overlay: This *district* is intended to protect future *commercial development* along E State Rd 28 as per UDO Section 404.

303 DISTRICT LAND USAGE

The permitted, prohibited and *special exception* uses for each *district* are shown in the Land Use Matrix (see Table A-1). Where the *district* column is marked with a “P”, the use is permitted in that *district*. Where the *district* column is marked with an “X”, the

use is prohibited. Where the *district* column is marked with an "S", a *special exception* must first be obtained from the Area Board of Zoning Appeals as specified in UDO Article Two. Certain uses also have additional *development* standards as specified in UDO Article Five and identified in Table A-1. The *Zoning Administrator* shall determine into which category any use shall be placed which is not specifically listed or herein defined. This determination may be appealed to the Board of Zoning Appeals.

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

A.The applicant shall file a request with the Area Board of Zoning Appeals as an appeal of the *Zoning Administrator* according to UDO Section 203.10.

B. In classifying the use, the *Board* shall make a finding:

1. That the subject use and its operations are compatible with the uses permitted in the *district* wherein it is proposed to be placed.

2 That the subject use is similar to one or more uses permitted in the *district* within which it is proposed to be placed.

C. The *Board* shall classify such use as permissible by right, or *special exception*, or not permitted at all.

303.02 An existing use which is listed herein as a *special exception*, and which is located in a *district* in which such *special exception* may be permitted at the time of enactment of this Ordinance, is a conforming use, providing such use meets the minimum *lot area* requirements set forth in the respective *district*s. Any expansion of such *special exception* involving the enlargement of *building*s, structures, and land area devoted to such use shall be subject to the requirements of UDO Section 203.11.

304 DISTRICT PERFORMANCE STANDARDS

District minimum *lot area*; *lot width*; minimum *lot area* per *family*; minimum front, side, and rear yards; and maximum *impervious surface ratio*s are listed in Table B, below.

Table B - District Performance Standards

	A-1, Agricultural	R-1, Rural Residential	R-2, Low Density Residential	R-3, Medium Density Residential	R-4, High Density Residential	B-1, Neighborhood Business	B-2, Central Business	B-3, Roadside Business	B-4, General Business	B-5, Agribusiness	B-6, Office or Tech Park	I-1, Light Industrial	I-2, Genera Industrial	LD, Landfill
Minimum Lot Area (Sq Ft)														
No Central Sewage	See note 1	43560	43560	NA	NA	43560	NA	43560	43560	43560	43560	43560	43560	43560
With Central Sewage	See note 1	24,000	8,700	7,200	6,000	6,000	NONE	8,700	10,000	10,000	8,700	10,000	24,000	24,000
Minimum Lot Width (Feet)														
No Central Sewage	150	100	80	NA	NA	80	NA	80	80	80	80	80	150	150
With Central Sewage	100	100	70	60	50	50	NONE	70	70	70	70	70	100	100
Minimum Lot Area Per Family (Sq Ft)														
No Central Sewage	43560	43560	43560	NA	NA	43560	NA	43560	43560	43560	43560	43560	43560	43560
With Central Sewage	24,000	24,000	8,700	3,000	2,000	2,000	NONE	8,700	10,000	10,000	10,000	NA	NA	NA
Impervious Surface Ratio (Percent)	0.15 / 0.30**	.30	.30	.50	.50	.35	.95	.80	.80	.50	.80	.50	.50	.50

NOTE: Some setbacks and lot sizes in incorporated towns are governed by UDO Article Eleven, unless specified otherwise. Some *Accessory Structure* Setbacks are governed by UDO Section 306.03

(*) Zero lot line structures are not required to meet this minimum where the structure and lot line are coterminous. Spacing structures must be twice the setback that is otherwise required.

(**) Lots in the A-1 district that are less than five acres may use the .30 impervious surface ratio, all larger lots must use the .15.

(1) Twenty acres for all uses except for rural non-farming dwellings and other uses *approved* by special exception or for parcels that are otherwise exempt by the Subdivision Control Ordinance which shall have a minimum lot size of 43,560.

Table B - District Performance Standards														
	A-1, Agricultural	R-1, Rural Residential	R-2, Low Density Residential	R-3, Medium Density Residential	R-4, High Density Residential	B-1, Neighborhood Business	B-2, Central Business	B-3, Roadside Business	B-4, General Business	B-5, Agribusiness	B-6, Office or Tech Park	I-1, Light Industrial	I-2, Genera Industrial	LD, Landfill
Minimum Front Yard (Feet)	50	50	45	40	20	25	NONE	30	25	40	30	40	40	75
Minimum Side Yard (Feet)	15	15	7(*)	6(*)	5(*)	15	NONE	15	15	20	15	20	20	50
Minimum Rear Yard (Feet)	20	20	20(*)	15(*)	15(*)	20	NONE	20	20	25	20	25	25	50
Minimum Distance Between Structures (Feet)	10	10	10	10	10	15	NONE	15	15	25	10	25	25	25
NOTE: Some setbacks and lot sizes in incorporated towns are governed by UDO Article Eleven, unless specified otherwise. Some *Accessory Structure* Setbacks are governed by UDO Section 306.03														
(*) Zero lot line structures are not required to meet this minimum where the structure and lot line are coterminous. Spacing structures must be twice the setback that is otherwise required.														
(**) Lots in the A-1 district that are less than five acres may use the .30 impervious surface ratio, all larger lots must use the .15.														
(1) Twenty acres for all uses except for rural non-farming dwellings and other uses *approved* by special exception or for parcels that are otherwise exempt by the Subdivision Control Ordinance which shall have a minimum lot size of 43,560.														

305 SUPPLEMENTAL LOT REGULATIONS

Except as hereinafter provided, no *building* or *structure* shall be erected or located on a *lot* unless such *lot* conforms with the *lot area* regulations in the *district* in which it is

located as shown in Table B. Building Lot Provisions in Incorporated Towns shall also be governed by applicable sections of UDO Article Eleven.

305.01 Lots of record, or lots sold by verifiable land contract, prior to April 12, 1993 (the date of adoption for the 1993 Zoning Ordinance) may be smaller in area than the figure prescribed provided all other regulations of the *district* can be met and they have not come into common ownership with adjacent lots since that time.

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

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

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

305.05 On corner lots, *lot width* requirements need to be set along only one *street* right-of way provided UDO Section 306.05 can be met.

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

306 SUPPLEMENTAL YARD REGULATIONS

No portion of a principal or *accessory structure* or use, including garages, porches, steps, carports, and decks, shall project into any minimum front, side or rear yard as

shown on Table B except as provided below:

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

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

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

306.04 *Accessory use* and the following yard improvements are not subject to *setback* regulations and are permitted in any required front, side, or rear yard provided they do not violate other sections of this Ordinance: gazebos; flagpoles; arbors and trellis; outdoor barbecues; walks; driveways; *parking* spaces; decorative driveway entrance features; curbs; retaining walls; utility installations for local service such as poles, lines and hydrants; lattice work screens; air conditioners; mail boxes; nameplates; ponds; lamp posts; recreational equipment; bird baths and birdhouses; dog houses; children's play houses; trees and *shrub*s; flowers and plants; gardens; bushes; hedges and *landscaping* of a similar nature. *Fence*s are permitted in front, side and rear yards subject to the standards in UDO Section 503.13. This section does not include *accessory structure*s except for those listed above.

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

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

306.07 *Building setback line*s established in recorded subdivisions establish the required setbacks in such subdivisions, except when such *Building setback*

*line*s may be less restrictive as provided in the applicable *district* provided such subdivision *setback* shall at least meet the setbacks for the applicable *district*..

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

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

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

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

306.12 *Visual clearance* on corner lots or at intersections shall be provided as follows:

A. On a corner *lot* in any *district* except B-2, no *building*, *fence*, hedge, crops, vegetation, wall, *sign*, or other *structure* shall be erected, placed, planted, or allowed to grow, and no motor vehicle, *recreational vehicle*, or *outdoor storage* may be placed in the triangular area specified below in such manner as to impede vision between a height of three feet and twelve feet above the established *street* grade. The *street* grade is measured at the intersection of the centerlines of the intersecting *street* pavements. The triangular area is determined by a diagonal line connecting two points measured fifteen feet along each edge of each road right of way from the point where the two right of ways intersect. Traffic-control devices and public utility fixtures shall not be affected by this requirement.

B. At intersections of driveways and *alley*s with *street*s, or at intersections of *alley*s with *alley*s in any *district* except B-2, no *building*, *fence*, hedge, crops, vegetation, wall, *sign*, or other *structure* shall be erected, placed, or allowed to grow and no motor vehicle, *recreational vehicle*, or *outdoor storage* may be

placed in the triangular area specified below in such a manner as to impede vision between a height of three feet and twelve above the established driveway or the center lines of the intersecting driveway, *street*, or *alley* surfaces. The triangular area is determined by a diagonal line connecting two points measured ten feet along each of the driveway lines and *street* or *alley right-of-way* lines equidistant from the intersection of the driveway lines and *street* or *alley right-of-way* lines or *alley* and *alley right-of-way* lines. Traffic-control devices and public utility fixtures shall not be affected by this requirement.

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

A. *Bufferyard*s, where required, shall be located along side and rear property lines. In the B-4, B-5, I-1, or I-2 *district*s, *bufferyard*s shall also be required along the front property line when adjacent to or facing a residential *district*. In the LD *district*, *bufferyard*s shall be around the *solid waste boundary* and all *accessory use*s except for *agricultural* uses and except where the entrance is located. On lots which abut a *street* along more than one property line, the *site plan* designate which property line shall be considered the front and *bufferyard*s shall be provided along all other lines. *Bufferyard*s shall have the necessary widths and planting and fencing material as required below.

B. To determine the required widths and materials of *bufferyard*s, the following procedure shall be used:

1. Identify the *Bufferyard* Classification (*Buffer* Class A, B, C, D, E, or F) of the proposed use and/or *structure* by referring to Table A-1 of this Ordinance.

2. Identify the *Bufferyard* Classification (*Buffer* Class A, B, C, D, E, or F) of an existing adjacent use by referring to Table A-1. For vacant land and for existing, adjacent uses, nonconforming to the zoning *district* in which it is located, refer to the Zoning Map for the *district* classification of the land and/or use.

3. Determine the *bufferyard* requirements for the proposed use and/or *structure* by referring to Table C. Go down the left column to the

Bufferyard Classification of the proposed use and then go across the matrix either to the land use class or the adjacent vacant land zoning *district* and refer to the Roman Numeral (I, II, III, IV, V, or VI) in the corresponding box which indicated the *bufferyard* type.

Table C - Required Bufferyards

BUFFERYARD CLASSIFICATION	ADJACENT EXISTING USE BUFFERYARD CLASSIFICATION						ADJACENT VACANT LAND (ZONING DISTRICT)				
	A	B	C	D	E	F	A-1	R-1, R-2, R-3, R-4	B-1, B-2, B-3, B-6	B-4, B-5, I-1, I-2	LD
A	X	X	X	X	X	X	X	X	X	X	X
B	V	I	II	III	IV	V	II	III	V	V	V
C	V	IV	I	II	III	IV	IV	III	IV	V	V
D	V	IV	III	I	II	III	V	IV	I	I	I
E	V	IV	III	II	I	II	V	V	I	II	I
F	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI

X = No bufferyard required. See Bufferyard Illustrations *here*.

4. Refer to the *Bufferyard* type in Illustrations I through VI. Any of the alternative *Bufferyard*s may be selected.

C. The following additional standards shall apply to *Bufferyard*s:

1. All *Bufferyard*s shall be maintained and kept free of debris, rubbish, weeds, and tall grass.

2. There shall be no structures, *outdoor storage*, *parking*, or loading facilities in *Bufferyard*s, except for *agricultural* or residential uses. However, *Bufferyard*s may be coterminous with the required front, side, or rear *setback* areas but in case of conflict, the larger yard area regulation shall apply.

3. All plants shall be planted within one year of the *Improvement Location Permit* issuance or within six months of project completion, whichever is earlier, and all plants shall be properly maintained. Any plants, which do not live or are destroyed, shall be promptly replaced.

4. Deciduous trees shall be a minimum of eight feet in height when planted. Deciduous *shrub*s shall be a minimum of 18 inches in height when planted.

5. Evergreens shall be a minimum of four feet in height when planted.

6. *Berm*s shall be a minimum of four feet in height.

7. Flowering trees and *shrub*s shall be encouraged in *Bufferyard*s.

8. Decorative native prairie grasses are permitted in *Bufferyard*s but they shall be maintained and kept weed free.

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

307 GENERAL PROVISIONS AND EXCEPTIONS TO HEIGHT REGULATIONS

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

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

A. *Agricultural* structures such as barns, silos, tanks, bins, and windmills located in the A-1 or R-1 *district*s.

B. Communication structures such as radio, television, and relay, receiving stations and aerials and observation towers.

C. Industrial uses such as gas and liquid fertilizer tanks, power generating plants, sub-stations, smokestacks, grain elevators, and other *agricultural* product processing and storage facilities, and industries requiring a vertical production procedure such as flour mills, steel mills and refineries.

D. Architectural projections, such as spires, belfries, parapet walls, cupolas, and domes.

E. Special structures such as monuments, emergency communication towers, scenery lofts, fire towers, and flagpoles.

F. WECS-Commercial, Non-commercial, and Private

G. An amateur radio (ham) station tower or antenna may be erected to a *height* of 200 feet provided that all regulations of the FCC and UDO Section 524 are complied with.

307.02 Public and semi-public *building*s, *hospital*s, schools and *church*es (excluding the spire) may be erected to any *height* provided their total *height* does not exceed their distance from the nearest *lot line*.

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

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

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

308 OFF-STREET PARKING AND LOADING

Off-street *parking* and loading spaces shall be provided as required below:

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

A. Whenever a use or *structure* built after the effective date of this Ordinance is changed or enlarged in *floor area*, number of employees, number of *dwelling unit*s, *seat*ing capacity, or other, to create a need for an increase in the number of existing *parking* or loading spaces, additional spaces shall be provided on the basis of the enlargement or change.

B. Whenever a use or *structure* existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent or more in *floor area*, number of employees, number of housing units, *seat*ing capacity, or other, said structures shall then and thereafter comply with all *parking* and loading

standards set forth in this section.

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

308.02 The number of *parking* spaces shall be as specified in Table D based upon the *parking* classification of the use listed in Table A-1 (*parking* Class A through Z).

Table D - Required Parking

PARKING CLASSIFICATION	NUMBER OF PARKING SPACES
A	2 per dwelling unit or pad or campsite plus 1 per home occupation.
B	2 per 3 employees of the two expected maximum shifts combined plus 1 per visitor or customer space for each 20 required employee spaces with a minimum of 4.
C	No parking required provided there are no employees at the site. If there are employees, there must be 1 space per employee.
D	3 per 1,000 square feet of gross floor area.
E	5 per 1,000 square feet of gross floor area.
F	6 per 1,000 square feet of gross floor area.
G	10 per 1,000 square feet of gross area.
H	5.25 per 1,000 square feet of leasable floor area.
I	5.5 per 1,000 square feet of leasable floor area.
J	1 per 3 beds or residents plus 1 per employee.
K	1 per 2 occupants plus 1 per employee.
L	1 per 4 customer *seat*s plus 1 per employee.
M	2 per service stall or airplane parking space plus 1 per employee.
N	1.25 per 1,000 square feet of land and building area used for *business*.
O	10 per doctor, 5 per dentist, 3 per veterinarian.
P	1 per 15 elementary students and 1 per 4 secondary students.
Q	5 per 10 students expected to attend at any one time.
R	1 per 3 *seat*s in each auditorium, chapel room, or grandstand
S	1 per guest room plus 1 per employee

Table D - Required Parking	
PARKING CLASSIFICATION	NUMBER OF PARKING SPACES
T	1 per 10 children on the maximum shift plus 1 per employee on the maximum shift
U	2 per table, 3 per hole, 4 per court, 5 per *alley*
V	1 per 3 persons based upon maximum occupancy plus 1 per employee
W	1 per 500 square feet of use area plus 1 per 3 employees
Z	The cumulative parking total of all component recreational activities from this table or 1 space per member family and employee, whichever is more and/or applicable

A. For a use not specified in Table D, the *parking* space requirement shall be determined by the *Zoning Administrator*. When the number of *parking* spaces are to be determined by the *Zoning Administrator*, the *Zoning Administrator* shall base his decision on the *parking* needs of similar uses in Table D, on expected traffic volume, and on past *parking* experiences of existing similar uses.

B. When *parking* spaces are based upon the number of employees in Table D, said number shall be the number of employees of the largest shift, except where noted.

C. When the application of Table D results in a fraction of *parking* spaces, said number of spaces shall be rounded upward to the next highest round number.

D. In addition to all *parking* space requirements of Table D, there shall be a minimum number of *parking* spaces as specified by the *Zoning Administrator* for all trucks, buses, and other company vehicles and special equipment to be parked and/or offered for sale on the site.

E. In addition to thebe required *parking* spaces, there shall be at least two vehicle stacking spaces for each gas pump at service stations and truck stops; at least three vehicle stacking spaces for each bay at car washes; and at least six vehicle stacking spaces for each window or terminal at drive-in financial institutions, fast food restaurants, photo-finishing establishments, and other *business*es with drive-up windows and facilities.

F. Two or more non-residential uses may collectively provide the required off-*street parking* in which case the required number of *parking* spaces shall

be not less than the sum of the requirements for the several individual uses computed separately. Two or more uses may also jointly share the same spaces provided their hours of operation do not normally overlap and a written agreement is filed with and *approved* by the *Zoning Administrator*.

G. *Parking* spaces may be located on a *lot* other than that containing the *principal use* with the approval of the *Zoning Administrator*, provided a written agreement shall be filed with the application for an *Improvement Location Permit*, containing a guarantee that such *parking* spaces shall be available as long as the *principal use* is continued.

H. Motorcycle *parking* spaces may be substituted for the off-*street parking* requirement at the rate of two motorcycle spaces per off-*street parking* space. This applies to lots having ten or more *parking* spaces and may be used to replace a maximum of two *parking* spaces.

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

A Each *parking* area shall have *parking* of minimum width, length, and access lanes of minimum width as indicated in Table E.

Table E - Parking Area Standards

ANGLE OF PARKING (DEGREES)	STALL WIDTH	STALL DEPTH	TWO WAY DRIVE WIDTH	ONE WAY DRIVE WIDTH*
61-90	9 FEET	18 FEET	24 FEET	18 FEET
46-60	9 FEET	18 FEET	22 FEET	15 FEET
0-45	8 1/2 FEET	18 FEET	22 FEET	12 FEET
PARALLEL	8 FEET	22 FEET	22 FEET	12 FEET

*For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.

B. All *parking* spaces and access lanes shall be clearly marked, including directional arrows to guide internal movements. Such markings shall be maintained.

C. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any property adjacent to the *parking* area.

D. Handicapped *parking* spaces and facilities shall be provided as required

by the American National Standard Institute publication CABO/ANSI 117.1-1998, as amended or superseded.

E. Up to twenty percent of the required *parking* spaces may be designated compact spaces of at least eight by sixteen dimensions.

F. The interior circulation of traffic in *parking* areas shall be designed so that no driveway or access lane, providing *parking* spaces, shall be used as a through *street*.

G. No design shall be *approved* which is likely to create substantial traffic hazards endangering the public safety. Safety requirements which may be required by the *Zoning Administrator* and/or the Indiana Department of Transportation shall include traffic control devices, acceleration or deceleration lanes, turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices. No design shall allow the backing of any vehicle onto any *street*.

H. Any establishment which furnishes carts or mobile baskets for shopping shall provide defined areas within the required *parking* space areas for storage of said carts. Each designated storage area shall be clearly marked for storage of shopping carts.

I. In order to achieve better traffic control, eliminate *runoff*, and alter the appearance created by continuously paved surface, landscape areas shall be encouraged within all *parking* lots. Any landscaped area shall not visually obstruct vehicle or pedestrian traffic ways.

1. Landscaped islands may be provided at the end of each row of *parking* spaces to clearly define lane and turning patterns.

2. In any *parking* lot with more than one aisle of *parking* spaces, a pedestrian system should be provided which separates pedestrian movement from vehicular circulation.

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

308.05 The number of required off-*street* loading spaces for *commercial*, industrial, and institutional uses is specified in Table F.

Table F - Required Loading		
USE CLASSIFICATION	GROSS FLOOR AREA (SQ FT)	NUMBER OF SPACES
Office Buildings, Banks, Hotels, Auditoriums, Retail Trade, Shopping Centers, Hospitals, Services, Recreation Facilities, Multi-family Dwellings, and Similar Uses	8,000-60,000	1
	60,001-100,000	2
	For each additional 100,000 above 100,000	1
Manufacturing, Wholesale Trade, Warehousing, Storage, and Similar Uses	8,000-25,000	1
	25,001-60,000	2
	60,001-100,000	3
	For each additional 100,000 above 100,000	1

A. Uses and structures with a *net floor area* of less than eight thousand square feet shall provide loading facilities so as not to obstruct the free movement of pedestrians and vehicles over a sidewalk, road, or *alley*.

B. Where the required number of loading spaces is not set forth for a particular use in Table F, the *Zoning Administrator* shall determine the basis of the number of spaces to be provided, based upon the loading space requirements of similar uses.

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

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

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

F. No required off-*street loading area* shall be used to satisfy the space requirement for any off-*street parking* and no *loading area* shall be so located

as to interfere with the free circulation of vehicles in any off-*street parking* area.

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

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

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

308.06 Whenever off *street* loading or 15 or more off *street parking* spaces are required, the following additional standards shall apply:

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

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

C. All *parking* and *loading area*s and driveways shall be provided with a safe and adequate lighting system which shall be shielded and directed away from traffic on any public *right-of-way* and from residential *district*s. All lighting shall meet the standards in UDO Section 524.

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

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

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

screens shall be maintained in good condition.

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

308.07 Clearly defined driveways shall be provided for ingress and egress from all off-*street parking* and *loading area*s. Driveways shall be located and constructed according to the standards as shown in Table G or such standards as established by the Indiana Department of Transportation, if access is onto a state highway.

Table G - Driveway Access

DRIVEWAY STANDARD	RESIDENTIAL PROPERTY	SERVICE STATION or TRUCK TERMINAL	OTHER NON-RESIDENTIAL
Maximum Width at Property Line	25 FOOT	40 FOOT	35 FOOT
Minimum Distance from Interior Lot Line	5 FOOT	11 1/2 FOOT	12 1/2 FOOT
Minimum Distance from Street Intersection	30 FOOT	30 FOOT	30 FOOT
Space between Two Drives/ Same Property	25 FOOT	25 FOOT	25 FOOT
Radius of Curb Return			
Minimum	5 FOOT	5 FOOT	5 FOOT
Maximum	20 FOOT	20 FOOT	20 FOOT

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

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

308.08 An industrial use shall have direct vehicular access to and from arterial collector streets capable of supporting the average heaviest gross transport loads at any time of the year. *Alley*s and half-streets abutting an industrial use shall not be a means of ingress and egress for any freight or for any employees and shall not be utilized for loading and unloading berths or maneuvering room.

308.09 *Alley*s in residential *district*s shall not be used for vehicular access for non-residential uses.

309 SUPPLEMENTAL ENVIRONMENTAL REGULATIONS

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

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

309.02 *Drainage swales* (ditches) along dedicated roadways and within the *right-of-way* or on dedicated drainage *easement*s are not to be altered, except for maintenance as originally constructed and as *approved* by the Clinton County Highway Department, the Municipal Street Departments, the Clinton County Drainage Board, or Indiana Department of transportation. Driveways may be constructed over these or other *approved* structures as permitted by the Clinton County Highway Department or Indiana Department of Transportation.

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

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

309.05 All land under *development*, regardless of slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such activity to prevent *erosion*. All *development* during construction must be in compliance with the Indiana Stormwater Quality Manual.

309.06 All *development* must be in compliance with all Indiana and Federal laws and regulations as it relates to *hazardous waste*, low-level *nuclear waste*, underground storage tanks, waste tires, and other applicable chapters of said title.

309.07 All *development* must be in compliance with all Indiana and Federal laws and regulations as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.

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

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

309.10 *Junk*, including debris and refuse, shall not accumulate nor shall *graffiti* be allowed to remain beyond two months after written notice requiring its removal from the *Zoning Administrator* , on any property, in any zoning *district*, and the property shall comply with all *participating locality* and *county* nuisance ordinances.

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

309.12 Where a proposed *structure* will eliminate more than fifty percent of an adjacent *structure*'s view or exposure to the sun on the shortest day of the year as determined by the *Zoning Administrator*, and as measured from the main living or work area of the adjacent *structure*, an additional yard area *setback* may be required by the *Zoning Administrator* so that the fifty percent view or exposure may be obtained.

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

A. *Excavation* for driveways, sidewalks, and similar activities.

B. Normal plowing and preparing the land for gardens and yards.

C. Normal trimming and/or removal of trees and *shrub*s for maintenance and/or site preparation.

D. Earth movements related to site leveling, farming and other *agricultural* activity, including sod farming.

E. Public and private road construction.

F. Drain tile laying and ditch cleaning.

G. Top soil removal, other than *Mineral Extraction*.

H. Forest management activities such as timber harvesting and timber stand improvement, including sawmills on property where the lumbering is being done.

I. Ponds (subject to Drainage Board Approval)

310 SUBDIVISION OF LAND

In accordance with I.C. 36-7-4-701, a subdivision of land may occur in any zoning *district* provided that all applicable standards are met.

310.01 *Condominium*s are defined and regulated by I.C. 32-25-1-1 *et seq*. Covenants shall be submitted to address the responsibilities of the *Condominium* association toward shared property.

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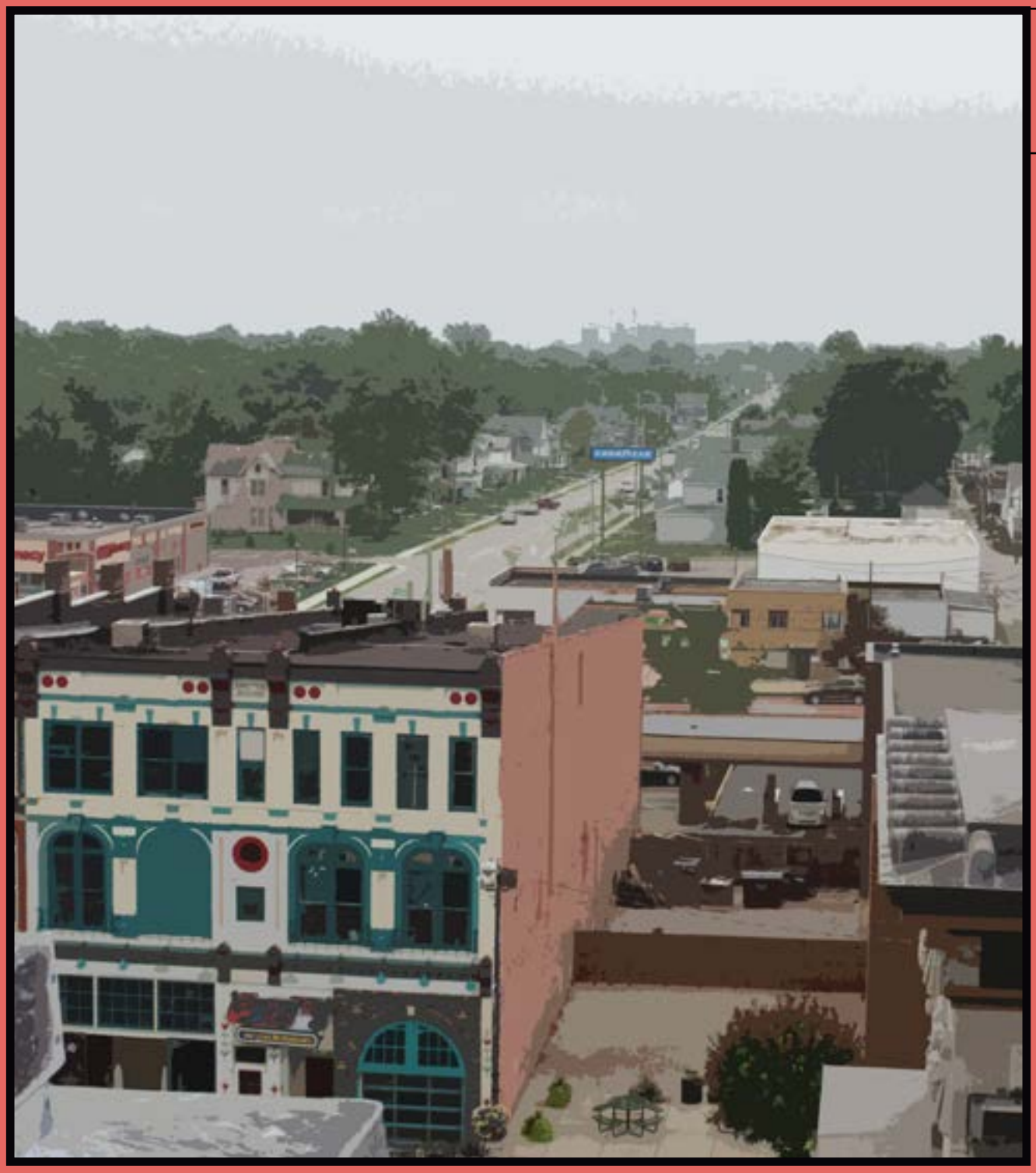


ARTICLE 4:
OVERLAY DISTRICTS

401 Floodplain Overlay District Regulations

401.01 Statutory Authorization: The Indiana Legislature has in I.C. 36-7-4 has granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Clinton County and each participating *town*'s respective Town Council (hereinafter referred to as "The County" for the purposes of this article) do hereby adopt the following *floodplain management regulations*.

401.02 Findings of Fact: Findings of fact of the Floodplain *overlay district* are as follows:

A. The *flood* hazard areas of Clinton County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These *flood* losses are caused by the cumulative effect of *obstruction*s in *floodplain*s causing increases in *flood* heights and velocities, and by the occupancy in *flood* hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from *flood* damages.

401.03 Statement of Purpose: It is the purpose of the Floodplain *overlay district* to promote the public health, safety, and general welfare and to minimize public and private losses due to *flood* conditions in specific areas by provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or *erosion* hazards, which result in damaging increases in *erosion* or in *flood* heights or velocities;

B. Require that uses vulnerable to *flood*s, including facilities which serve such uses, be protected against *flood* damage at the time of initial construction;

C. Control the alteration of natural *floodplain*s, stream channels, and natural protective barriers which are involved in the accommodation of *flood* waters;

D. Control filling, *grading*, dredging, and other *development* which may increase *erosion* or *flood* damage;

E. Prevent or regulate the construction of *flood* barriers which will unnaturally

divert floodwaters or which may increase *flood* hazards to other lands; and,

F. Make federally subsidized *flood* insurance available for structures and their contents in the County by fulfilling the requirements of the *National Flood Insurance Program*.

401.04 Objectives: The objectives of the Floodplain *overlay district* are:

A. To protect human life and health;

B. To minimize expenditure of public money for costly *flood* control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged *business* interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in *floodplain*s;

F. To help maintain a stable tax base by providing for the sound use and *development* of *flood prone areas* in such a manner as to minimize *flood* blight areas, and;

G. To ensure that potential homebuyers are notified that property is in a *flood* area.

401.05 Lands to Which This Section Applies: This section shall apply to all SFHAs and known *flood prone areas* within the jurisdiction of Clinton County.

401.06 Basis for Establishing *Regulatory Flood* Data: This ordinance shall apply to all SFHAs and known *flood prone areas* within the jurisdiction of The County. This ordinance's protection standard is the *Regulatory Flood*. The best available *Regulatory Flood* data is listed below.

A. The *Regulatory Flood* elevation, *floodway*, and *fringe* limits for the studied SFHAs within the jurisdiction of The County shall be as delineated on the *one-percent annual chance flood* profiles in the *Flood Insurance Study* of Clinton County, Indiana and Incorporated Areas dated December 2, 2011 and the corresponding *Flood Insurance Rate Map* dated December 2, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

B. The *Regulatory Flood* elevation, *floodway*, and *fringe* limits for each of

the SFHAs within the jurisdiction of The County, delineated as an "*A Zone*" on the Clinton County, Indiana and Incorporated Areas *Flood Insurance Rate Map* dated December 2, 2011 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently *approved*.

C. In the absence of a published *FEMA* map, or absence of identification on a *FEMA* map, the *Regulatory Flood* elevation, *floodway*, and *fringe* limits of any *watercourse* in the *community*'s known *flood prone areas* shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

D. Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping or study shall be utilized for permitting and construction (*development*) purposes, replacing all previously effective less restrictive *flood* hazard data provided by *FEMA*.

401.07 Compliance: No *structure* shall hereafter be located, extended, converted or structurally altered within the *SFHA* without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the *SFHA* shall hereafter be altered without full compliance with the terms of this section and other applicable regulations.

401.08 Abrogation and Greater Restrictions: This section is not intended to repeal, abrogate, or impair any existing *easement*s, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

401.09 Discrepancy between Mapped Floodplain and Actual Ground Elevations: Discrepancies between mapped *floodplain* and actual ground elevations shall be reconciled as follows:

A. In cases where there is a discrepancy between the mapped *floodplain* (*SFHA*) on the *FIRM* and the actual ground elevations, the elevation provided on the profiles shall govern.

B. If the elevation of the site in question is below the *base flood elevation*,

that site shall be included in the *SFHA* and regulated accordingly.

C. If the elevation (natural *grade*) of the site in question is above the *base flood elevation*, that site shall be considered outside the *SFHA* and the *floodplain* regulations will not be applied. The property owner should be advised to apply for a *LOMA*.

401.10 Interpretation: In the interpretation and application of this section all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and,

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

401.11 Warning and Disclaimer of Liability: The degree of *flood* protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger *flood*s can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of Clinton County the Indiana Department of Natural Resources, or the State of Indiana, for any *flood* damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder.

401.12 Penalties for Violation: Failure to obtain an *Improvement Location Permit* in the *SFHA* or failure to comply with the requirements of an *Improvement Location Permit* or conditions of a *variance* shall be deemed to be a *violation* of this ordinance. All *violation*s shall be considered a common nuisance and be treated as such in accordance with the provisions of the Unified Development Ordinance for Clinton County. All *violation*s shall be punishable by a fine as provided for by UDO Section 1003.

A. A separate offense shall be deemed to occur for each day the *violation* continues to exist.

B. The Clinton County Area Plan Commission shall inform the owner that any such *violation* is considered a willful act to increase *flood* damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

C. Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any *violation*s. All costs connected therewith shall accrue to the *person* or persons responsible.

401.13 General Standards for Flood Hazard Reduction: In all SFHAs and known ***flood prone areas*** the following provisions are required:

A. New construction and ***substantial improvement***s shall be anchored to prevent flotation, collapse or lateral movement of the ***structure***.

B. ***Manufactured home***s shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

C. New construction and ***substantial improvement***s shall be constructed with materials and utility equipment resistant to ***flood*** damage below the ***FPG***.

D. New construction and ***substantial improvement***s shall be constructed by methods and practices that minimize ***flood*** damage.

E. Electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities shall be located at or above the ***FPG*** or designed so as to prevent water from entering or accumulating within the components below the ***FPG***. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the ***FPG***.

F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of ***flood*** waters into the system.

G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of ***flood*** waters into the system.

H. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

I. Any alteration, repair, reconstruction or improvements to a ***structure*** that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance.

J. Any alteration, repair, reconstruction or improvement to a ***structure*** that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

401.14 Specific Standards for Flood Hazard Areas: In all SFHAs, the following provisions are required:

A. In addition to the requirements of **UDO Section 401.13** all structures to be located in the ***SFHA*** shall be protected from ***flood*** damage below the ***FPG***. This ***building*** protection requirement applies to the following situations:

1. Construction or placement of any new ***structure*** having a ***floor area*** greater than 400 square feet;

2. ***Addition*** or improvement made to any existing ***structure***:

a. Where the cost of the ***addition*** or improvement equals or exceeds 50% of the value of the existing ***structure*** (excluding the value of the land);

b. With a previous ***addition*** or improvement constructed since the ***community***'s first ***floodplain*** ordinance.

3. Reconstruction or repairs made to a damaged ***structure*** where the costs of restoring the ***structure*** to its before damaged condition equals or exceeds 50% of the ***market value*** of the ***structure*** (excluding the value of the land) before damage occurred.

4. Installing a travel trailer or ***recreational vehicle*** on a site for more than 180 days.

5. Installing a ***manufactured home*** on a new site or a new ***Manufactured home*** on an existing site. This ordinance does not apply to returning the existing ***manufactured home*** to the same site it lawfully occupied before it was removed to avoid ***flood*** damage.

B. Residential Construction: New construction or ***substantial improvement*** of any residential ***structure*** (or ***manufactured home***) shall have the ***lowest floor***, including ***basement***, at or above the ***FPG*** (two feet above the ***base flood elevation***). Should solid foundation perimeter walls be used to elevate a ***structure***, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of **UDO Section 401.14 D**.

C. Non-Residential Construction: New construction or ***substantial improvement*** of any ***commercial***, industrial, or non-residential ***structure*** (or ***manufactured home***) shall either have the ***lowest floor***, including ***basement***, elevated to or above the ***FPG*** (two feet above the ***base flood elevation***) or be floodproofed to or above the ***FPG***. Should solid foundation perimeter walls be used to elevate a ***structure***, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with

the standards of UDO Section 401.14 D. Structures located in all "*A Zone*s" may be floodproofed in lieu of being elevated if done in accordance with the following:

1. A Registered Professional Engineer or Architect shall certify that the *structure* has been designed so that below the *FPG*, the *structure* and attendant utility facilities are watertight and capable of resisting the effects of the *Regulatory Flood*. The *structure* design shall take into account *flood* velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in UDO Section 1001.04 I.

2. *Floodproofing* measures shall be operable without human intervention and without an outside source of electricity.

D. *Elevated Structure*s: New construction or *substantial improvement*s of *Elevated Structure*s shall have the *lowest floor* at or above the *FPG*. *Elevated Structure*s with fully enclosed areas formed by foundation and other exterior walls below the *flood protection grade* shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic *flood* forces on exterior walls. Designs must meet the following minimum criteria:

1. provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

2. the bottom of all openings shall be no more than one foot above the exterior *grade* or the interior *grade* immediately beneath each opening, whichever is higher.

3. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

4. access to the enclosed area shall be the minimum necessary to allow for *parking* for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

5. the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

6. the interior *grade* of such enclosed area shall be at an elevation at or

higher than the exterior ***grade***.

E. Structures Constructed on Fill: A residential or nonresidential ***structure*** may be constructed on a permanent land fill in accordance with the following:

1. The fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method.

2. The fill should extend at least ten feet beyond the foundation of the ***structure*** before sloping below the ***FPG***.

3. The fill shall be protected against ***erosion*** and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

4. The fill shall not adversely affect the flow of ***surface drainage*** from or onto neighboring properties.

5. The top of the ***lowest floor*** including ***basement***s shall be at or above the ***FPG***.

F. Standards for ***manufactured home***s and ***Recreational Vehicle***s: ***Manufactured home***s and ***Recreational Vehicle***s to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

1. The ***manufactured home*** shall be elevated on a ***permanent foundation*** such that the ***lowest floor*** shall be at or above the ***FPG*** and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all ***manufactured home***s to be placed on a site;

a. Outside a ***manufactured home park or subdivision***;

b. In a ***new manufactured home park or subdivision***;

c. In an ***expansion to an existing manufactured home park or subdivision***; or

d. In an ***existing manufactured home park or subdivision*** on which a ***manufactured home*** has incurred "***substantial damage***" as a result of a ***flood***.

2. The ***manufactured home*** shall be elevated so that the ***lowest floor***

of the manufactured home chassis is supported by reinforced piers or other foundation elevations that are no less than 36 inches in height above *grade* and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all *manufactured home*s to be placed on a site in an *existing manufactured home park or subdivision* that has not been substantially damaged by a *flood*.

3. *Manufactured home*s with fully enclosed areas formed by foundation and other exterior walls below the *flood protection grade* shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for *Elevated Structure*s in UDO Section 401.14 D.

4. *Recreational Vehicle*s placed on a site shall either:

a. Be on site for less than 180 days; and,

b. Be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached *addition*s); or

c. Meet the requirements for "*manufactured home*s" as stated earlier in this section.

401.15 Subdivisions: *Development* in the floodplain *overlay district* subject to UDO Article Seven shall meet the following additional standards.

A. All subdivision proposals shall be consistent with the need to minimize *flood* damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize *flood* damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to *flood* hazards.

D. *Base flood elevation* data shall be provided for subdivision proposals and other proposed *development* (including *manufactured home parks and subdivisions*), which is greater than the lesser of fifty lots or five acres.

401.16 *Critical Facility*: Construction of new critical facilities shall be, to the extent

possible, located outside the limits of the *SFHA*. Construction of new critical facilities shall be permissible within the *SFHA* if no feasible alternative site is available. Critical facilities constructed within the *SFHA* shall have the *lowest floor* elevated to or above the *FPG* at the site. *Floodproofing* and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the *FPG* shall be provided to all critical facilities to the extent possible.

401.17 Standards for Identified Floodways: Located within SFHAs, established in UDO Section 401.06, are areas designated as *floodway*s. The *floodway* is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has *erosion* potential. If the site is in an identified *floodway*, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a *floodway*. Under the provisions of I.C. 14 28 1 a permit for construction in a *floodway* from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any *excavation*, deposit, construction, or *obstruction* activity located in the *floodway*. This includes land preparation activities such as filling, *grading*, clearing and paving etc. undertaken before the actual *start of construction* of the *structure*. However, it does exclude non-substantial *addition*s or improvements to existing (lawful) residences in a non-boundary river *floodway*. (I.C. 14-28-1-26 allows construction of non-substantial *addition*s or improvements to residences in a non-boundary river *floodway* without obtaining a permit for construction in the *floodway* from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an *addition* above the existing *grade*, prior approval (construction in a *floodway* permit) for the fill is required from the Indiana Department of Natural Resources.)

A. No action shall be taken by the Zoning Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in the *floodway*. Once a permit for construction in a *floodway* has been issued by the Indiana Department of Natural Resources, the Administrator may issue the local *Improvement Location Permit*, provided the provisions contained in UDO Sections 401.13 through 401.20 have been met. The *Improvement Location Permit* cannot be less restrictive than the permit for construction in a *floodway* issued by the Indiana Department of Natural Resources. However, Clinton County's more restrictive regulations (if any) shall take precedence.

B. No *development* shall be allowed which acting alone or in combination with existing or future *development*, will increase the *regulatory flood* more than 0.14 of one foot; and

C. For all projects involving channel modifications or fill (including levees) the County shall submit the data and request that the Federal Emergency Management Agency revise the ***regulatory flood*** data.

401.18 Standards for Identified ***Fringe***: If the site is located in an identified ***fringe***, then the Administrator may issue the ***Improvement Location Permit*** provided the provisions contained in UDO Sections **401.13** through **401.20** have been met. The key provision is that the top of the ***lowest floor*** of any new or substantially improved ***structure*** shall be at or above the ***FPG***.

401.19 Standards for SFHAs Without Established ***base flood elevation*** and/or ***Floodway***s or ***Fringe***s: The following standards apply to SFHAs without established ***base flood elevation***s and/or ***floodway***s or ***fringe***s:

A. If the drainage area upstream of the site is greater than one square mile the following standards apply:

1. If the site is in an identified ***floodplain*** where the limits of the ***floodway*** and ***fringe*** have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

2. No action shall be taken by the Floodplain Administrator until either a permit for construction in a ***floodway*** or a ***floodplain*** analysis or regulatory assessment citing the ***one-percent annual chance flood*** elevation and the recommended ***Flood Protection Grade*** has been received from the Indiana Department of Natural Resources.

3. Once the Floodplain Administrator has received the proper permit for construction in a ***floodway*** or ***floodplain*** analysis or regulatory assessment approving the proposed ***development***, a ***Improvement Location Permit*** may be issued provided the conditions of the Improvement Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in UDO Sections **401.13** through **401.20** have been met.

B. Drainage area upstream of the site is less than one square mile:

1. If the site is in an identified ***floodplain*** where the limits of the ***floodway*** and ***fringe*** have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the

limits of the *floodplain* and *one-percent annual chance flood* elevation for the site.

2. Upon receipt, the Floodplain Administrator may issue the local *Floodplain Development* Permit, provided the provisions contained in UDO Sections 401.14 through 401.20 have been met.

C. The total cumulative effect of the proposed *development*, when combined with all other existing and anticipated *development*, will not increase the *regulatory flood* more than 0.14 of one foot and will not increase *flood* damages or potential *flood* damages.

401.20 Standards for *Flood Prone Areas*: All *development* in known *flood prone areas* not identified on *FEMA* maps, or where no *FEMA* published map is available, shall meet general standards as required per UDO Section 401.13

401.21 Designation of Administrator: The Zoning Administrator as appointed by the Area Plan Commission is designated as the Floodplain Administrator to administer and implement the provisions of this section.

401.22 Establishment of *Floodplain Development* Permit: The *Improvement Location Permit* as established by UDO Section 1001 shall serve as the *Floodplain Development* Permit subject to the additional standards of this section prior to the commencement of any *development* activities in areas of special *flood* hazard.

402 Airport Overlay District

The *Airport* Overlay Zoning (AO) *district* shall include all *zones* and land so indicated as is hereby zoned and classified as the *Airport* Overlay Zoning *district* with air land use and airspace[1] maps adopted available with other official *zoning maps* according to UDO Section 301.

402.01 Purpose and Intent: It is hereby found that an *airport* hazard has the potential for endangering the lives and property of users of Frankfort Municipal Airport, and property or occupants of land in its vicinity; that an *airport* hazard may affect existing and future instrument approach minimums of Frankfort Municipal Airport; and that an *airport* hazard may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Frankfort Municipal Airport and the public investment therein. Accordingly, it is declared:

A. That the creation or establishment of an *airport* hazard has the potential

[1]As amended in Ordinance 2016-06 adopted May 16, 2016

of being a public nuisance and may injure the region served by the Frankfort Municipal Airport;

B. That is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of *airport* hazards be prevented; and

C. That the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, *alteration* or *mitigation* of hazards to air navigation, or making and lighting of *obstruction*s are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

402.02 *Airport Zones*: In order to carry out the provisions of the *Airport overlay district*, there are hereby created and established certain *zones* which include all of the land lying within the *approach zones, conical zone, horizontal zone, transitional zones*, noise sensitive zone, and wildlife attractant zones as they apply to the Frankfort Municipal Airport. Such *zone*s are shown on the zoning overlay maps, dated October 3, 2006 and shown on the Zoning Maps established by UDO Section 301[2]. An area located in more than one of the following *zone*s is considered to be only in the *zone* with the more restrictive *height* limitation as defined in UDO Section 402.03. The various *zone*s are hereby established in accordance with FAR Part 77 and defined as follows:

A. Runway 4-22 Approach *Zone*s, Larger than Utility with Visual Approaches – The inner edge of this approach *zone* coincides with the width of the primary surface which is five hundred (500) feet wide. The approach *zone* extends outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

B. Runway 9-27 Approach *Zone*s, with Precision Instrument Approaches – The inner edge of this approach *zone* coincides with the width of the primary surface which is 1,000 feet wide. The approach *zone* expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline being the continuation of the centerline of the runway.

C. Conical *Zone* – The conical *zone* is hereby established as the area that commences at the periphery of the horizontal *zone* and extends outward there from a horizontal distance of 4,000 feet. The conical *zone* does not include the precision instrument approach *zone* and the transitional *zone*s.

[2]As amended in Ordinance 2016-06 adopted May 16, 2016

D. Horizontal *Zone* – The horizontal *zone* is hereby established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of runway 9-27, and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal *zone* does not include the approach and transitional *zone*s.

E. Transitional *Zone*s – These *zone*s are hereby established as the area beneath the transitional surfaces. These surfaces extend outward and upward perpendicular to the runway centerline and the runway extended centerline. Transitional *zone*s, for those portions of the precision approach *zone*s 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 *zone*s and perpendicular to the extended runway centerline.

F. Noise Sensitive Zone – This zone is hereby established as the areas lying 1,500 feet on either side of the centerline and extended centerline of the runways for a distance of one nautical mile from the point of which the extended runway centerline crosses the *airport* boundary.

G. Wildlife Attractant Zone A – This zone is hereby established within a distance of 10,000 feet from the farthest edge of the *airport*'s air operations area (AOA).

H. Wildlife Attractant Zone B – This zone is hereby established beyond 10,000 from the farthest edge of the *airport*'s air operations area (AOA) and within five 95) statute miles from the farthest edge of the *airport*'s AOA,

402.03 *Airport overlay district Height* Limitations: Within the *Airport overlay district*, the following *height* limitations apply.

A. Nothing in this Ordinance shall be constructed as prohibiting the planting, growth, construction or maintenance of any *tree* or *structure* to maximum *height* of 50 feet above the ground. Except as otherwise provided in this Ordinance, no *structure* or *tree* shall be erected, altered, or maintained, or be allowed to grow in any zone created by this Ordinance to a *height* in excess of the applicable *height* limits herein established for such *zone*. The applicable *height* limitations are hereby established for each of the *zone*s in question as follows:

1. Runway 4-22 Approach *Zone*s, Larger than Utility with Visual Approaches – Slope upward 20 feet horizontally for each foot vertically, beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway.

2. Runway 9-27 Approach ***Zone***s, with Precision Instrument Approaches - Slopes upward 50 feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline at which point the slope changes to an upward slope of 40 feet horizontally for each foot vertically for an additional horizontal distance of 40,000 feet.

3. Conical ***Zone*** – Slopes upward and outward 20 feet horizontally for each foot vertically beginning at the periphery of the horizontal ***zone*** and at one hundred and 150 feet above the ***airport elevation*** and extending to a ***height*** of three hundred and 350 feet above the ***airport elevation***.

4. Horizontal ***Zone*** – Elevated one hundred and 150 feet above the ***airport elevation*** at a ***height*** of 1011 feet above mean sea level.

5. Transitional ***Zone***s – Slopes upward and outward seven feet horizontally for each foot vertically, beginning at the sides of and at the same elevation as the primary surface and the approach surfaces and extending to a ***height*** of one hundred and 150 feet above the ***airport elevation*** which is 1011 feet above mean sea level. In addition to the foregoing, there are established ***height*** limits sloping seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach ***zone*** projects beyond the conical ***zone***, ***height*** limits sloping upward and outward seven feet horizontally for each foot vertically shall by maintained beginning at the sides of and at the same elevation as the precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at right angles to the extended runway centerline.

B. Additional ***Height*** Limitations: Except as otherwise provided in the ***Airport overlay district***, no ***structure*** or ***tree*** shall be erected, altered, or maintained, or be allowed to grow in any ***zone*** created by the ***Airport overlay district*** to a ***height*** in excess of the additional ***height*** limits herein established by I.C. 8-21-10-7 and defined as follows:

1. A ***height*** that is 500 feet above ground level or 1361 feet above mean sea level at the site of the object.

2. A ***height*** that is 200 feet above ground level or 1061 feet above mean sea level, within three nautical miles of the established reference point of the ***airport***, and that ***height*** increases in the proportion of 100 feet for each additional nautical mile of distance from the ***airport*** up to a

maximum of 500 feet.

402.04 Noise Sensitive Zone: Except as provided below, the underlying ***district*** land usage specified in **UDO Section 303** shall be met in the Noise Sensitive Zone.

A. Schools, libraries and ***hospital***s are prohibited.

B. New residential uses are subject to written acknowledgment which must be recorded for the subject property prior to the issuance of an ***Improvement Location Permit***:

> "The owners of subject property shall be aware that they are in the vicinity of the Frankfort Airport. They are hereby made known by this notification that there are activities at this ***Airport*** which produce noise, vibration, light, ***glare*** and odors at all hours of the day and night and which are used or intended to be used for the taking off and landing of aircraft and any appurtenance areas which are used or intended to be used for ***airport building***s or facilities, including runways, taxiways, hangars and tie-downs areas that go on during the operation of an ***airport***. Each owner and their heirs assigns, and successors in interest shall not initiate or support any action in any court or before any governmental agency and are precluded from protest, objection, interference with, restriction or reduction of the operation of the ***airport***, complaining, seeking damages and/or attempting to enjoin the ***use of property*** (land) for such purpose. This condition and agreement shall also run with the land as is irrevocable".

402.05 Wildlife Attractant Zones: The following standards apply to Wildlife Attractants zones.

A. Wildlife Attractant Zone A – In accordance with AC 150/5200-33 A and notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create a wildlife attractant hazard within a distance of 10,000 feet from the farthest edge of the ***airport***'s air operations area (AOA). These wildlife attractant hazards include, but are not limited to, the construction of municipal solid waste landfills, trash transfer stations not fully enclosed, underwater waste discharges, construction and demolition debris facilities co-located with another waste disposal operations, fly ash disposal from general incinerators, wastewater treatment facilities, artificial marshes, ***wetland***s, dredge spoil containment areas, ***confined feeding or feedlot*** operations that requires the 1,320 separation distance as required by Column II of **Table H-1** of this Ordinance, ***aquaculture***, and golf courses.

B. Wildlife Attractant Zone B – In the event the above mentioned wildlife attractants are considered for construction beyond 10,000 feet from the farthest edge of the *airport*'s air operations are (AOA) and within five statute miles from the farthest edge of the *airport*'s AOA, they may be registered if the wildlife attractant could cause hazardous movement into or across the approach or departure surface from the *airport*. The application for the wildlife prior to granting an *improvement location permit*. In the event *mitigation* required creates an undo financial hardship on the applicant, the applicant may ask for financial assistance through the Frankfort/Clinton County Airport Authority (FCCAA). In the event the Airport Authority is unable to grant financial assistance for the *mitigation*, the requirements shall be forgone and a permit granted with no further action required on the part of the applicant. These wildlife attractant hazards include, but are not limited to, the construction of municipal solid waste landfills, trash transfer stations not fully enclosed, underwater waste discharges, construction and demolition debris facilities co-located with another waste disposal operations, fly ash disposal from general incinerators, wastewater treatment facilities, artificial marshes, *wetland*s, dredge spoil containment areas, *confined feeding or feedlot* operations that requires the 1,320 separation distance as required by Column II of Table H-1 of this Ordinance, *aquaculture*, and golf courses.

402.06 Relation To Underlying Zoning: This *district* is created as a special *overlay district* to be superimposed on underlying primary zoning *district*s. *Development* standards provided herein are intended to supplement those permitted in the underlying primary zoning *district* and in some cases may be more restrictive than those of the underlying zoning *district*. When the requirements of the underlying zoning *district* and the *overlay district* appear to be in conflict, the more restrictive shall apply.

A. Except as specified by UDO Section 402.04, all uses which are permitted by right or are permitted by *special exception* in the underlying primary zoning *district*s are permitted by right or by *special exception*, as applicable, in the *Airport overlay district*.

B. Uses which are prohibited in the underlying primary zoning *district* are prohibited in the *Airport overlay district*.

402.07 Communication and Visibility Interference Prohibited: Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within the established *Airport overlay district* in such a manner as to create electrical interference with navigational signals or radio communication between the *airport* and aircraft, make it difficult for pilots to distinguish between *airport* lights and others, result in *glare* in the eyes of pilots using the *airport*, impair visibility in the vicinity of the *airport*, create bird strike hazards, or otherwise in any way create a

hazard, endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the *airport*.

402.08 Miscellaneous Provisions: The following miscellaneous provisions apply to the *Airport overlay district*.

A. Regulations Not Retroactive – The regulations prescribed in the *airport overlay district* shall not be constructed to require the removal, lowering, or other change or *alteration* of any *structure* or *tree* not conforming to the regulations as of the effective date of adoption of the *Airport overlay district*, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, *alteration*, or intended use of any *structure*, the construction or *alteration* of which was begun prior to the effective date of adoption of the *Airport overlay district*, and is diligently prosecuted.

B. Existing Uses – No permit shall be granted that would allow the establishment or creation of an *obstruction* or permit a nonconforming use or *structure* to become a greater *hazard to air navigation*, than it was on the effective date of adoption of the *Airport overlay district* or any amendments thereto or than it is when the application for a permit is made.

402.09 Administration and Enforcement: It shall be the duty of the Clinton County Zoning Administrator to administer and enforce this ordinance according to the procedures of UDO Article Two and Article Ten. No material change shall be made in the *use of land*, no *structure* shall be erected, altered or otherwise established in any *zone* hereby created unless a permit shall have been applied for and granted by the Zoning Administrator. Prior to issuance of the permit, the Frankfort/Clinton County Airport Authority (FCCAA) shall be notified on a form *approved* by the Area Plan Commission and Airport Authority.

402.10 *Variance*s : The Clinton County Board of Zoning Appeals shall consider *Variance* requests from the provisions of this section according to the procedure of UDO Section 203. In addition to the requirements of UDO Section 203, the application for *Variance* shall be accompanied by a determination from the Frankfort/Clinton County Airport Authority (FCCAA) as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

402.11 Obstruction Marking and Lighting: Any permit or *Variance* granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the *structure* or *tree* in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by

the Frankfort/Clinton County Airport Authority (FCCAA), this condition may be modified to require the owner to permit the City of Frankfort Municipal, at its own expense, to install, operate, and maintain the necessary markings and lights.

403 West State Road 28 Overlay – Clinton County Corridor Overlay Zone

Purpose, Intent, and Authority: It is the purpose of the West State Road 28 – Clinton County Corridor Overlay Zone (the "Overlay Zone") to promote and protect the public health, safety, comfort, convenience and general welfare by providing for consistent and coordinated treatment of the properties bordering West State Road 28 in Clinton County, Indiana.

The Area Plan Commission and ***County Commissioners***, in establishing this zone, are relying on I.C.-36-7-4-600 *et. seq.* and I.C. 36-7-4-1400 *et. seq*. This zoning ***district*** is, likewise, intended to serve as a tool for implementing the ***development*** policies and guidelines set for the Corridor in the ***Comprehensive Plan***. West State Road 28 is a ***limited access highway*** and an important economic ***development*** corridor to the City of Frankfort and Clinton County. West State Road 28 is a premier location and employment center whose viability, quality, and character are important to the community as a whole, adjacent residents, employees, ***business*** owners and taxing ***district***s. Therefore, it is the further purpose of the West State Road 28 Corridor Overlay Zone:

- To promote coordinated, quality ***development*** per the Land Use recommendations set forth in the Master Plan;
- To establish consistent architectural and design guidelines to establish a consistent and uniform appearance along the corridor;
- To provide for the preservation of natural features and open space; and
- Establish the appearance of a premier ***business*** address in Clinton County and Frankfort.

403.01 ***District*** Boundaries: **Figure 1** shows the established boundaries of this Overlay Zone for Clinton County, in the State of Indiana.

403.02 ***Plan Commission*** Approval: The Area Plan Commission must approve, approve with conditions, or disapprove the ***Development Plan*** for any tract of land in this Overlay Zone per the provisions of this Ordinance. All submitted ***Development Plan***s should adhere to the requirements listed in **UDO Article Six** for any project located in the B-2, B-3, or the I-1 ***district***s. This section does not apply to construction of any residential ***accessory structure***s or construction of any signs or addition to a principal ***structure*** not exceeding 2000 square feet and not visible from State Road 28

Figure 1: West State Road 28 Overlay District Boundaries (Plan View)

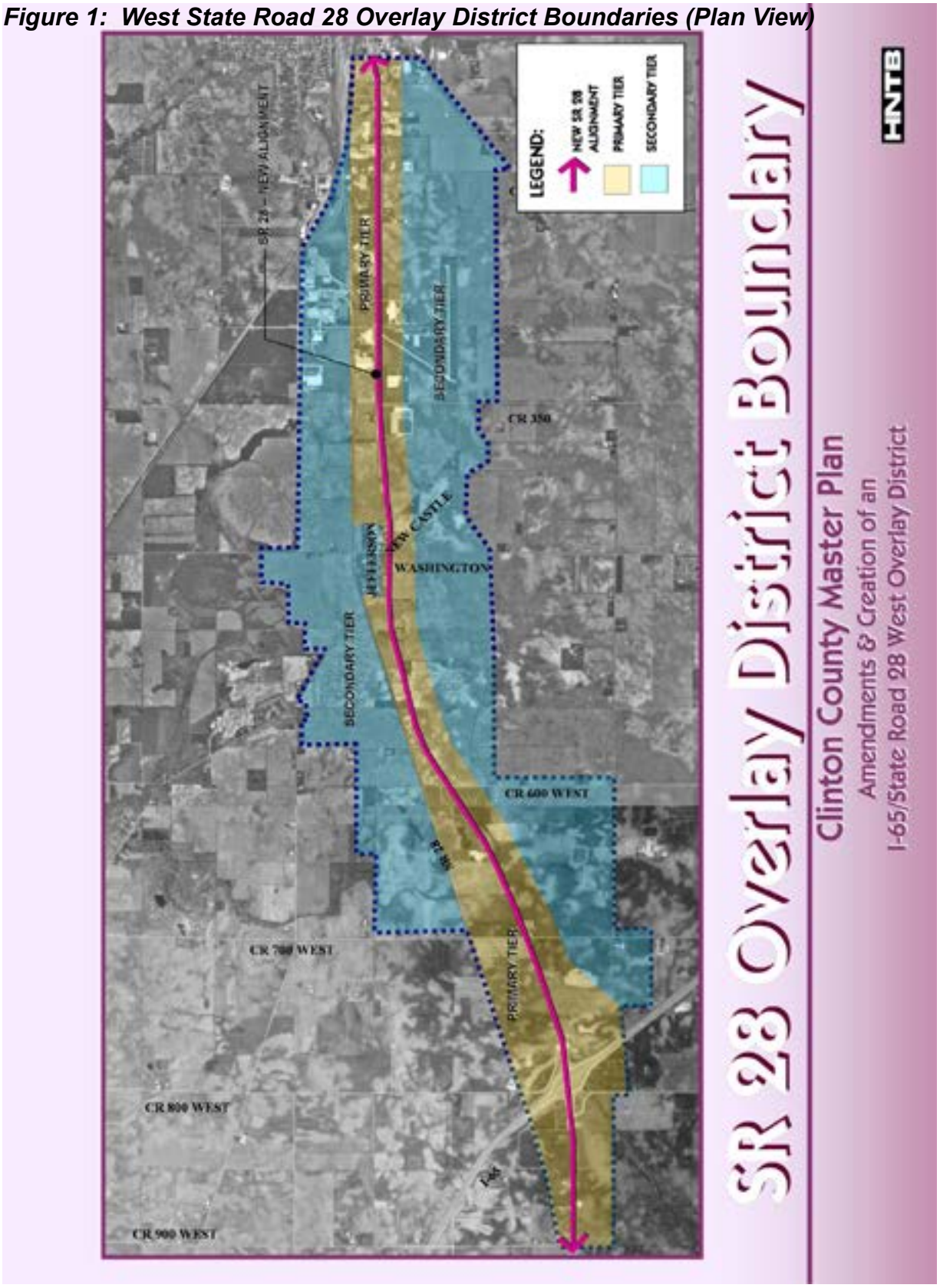


Figure 2: West State Road 28 Overlay District Tiers (Aerial View)

403.03 ***Variance***s: Applicants may request ***Variance***s from standards in this section to be considered by the Board of Zoning Appeals as detailed in **UDO Section 203**

403.04 Overlay Applicability: This ***district*** is created as a special ***overlay district*** to be superimposed on base ***district***s by approval of the ***County Commissioners***. Boundaries of this overlay are shown on **Figure 1** and may be revised by the ***County Commissioners*** through the rezoning process. ***Development*** standards provided herein are intended to supplement those permitted in the underlying zoning classification and in some cases may be more restrictive than those of the underlying zoning classification. When the requirements of the underlying zoning ***district*** and the ***overlay district*** appear to be in conflict, the more restrictive shall apply.

403.05 Application Procedure: See **UDO Article Six**.

403.06 Validity of Approval of the Application by the ***Plan Commission***: An ***approved Development Plan*** petition shall be valid for two (2) years from the date of approval. If construction of the ***building***(s) has (have) not started at the end of the two (2) year period, the ***Development Plan*** request shall be re-submitted to the ***Plan Commission*** for consideration and disposition.

403.07 Definitions:

> Green Space Area – That portion of the front yard of a ***lot*** that is immediately adjacent and parallel to the ***right-of-way*** of State Road 28 and all other ***County*** Roads within the identified boundaries and having a minimum depth of 60 feet from the ***right-of-way*** line.

403.08 ***Overlay district*** Tier Applicability and Purpose: Within the designated ***Overlay district*** Boundaries, there shall be a “Primary Tier” in which there is the greater desire to manage the appearance of land uses fronting State Road 28. This Primary Tier, as shown on **Figure 2**, shall include all property and ***building***s fronting on State Road 28. The “Secondary Tier” is an area greater than the Primary Tier and extends farther north and south of State Road 28 as shown on **Figure 2**. The Secondary Tier shall contain additional ***development*** regulations from the base zoning ***district*** but shall be less restrictive than the Primary Tier. Unless specified within a specific regulation, all standards shall apply to both the Primary and Secondary Tier.

403.09 ***Permitted Use***s: All uses which are permitted in a given site’s underlying primary zoning ***district***s, except those uses expressly excluded in **UDO Section 403.11**, are permitted in the Overlay Zone.

403.10 Permitted Special Exceptions: All special exceptions, which are permitted by approval by the Board of Zoning Appeals, in the underlying primary zoning *district*(s), except the uses expressly excluded in UDO Section 403.11, are permitted in the Overlay Zone.

403.11 Excluded Uses: The following uses are prohibited in the Primary Tier Overlay Zone.

A. *Adult Business*es;
B. Amusement park;
C. Automotive graveyard;
D. Bulk storage of petroleum products not used for on-site *manufacturing*;
E. Truck washes;
F. *Confined feeding* operations;
G. Explosives *manufacturing*;
H. Fertilizer *manufacturing*, stock yards, slaughtering, leather curing and tanning;
I. Garbage disposal plant or *solid waste disposal facility*;
J. Incineration for reduction of refuse;
K. Jail;
L. *Junk* or salvage yard;
M. *Manufactured Home* Dwelling sales;
N. *Mineral extraction*;
O. *Mobile home park*;
P. Ordnance products;
Q. *Outdoor storage*, with the exception of propane tanks. Propane tanks shall not be in the front yard between the roadway and the *building* unless otherwise screened with plant materials.
R. Penal or correctional institution;
S. Petroleum refining;
T. Race or go cart track;
U. Reclaiming processes involving materials or chemicals that are considered dangerous to the health, safety, and welfare of the general public as determined by the State Board of Health or by the Clinton County Health Department;
V. Refining or *manufacturing* of asphalt, cement, gypsum, lime, or wood preservatives;
W. Refining or *manufacturing* of petroleum products;
X. Permanent Roadside sales stand;
Y. Sand and gravel extraction or sales;
Z. Storage of *disabled vehicle*s; and
AA. Waste transfer stations.
AB. All dwellings, *Manufactured Home*s, and *mobile home*s not in a

residential *district*.

403.12 Accessory *Building*s and Uses: All accessory *building*s and uses which are permitted in the underlying zoning *district*(s) shall be permitted, except that any detached accessory *building*s in any *Development Plan* shall be architecturally compatible with the primary *building*(s) with which it is associated.

403.13 Minimum Lot Area: The minimum *lot area* required within the Primary Tier Overlay Zone is 10,000 square foot for non-residential uses with sewer and one acre for non-residential uses without sewer. The minimum *lot area* for residential uses with sewer is 8,700 square feet and one acre without sewer. All lots within the Primary Tier Overlay Zone shall be subject to *Development Plan* approval, with the exception of individual lots for *single-family dwellings*. For lots located only partially within the Primary Tier Overlay Zone, a *Development Plan* shall be submitted to the *Plan Commission* for the entire tract to be developed.

If a *parcel* of land or subdivision *lot* was recorded prior to the effective date of this Ordinance, and said *parcel* or *lot* does not contain the minimum *lot area* required by this section, said *parcel* or *lot* ("Undersized Lot") may be used for any use permitted in the Overlay Zone provided that:

A. At the time of recordation of the undersized *lot* or on the effective date of this ordinance, the undersized *lot* met the requirements for minimum *lot area* then in effect in the underlying primary zoning *district*(s).

B. The owner of the undersized *lot* must include, up to the minimum tract size, any adjoining vacant land (not separated by a *street* or *public way*) owned, or owned by an affiliate, on or before the effective date of this ordinance or at the time of application which, if combined with the undersized *lot*, would create a tract which conforms, or more closely conforms, to the minimum tract size requirements of this section; and,

C. All other *development* requirement applicable to the Overlay Zone can be met.

This section does not preclude the sale or other transfer of any *parcel* of land within a tract after the approval of a *Development Plan* for the entire tract. However, the *development* of the *parcel* must still conform to the *Development Plan* for the entire tract as *approved* or amended by the *Plan Commission*, and all other applicable requirements contained in this Ordinance.

403.14 *Development* Requirements

A. Green Space Area: For all lots located within the Primary Tier fronting State Road 28 must have a 60 foot wide green space area within the

required front yard. This area shall be landscaped in accordance with UDO Section 403.16.

B. Remodel, Expansion or Improvement of Existing Structure or Parcels: If a *parcel* is improved or an existing *structure* expanded or remodeled within the Primary Tier, fronting State Road 28, then that *parcel* or *structure* shall be subject to the regulations contained in UDO Section 403 at the discretion of the *Plan Commission* and/or *Executive Director*.

403.15 Architectural Design Requirements: In reviewing the architectural design of *building*(s) proposed to be built in the Primary Tier Overlay Zone, factors to be considered by the *Plan Commission* shall include but are not limited to the following:

A. Context - All *building*s shall be designed with respect to the general character of the State Road 28 Corridor and, particularly, with due consideration to *building*s located on the lots that about the project site.

B. Massing - A single, large, dominant *structure* mass shall be avoided in new *building*s and, to the extent reasonably feasible, in *development* project involving changes to the mass of existing *building*s.

C. Façade Treatment

1. Façades along the State Road 28 frontage shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a *street* or connecting walkway shall have a blank, uninterrupted length exceeding fifty feet without including, but not be limited to, at least two of the following:

a. Change in plane,

b. Change in texture or masonry pattern,

c. Windows, trellis with vines,

d. Color, texture, and/or material, or

e. An equivalent element.

2. Façades shall have at least one of the elements of UDO Section 403.15 C 1 that repeat horizontally. All elements shall repeat at intervals of no more than fifty feet, either horizontally or vertically.

D. Roofs - All façades shall have a recognizable “top” consisting of at least

one element below:

1. Parapets concealing flat roofs and rooftop equipment from public view. The average height of such parapets shall not exceed fifteen-percent of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall;

2. Overhanging eaves, extending no less than three feet past the supporting walls;

3. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope of greater than or equal to one-foot of vertical rise for every three feet of horizontal run and less than or equal to one-foot of vertical rise for every one-foot of horizontal run; or

4. Three or more roof slope planes.

E. Entryways - Use creative entry treatments and other focal points such as canopies, awnings, or cornice treatments.

F. ***Building*** Elements and ***accessory structure***s

1. Separate ***building*** elements or ***accessory structure***s should be designated as an integral part of the ***building*** design.

2. Use signs that are complementary to and integrated with ***building*** design so that they do not dominate facades or appear tacked on.

3. Screen appurtenances or design them as integral parts of the ***building***s so that they are not visible from the ***street***.

4. Screen docks, garage doors and service areas to minimize their visibility from adjacent streets.

G. Landscape Design - All ***landscaping*** shall be in conformance with **UDO Section 403.16** as a means to enhance the built environment.

403.16 ***Landscaping*** Requirements: In reviewing the landscape requirements for proposed construction in the Primary and Secondary Tier Overlay Zone, factors to be considered by the ***Plan Commission*** shall include but are not limited to the following:

A. Landscape Plan - The applicant shall submit a landscape plan to the ***Executive Director*** as part of the ***Development Plan*** application, per **UDO Section 403**. **Table K**: Table of Recommended ***shrub***s, and **Table L**: Table of

Recommended Trees, lists the plant materials recommended for use in the *landscaping* of a property in the *overlay district*.

B. Areas to be Landscaped

1. Green Space Area - The 60 foot green space area in the Primary Tier shall be composed of grass and landscape areas. The incorporation of walkways and bikeways into the design is encouraged; however, no *parking* areas, through roads, *building*s, *accessory structure*s, etc. shall be established within this area. *Landscaping* shall not be placed in the 30-foot wide utility *easement*, as shown in Figure 3.

2. Foundation - Foundation plantings shall be included along the front and any side of *building*s visible from the public *right-of-way* and/or have primary pedestrian access.

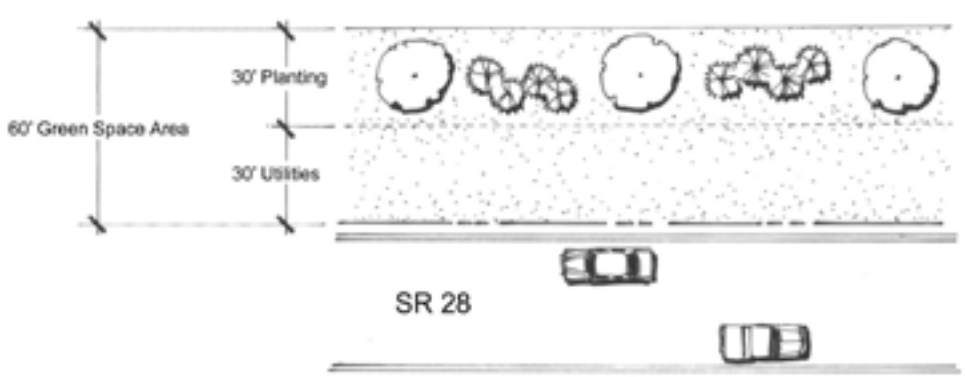
3. *Screening* Areas - All air conditioning units, HVAC systems, exhaust pipes or stacks, overhead doors, legally non-conforming outside storage areas, and satellite dishes shall be integrated into the overall *building* design or screened from the State Road 28 *right-of-way* and adjoining residential zones or uses, by means of walls, fencing, parapets, penthouse screens, *landscaping*, camouflage or other *approved* method.

C. Protection of Existing Trees - Sites with existing trees in the Primary Tier should make reasonable efforts to protect and incorporate them into the overall site design. To encourage *tree* preservation, each *tree* preserved greater than nine inch caliper shall convert as credits for required *landscaping*. Credits for each preserved nine inch caliper *tree* shall be:

1. Two required shade trees or

2. Four ornamental trees

Figure 3: Green Space Area



D. ***Landscaping*** Standards - All plant material proposed to be used in accordance with any landscape plan shall meet the following specifications:

1. Shade trees: A minimum of two and one-half inch caliper with a mixture of sizes at initial installation.

2. Ornamental trees: A minimum of one and one-half inch caliper with a mixture of sizes at initial installation.

3. Evergreen trees: A minimum height of four feet with a mixture of sizes at initial installation.

4. Deciduous ***shrub***s: A minimum height of 18 inches.

5. Evergreen ***shrub***s: A minimum height of 18 inches.

E. Green Space Area - The following standards shall apply to all lots located within the Primary Tier that have ***frontage*** on State Road 28. The primary ***landscaping*** materials used in the 60 foot green space area, including the 30 foot ***easement*** for utilities, shall be shade trees, ornamental trees, ***shrub***s, ground cover and grass. Ornamental or native grass up to four foot in height is encouraged.

1. A minimum of three shade trees two ornamental trees and ten native Indiana ***shrub***s shall be provided per 100 linear feet of green space area.

2. The submitted landscape plan for the green space area parallel to the State Road 28 ***right-of-way*** may show the trees in either a lineal or a clustered design.

3. All green space areas shall have an earthen mound that is located in the 30 foot green space planting ***easement***. The mound shall be covered with grass and shall parallel State Road 28. The mound shall be varied in height, but no section may be lower than three feet above surrounding ***grade*** and it must have rounded flanks.

F. Foundation Plantings

1. The primary ***landscaping*** materials used adjacent to ***building***s shall be ***shrub***s, ground cover and ornamental or native grasses. Ornamental trees and perennials are also encouraged.

2. The minimum width of the planting area shall be five feet, except when adjoining a ***parking*** area that is located in the front yard along State Road 28, where the minimum width shall be ten feet.

3. In this foundation planting area, there shall be ten *shrub*s per 100 lineal feet of planting strip. *Shrub*s can be placed linearly or clustered.

G. *Parking* Lots

1. Parking Lot Interior Planting - Where *commercial* and office *parking* lots are located within the Primary Tier, are located in the front or side yards of the *building*, and are visible from State Road 28 then a minimum of one shade *tree* and four *shrub*s shall be planted within each *parking* lot for every seven spaces provided, or not less than ten trees per acre of *parking*.

2. Parking Lot Perimeter Planting - Where *parking* areas, for both tiers, are located in the front yard and front directly on a roadway, a six (6) foot wide perimeter planting area shall be provided along the front and sides of those areas.

a. The required planting unit for this area shall include three shade trees, two ornamental trees, and 20 *shrub*s per 100 linear feet.

b. The perimeter planting area shall be provided in addition to the green space area.

H. *Landscaping* Installation and Maintenance

1. Installation - All *landscaping approved* as part of the landscape plan portion of the *Development Plan* approval shall be installed prior to the issuance of a *Certificate of Occupancy* by either the *Executive Director* or Zoning Administrator. If it is not possible to install the required *landscaping* because of weather conditions, the property owner shall post a bond prior to the issuance of the *Certificate of Occupancy* for an amount equal to 125-percent of the total installed cost of the required *landscaping*.

2. Maintenance

a. It shall be the responsibility of the owners and their agents to insure proper maintenance of all trees, *shrub*s and other *landscaping* materials required by this Ordinance as part of the review of the *Development Plan* in accordance with the standards set by this Ordinance. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute *approved* by the *Executive Director*, irrigation and mulching of planting areas, and keeping the area free of refuse, debris, and weeds.

b. All dead plant material shall be replaced within one year, by the next planting season of their death, or upon written notice of condition.

3. Changes after Approval - No ***landscaping*** which has been ***approved*** by the ***Executive Director*** may later be materially altered, eliminated or sacrificed, without first obtaining further approval by the ***Executive Director***.

4. Inspection - The Community Planner or his or her designee may visit any tract within the Overlay Zone to inspect the ***landscaping*** and check it against the ***approved*** plan on file.

403.17 Parking Requirements - In reviewing the ***parking*** requirements proposed to be constructed in the Primary and Secondary Tier Overlay Zone, factors to be considered by the ***Plan Commission*** shall include but are not limited to the following:

A. ***Landscaping*** Standards: See **UDO Section 403.16 G**.

B. Parking requirements and design:

1. The required number of ***parking*** spaces and the dimensions of those ***parking*** spaces is established in **UDO Section 308**.

2. There shall be an appropriate number of ***parking*** spaces reserved for use by handicapped individuals, per State and Federal requirements.

3. Above ***grade***, structured ***parking*** facilities shall have on all sides architectural features that are compatible with the principal ***building***(s) with which they are associated.

4. ***Parking*** should be located behind the primary ***structure***, where feasible.

C. ***Parking*** Lots shall be designed to provide coordinated access to ***parking*** areas on adjoining tracts or ***parcel***s within the Primary Tier Overlay Zone. As part of the ***Development Plan*** submission, the petitioner shall provide a site circulation plan that illustrates to the ***Plan Commission*** how coordinated access will occur relative to the overall State Road 28 corridor.

D. All ***parking*** Areas and drives (including residential driveways) shall be paved with asphalt or concrete. Brick pavers or other decorative pavements may be used as accents in ***parking*** area design. Pour-in-place concrete curbs shall be used.

403.18 Signs: In reviewing the sign requirements proposed to be constructed in the Primary Tier Overlay Zone, factors to be considered by the ***Plan Commission*** shall include but are not limited to the following:

A. Signage Plan - The applicant shall submit a signage plan to the ***Plan Commission*** as part of the ***Development Plan*** application.

B. General Requirements

1. In the Primary Tier ***overlay district***, signage shall be designed as an integral part of the architectural and ***landscaping*** plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the ***building***s and ***landscaping*** on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the ***building*** and site to which it principally relates.

2. Off-premise signs shall be prohibited in the Primary Tier of the State Road 28 ***overlay district*** Corridor, except as specified in **UDO Section 403.18 C**.

3. No awning visible from State Road 28 in the Primary Tier shall have any wording or logos.

4. Private on-site traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall be permitted subject to **UDO Section 529**.

5. Every sign shall be proportional in its design and its visual relationship to nearby on and off site ***building***s and surroundings with respect to ***setback***, lighting, size, shape, materials, color, height, and lettering.

6. Each sign shall be compatible with legal conforming signs on adjoining premises and shall not compete for attention with respect to setbacks, lighting, size, shape, materials, color, height, and lettering.

7. In each instance and under the same conditions as this Section permits any sign, a sign containing an ideological, political, or other non-***commercial*** message and constructed to the same physical dimensions and characteristics shall be permitted.

C. Off-Premise Sign Regulations - Off-premise signs shall only be permitted by right for ***business*** parks, office parks, industrial parks, shopping centers, or the occupant thereof under the provisions contained herein in the Primary Tier of the ***overlay district***. Off-premise signs shall only identify a ***building***,

business, profession or *industry* not fronting on State Road 28, but has vehicle access to the State Road 28 Corridor by means of an *easement* or *County* Road. Off-premise signs shall meet the following requirements:

1. Such signs shall not exceed 32 square feet in sign area for a sign mounted flat on a *building*, 32 square feet for a monument sign, and one hundred and twenty square feet for a free-standing sign.

2. Monument signs shall not exceed six feet in height, and free-standing signs shall not exceed 25 feet.

3. Such signs shall resemble the character as depicted in Figure 4.

Figure 4: Off-Premise Monument Sign

D. Sign *Landscaping*

1. The *landscaping* plan for any unified freestanding signs shall be created, as follows:

a. A defined landscaped area shall be placed at the base of the sign in a design harmonious with the landscape plan for the entire site. The landscape design should account for seasonal changes and maintain its attractiveness throughout the year. The required landscaped area shall be parallel to the sign face.

b. All sign bases must have *landscaping* extending a minimum of three feet from all sides of the base.

c. A landscaped area shall contain *shrub*s or perennial flowers.

d. The area shall be maintained to keep it free of weeds, debris and brush.

e. A sketch of the sign and landscaped area shall be submitted with the sign permit application for review.

403.19 Lighting Requirements: A lighting plan for the proposed *development* (excluding single-family *development*) within this *overlay district* shall be filed as part of the *Development Plan* Application, per UDO Section 524.

403.20 Access to Individual Tracts: The *Plan Commission* shall encourage maximum distances between curb cuts to State Road 28 in cooperation with the Indiana Department of Transportation. There will be no curb cuts to individual *business*es for State Road 28 except for public access *easement*s.

403.21 Other Requirements: The *Plan Commission* shall consider the following factors but is not exclusively limited to them when reviewing *development* proposals in the Primary and Secondary Tier Overlay Zones:

A. Outside Storage of Refuse:

1. The Ordinance prohibits all unenclosed storage of refuse (whether or not in containers) or display or merchandise on any property. All refuse shall be contained, enclosed, and screened on all sides with a roof *structure* with a minimum six (6) foot tall opaque wall, as shown in Figure 5.

2. Refuse collection and recycling areas shall be in the rear of all *building*s and discouraged from view by traffic along State Road 28.

Trash receptacles shall be screened on three sides with a minimum six foot opaque wall or plant materials, as shown in Figure 5.

3. All refuse collection containers and areas shall be architecturally compatible with the principal *building*.

Figure 5: Screened Refuse

B. *Loading Area*s

1. The Ordinance prohibits the placement of any *loading area*s on either the front façade of any *building* or facing the State Road 28 *right-of-way*. Petitioners must identify all *loading area*s on the submitted plan.

2. Loading spaces, truck bays, railcar ramps, and overhead doors shall be at the rear or side of a *building*.

3. *Loading area*s shall be screened using masonry wall(s), plant material, or a combination thereof, subject to Technical Review.

404 East State Road 28 Overlay District

404.01 Intent: The purpose of the East State Road 28 *overlay district* is:

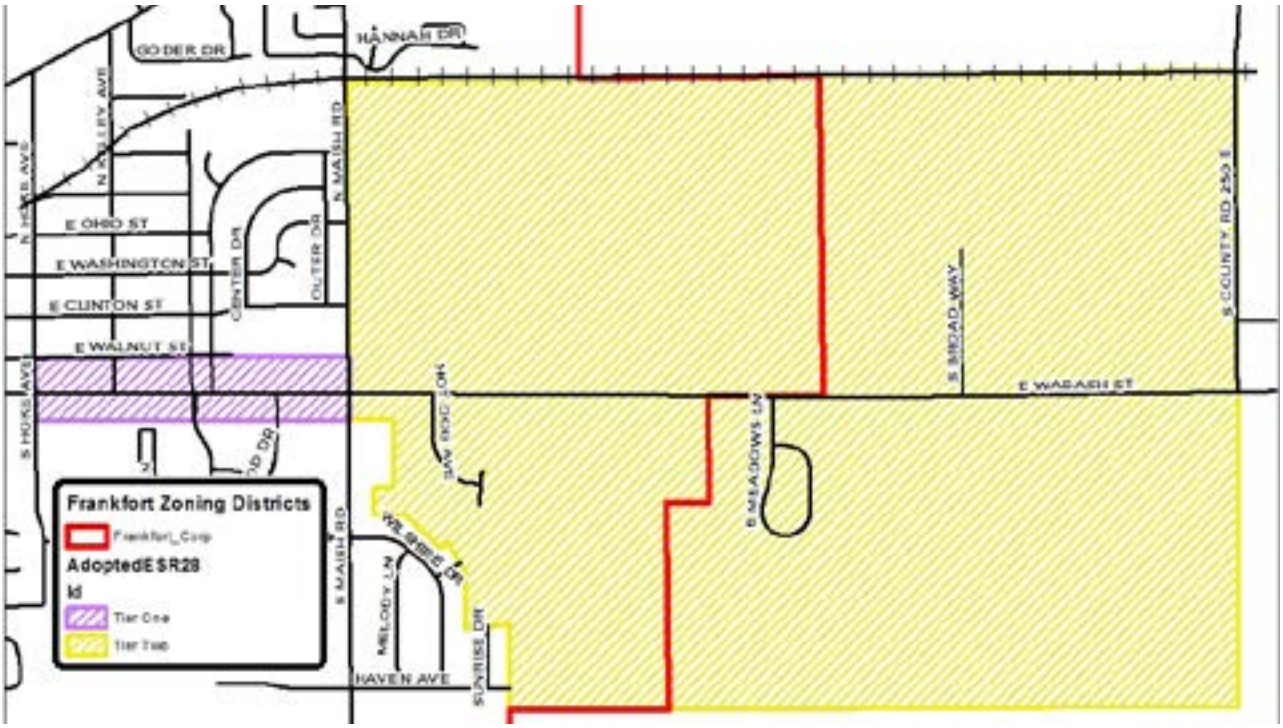
A. To provide special design and usage requirements and entryway enhancements to meet the goals of the 2012 Clinton County *Comprehensive Plan*;

B. To establish architectural and design guidelines to establish a consistent and uniform appearance along the corridor; and

C. To provide for the preservation of natural features and open space.

404.02 *District* Boundaries: Figure 1 shows the boundaries of the East State Road 28 *overlay district*. The *overlay district* consists of two tiers. Tier One is all land west of Maish Road that is within the *overlay district* and Tier Two is all land that is east of Maish Road that is in the *overlay district*. Only part of Tier Two is within the *County* jurisdiction.

Figure 1: District Boundaries



404.03 Application Review Process: See UDO Article Six.

404.04 Uses: Except as provided below, all land usage requirements in the underlying *district*s are applicable in the East State Road 28 *overlay district*.

A. All existing single family residential and *agricultural* uses shall be exempt from the requirements of this *overlay district*. Any residential *accessory structure*s or construction of an addition to a principal *structure* not exceeding 2000 square feet and not visible from State Road 28 are also exempt.

B. The following uses are not permitted in the East State Road 28 *overlay district*: *adult business*es, off-premise signs (billboards), permanent and temporary roadside sales stands (except for *agricultural* produce which is permitted), *junk* or salvage yards, *Manufactured Home*s or heavy equipment storage or sales, waste incineration or waste transfer stations, truck and trailer rentals or sales, automotive repair and service, *Outdoor storage*, self-service car washes, self storage facilities, warehouse establishments, and *manufacturing* or *business* uses with processes that are considered dangerous to the health, safety or welfare of the general public as determined by the State Board of Health or Clinton County Health Department.

C. The following or similar uses are *special exception* uses in the East State Road 28 *overlay district*: drive-through windows at any establishment, new and used motor and *recreational vehicle*s and boat sales, wholesale establishments not entirely contained within *building*s, and any *manufacturing* establishment permitted in the overlying *district*.

D. *Accessory use*s and structures shall be architecturally compatible with the primary use or *structure* within the *overlay district*.

404.05 *Development* Standards: All *development* within the East State Road 28 *overlay district* shall comply with applicable *lot* size, height and other standards in the underlying *district*, in addition to the following design standards.

A. Green Space Areas: Green space shall be provided for all *development* that fronts on State Road 28.

1. As shown in Figure 2, for all lots in Tier One that front on State Road 28 there must be a 20 foot wide green space area adjacent to and parallel to the road. The front half of this green space must consist of grass and be reserved for utility *easement* and or sidewalks. The other half shall consist of attractive planting areas and shall include flowers, *shrub*s, and trees for a minimum of 50% of their length and must include some flowering vegetation. The remainder shall be planted with grass.

2. As shown in Figure 2, for all lots in Tier Two that front on State Road 28 there must a 30 foot wide green space adjacent to and parallel to the road. The front half of this green space must consist of grass and

be reserved for utility *easement* and or sidewalks. The other half shall consist of attractive planting areas and shall include flowers, *shrub*s, and trees for a minimum of 50% of their length and must include some flowering vegetation. The remainder shall be planted with grass.

3. If a *parcel* is already improved or an existing *structure* is expanded or remodeled within the overlay zone fronting State Road 28, then that *parcel* or *structure* shall be subject to the regulations to the extent possible due to space limitations as determined by the *Plan Commission*.

Figure 2: Green Space

B. Architectural Standards (Façade Walls): A "façade wall" shall be defined as any exterior wall visible from a *street* (public or private) or other East State Road 28 Overlay zoned property. All façade walls shall meet the following requirements:

1. Exterior Materials: Metal *building* construction and post *building* construction (also known as pre-engineered *building* systems) shall not be permitted. The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The *Plan Commission* shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All façade wall exterior *building* materials shall be high quality materials, and shall be limited to any combination of the following: brick or face tile; wood; native stone; glass; tilt-up concrete panels or tinted and/or textured concrete masonry units (such as split-face block and burnished block); architectural pre-cast concrete; and

architectural metal.

2. Exterior Colors: Exterior façade wall colors shall be low reflectance, subtle, neutral, or earth tones. The use of high ***intensity***, primary, metallic, black or fluorescent colors shall be prohibited. ***Building*** trim and accent areas may feature brighter colors or primary colors. Such ***building*** trim and accent areas shall not exceed of any single exterior wall area excluding all windows, doors, and glass construction materials.

3. Roof Design: All roofs or parapets should vary three-dimensionally to add visual interest to the ***building*** and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. All roofs shall comply with the following:

a. All roof-top mechanical equipment, such as HVAC units, shall be screened from the view of all streets (public and private) and all properties in the ***overlay district*** by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the façade of the ***structure***.

b. Sloped roofs shall not exceed an average height equal to that of the supporting walls.

c. Sloped roofs shall have overhanging eaves that extend past the supporting walls.

d. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.

4. Main Entrance: The main entrance to the primary ***structure*** shall be located on the façade wall that fronts on a public ***street***. If the ***structure*** fronts on two or more public streets, the main entrance shall be located on the façade wall that fronts on the ***street*** with the greatest traffic volume. The main entrance of the ***structure*** must be articulated through the use of architectural detailing.

5. Entry Features: Entry features shall be provided at the main entrance to each primary ***structure*** and shall include at the main entrance to each primary ***structure*** and shall include at least three of the following design elements:

a. Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings

that are integrated into the *building structure* and design;

b. Integral planters or wing walls that incorporate landscaped areas and or places for sitting;

c. Enhanced exterior light such as wall sconces, *building* mounted accent lights, or decorative pedestal lights;

d. A prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the vertical plane of the main exterior wall by a minimum of four feet and raised above the adjoining parapet wall or roof by a minimum of three-feet; or

e. Pilasters projecting from the plane of the wall by a minimum of 8 inches and/or architectural or decorative columns that create visual breaks and interest in the façade walls.

6. Display Windows: All *commercial building* façade walls shall have display windows, faux windows, or decorative windows for no less than 50% of the façade wall's horizontal length along all pedestrian walkways.

C. Sidewalks and Pedestrian Walkways: Pedestrian walkways and sidewalks shall be provided on each *lot* in order to promote pedestrian access and reduce vehicle traffic impacts. Sidewalks and pedestrian walkways shall meet the following requirements. Green space required by Section (A) above may be used to meet the requirements of this section to the extent possible.

1. Sidewalks: Sidewalks shall be provided along all sides of the *lot* consistent with the design and construction requirements of UDO Section 703.12. Sidewalks shall be connected to adjacent or nearby existing sidewalks to the extent possible.

2. Pedestrian Walkways: Pedestrian walkways shall be provided from the sidewalks to the main customer entrance of the structures on each *lot* and along the full length of any façade of a *building* that includes a customer entrance or abuts a *parking* area.

a. Walkways connecting the *structure* entries with the sidewalks shall be concrete, and a minimum of five feet in width. They shall be bordered on each side by a planting area that is a minimum two feet in width. The planting areas on each side of the sidewalk shall each include flowers, *shrub*s, and trees for a minimum of 50% of their length and must include some flowering vegetation. The remainder

shall be planted with grass.

b. Where walkways are parallel to *parking* lots and/or interior drives the bordering landscape area shall be a minimum of five feet in width, and shall be curbed on the side adjoining the vehicle area.

c. Where walkways pass through vehicle use areas they shall be of a paving material different from that of the vehicle use area, such as unique pavers, bricks, or scored concrete, to distinguish them as a pedestrian route.

d. Walkways along the facades of the *building* shall be concrete, shall be a minimum of five feet in width, and shall be separated from the *building* by a landscape area that is a minimum of five feet in width. The landscape area shall include benches and seating areas, and be planted with flowers, trees, and *shrub*s for a minimum of 50% of its length.

e. Weather protection features, such as awnings or arcades shall be provided over all sidewalks within ten feet of all customer entrances.

D. Outdoor Merchandise Storage Areas: Merchandise may be stored or displayed for sale to customers only in areas near the primary *structure* on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be seasonal. Permanent *Outdoor storage* areas shall not be in a required front *setback* area and shall be (1) enclosed by a minimum 6 foot tall wall, or (2) composed of a three foot tall base wall topped by wrought iron or tubular steel fencing. No merchandise other than trees shall be visible above the wall or fencing. Each wall shall comply with the *building* materials requirements of Sections (B) 1. and 2. above.

E. *Outdoor storage* of Refuse: All unenclosed storage of refuse is prohibited (whether or not in containers). All refuse shall be contained, enclosed, and screened on all sides with a roofed *structure* with a minimum six foot tall screen that is architecturally compatible with the principal *structure*. Refuse collection and recycling areas shall be in the rear of all structures away from view by traffic along State Road 28.

F. Lighting: A lighting plan for the proposed *development* shall be filed as part of the *development plan* application as required by UDO Section 524.

G. Signage: In addition to the sign standards of the underlying *district*, the following signage requirements shall be complied with to the extent possible:

1. Signage shall be designed as an integral part of the architectural and *landscaping* plans. The colors, materials, scale and style of signage shall be architecturally compatible and accentuate the *building*s and *landscaping* of the site and adjacent properties. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.

2. No awning in the *overlay district* shall have any wording or logos.

3. Private traffic direction signs and pavement markings for the direction and control of traffic into, out of, and within the site shall conform to the Manual of Uniform Traffic Control Devices as published by the Indiana Department of Transportation.

4. The integration of project signage, particularly the sharing of poles to identify multiple *business*es, is encouraged with the *overlay district*.

5. Off-premise signs shall only be permitted by right for unified centers such as office or industrial parks or shopping centers. Such off-premise signs shall only identify a *building*, *business*, profession or *industry* not fronting on State Road 28, but having vehicle access to the road by means of *easement* or shared access. There may be only one sign for each unified center and shall not exceed 32 square feet for *building* mounted signs or 120 square feet for a free-standing sign. The signs shall have *landscaping* extending a minimum of three feet from all sides of the base.

H. Common Access: Common entrances shared by several properties and *development* shall be encouraged in the East State Road 28 *overlay district*. Access road to *contiguous* tracts shall be coordinated so as to form one main access road serving adjoin *development*s.

Figure 3: Standards Example

405 WIND ENERGY CONVERSION SYSTEM (WECS) OVERLAY DISTRICT[3]

PREAMBLE:

WHEREAS, ***Wind Energy Conversion Systems (WECS)*** offer an opportunity to produce electrical power in an environmentally beneficial manner without the production of greenhouse gases;

WHEREAS, a ***WECS Project*** will require substantial economic investment in Clinton County which will be beneficial to the ***County*** and its residents, will create both temporary and permanent employment opportunities, and will generate lease payments to Clinton County landowners;

W**HEREAS**, the construction of a WECS system involves the use of heavy equipment and transportation of heavy loads which have the potential of damaging the public and private infrastructure of the ***County***, including roads, bridges, and drainage structures and for disruption of transportation on public roads;

WHEREAS, the failure to complete a WECS after the commencement of construction, the failure of a WECS system to continue in operation and the failure to remove a WECS after the end of its useful life create significant risks and damage to the value of the property of adjacent landowners, environmental risks, safety and security risks, and could be harmful to health, safety and harmonious environment of Clinton County;

WHEREAS, the adoption of a zoning ordinance regulating the location, construction, and operation of a WECS is necessary and appropriate to achieve and secure the benefits of a WECS and to avoid and/or minimize the risks, dangers, and inconvenience to health, safety and harmonious environment of Clinton County;

WHEREAS, the adoption of the following WECS ordinance is necessary to achieve the goals set forth in the ***Comprehensive Plan*** for Clinton County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Clinton County that a ***Commercial Wind Energy Conversion System (WECS)*** and WECS ***overlay district*** shall meet the following standards:

405.01 Permitting and application requirements are as follows:

A. An application for re-zoning to a WECS ***overlay district*** must be submitted to the Area Plan Commission and may be a combined application provided all property ***owners*** where the WECS facilities are to be located are ***Co-Applicant***s. The application shall include the following items:

1. A ***WECS Project*** Summary, including, to the extent available:

a. A general description of the project including its approximate

[3] As adopted in LUPAC 11-16-332, which became effective by default, went 90 days without legislative action.

name plate generating capacity, the potential equipment manufacturer, the type of WECS, the number of *WECS Tower*s, the name plate generating capacity of each *WECS Tower*, the maximum height of the *WECS Tower*s, the maximum diameter of the WECS rotors, and the general location of the project.

b. A description of the Applicant, *Owner*, and *Operator*, including their respective *business* structures.

c. A description of *substation*s, maintenance structures, storage yards, permanent meteorological towers and equipment, and other *building*s that are a direct functional part of the WECS. These structures, within the proposed *overlay district*, shall be considered *accessory use*s.

d. Any WECS application encompassing an urban growth boundary of a municipality must be accompanied by a letter of approval from that municipality.

2. The names, addresses and phone numbers of the Applicants, *Owner*s and *Operator*s, and all *Co-Applicant*s.

3. A topographic *map* of the project site and the surrounding area which shall encompass an area at least a quarter mile radius from the proposed project site with contours of not more than ten foot intervals.

4. An agreement and written undertaking with adequate surety, bond, or other accepted form of adequate financial assurance must be submitted by the Owner or Applicant or Operator to pay or reimburse Clinton County, Clinton County Area Plan Commission, any impacted school coorporation, and any other impacted municipal corporation for all expenses incurred by the County, Clinton County Area Plan Commission, any impacted school coorporation or municipal corporation in evaluating the initial WECS Project Summary, and subsequently evaluating the site plan, Transportation Plan, Drainage Plan, Project Sound Emission Study, Decommissioning Plan, Security and Safety Plan, the Adequate Assurance of Completion and Continued Operation, Economic Development Agreement, Shadow Flicker Study, and Impact Study on Migratory Birds, and all other professional services rendered related to the WECS project which such expenses shall include the professional fees of all professionals employed including but not limited to all electrical, structural, mechanical, acoustical, and transportation engineers, aviary experts, financial consultants, attorneys and other professionals. Within thirty (30) days of submission, the Owner or

Applicant or Operator shall pay or reimburse all such expenses. This obligation for payment or reimbursement of professional fees shall continue so long as the WECS is in existance through the completion of decommissioning and its removal.

B. Following the creation of a WECS *overlay district*, a *Development Plan* together with a petition for *Development Plan* Review, as specified in UDO Article Six, must be submitted to the Area Plan Commission.

1. The petition for Primary *Development Plan* Approval shall include:

a. A *site plan* at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than one inch equals 20 feet); the proposed location of the Wind Energy Conversion System Facility (including locations of each *WECS Tower*, guy lines and anchor bases (if any); WECS access roads; *substation*s; maintenance structures; storage yards; permanent Meteorological Towers, electrical cabling; ancillary equipment; WECS *Collector*s, *substation*s and *switching station*s; and any other structures that are a direct functional part of the WECS). Each tower and/or *structure* should be assigned a unique identification number on the *site plan*. In addition, the *site plan* shall show: primary structures within one quarter mile of any WECS; property lines, including identification of adjoining properties; *setback* lines; public roads; *County* regulated drains, open ditches, or tiles; location of all above-ground utility lines associated with the WECS site; recognized historic or heritage sites as noted by the Indiana Department of Natural Resources; *floodplain*s; and any *wetland*s based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines. This *site plan* must also be distributed to the Emergency Management Agency, any Fire Departments serving any part of the site, and to the Clinton County Sheriff.

b. A *Transportation Plan* recommended by the *WECS Transportation Committee* and *approved* by the Clinton County Commissioners, which shall include a performance bond, letter of credit, or other form of financial assurance of the repair or replacement of all damaged roads, bridges, signage, or other transportation structures.

c. A *Drainage Plan approved* by the Clinton County Drainage Board. The *Transportation Plan* and/or the *Drainage Plan* shall establish that the newly constructed WECS access roads shall not impede the flow of water and will comply with the *County* drainage ordinance.

d. A ***Projected Sound Emissions Study*** for the proposed WECS.

e. A ***Projected Shadow Flicker Study*** for the proposed WECS.

f. A ***Decommissioning Plan*** formulated by the Applicant, ***Owner*** and/or ***Operator*** and accepted by the Area Plan Commission to ensure that the ***WECS Project*** is properly decommissioned. The Decommissioning Plan must be updated and ***approved*** by the Area Plan Commission every five years after the approval of the initial ***Decommissioning Plan***, the same manner as the initial plan. The ***Decommissioning Plan*** shall include assurance that the facilities are properly decommissioned upon the end of the project life or facility ***abandonment***. Applicant's obligations with respect to decommissioning shall include removal of all physical material, with the exception of subsurface ***Collector***s, pertaining to the project improvements to a depth of 48" beneath the soil surface, and restoration of the area occupied by the project improvements such that it is suitable for an equivalent land use to what existed immediately before construction of such improvements. The Applicant shall provide a contractor cost estimate for demolition and removal of the WECS facility from a licensed engineer ***approved*** by the Area Plan Commission. Financial assurance of decommission shall be provided as required by **UDO Section 405.03 A**.

g. An ***Economic Development Agreement*** approved by the Clinton County Commissioners which must include a property value guarentee for non-co-applicant owners of residences in the form set forth at Section 405.08. This agreement must be developed in conjunction with the Clinton County Economic Development Office and Clinton County Council.

h. A study on the affect of the proposed WECS on fiber optics within and in the vicinity of the project area.

2. The petition for Secondary ***Development Plan*** Approval shall include:

a. A revised ***site plan*** as described in **UDO Section 405.01 B 1 a**.

b. A ***Security and Safety Plan*** which must include adequate provisions for site security and safety. If the plan includes using ***County*** services, then it should include signatures indicating those parties are aware of their role and capable of performing it.

c. Adequate Assurance of the Completion and Continued Operation

of the *WECS Project* shall be established before the issuance of improvement location permits. The *Owner* or *Applicant* or *Operator* shall demonstrate such *Adequate Assurance of Completion and Continued Operation of the WECS Project* by providing evidence of: (1) adequate funding of one hundred percent (100%) of the estimated cost of construction of the WECS; (2) performance and payment bonds or other sureties from the *Owner* or *Applicant* or *Operator* and/or major equipment suppliers and contractors, which name Clinton County as an additional "Payee" subordinate only to rights of Own or Applicant or Operator or the secuted lenders of the Owner or Applicant or Operator; (3) the existence of written warranties from contractors and/or manufacturers which have demonstrated financial ability to repair and/or replace defective work, materials, and equipment; and (4) adequate casualty, builders risk, *business* interruption, and liability insurance for the replacement of the WECS and the individual components thereof, and the funding of on an ongoing basis, and the payment of all liabilities occurring during, arising from, or related to a casualty loss. The *Applicant* or *Owner* or *Operator* shall provide such cost estimates, bids, contracts, warranties, feasibility studies, engineering studies and reports, insurance certificates, loan and other financing commitments to provide the requested information to provide adequate assurance and completion and continued operation.

d. For purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.

C. After Secondary *Development Plan* approval is obtained, but before any construction commences or *Improvement Location Permit*s may be acquired, all applicable state and federal permits, approvals and licenses must be obtained and all state and federal statutes and regulations must be complied with and the following requirements satisfied:

1. The *Owner* or *Operator* of the WECS shall maintain liability policies covering (1) bodily injury and property damage and (2) environmental contamination arising from construction, operation, maintenance, and decommissioning of the WECS, with nationally recognized, well-capitalized insurance companies initially *approved* by the Area Plan Commission and annually thereafter by the *Executive Director* and name Clinton County as an additional insured. Limits on the bodily injury and property damage policy shall be of at least $2 million per occurrence and $5 million in the aggregate with a deductible of no more than $5,000 and on the

environmental contamination policy shall be of at least $1 million per occurrence and $2 million in the aggregate with a deductible of no more than $25,000.

2. The ***Applicant*** or ***Owner*** or ***Operator*** shall establish a 24-hour toll-free phone number for the registering of complaints and concerns. This number shall be posted at every road intersection throughout the project area before ***Improvement Location Permit***s are issued and before any construction or earth moving can commence. If legitimate complaints are not remedied within 48 hours the ***County*** may address these complaints with any expenses incurred to be reimbursed by the WECS Applicant according to charges, fines, and/or fees, established by ordiance or rules of the Area Plan Commission.

3. The ***Applicant*** or ***Owner*** or ***Operator*** must attend a Pre-Construction Meeting between the Area Plan Commission ***Executive Director***, ***Zoning Administrator***, Area Plan Commission President, Clinton County Building Inspector, County Surveyor, County Highway Director, affected School Corporations, law enforcement and fire department officials and emergancy management officials and any other public officer or official whose input is deemed appropriate and WECS Applicant to verify that all requirements in the Unified Development Ordinance have been met. This meeting shall take place as the final step before construction and all other requirements should already have been met. Once reviewed, if all requirements have been met, the WECS Applicant may then obtain ***Improvement Location Permit***s. If any requirements have not been met then further preconstruction meetings will be held until it can be verified that the identified issues have been resolved.

4. All ***Improvement Location Permit*** fees must be paid for the entire ***WECS Project*** before any ***Improvement Location Permit***s will be issued.

D. The Rezoning Application, ***Development Plan*** (including but not limited to Decommission Plan and each update thereof and the assurance of completion and continued operations), and ***Improvement Location Permit*** applications shall be reviewed by Area Plan Commission ***staff***, counsel, and independent professional engineer, and any other professionals deemed necessary as selected or ***approved*** by the Area Plan Commission.

405.02 Construction and Standards:

A. Prior to and during construction the Applicant, ***Owner*** and ***Operator*** shall be responsible for:

1. Implementing reasonable dust control measures during construction in compliance with all state and federal statutes, rules, and regulations.

2. Complying with existing septic and well regulation as required by the Clinton County Health Department and the Indiana Department of Public Health.

3. Repairing all damages to Private or ***County*** regulated waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS. Damages must be completely repaired to original or better condition, and so as not in impede the flow of water. All repairs to private infastructure must be completed within ten days of reciept of written notice and the WECS ***Owner***, ***Operator***, and/or Applicant shall be responsible for loss or damage proximately resulting from its impairment of such drainage structures. All repairs to ***County*** regulated drainage structures must be completed and inspected within ten days of written notice.

4. Using concrete armoring techniques at each and every location where ***County*** regulated drains and subsurface power transmission lines of any type cross. Unopened bags of premixed concrete shall be laid on top of the transmission lines to cover six inches on both sides of the line and eight feet to each side of the ***County*** regulated drain the is crossing. Open drain and transmission line intersections where the line is below the invert of the open drain shall be armored using the same technique. Red warning tape (printed with “warning electrical line below” or similar language) shall be buried no closer than 12 inches above the actual power line at all crossing locations. The Surveyor or agent designated by the Surveyor shall inspect every such crossing before backfilling. Concrete armoring techniques will not be required in cases where directional boring is used.

5. Installing permanent, visible ***marker***s where directional boring is used. ***Marker***s shall be placed within the line of sight indicating directional changes and borings.

6. Submitting a daily plan of work submitted at a time of day specified by the Area Plan Commission detailing where construction and transportation activities will occur to the Area Plan Commission, Clinton County Highway Supervisor, Clinton County Sheriff, Clinton County Surveyor, Soil and Water Conservation District, applicable utilities, the Superintendent(s) of the School District(s) in which construction is occurring and to the emergency services with jurisdiction over the areas in which construction is occurring. This shall include notification of any

oversize or overweight loads entering or exiting the project each day as well as any work on roads, drainage, or access roads.

7. Adhering to the ***approved Transportation Plan***. The Clinton County Highway Supervisor or designee shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage before, during, and after construction. The Clinton County Highway Supervisor or designee may choose to require remediation of road damage during or upon completion of the project and is authorized to collect fees for oversized load permits. If the Applicant does not make repairs in a timely manner, the Supervisor or designee is authorized to make repairs and charge the Applicant a fee to cover the costs of repair. Such fees shall be established at the start date of construction and may be revised at three-month intervals. Further, a corporate surety bond shall be required by the Clinton County Highway Supervisor to insure the ***County*** that future repairs are completed to the satisfaction of the ***County***. The cost of bonding is to be paid by the Applicant. A $1,000 fine shall be assessed for each occurrence where WECS oversize or overweight construction and maintenance equipment utilizes any route(s) in violation of the ***approved Transportation Plan***. If the Applicant or ***Owner*** or ***Operator*** or its contractors require material changes from the ***approved Transportation Plan*** or if post completion repairs, improvements, or expansions require oversize and overweight loads or involve new routes, an Amended ***Transportation Plan*** must be ***approved*** in the same manner as the initial plan. When all road repairs are completed to his satisfaction the Clinton County Highway Supervisor or designee will issue a County Highway Remediation Release Form.

8. Adhering to the ***approved Development Plan***, any non-material proposed changes, modifications, or amendments to the ***Development Plan*** must be ***approved*** by the ***Executive Director*** after consulting appropriate county officials. All material changes to the Plan must be ***approved*** by the Area Plan Commission. The ***Executive Director*** shall have the authority and discretion, considering all relevant factors, to determine whether the proposed ***Development Plan*** change is material.

B. Design and installation shall be as follows:

1. ***WECS Tower***s shall conform to applicable ***industry*** standards. Applicant shall submit certificates of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanishcher Lloyd Wind Energie, or an equivalent third party.

2. All *WECS Tower*s shall be installed with a tubular, monopole type tower. Meteorlogical towers may be guyed. All structures shall be uniform in design and appearance.

3. All *WECS Tower*s shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

4. All electrical components and *Collector*s of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards. All WECS *Collector*s between *WECS Tower*s shall be located underground.

5. All transmission lines must comply with current applicable Rural Utilities Service (RUS) construction standards and requirements of the National Electric Safety Code (NESC) including clearances to ground, clearances to crossing utilities, clearance to *building*s, *right-of-way* widths, erecting power poles, and stringing of transmission line conductors.

6. Towers and blades shall be painted with non-reflective white or gray color. The Applicant shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a *WECS Tower*, except for manufacturers name on the nacelle.

7. A visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and *substation*s.

8. All *WECS Tower* designs must include features to deter climbing or be protected by anti-climbing devices such as:

a. *fence*s with locking portals at least eight feet high,

b. anti-climbing devices 15 feet vertically from the base of the *WECS Tower*, and/or

c. locked *WECS Tower* doors.

9. Red strobe lights are preferred during the night to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations

and the lighting requirements in UDO Section 524. All lighting shall be shielded so that no *glare* extends substantially beyond the boundaries of the wind farm facilities.

C. The maximum wind turbine shadow flicker experiences at a non-*Co-Applicant* dwelling, residentially zoned *lot*, public school or public library may not exceed 30 hours per year or 30 minutes in a single day. Measurements to assess shadow flicker shall be for all non-*Co-Applicant* dwellings, residentially zoned lots, public schools or public libraries located within 0.6 miles or 3,168 feet of a turbine. If shadow flicker will exceed these levels then a shadow flicker *mitigation* plan must be submitted for each affected non-*Co-Applicant* dwelling, residentially zoned *lot*, public school, or public library. Operating hours may be considered for public schools and public libraries.

D. The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be 50 feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

F. Setbacks shall be as follows:

1. At any non-*Co-Applicant* residentially zoned *lot*, public school, or public library, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed 45 decibels. The *Ambient Baseline Sound Pressure Level*, if used, shall be determined by a baseline acoustic emissions study conducted by the Clinton County Area Plan Commission and funded by the Applicant. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in the International Electrotechnical Commission IEC 61400-11 Standard: Wind turbine generator systems – Part 11: Acoustic noise measurement techniques. Noise and vibration levels shall also be in compliance with all other applicable *County*, state and Federal regulations.

2. No WECS shall be constructed in any *setback*, dedicated public *easement* or dedicated private *easement* or dedicated public *right-of-way* without prior written authorization from the *County*.

3. Installation of any WECS may not be nearer than 1.1 times the height of the WECS including the blade at its highest point, to any non-*Co-Applicant* property lines, dedicated roadway or overhead electrical transmission or distribution lines. Distance shall be measured from the

center of the foundation at the base of the tower.

4. Except as provided herein, the minimum *setback* distance for all turbines, *substation*s, maintenance structures, storage yards, permanent MET Towers, and other *building*s that are a direct functional part of the WECS shall not be less than 1,520 feet or the manufacturer's recommended minimum setback, whichever is greater, from any non-*Co-Applicant* residence, public building, Urban Growth Boundry, or other residentially zoned land and shall be setback from a non-co-applicant propoerty line 1.1 times the height of the turbine with the blade tip at its highest point. Distance shall be measured at the time of application for *Improvement Location Permit* from the center of the foundation at the base of the tower. The *setback* distance will be followed except in specific instances allowed by the Area Board of Zoning Appeals in a *Variance* hearing.

5. The *WECS Tower* shall not be nearer than 1.1 times the height of the *WECS Tower* including the blade at its highest point from any other *WECS Tower*.

405.03 Construction, post-construction and continued maintenance requirements are as follows:

A. Commencing with the issuance of an improvement location permits for each individual component of the WECS, the *Owner* or *Applicant* or *Operator* shall secure and provide to the Area Plan Commission a performance bond, surety bond, letter of credit, or other form of financial assurance that is acceptable to the Area Plan Commission and County Commissioners (the "*Decommissioning Security*") equal to one hunderd twenty-five percent (125%) of the estimated cost of decommissioning the WECS pursuant to the Decommission Plan. The *Decommissioning Security*, in computing the estimated cost of decommissioning, shall consider and deduct sixty-five percent (65%) of the *Net Salvage Value* of the WECS. The amount of the *Decommissioning Security* shall be adjusted annually by January 31 by an amount equal to the increase in the CPI Index. "CPI Index" shall mean the Consumer Price Index for "All the Urban Consumers, U.S. City Average, All items," issued by the Bureau of Labor Statistics of the United States Department of Labor, or, if discontinued or no longer published, such other governmental index that most closely matches the manner in which inflation had been previously tracked as selected by the Area Plan Commission and County Commissioners. All *Applicant*s or *Owner*s or *Operator*s shall provide an updated *Decommissioning Plan* every five years commencing with the operation of the WECS which updated *Decommissioning Plan* shall be reviewed and *approved* by a licensed engineer *approved* by the Area Plan

Commission and County Commissioners and qualified to provide an estimate of the cost of decommissioning of the WECS and the ***Net Salvage Value*** of the WECS (the "Decommissioning Engineer"). A new ***Decommissioning Security*** in an amount equal to one hundred twenty-five percent (125%) the cost of the estimated cost of decommissioning after deducting sixty-five percent (65%) the ***Net Salvage Value*** of the WECs shall be provided within 60 days of the approval of the updated ***Decommissioning Plan***.

B. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner but not later then the date specified by written notice from the Executive Director of the Clinton County Area Plan Commission. All ***hazardous waste*** generated by the operation and maintenance of the facility, including but not limited to lubricating materials, shall, be handled in a manner consistent with all local, state and federal rules and regulations.

C. The following operation, maintenance and inspection standards shall be met;

1. Any physical modification to the WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like-kind replacements shall not require re-certification. Prior to making any physical modification (other than a like-kind replacement), the ***Owner*** or ***Operator*** shall confer with the Building Inspector to determine whether the physical modification requires re-certification.

2. The Clinton County Building Inspector, ***approved*** designees, along with licensed 3rd party engineers or professionals retained by the ***County*** for the specific purpose of conducting inspections of the WECS shall have the right, at any reasonable time and with sufficient prior notice, to accompany the ***Owner*** or ***Operator***, or his agent, on the premises where a WECS has been constructed, to inspect all parts of said WECS installation and to require that repairs or ***alteration***s be made. The ***Owner*** or ***Operator*** of a WECS may retain a licensed 3rd party professional engineer familiar with WECS systems to prepare and submit to the Clinton County Building Inspector a written report which addresses the repairs or ***alteration***s requested, and which suggest alternate methods for addressing the concerns or provides evidence that said repairs or ***alteration***s are unnecessary, within 30 days after receiving notice from the Clinton County Building Inspector that repairs or ***alteration***s are requested, or within a longer period of time mutually acceptable to both parties. The Clinton County Building Inspector will consider any such

written report and determine whether the repairs or *alteration*s should be made as originally requested or as suggested in the written report. In the event of a dispute between the Clinton County Building Inspector and the *Owner* or *Operator*, or a third party professional engineer retained by them, as to the repairs or *alteration*s which are required, the decision of the Building Inspector shall be final.

3. If, after construction, the *Owner* or *Operator* receives a written complaint related to interference with local broadcast residential television, telecommunication, internet (line of sight, satellite, and other), communication or microwave transmissions, the *Owner* or *Operator* shall immediately resolve the complaint.

4. The WECS *Applicant*, *Owner* or *Operator* shall submit to all providers of emergency services serving the *WECS Project* area a copy of the as-built site *map*. Upon request by the local fire department, and/or emergancy medical service the *Owner* or *Operator* shall cooperate with the local fire department and emergancy medical service to develop the fire department and emergancy medical emergency response plan. Nothing in this section shall alleviate the need to comply with all other applicable fire laws and regulations.

5. On completion of construction the WECS *Owner* or *Operator* shall submit to the Clinton County Surveyor a site *map* detailing all ground disturbed through construction activity, surface or subsurface *structure* or infrastructure and all routes over which trucks and equipment traveled. The scale and format of the submitted *map* shall conform to the Clinton County Surveyor's specifications.

6. For a period of five years following the completion of construction, the WECS, *Owner* or *Operator* shall be liable to the *County* for all costs of repair, as determined by the Clinton County Surveyor, to the *County* drain tiles, regulated drains and ditches and other *County* regulated surface and subsurface structures and private tiles located in the public right of way within 50 feet of the routes and disturbed ground as described in **UDO Section 405.03 C 5**.

7. For a period of five years following the completion of construction the WECS *Owner* or *Operator* shall be liable to the County roads and improvement s within the right-of-way for all costs of repair, as determined by the Clinton County Highway Supervisor, to County public right of way arrizing from or relating in any manner to the reconstruction, repair, or maintenance of roads damanged, repaired, or reconstructed after the construction, reconstruction, or maintenance of the WECS as

described in teh Development Plan.

D. A WECS or any individual wind turbine constituting a portion of the WECS is presumed at the end of its useful life and/or abandoned if the WECS or the individual turbine generates no electricity for a continuing period of 9 months. This presumption may be rebutted by submitting to the Area Plan Commission for approval and within 90 days of submission obtaining approval thereof of a plan outlining the steps and schedules for returning the WECS or the individual wind turbine to service. Any WECS or individual turbine which pursuant to the terms hereof is either reached the end of its useful life and/or abandoned pursuant to the terms hereof shall be subject to removal pursuant to the ***Decommissioning Plan***.

E. Any WECS, ***WECS Tower***, or ***structure*** thereof declared to be unsafe by the Clinton County Building Inspector by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or ***abandonment*** is hereby declared to be a public nuisance and shall be abated by repair or rehabilitation within a time frame specified by the Clinton County Commissioners or thier designee or be deemed abandoned and at the end of its useful life as provided in **UDO Section 405.03 D**.

F. Any post-construction proposed non-material modifications, ***alteration***s, expansions, or changes of any type or size to the ***Development Plan*** must be ***approved*** by the ***Executive Director*** of the Area Plan Commission and all material post construction proposed changes must apply in the same way as a new WECS following the process in **UDO Section 405.01**. The ***Executive Director*** shall have the authority and discretion, considering all relevant factors, to determine whether the proposed post-construction change is material.

G. Nothing in **UDO Section 405** is intended to preempt other applicable state and federal laws and regulations.

405.04 As referenced in this **Section 405** of the UDO, all duties and obligations of the ***Applicant*** or ***Owner*** or ***Operator*** shall be joint and several, and all duties and obligations of the ***Applicant*** or ***Owner*** or ***Operator*** shall be binding upon all heirs, successors in interest, and assigns of the ***Applicant*** or ***Owner*** or ***Operator***. Thirty days prior to any transfer of any ownership interest of any ***Applicant*** or ***Owner***, or ***Operator*** in the WECS, written notice shall be given to the Clinton County Commissioners and Area ***Plan Commission***. All bonds, sureties, letters of credit or other financial assurances provided by the ***Applicant*** or ***Owner*** or ***Operator*** shall remain in full force and effect upon any transfer, assignment, or conveyance of the interest of the ***Applicant*** or ***Owner*** or ***Operator*** until the successor in interest provides a suitable replacement obligation. The transfer,

assignment or conveyance of the ***Applicant*** or ***Owner*** or ***Operator*** interest in the WECS without the advance approval of replacement bonds, sureties, letters of credit or other financial assurances shall constitute a default; provided however, the transfer of the interest of the Owner(s) shall be allowed without advance approval so long as the bond, surety, letter of credit or other financial assurance posted by the ***Applicant*** or Operator covers the successors in interest of the Owner(s).

405.05 An ***Owner***, or ***Applicant***, or ***Operator*** which violates any provision of this **Section 405** (including violations by their agents, contractors or subcontractors) shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Five Thousand Dollars ($5,000.00). Any ***Owner***, or ***Applicant***, or ***Operator*** or a contractor or agent thereof who engages in any activity prohibited by or under the control of this **Section 405** without first obtaining any required approval or permit including but not limited to an ***Improvement Location Permit*** or a ***Certificate of Occupancy*** shall be subject to a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) and not more than Five Thousand Dollars ($5,000.00). Each day a violation occurs or continues constitutes a separate offense. Fines may be assessed by either the ***Executive Director*** or the ***Zoning Administrator*** of the Clinton County Area ***Plan Commission***. The fines provided for under this **Section 405.05** shall be in addition to any fines which may be assessed under **Article 10** of the UDO.

405.06 If any violation of this **Section 405** creates a material risk of physical injury or death to any person, a substantial and continuing risk of financial damage to any person or entity (including any municipal corporation) or any fine levied pursuant to **Section 405.05** remains unpaid thirty (30) days after written notice, the ***Executive Director*** of the Clinton County Area ***Plan Commission*** may issue a stop work or cease and desist order, which order shall remain in force for a period not to exceed thirty (30) days, unless either the Clinton County Area ***Plan Commission*** or the Clinton County Board of Commissioners shall act to continue or terminate such order (with the Clinton County Board of Commissioners having the responsibility of making the final determination in case of differing decisions). Any cease and desist or stop work order authorized by either the Clinton County Area ***Plan Commission*** or the Clinton County Board of Commissioners shall remain in effect until terminated by such ***Commission*** or Board or until a state court authorized by statute to rule upon such matters renders an order.

405.07 Any provisions of **UDO Article 10** not in conflict with **UDO Sections 405.05** and **405.06** shall be applicable to **UDO Section 405**.

405.08 The following form of Property Value Guaranty shall be used by the County Commissioners as part of the Economic Development Agreement. The

County Commissioners shall determine and complete the matters which are left blank in the following form:

PROPERTY VALUE GUARANTEE

Owner and Operator of the WECS and their assigns and successors in interest (hereinafter jointly and severally referred to as "Guarantor") agree to guarantee (the "Guarantee") the value of all owner-occupied residential dwellings owned by all non-Co-Applicant owners of record (hereinafter referred to individually as "Owner" and collectively as "Owners") as of the date of the granting of secondary approval of the Development Plan for the WECS for properties which are located within one mile of a WECS tower as shown on the approved Site Plan contained within the Development Plan in all directions and to guarantee the value of all residential dwellings owned by Owners whose ownership is of record in the office of the Clinton County Recorder on the date of the granting of secondary approval of the Development Plan. The location of each Owner of a residential dwelling within one mile of a WECS tower shall be noted on the Development Plan. Within thirty (30) days of the granting of secondary approval of the Development Plan, the Guarantor shall provide each eligible Owner with written notice by certified mail to the Owner's address as set forth in the property tax records of Clinton County describing the terms of the Guarantee. To qualify for the Guarantee each Owner must notify the Guarantor within ninety (90) days of the mailing of the notice of his or her intent to participate, and Guarantor shall thereafter obtain and submit to Owner an M.A.I. appraisal of Owner's property within sixty (60) days following the date of the Guarantor's receipt of Owner's notice. Owner may accept the value of the property based on the appraisal or may obtain his or her own M.A.I. appraisal. If the Owner's appraisal is less than or within 5% above the Guarantor's appraisal, the guaranteed value ("Guaranteed Value") shall be the average of the two appraisals. If the Owner's appraisal is more than 5% above the Guarantor's appraisal, the two appraisers shall agree upon a third M.A.I. appraiser, to be paid for 50% by Guarantor and 50% by the Owner, who shall appraise the property and whose appraised value shall become the Guaranteed Value for that property. The period of the Guarantee shall be for a period of _____ years following the issuance of a Certificate of Occupancy for the operation of the WECS system. The Guarantee shall extend only to Owners of record as of the date of the approval of the Secondary Development Plan for the WECS system and not to the assignees or subsequent owners or purchasers. In the event any property covered by this Guarantee is listed for sale by a licensed real estate broker for a period of not less than _____ and during such period, and Owner either does not receive an offer or receives an offer below the Guaranteed Value, Owner, subject to the restrictions below, shall notify Guarantor of the intent to exercise Owner's right under this Guarantee and within thirty (30) days of the receipt of this notice Guarantor shall:

A. Authorize Owner to accept the pending bona fide offer and to pay the Owner at closing of the sale the difference between the purchase price set forth in the offer and the guaranteed value.

B. Immediately commence steps to purchase the dwelling from Owner at the guaranteed value with such purchase to be completed within sixty (60) days of receipt by Guarantor of notice by Owner of Owner's failure to receive a bona fide offer for the guaranteed value after having listed the property for a period of _____ with a licensed real estate broker.

In any case in which there is a purchase offer pending for which Owner expects to make a claim under this Guarantee, Owner shall provide a copy of such offer to Guarantor. In the event Guarantor is required purchase Owner's dwelling, Owner shall convey fee simple title to the property, free and clear of all liens and encumbrances by delivery of a Warranty Deed at closing.

At closing Guarantor shall pay for preparation of the warranty deed, vendor's affidavit, and all title insurance fees, closing fees, and all survey expenses if it is necessary to subdivide the dwelling from other real estate of the Owner. Guarantor's obligations hereunder are hereby expressly made contingent upon Owner: performing routine maintenance and repairs on the dwelling; the dwelling or property being in the same condition on the date of sale as it was on the date first appraised hereunder; the delivery of the property free and clear of all liens and subject only to such easements and other encumbrances commonly accepted in residential real estate transactions; and Owner conveying fee simple title to the dwelling or property to Guarantor by recordable Warranty Deed at closing. All notices to Owner and Guarantor shall be to the address of Owner and Guarantor as listed on the property tax records of Clinton County.

ARTICLE 5:
DEVELOPMENT STANDARDS

5 Unified Development Ordinance

501 PROCEDURE

Certain uses in Table A-1 of this Ordinance must meet the following *development* standards in addition to the requirements of all other Articles of this Ordinance. In a *district* in which the specified use is permitted, the *Zoning Administrator* shall ascertain that the specifications of the Article are met. In a *district* in which the specified use is allowed by *special exception*, the *Board* shall ascertain that the specifications of this Article are met prior to approval of the *special exception*.

502 *ACCESSORY APARTMENT*S

*Accessory apartment*s are subject to the following requirements:

502.01 There may be a maximum of one *Accessory apartment* established on any *parcel* with a single-family *dwelling unit*.

502.02 The *Accessory apartment* must be clearly secondary and incidental to the principal *dwelling unit*. Any exterior modification to any existing *structure* for an *Accessory apartment* shall be compatible with the appearance of the existing *structure*.

502.03 The *Accessory apartment* may be either in a detached *structure* or attached to or within the principal *dwelling unit*. The *Accessory apartment* may not be a mobile or *manufactured home* or a temporary *structure*.

502.04 The owner of the property must reside in either the principal *dwelling unit* or *Accessory apartment*.

502.05 There may be no exterior stairways to an upper level *Accessory apartment*.

502.06 *Accessory apartment*s in a principal *dwelling unit* must have interior access between the *Accessory apartment* and the principal dwelling. If there is no interior access between the *Accessory apartment* and principal *dwelling unit*, *special exception* approval must be obtained.

502.07 All applicable *County Building Code* and *County Health Department* standards shall be met.

502.08 Additional *parking* as needed or required by this Ordinance shall be provided in an off-*street* space and there shall be safe and proper means of entrance and exit from the property.

503 ACCESSORY USES AND STRUCTURES

*Accessory use*s and *accessory structure*s shall meet the following requirements:

503.01 An *accessory structure* shall not be erected or an *accessory use* located prior to the establishment or construction of the principal *Building* or use to which it is accessory or to which it is intended to be accessory, except for *agricultural structure*s and except for *accessory structure*s which are used for construction purposes and not for living purposes.

503.02 An *accessory structure* or *accessory use* may be permitted on a *parcel* of land separated by a public *right-of-way* or *easement* from the *parcel* containing the principal *structure*, but any such *accessory structure* must meet principal structure *setback* requirements and UDO Section 503.01.

503.03 All residential swimming pools, including above-ground pools and in-ground pools, hot tubs, saunas, whirl pool tubs, and accessory heaters, pumps, and covers must meet all front, rear, and side *setback* regulations. Separation distances between *structure*s are not required for these uses. In addition, access to all residential above-ground and in-ground swimming pools and hot tubs shall be restricted by one of the following means:

A. Walls or fencing not less than five feet high and completely surrounding the pool and deck area with the exception of self-closing and latching gates and doors, both capable of being locked.

B. Other means not less than five feet high and deemed impenetrable by the enforcing authority at the time of construction and completely surrounding the pool and deck area when the pool is not in use.

C. Combination of (a) and (b) that completely surrounds the pool and deck with the exception of self-closing and latching gates and doors which are capable of being locked.

D. A power safety pool cover which shall:

1. Provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the cover is completely drawn over the pool;

2. Be mechanically operated by a key or key and switch such that the cover cannot be drawn open or retracted without the use of a key.

3. Is installed with track, rollers, rails, guides, or other accessories necessary to accomplish clauses 1 and 2, in accordance with the

manufacturer's instructions; and

4. Bear and identification tag indicating that the cover satisfies the requirements of ASTM 4F1346 for power safety pool covers.

All fencing must be in place and *approved* by the *Zoning Administrator* before the water is put in the pool.

503.04 No *recreational vehicle* shall be used for living or housekeeping purposes when parked or stored on any site in any *district* for a period to exceed seven consecutive days, 30 days total per year, unless otherwise permitted by this Ordinance.

503.05 Trucks or tractor-trailer combination vehicles in excess of two ton capacity or any *commercial* vehicle which has signage exceeding four square feet, shall not be parked or stored in any residential *district* except in an enclosed *Building*. This does not apply to temporary *parking* of delivery vehicles.

503.06 Unlicensed semi-trailers used for storage must have the undercarriage removed and be painted a neutral color. They are only permitted in the A-1, LD, I-1, I-2 *district*s. There may be no more than one trailer per *lot* and they must meet all *accessory structure* setbacks. The Board of Zoning Appeals may approve trailers by *special exception* in the B-4 and B-5 *district*s. No permits are required for semi-trailers that meet this ordinance.

503.07 Outdoor display of merchandise, where permitted, and *outdoor storage* for any use, where permitted, shall not extend into any *street right-of-way* or required *parking* area and shall be maintained in a neat and orderly manner at all times and shall not exceed seventy-five percent of *gross site area*. The following *outdoor storage* regulations shall also be met:

A. Any article or material stored temporarily outside an enclosed *structure* as an incidental part of the primary *commercial* operation that is located closer than 100 feet to a residential *district*, shall be so screened by opaque ornamental fencing, walls, or evergreen planting that it cannot be seen from adjacent lots.

B. All *outdoor storage* of raw materials, waste products, and similar materials, where permitted, shall be enclosed by an *approved* safety *fence* and shall be shielded from view of public streets and adjacent lots.

C. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outdoors only if enclosed in containers adequate to eliminate such hazards. This section does not apply to

agriculture or *agribusiness* uses.

503.08 Collection boxes for used merchandise or *recycling collection point*s are permitted as *accessory use*s in any business or industrial *district* and are not subject to side or rear *setback* regulations provided they are not located in a way to create a traffic hazard and do not violate other sections of this Ordinance. The collection boxes shall be routinely emptied and no *outdoor storage* of items is permitted.

503.09 A refuse disposal container (dumpster) and/or refuse storage area or corral for non-residential uses shall not be located within any required front yard or eliminate any required *parking* or *loading area*s. Refuse disposal containers and areas shall be opaquely screened from adjacent roads and property. This *Screening* may be achieved by walls, *landscaping*, or existing *fence*s, or by virtue of the location on the *lot*. This section does not apply to refuse disposal containers used temporarily during remodeling provided these are not used for a period to exceed 90 days.

503.10 Newspaper, soft drink, ice, ATMs, and other similar vending machines and telephone booths are permitted as *accessory use*s in any business or industrial *district*. Newspaper vending machines and telephone booths are not subject to setbacks and may be on public sidewalk or *right-of-way* with approval of the *legislative body* and provided they do not violate other sections of this Ordinance. Soft drink and other vending machines are subject to setbacks and shall be grouped in one area up against a *Building* and shall not be on any public sidewalk or *right-of-way* unless *approved* by the *legislative body* of the responsible municipality.

503.11 No *mobile home* or *manufactured home* shall be stored or parked, *vacant* or otherwise, in any zoning *district*, except in conformity with the provisions of the *district* in which it is located.

503.12 In all zoning *district*s satellite dish antenna (satellite earth stations) of up to five feet in diameter are permitted as *accessory structure*s. A satellite dish antenna may be either roof-mounted or ground-mounted and must meet the following standards:

A. A roof-mounted satellite dish antenna shall not extend above the required height of the zoning *district* in which it is located and shall not overhang within two feet of any side or rear *lot line*.

B. A ground-mounted satellite dish antenna may be located in a side or rear yard or in the front yard if it is at least 50 feet back from the front property line. The closest edge of any antenna may not be less than five feet to any

side or rear *lot line*. Ground mounted antenna may not extend above the *accessory use* height requirement.

C. All satellite dish antennae shall meet manufacturer's specifications and shall meet all applicable building and electrical code requirements,

D. All cables and connections from a satellite dish antenna to other equipment on the premises shall be buried underground when an antenna is located on the ground, or appropriately concealed when an antenna is located on a *Building*.

503.13 *Fence*s are permitted as *accessory structure*s in any *district* and must meet the *visual clearance* requirements of UDO Section 306.12 and the following standards.

A. In unincorporated areas, partition or boundary line *fence*s, where necessary, shall be built and maintained between adjacent property owners in accordance with I.C. 32-26-9-1 *et seq*.

B. In any incorporated *town* all other boundary line *fence*s, not built in accordance with I.C.32-26-9-1 *et seq* shall be entirely located upon the private property of the owner constructing, or causing the construction of such *fence*, unless the owner of the property adjoining agrees, in writing, that such *fence* may be erected on the partition line of the respective properties. No *setback* requirements shall apply to boundary line *fence*s.

C. No *fence* in any *district*, except for those servicing *agricultural* uses, shall be constructed of or contain barbed wire, broken glass, spikes or sharp and dangerous objects, nor be electrically charged, except that in commercial or industrial *district*s barbed wire may be used at the top portion of a permitted *fence* or wall if located more than seven feet above the adjacent ground level. This section shall not be constructed to prohibit underground, radio-controlled, "invisible" pet *fence*s or control equipment.

D. In any non-agricultural *district*, *fence*s, not exceeding 42 inches in height, shall be permitted in any required front *setback* (or the required *setback* of a corner *lot*).

E. In any residential or business *district*s no *fence* or wall of more than six feet in height may be placed, built, or installed in the side and rear yards of any *lot*. In the B-5 *district* or on a non-farm residential use in the A-1 *district*, no *fence* or wall of more than eight feet in height may be placed, built, or installed in the side and rear yards of any *lot*.

F. In industrial *district*s, a *fence* or wall not to exceed eight feet in height may

be placed, built, or installed at the property lines. Additionally, the height of such *fence*s may be increased by six inches for each three feet of distance from the property line, in the side and rear yards only, to a maximum height of twelve feet.

G. Open wire mesh *fence*s surrounding tennis courts, baseball fields, and similar recreational or educational facilities may be erected to a height of sixteen feet.

H. On a corner *lot* in any *district*, a *fence* or wall not exceeding six feet may be located in a required yard adjacent to the *street* at a *setback* equal to the *setback* of the existing principal *Building*. On any through *lot*, a *fence* or wall not exceeding six feet may be located in a required yard of any *street* equal to the *setback* of the principal *Building* **also facing said *street*.**

I. All posts and supporting rails for wood panel, stockade, or similar type *fence*s shall not be located on the side of said *fence* facing adjacent property or road *right-of-way*.

J. *Fence*s for swimming pools shall meet UDO Section 503.03 and all other applicable provisions of state law.

K. All *fence*s constructed abutting a residential *lot* or *district* shall be designed so that ventilation to said residence is not prohibited on the *fence* side of such dwelling. No solid *fence*, which prohibits the free flow of air through it, exceeding three feet in height, shall be permitted within less than ten feet of such neighboring residence. *Fence*s already in existence at the time of adoption of this ordinance are exempt from this requirement.

L. Any *fence* placed upon an erected earth *berm* or masonry wall must govern its height as measured to the ground adjacent to said earth *berm* or wall.

M. *Fence*s located in a regulated legal drainage *easement* shall meet all requirements of the Clinton County Drainage Board. *Fence*s located within any drainage *easement* other than a regulated *legal drain* shall be constructed so that the flow of water is not impeded and that all other requirements of the Clinton County Drainage Ordinance are met. *Fence*s located in any *easement* shall be responsibility of the property owner as to removal and replacement if any governmental agency is required to work within the *easement* and thus disturb the *fence* placement.

N. *Fence*s for *agricultural* uses may be of any design necessary for the intended *agricultural* purpose, but must meet UDO Section 503.13 A, UDO

Section 503.13 M, and Indiana Farm Fence Law. Additionally, *fence*s for *livestock* must be compliant with UDO Section 509.

O. *Fence*s have no required setbacks from primary or *accessory structure*s on the same property.

P. All *fence*s for all uses in all *district*s may not be placed in any road or public *right-of-way*.

503.14 All lighting for any use shall be arranged and shielded so as to prevent excessive or intentional illumination and/or any *glare*, flashes, flashing or reflections on any adjacent property or any public *right-of-way* and shall meet UDO Section 524.

504 ADULT BUSINESS

Clinton County is aware of, and is relying on information gathered by other communities such as Indianapolis, Indiana; New York, New York; Tuscon, Arizona; Seattle, Washington; Austin, Texas; Oklahoma City, Oklahoma; Houston, Texas; Minneapolis, Minnesota; and Phoenix, Arizona that demonstrates that adult uses are distinguishable from other *business* uses due to their negative impacts on the general welfare of neighboring portions of the community. These negative impacts include increased crime, blight, and degradation of property values. It has been recognized that local governments have a special concern in regulating adult uses to ensure that the adverse effects will be minimized and not contribute to land use conflicts and the blighting of adjacent areas. It has been determined by the United States Supreme Court that local communities may demonstrate this concern by, after careful review of factual information, regulating the time, place, and manner in which adult uses occur. The intent of this chapter is to preserve the character and integrity of residential neighborhoods, to deter the spread of blight, and to protect minors from objectionable characteristics of adult uses. Further, it is the intent of this chapter to minimize the level to which any particular commercial area is exposed to the secondary effects of *adult business*es by discouraging the *development* of *district*s of such uses. All *adult business*es shall comply with the following provisions:

504.01 The *establishment* of any *adult business* shall be prohibited if such *business* is within 500 feet of any other such *adult business* or within 1000 feet of the property line of any *church*, *school*, public park, or other public facility or the boundary line of any residential or agricultural *district*.

A. The distance between one *adult business* and another *adult business* shall be measured in a straight line, without regard to intervening *structure*s or objects, from the closest property line of each such *business*.

B. The distance between an *adult business* and any *church*, *school*, public park, or other public facility or a residential or agricultural *district* shall be measured in a straight line, without regard to intervening *structure*s or objects from the closest property line of the *adult business* to the nearest property line of the public facility or boundary line of a residential or agricultural *district*.

C. If any *adult business* is part of or included within a *shopping center*, only the portion of said center or leased space occupied by such *adult business* shall be included in determining the closest property line of said *adult business*.

504.02 No *adult business* shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to adult matters or adult performances as defined by I.C.35-49-2-1 *et seq*, as amended, by display, decorations, *sign*, show window, or other opening from any public *right-of-way*.

504.03 All *adult business*es shall comply with I.C.35-49-2-1 *et seq*, as amended.

505 *AUTOMOBILE SERVICE STATION*S AND *COMMERCIAL GARAGE*S

All *Automobile Service Station*s and *commercial garage*s established after the effective date of this Ordinance shall meet the following standards:

505.01 The minimum *lot width* shall be 132 feet.

505.02 Fuel pumps shall be at least fifteen feet from any *street right-of-way* and any canopies shall meet the standards of UDO Section 306.13.

505.03 There shall be no *outdoor storage* of discarded auto parts.

505.04 Except for vehicles in the process of being serviced, vehicles of employees, service and tow trucks owned by the establishment, and rental vehicles, no vehicles shall be parked on the premises. Vehicles awaiting repair shall not be stored outside for more than seven days. No vehicles may be parked or stored on any public *right-of-way*.

505.05 Permanently *disabled vehicle*s, which are not awaiting repair, may not be stored on the premises at any time.

505.06 Principal access shall be from an arterial or collector *street*.

505.07 Parking areas, vehicle stacking spaces, lighting, *bufferyard*s, and signs shall meet applicable sections of this Ordinance.

505.08 Parking of rental trucks or trailers shall be permitted subject to the standards of UDO Section 527.

505.09 Whenever an *Automobile Service Station* or *commercial garage* is abandoned or discontinued for a period of one year, the owner shall remove all appurtenances connected with the operation of the *Automobile Service Station*, such as gasoline pumps and signs, and shall fill or otherwise vacate underground storage tanks to the satisfaction of the Chief of the Fire Department of the particular jurisdiction and the *Indiana Department of Environmental Management*, and the abandoned premises shall be maintained by the owner so as not to become a public nuisance, as defined in local codes and ordinances.

506 *BED AND BREAKFAST ESTABLISHMENT*S, RETREAT CENTERS, AND COUNTRY INNS

*Bed and breakfast establishment*s and country inns shall meet the following standards:

506.01 A *bed and breakfast establishment* shall have no more than six rooms or lodging units and a country inn shall have no more than 20 rooms or lodging units. These rooms or lodging units may be located within the principal *structure* or in an *accessory structure*.

506.02 The owner and operator of the *bed and breakfast establishment* or country inn shall live on the property.

506.03 No *alteration*s shall be made to the external appearance of any principal or *accessory structure* or of the property which change the residential character of the *bed and breakfast establishment* or country inn.

506.04 No *sign* shall be permitted other than a non-illuminated name plate attached to the main entrance of the principal *structure* of the *bed and breakfast establishment* or country inn. This name plate shall not exceed four square feet in area. If the establishments sits more than 200' back from the Road *right-of-way* an additional unlit four square foot *freestanding sign* less than six foot in height may be placed at least ten foot off the Road *right-of-way*.

506.05 There shall be one additional off-*street parking* space provided for each guest room at the *bed and breakfast establishment* or country inn.

506.06 In addition to the above requirements, country inns shall also be located in a historic and/or architecturally significant *Building* or in a scenic or historic location as determined by the Board of Zoning Appeals.

507 *BIOFUEL REFINERY* AND ANAEROBIC DIGESTERS

A *Biofuel Refinery* and *Anaerobic Digester*s shall meet all applicable state, federal and *industry* standards and the following standards.

507.01 A *Biofuel Refinery* – Class 1 shall:

A. Have a maximum annual production capacity of less than 10,000 gallons of *biofuel*.

B. Utilize no *animal product*s or animal waste, wholly or partially, as a feedstock.

C. Product *manufacturing*, storage and distribution shall be located no less than 660 feet from a residence located in the A-1 *district* or a residential zoning *district* boundary and no less than 1,320 feet from a public school.

507.02 A *Biofuel Refinery* – Class 2 shall:

A. Have a maximum annual production capacity of 150,000 gallons of biodiesel or 600,000 gallons of ethanol or methanol.

B. Only utilize feedstock produced on-site.

C. Utilize no *animal product*s or animal waste, wholly or partially, as a feedstock.

D. Product *manufacturing*, storage and distribution shall be located no less than 660 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 1,320 feet from a public school.

507.03 A *Biofuel Refinery* – Class 3 shall:

A. Have an annual production capacity from 10,000 to 1 million gallons of *biofuel*.

B. Utilize no *animal product*s or animal waste, wholly or partially, as a feedstock.

C. Product *manufacturing*, storage and distribution shall be located no less than 660 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 1,320 feet from a public school.

507.04 A *Biofuel Refinery* – Class 4 shall:

A. Have an annual production capacity greater than 1 million gallons of

biofuel.

B. Utilize no *animal product*s or animal waste, wholly or partially, as a feedstock.

C. Product *manufacturing*, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 2,640 feet from a public school.

507.05 A *Biofuel Refinery*, Class 5 shall:

A. Have no restrictions on production level.

B. Utilize animal or human by-products, wholly or partially, as a feedstock.

C. Screen areas for loading and unloading of offensive animal materials, such as offal, feathers, bone, and manure so they are not visible from the *street* and/or adjacent properties and to minimize odor.

D. Have no outside storage of offensive animal materials such as offal, feathers, bone and manure.

E. Product *manufacturing*, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 2,640 feet from a public school.

507.06 An *Anaerobic Digester* – Class 1 shall:

A. Utilize *biomass* feedstock completely produced on-site.

B. Product *manufacturing*, storage and distribution shall be located no less than 660 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 1,320 feet from a public school.

507.07 An *Anaerobic Digester* – Class 2 shall:

A. Utilize *biomass* feedstock wholly or partially produced off-site.

B. Screen areas for loading and unloading of *biomass* products so they are not visible from the *street* and/or adjacent properties and to minimize odor.

C. Have no outside storage of *biomass* feedstock or products.

D. Product *manufacturing*, storage and distribution shall be located no less than 1,320 feet from a residence in the A-1 *district* or a residential zoning *district* boundary and no less than 2,640 feet from a public school.

508 COMMUNICATION TOWERS

508.01 Co-Location Requirements: All *commercial* wireless telecommunication towers erected or constructed shall comply with the following requirements:

A. A proposal for a new *commercial* wireless telecommunication service tower shall not be *approved* unless it is determined by the *Zoning Administrator* that the equipment planned for the proposed tower cannot be accommodated on an existing or *approved* tower or *Building* within a one mile search radius (or ½ mile search radius for towers under 120 feet in height, ¼ mile search radius for towers under 80 feet in height) of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or *approved* tower or *Building*.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment.

3. Existing towers and *Building*s cannot accommodate the proposed equipment at a height necessary to function.

B. Any proposed *commercial* wireless telecommunication service towers shall be designed in all respects to accommodate both the applicant's equipment and at least two additional users.

508.02 Tower Design Requirements: Proposed or modified towers and antennas shall meet the following design requirements:

A. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.

B. Wall-or roof-mounted facilities are generally preferred over freestanding facilities. An applicant requesting approval to construct a freestanding tower must demonstrate that a wall- or roof-mounted facility is not feasible or is inadequate to provide service.

C. *Commercial* wireless telecommunication towers shall be a monopole design unless the *Zoning Administrator* determines that an alternative design would better blend into the surrounding environment.

D. To allow the integration of a tower into an existing or proposed *structure* such as a *church* steeple, light standard, power line support device, or similar

structure, a tower's *setback* may be reduced or its location in relation to a public *street* varied at the discretion of the Board of Zoning Appeals through the *Variance* process.

E. Freestanding towers shall not be artificially lighted, unless required by FAA or other applicable governmental authority. If lighting is required, the *Zoning Administrator* may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views and would comply with UDO Section 524. Lighting must be shielded or directed to the greatest extent possible so as to minimize the amount of light falling onto nearby properties, particularly residences.

F. Associated equipment: ground equipment associated with a tower shall be screened by vegetation or other *Screening* compatible with the surrounding environment at the discretion of the *Zoning Administrator*. When ground equipment is housed in an affiliated *structure*, the *structure* shall be architecturally designed to blend in with the surrounding environment (i.e. in an *agricultural* area, should appear to be an *agricultural* structure). Associated equipment is subject *district setback* requirements.

508.03 Signs and Advertising: The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

508.04 Abandoned or Unused Towers: Towers that have been unused in the judgment of the Board of Zoning Appeals for more than 12 months shall be removed:

A. All applicants for proposed towers shall establish a bond for 125% of the cost of demolition.

B. Demolition guarantees shall consist of a demolition bond issued by a credit worthy surety *approved* by the hearing authority (or other performance surety or guaranty accepted by the hearing authority) (Hereinafter referred to as "Performance Guaranty") payable to the *Plan Commission* in an amount equivalent to 125 percent of the estimated cost of demolition. An estimate shall be prepared by the applicant and reviewed by an engineer *approved* by the hearing authority who shall recommend the amount of the Performance Guaranty to the hearing authority. Such Performance Guaranty shall comply with all statutory requirements and the hearing authority may request information on the surety and may deny approval if the form of Performance Guaranty or the surety is not satisfactory. The applicant for the proposed tower and surety shall be severally and jointly liable for completing the demolition according to the specifications. The Performance Guaranty shall either be perpetual in duration and terminable only on not less than

sixty days advance written notice or shall be for a fixed period of time and shall provide that it is a default under the terms of the Performance Guaranty if the Performance Guaranty shall not be renewed or replaced sixty days before the expiration date. Upon advance notice of intent to terminate or upon failure to renew within sixty days, a default shall have occurred and the *Plan Commission* shall be entitled to draw on the Performance Guaranty and invest the funds in an interest bearing account with the funds to be used to demolish the tower upon its abandonment. If any excess funds remain after demolition said remaining funds shall be paid to the Clinton County Unsafe Building Fund.

508.04 Notwithstanding anything to the contrary elsewhere in this ordinance, any antenna that is not operated or any tower that is not utilized for an operating antenna for a continuous period of 12 months shall be considered abandoned (unless an extension is granted by the *Zoning Administrator*) and the owner of the tower shall remove it within 90 days of receipt of notice from the *Zoning Administrator* notifying the owner of such abandonment. Failure to remove an abandoned tower within the 90 days shall be grounds for the Area Plan Commission to proceed under the conditions of the demolition bond or letter of credit to remove the tower. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

508.05 Tower *Development* Submittal Requirements: In addition to the *development plan*s required elsewhere in this code, tower requests shall include:

A. A report by a licensed professional engineer which

1. Describes the tower height and design including cross section and elevation

2. Documents the height above *grade* for all potential mounting positions

3. Describes the tower's capacity for number and type of antennas

4. Documents the steps to be taken to avoid interference with public safety communications

5. Engineer's stamp and registration number

B. A letter of intent committing the tower owner and successors to sharing the use of the tower if reasonable conditions are met.

C. Prior to the release of an *improvement location permit*, the applicant must prove the tower complies with Federal Aviation Administration regulations

D. The requirements of UDO Section 508 of this Code shall not apply to public utility *structure*s. Public utility *structure*s include but are not limited to water towers, antennas, lights and signals, power and telephone poles, public safety radio towers and poles supporting emergency warning devices.

509 *CONFINED FEEDING or FEEDLOT*, LIVESTOCK TRAILER WASHES, LIVESTOCK AUCTION BARNS, *GRAZING*, *GRAIN HANDLING OPERATION*S AND *WILD ANIMALS*

*Confined feeding or feedlot*s, livestock trailer washes, livestock auction barns, *grazing*, *grain handling operation*s and *wild animals* shall meet the following standards:

509.01 Each feeding *structure*, pen, or grain handling facility located on *contiguous* lots under common ownership and/or management shall be considered a single operation where such *structure*s, pens, or grain handling facilities are located not more than 1320 feet from one another.

509.02 All *structure*s shall be set back at least 25 feet from the *right-of-way* line and 15 feet from any other boundary line.

Table H-1 - Setbacks
As amended May 16, 2016 in County Ordiance 2016-06

I	II	III
	REQUIRED DISTANCE SEPARATION (FEET**)	REQUIRED DISTANCE SEPARATION (FEET**)
*ANIMAL UNIT*S*		
10 or less	100	660
11-49	660	2640
50 or more	1320	5280
LIVESTOCK TRAILER WASHES	1320	5280
LIVESTOCK AUCTION BARNS	1320	5280
GRAIN HANDLING FACILITY (Bushels Capacity)		
Less than 20,000 Bushels	0	0
20,000 or more Bushels	660	1320

* Total number at any structure or feeding facility of a confined feeding operation at any one time.

** All distances to be measured from the outer perimeter of each structure or feeding facility of a confined feeding operation as determined by the Zoning Administrator.

509.03 The outer perimeter of each *structure* or feeding facility of a *Confined*

feeding or feedlot operation, livestock trailer wash, livestock auction barn, or any new *grain handling operation*, including new open pits, lagoons or manure slurry holding tanks, pens or lots shall not be located any closer than:

A. The distance shown in Column II in Table H-1 from any dwelling except any quarters provided for any hired help connected with *Confined feeding* Operations and/or the living quarters of such facilities owner or operator, any *church*, *business*, recreational area (public or private), public *Building*, or any residential *district* zoning boundary line.

B. The distance shown in Column III in Table H-1 from the nearest boundary of any Incorporated City, *town*, or Public School System facilities.

509.04 An existing CFO or *grain handling operation* may expand their operation at the same immediate location to within 660 feet of a dwelling if said dwelling was constructed following the establishment of the CFO or *grain handling operation*. Where there are four or more dwellings that are clustered within a radius of 150 feet, where each of which dwelling is not more than 100 feet from at least one of the other dwellings, and such cluster of dwellings is less than 1320 feet from said existing *Confined feeding* Operation, such expansion shall be made on the side opposite from such cluster of dwellings. Expansion is not permitted within 1320 feet of an Urban Growth Boundary.

509.05 *Grazing* operations which exceed *animal unit* concentrations as detailed in Table H-2 shall be considered *Confined feeding* Operations and their outer perimeters subject to the setbacks provided in Table H-1. Exceeding these concentrations through the use of *livestock* management practices such as *Pasture* rotation, or temporary confinement for animal health and safety reasons shall not automatically result in CFO designation. However, any animal congigation areas within the pasture (resulting from operator improvments) must be managed so that these areas remain at least 150 foot from any dwelling except any quarters provided for any hired help connected with Confined feeding operations or pasture/grazing and /or the living quarters of such facilities owner or operator, any church, business, recreational area (public or private), public building, or any residential district boundary line.[1]

[1]As amended in Ordinance 2016-06 adopted May 16, 2016

Table H-2 - Open Grazing			
I	II	III	IV
ACREAGE***	*ANIMAL UNIT*S**	ACREAGE***	*ANIMAL UNIT*S**
Less than 0.5	0.1	Less than 1	0.1
0.5-1	1	1-1.49	1
1-1.49	2	1.5-1.99	2
1.5-1.99	3	2-2.49	3
2-2.49	4	2.5-2.99	4
2.5-2.99	5	3-3.49	5
3-3.49	6	3.5 - 3.99	6
3.5-3.99	7	4-4.49	7
4-4.49	8	4.5-4.99	8
4.5-4.99	9	5-5.49	9
5-5.49	10	5.50-5.99	10
*Lots exceeding the acreages in Table H-2 may increase the number of animals at the rate of one *animal unit* per one-half acre of additional pasture and retain *open grazing* designation.			
**Lots exceeding the concentration of *animal unit*s described in Columns II and IV shall be considered Confined Feeding Operations (CFO) rather than grazing operations and will be subject to the setback as described in Table H-1.			
***Acreage must be maintained so that concentrations do not exceed 2 *animal unit*s per acre of pasture.			

509.06 *Confined feeding* in unincorporated areas involving one or fewer *animal unit*s of *livestock* kept as pets, for 4-H, or for other hobby shall be considered *Pasture* and Grazing on Table A-1 for purposes of approval and must continue to meet the standards of UDO Section 509.03.

509.07 Any new dwelling, other than quarters provided for any hired help connected with such operation and/or the dwelling of the *Confined feeding* owner/operator, or any new *church*, *business*, *school*, recreational area (public or private), or public *Building* shall be the distance specified in Column II of Table H-1 from each applicable existing *Confined feeding* or *grain handling operation*.

509.08 All *Confined feeding or feedlot* shall meet all applicable regulations of the *Indiana Department of Environmental Management*.

509.09 *Wild animals*-Class 1, Class 2 and Class 3 shall comply with 312 IAC 9-11-1 *et seq* and all other applicable State and Federal rules and regulations.

510 *CONVERSION DWELLINGS*

Except for *Accessory apartments*, no *structure* may be converted to accommodate an increased number of *dwelling units* unless:

510.01 The single-family appearance of the *structure* is not altered;

510.02 Additional off-*street parking* shall be available as necessary;

510.03 The total number of *dwelling units* shall not exceed the maximum number permitted in the zoning *district* in which it is located. The lone exception to this is the A-1 *district* where *two-family dwellings* may be permitted by *special exception*. Table A-1 indicates that *two-family dwellings* are not permitted in the A-1 *district*. The language in this provision shall supersede that of Table A-1 when two-family *conversion dwellings* are at issue.

510.04 The conversion is in compliance with all other applicable codes and ordinances.

511 *DAY CARE CENTERS*

All *day care centers*, Class 1, Class 2, and Class 3, shall meet the following standards except where noted:

511.01 There shall be no modification of the residential character of any *structure* in a residential *district*.

511.02 Indiana Department of Public Welfare licensing shall be obtained as applicable.

511.03 All applicable state *Building Code* and *County Health Department* regulations shall be met.

511.04 The size of outside play areas shall be in compliance with State Department of Public Welfare requirements or have at least fifty square feet of outdoor play area per child, whichever is greater.

511.05 For Class 2 and Class 3-*day care centers*, outdoor play areas which are adjacent to residences in residential *districts* shall be fenced with a solid *fence* or planting of at least six feet height.

511.06 For Class 3-*day care centers*, drop-off and pick-up areas shall be off-the-*street*. In addition to required *parking*, there shall be at least one loading space per five children of the largest shift which shall be so located that there will be no backing onto public *right-of-ways*.

511.07 For Class 3-*day care center*s, there shall be direct access from collector or arterial roads.

511.08 Only one *sign* is permitted not exceeding four square feet if in any residential or the agricultural *district*.

512 *DRIVE-IN ESTABLISHMENTS*

Drive-in restaurants, *financial services* with drive-up windows, car washes, drive-up photo finishing, and other *business*es with drive-up windows shall meet the following standards:

512.01 Principal access shall be from arterial or collector streets.

512.02 The establishment shall be located a minimum of 500 feet from an *Automobile Service Station*, *commercial garage*, or another *drive-in establishment* located on the same side of the *street*, as measured by a line drawn along the *right-of-way* from the nearest existing access drive to the nearest proposed access drive for the planned *drive-in establishment*. This requirement shall not apply to *business*es located along a designated service drive intended to serve multiple drive-up *business*es.

512.03 *Parking* areas, vehicle stacking spaces, *bufferyard*s, and signs shall meet applicable sections of this Ordinance.

513 DWELLINGS IN THE A-1 DISTRICT

Lots for dwellings in the A-1 *district* shall be *approved* according to the following regulations and procedures. Approval shall be by a “point” system which factors in a range of criteria as described below. Except where noted, all measurements are from the outer boundary line of the new *lot*. The applicant shall be responsible for providing all information necessary for conducting the evaluation including the percentage of soil types on the new *lot*. All dwellings previously *approved* by *special exception* since 2006 by the Board of Zoning Appeals shall be buildable or re-buildable provided the criteria contained in UDO Section 203.11 A of this ordinance are still met.

513.01 Dwellings in the A-1 *district* may be *approved* by the *Zoning Administrator* if a *lot* for a dwelling has a total of ten points as specified in Table I-1 below. Dwellings with less than ten points must be *approved* by the Board of Zoning

Appeals. All dwellings must comply with a 100-foot *setback* from any Commercial *WECS Tower*. All dwellings shall also comply with the *Confined feeding or feedlot* and *grain handling operation* separation standards in UDO Section 509 of this Ordinance. Only one score from each factor may be counted, except as specified in Table I-1.

Table I-1 - A-1 District Dwelling Rating Criteria	
Existing Parcel of Record or Parent Tractor Factor (All Applicable Points May Be Used)	
Based on parent tract on effective date of ordinance	
1st Lot Split From Parcel of Record as of January 1, 2006	4
New lot contiguous to lot line of existing lot containing a residence, providing residence on existing lot is within 300' of the shared lot line and new lot is between one and two acres in size	6
Parent Tract with Less Than 20 Acres Not Divided Since January 1, 2006	4
Parent Tract with 20 Acres or More Not Divided Since January 1, 2006	10
Access Factor (All Applicable Points May Be Used)	
Access to New Lot by Public Gravel Road	0
Access to New Lot by Public Paved Road	1
Access to New Lot by Shared Private *Access Easement* with 2 or more lots	2
Perimeter Land Use Compatibility Factor	
Percent of Boundary of New Lot Adjacent to Non-Cropland or Pasture Land Use, excluding public roads and railroads. Land across from public roads and railroads shall be considered contiguous.	
0% Contiguous to Cropland or Pasture	4
1-25% Contiguous to Cropland or Pasture	3
25.01-50% Contiguous to Cropland or Pasture	2
50.01-75% Contiguous to Cropland or Pasture	1
75.01-100% Contiguous to Cropland or Pasture	0
Past Land Use Factor (Based Upon Predominant Prior Land Use On New Lot)	
Less than 2 Years Not Cropland or Pasture	0
2.01-5 Years Not Cropland or Pasture	1
5.01 or more Years Not Cropland or Pasture	2
New Lot Previously had a Residence or is Currently Part of a Identifiable, Distinct Yard Area of an Existing Residence. If lot previously had residence, new residence must be constructed within 200' of the old residences foundation in order to receive points.	4
Land Use Limiting Factor	
If the new lot is less than 20 acres, the Percentage of the Outer Perimeter of the New Lot which adjoin the following Features: Railroad, Limited Access Road, Waterway such as a creek, open ditch or open grass waterway when those features cause an irregular or therewise use limiting shape.	
Less than 10% Adjoining Feature	0
10-24.99% Adjoining Feature	1
25-49.99% Adjoining Feature	2
50-74.99% Adjoining Feature	3

Table I-1 - A-1 District Dwelling Rating Criteria	
More than 75% Adjoining Feature	4
Slope	
If New Lot Has 50% or More of the Following Slopes Based Upon Soil Types or Topographical Feature.	
0-2% Slope	0
2.01-6% Slope	1
More than 6% Slope	3
Nearby Residential Dwellings	
Number of Existing Dwellings or Platted Lots in a Residential Subdivision Within 660 Feet of Boundary of New Lot Measured from the Center Point of the New Lot	
0-3 Dwellings or Vacant Parcels	0
4-7 Dwellings or Vacant Parcels	2
8-11 Dwellings or Vacant Parcels	4
12 or more Dwellings or Vacant Parcels	6
Prime Farmland Soils	
Percent of New Lot with Soils Listed as Permitted for Development As Shown on Table J.	
0-25% Of New Lot	0
25.01-50% Of New Lot	2
50.01% or more Of New Lot	3
Size of New Parcel	
Small Lot Incentive	
1-2 Acres	1
2.01-3 Acres	-1
3.01-19.99 Acres	-2
Twenty Acre of More Parcels	
20 to 39.99 Acres	4
40 to 59.99 Acres	6
60 to 79.99 Acres	8
80 or More Acres	10
School Capacity Factor	
Enrollment Percent Above or Below Capacity of Schools of the School District in Which the New Lot is Located as Measured by the Average Daily Membership (ADM) in September of Each School Year.	
Below Capacity	
1-5% Under Capacity	1
More than 5% Under Capacity	2
Above Capacity	
1-5% Over Capacity	-1
More than 5% Over Capacity	-2
Adjustments to Point Schedule	
After the points are determined by the above Factors, adjustments shall be made to the points as follows:	

Table I-1 - A-1 District Dwelling Rating Criteria	
Wetland Adjustment	
New Lot Has Wetland but Still Has Sufficient Area for Development	0
New Lot Has Wetland but Does Not Have Sufficient Area for Development	Not Buildable
Floodplain Adjustment	
New Lot is More Than 75% Floodplain but Still Has Sufficient Area for development	-1
New Lot is More Than 90% Floodplain but Still Has Sufficient Area for development	-2
New Lot Has Floodplain but Does Not have Sufficient Area for Development	Not Buildable
Confined Feeding Adjustment	
New Lot is Less Than 2,640 Feet to a Confined Feeding Operation of a Size requiring an IDEM permit	-2
New Lot is Between 2,641 to 5,280 Feet to a Confined Feeding Operation of a size requiring an IDEM permit	-1
Proximity to Landfill or Industrially Zoned Land Adjustment	
New Lot is Less Than 2,640 Feet to a Landfill or Industrially Zoned Area of Over 80 acres	-6
New Lot is Between 2,641 to 5,280 Feet to a Landfill or Industrially Zoned Area of over 80 acres	-5
Proximity to Urban Growth Boundary or Residential Zoned Land Adjustment	
New Lot is Between 1/2 and One Mile of Urban Growth Boundary	1
New Lot is Within 1/2 Mile of Urban Growth Boundary	2
New Lot is Contiguous to Residential Zoned Land	5
Conflicts with Land Use Plan in Comprehensive Plan	
New lot conflicts with adopted Land Use Plan	-1
Proximity to Public School Adjustment	
New Lot is Closer Than 1/2 Mile to Public School	2
New Lot is Between 1/2 to 1 Mile to Public School	4
Access to Sanitary Sewer or Alternative Sewage Adjustment	
New Lot is Using Public Sanitary Sewers or Alternative Common Sewage System	5
Replacement Dwelling Adjustment (Must Meet required setbacks)	
Parent Tract has an existing dwelling (Providing the existing dwelling is removed or not used for a dwelling upon issuance of Certificate of Occupancy for new dwelling.	Buildable
Parent Tract had a dwelling that was destroyed by fire or other natural means within the last 12 months	Buildable

Table I-1 - A-1 District Dwelling Rating Criteria	
Parent Tract has an existing single wide mobile home to be replaced with a manufactured home	Buildable
Parent Tract has an existing single wide mobile home to be replaced by another single wide mobile home	Needs Special Exception
Lot is a previously *approved* platted subdivision lot or combination of *approved* platted subdivision lots that meets all other standards of the ordinance.	Buildable

513.02 The total number of lots from the *parcel of record* (*Parent Tract*) *approved* by the *Zoning Administrator* or Board of Zoning appeals shall not exceed the number specified in Table I-2.

Table I-2	
Size of Parent Tract of Land in acres on the effective date of this Ordinance	Cumulative maximum Number of Non-Farm Dwelling Lots which may be *approved* from Parent Tract (including Parent Tract if less than 20 acres)
0-1.99	2
2-10.99	3
11 - 40.99	4
41 - 80.99	5
81 - 120.99	6
212+	1 additional lot of every 40 acres of land

513.03 All other new lots for dwellings shall come before the Area Board of Zoning Appeals. The *Board* shall affirmatively find that the new *lot* meets the following conditions:

A. That the *lot* shall be located such that the proximity to other dwellings, the configuration of the *Parent Tract* or the location of creeks, ditches and other natural features have the least negative impact on the use of *agricultural* equipment, or use of the property as part of a *farm*.

B. Locating a dwelling on the new *lot* would not require changes in road surfaces or bridges.

C. Locating a dwelling on the new *lot* would not interfere with current *agricultural* practices in the adjacent area and would not substantially restrict the expansion of *Confined feeding* and other *agricultural* practices.

D. That there are mitigating circumstances in the application of the above

rating criteria.

513.04 The record owner or contract purchaser of such building *lot* shall submit a signed agreement as required by UDO Section 203.16 B. Such written agreement shall recognize that the current owner and all subsequent owners of such building site (*lot*) shall not object to, nor file suit against any farmer in the vicinity who operates a *Confined feeding* operation or *grain handling operation* as long as such operation follows generally accepted farming practices. Such agreement language shall be *approved* by the *Board* Attorney and shall be comparable to the following:

> "In accepting this deed, grantees do hereby acknowledge that the surrounding land is agricultural in usage and subject to intense agricultural practices; and grantees, and their heirs, assigns, and successors in interest, are precluded from complaining, seeking damages and/or attempting to enjoin the use of the property (land) for *Confined feeding*, *grain handling operation*s, the use of manure, fertilizers or other agricultural chemicals, or the presence of odors because of nuisances which may result from such practices as long as generally accepted farming practices are followed. It is further recognized that farming operations may include disruptive noises and light for 24 hours per day during the crop planting and harvesting seasons. This condition and agreement shall run with the land.

513.05 Lots shall meet all requirements of the Clinton County Health Department's regulations.

513.06 Existing natural drainage field tile or regulated *legal drain*s will not be altered without Drainage Board approval and all standards of the Clinton County Drainage Ordinance will be met.

513.07 All applicable standards of UDO Article 7 will be met for the *lot*.

513.08 Lots near or containing *wetland* and Floodplain shall meet all requirements of *DNR*, the Corp of Engineers, and UDO Section 401.

514 *FAMILY HOMESTEAD*

*Family Homestead*s shall meet the following additional standards:

514.01 There shall be a minimum of one acre per dwelling.

514.02 The dwellings shall be arranged so that if the property is ever subdivided, all dwellings will meet all setbacks on future lots.

514.03 The dwellings shall share a common driveway, with only one entrance

onto a public *right-of-way*. The common driveway shall be designed to comply with the standards of UDO Article 7 should the property ever be divided.

514.04 Except for Section 513.01, 513.02 and 513.07, all standards of UDO Section 513 shall be met.

515 FARM LABOR CAMP or DWELLINGS

Farm labor camp dwellings shall meet the following standards:

515.01 Occupancy shall not exceed 90 days in any calendar year.

515.02 Such uses shall be permitted as an *accessory use* in connection with permitted *agricultural* uses. Farm labor dwellings not located on a *farm* to which they are accessory shall obtain *special exception* approval from the Area Board of Zoning Appeals.

515.03 All requirements of I.C. 16-41-26-1 *et seq*, as amended, shall be met.

516 *HOME OCCUPATION*S

*Home Occupation*s Class 1 and Class 2 may be permitted where allowed subject to the provisions of this section.

516.01 *Home Occupation*s Class 1 may be *approved* by the *Zoning Administrator* when it is determined the following standards are met:

A. The *Home Occupation* shall be carried on by a resident of the premises with no more than one employee not a resident on the premises and there shall be no more than one separate *Home Occupation* per premise.

B. Exterior indication of the *Home Occupation* or variation from the residential character of the premises shall not be permitted.

C. The use of the *dwelling unit* for the *Home Occupation* shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D. In any residential *district*, the *Home Occupation* shall not be conducted in any accessory *Building* and shall not occupy more than twenty-five percent of the *floor area* of the principal *dwelling unit*. In the A-1 *district*, an *accessory structure* may be used provided that this *structure* not exceed 50 percent of the gross *floor area* of the principal residential *structure*, and that the *accessory structure*, if new, comply with principal *structure setback* requirements. No more than 25 percent of the *floor area* of the

principal *structure* in the A-1 *district* may be used and in no case shall both the principal *structure* and an *accessory structure* be used for the *Home Occupation*.

E. The use may increase vehicular traffic flow and *parking* by no more than one additional vehicle at a time than normally expected in the residence. Any *parking* generated by the conduct of such *Home Occupation* shall be met off the *street* and other than in a required front *setback*. Delivery of materials to or from the premises by *commercial* vehicles shall not exceed once per week and for a period no longer than one hour. No vehicle with *commercial* markings of the *Home Occupation* shall be parked at the site.

F. There shall be no *outdoor storage* of materials or goods produced and no display of goods visible from any adjoining property line or *right-of-way*.

G. No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, *glare*, fire, hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence nor shall any toxic explosive, flammable, or similar hazardous materials be used beyond what normally is associated with a residence.

H. No more than one *sign* shall be allowed. Such signs shall be attached flat to the house and shall meet all applicable requirements of UDO Section 529.02 A and UDO Article Eleven.

I. A permit for a *Home Occupation* is not transferable and a new permit must be applied for whenever there is a change in the occupation or ownership of the property or tenants in the house.

516.02 *Home Occupation*s Class 2 may be *approved* by *special exception* when it is determined that the following standards are met:

A. The *Home Occupation* shall be carried on by a resident of the premises with no more than five employees not residing on the premises and no more than one separate *Home Occupation* allowed per premises.

B. Exterior indication of the *Home Occupation* or variation from the residential character of the premises shall be minimized.

C. The use of the *dwelling unit* or accessory *Building* for the *Home Occupation* shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

D. No more than five vehicles and/or pieces of equipment (other than automobiles) shall be operated from the site or stored there overnight and

shall meet Section E below.

E. Any *outdoor storage* of materials, equipment, or goods produced shall be effectively screened from adjacent properties and road.

F. Any sales or displays of articles produced on or off the premises shall be effectively screened from adjacent properties and road.

G. The use may increase vehicular traffic flow by no more than two additional vehicle at a time than normally expected in the residence (other than those provided for by Section D above). There may be no more than an average of seven visits per week of a *commercial* vehicle for delivery of materials or goods to or from the premises.

H. No use shall create noise, vibration, smoke, dust, electrical interference, smell, heat, *glare*, fire hazard, or any other hazard or nuisance to a greater or more frequent extent beyond what normally occurs from a residence.

I. No more than one *sign* shall be allowed. Such *sign* shall meet the requirements of UDO Section 529.02 A.

J. A permit for a *Home Occupation* is not transferable and a new permit must be applied for whenever there is a change in the occupation, ownership of the property, or tenants in the house.

K. The area occupied by the *Home Occupation* shall be such size to meet all above applicable standards.

517 *JUNK YARD*S or *AUTOMOBILE GRAVEYARD*S AND *SCRAP METAL PROCESSING* FACILITIES

All *junk yards*, *automobile graveyard*s, and *scrap metal processing* facilities must meet the following requirements and all other conditions deemed necessary by the Area Board of Zoning Appeals.

517.01 The minimum *lot area* shall be ten acres.

517.02 All operations shall be conducted entirely within an enclosed *Building* or opaque *fence* of sufficient height to screen *outdoor storage* and which bears no advertising and does not violate UDO Section 503.13. Such *Building* or *fence* shall be constructed on or inside the front, side, and rear *setback* lines on UDO Table B required within the *district* in which located and shall be constructed in such a manner that no *outdoor storage* or salvage operations shall be visible from an adjacent property or rights-of-way. Storage, either temporary or permanent,

between such *fence* and any property line is prohibited.

517.03 No such facility shall be closer than 2,640 feet from residential *district* lines or a residential use in the A-1 *district*.

517.04 Principal access shall be from an arterial or collector *street*.

517.05 All applicable Indiana and Federal laws and regulations shall be met.

518 LIVESTOCK AUCTION BARNS

Livestock auction barns, sale facilities, swap meets, sale barns, and similar events involving *livestock* shall meet the following requirements:

518.01 Such use shall be located on a *lot* that measures not less than 250 feet at the narrowest part and not less than three acres in area;

518.02 Such use shall meet the required setbacks on Table H-1 according to UDO Section 509;

518.03 Principal access shall be from arterial or collector streets.

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

519 MANUFACTURED HOUSING or *MOBILE HOMES*

These regulations shall apply to manufactured or *mobile home*s located outside of *manufactured or mobile home park*s, except where noted. Also, the placement of manufactured and *mobile home*s shall comply with the ordinances referenced in UDO Article Eleven.

519.01 A manufactured or *mobile home* placed and maintained on a *parcel* of land prior to the effective date of this Ordinance shall continue to be a legal *non-conforming use*. If the *non-conforming use* is discontinued for a period of one year, the land thereafter shall be used in conformity with all provisions of the ordinance. However, so long as it retains legal non-conforming status, such *mobile home* may be *approved* for a newer manufactured or *mobile home* to replace it subject to Area Board of Zoning Appeals approval as a *special exception*.

519.02 Permanent additions to any *manufactured home* or *mobile home* on individual *parcel*s or in *mobile home park*s are permitted, but the provisions of

this Ordinance, manufacturer's specifications and *Building Code*s shall be met. However, no manufactured or *mobile home* shall be installed as an addition to an existing *Single Family Dwelling*, nor shall multiple manufactured or *mobile home*s be attached together in any way not designated by the manufacturer's specifications.

519.03 The Area Board of Zoning Appeals shall have the authority to grant a *special exception* based upon a finding, after an advertised public hearing, that a "documented hardship" exists which is the result of: Poor physical health; breakdown in mental health or a mental handicap; infirmities of age; or any similar situation which renders a catastrophic condition beyond the control of the *person* or persons requiring help. Said permit shall be for the installation and occupancy of a manufactured or *mobile home* and on the same *lot* as that of an owner-occupant of the principal dwelling on said *lot* or premises. Said second dwelling *structure* shall be for the exclusive use of the parents, grandparents, or handicapped progeny that are more than 17 years old of such owner-occupant of the principal dwelling. The use of such second dwelling shall cease when the hardship has been terminated. Such mobile or *manufactured home* shall be removed from said *lot* or premises not later than three months after said termination and the Area Board of Appeals shall not grant any extension of such use unless it can be determined through written documentation that the original dependency occupant will require the future use of said facilities.

519.04 Unless otherwise permitted, no *abandoned* manufactured or *mobile home* shall be kept, placed or stored in any zoning *district* except in a legal conforming *junk yard* or scrap metal yard.

519.05 For permitted temporary uses of manufactured or *mobile home*s refer to UDO Section 531.

520 *MANUFACTURED or MOBILE HOME PARK*S

*Manufactured or mobile home park*s shall meet the following requirements:

520.01 No park shall have an area of less than five acres.

520.02 Each home site within the park shall have an area of at least 4,000 square feet.

520.03 There shall be at least 25 feet between homes.

520.04 No home shall be closer than 40 feet to an adjacent property line.

520.05 At least 20 percent of the gross area of the *manufactured or mobile home*

park must be improved and maintained for recreational activity of the residents of the park.

520.06 The park shall be appropriately landscaped and screened from adjacent properties in accordance with the *approved site plan*.

520.07 All streets, sidewalks, and driveways shall be privately maintained and shall be constructed in accordance with the applicable standards of the Subdivision Control Ordinance.

520.08 *Mobile home park*s with five or more homes shall also meet Indiana State Board of Health Rule 410 IAC 6-6-1, as amended.

520.10 An existing non-conforming manufactured or *mobile home* in a *manufactured or mobile home park* may be replaced by a newer *manufactured home*, as specified in UDO Section 519.01.

520.11 An existing manufactured or *mobile home* non-conforming only because of *setback* requirements may be replaced provided that UDO Sections 520.10 and 306.10 are met.

520.12 Recognizing that a significant number of tornado fatalities are *mobile home* dwellers, storm shelters shall be installed in any new park with more than seven trailers and any existing park of more than seven trailers that adds additional trailers. Shelters may be communal, but must have a means of immediate access for residents, or smaller individual shelters or basements may be placed, one on each trailer site with a means of access provided to each resident for their shelter.

521 *METEOROLOGICAL TEST TOWER*S

*Meteorological Test Tower*s must comply with the following standard:

A. The *structure* shall not be nearer than 1.1 times the height of the *structure* from the nearest property line or *right-of-way*.

B. The *structure* shall not be installed for a period of more than two years, with up to two renewals by the *Zoning Administrator*, for no more than a total of six years.

C. A financial assurance in an amount of 125% of the estimated cost of said demolition and removal shall be filed in the form of a bond, letter of credit or

other security acceptable to the *County* prior to *Improvement Location Permit* issuance.

D. The *structure* shall comply with all Federal Aviation Administration and other Federal and state regulations and all *Building Code*s.

E. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor point of guy wires and along the guy wires up to a height of not less than 15 feet from the ground.

522 *MINERAL EXTRACTION*

Nothing in this Ordinance shall prevent the use and alienation of mineral resources by the owner or alienee. However, *mineral extraction* shall be subject to the following standards:

522.01 No production shall be started nor shall any permit be issued until the Area Board of Zoning Appeals has made a written determination with respect to the conditions under which such operation shall be conducted. The Board shall investigate the area to be developed, as well as the surrounding area, in order to determine the condition to be prescribed so as to protect surrounding property.

522.02 All applications for *mineral extraction* shall be accompanied by a *map* or *plat* showing the existing conditions of the area proposed for mining (including existing two foot contours and drainage); a plan of the operational and *excavation* area; the time estimate for removal of the materials; and a plan of rehabilitation showing the redevelopment and reuse of the entire site following extraction (including proposed two foot contours and drainage).

522.03 Prior to commencing such operations, the owner shall execute an indemnity agreement utilizing a bond or cash escrow account renewable until work is performed in favor of the *legislative body* for the purpose of assuring the restoration and reclamation of the site according to the plan of rehabilitation and according to the following specifications and within the specified period of time, as established in the agreement:

A. A uniform contour which blends in with the topography of the surrounding area, shall be established throughout the excavated area;

B. Soil that can provide a high quality growth medium for native plants of aesthetic and ecological value (not noxious or invasive weeds or plants) shall be replaced over the slopes to a permanent uniform depth of not less than six inches, and;

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

522.04 *mineral extraction* must comply with all applicable Indiana and Federal laws and regulations.

523 *MUNICIPAL SOLID WASTE LANDFILL*

*Municipal Solid Waste Landfill*s shall meet the following standards:

523.01 The following *accessory use*s are permitted:

Compost Facilities
*Municipal Solid Waste Landfill Unit*s *Borrow Area*s
Vehicle Parking Temporary Storage Staging Area
Container Temporary Storage
Scales
Truck and Tire Washes
Landfill *Building*s
Soil Stockpiles
Stormwater Management Features
Buffer Areas
Monitoring Wells
Landfill Gas Management and Energy and Electric Generation Systems
Pasture land and temporary farming activities
Recycling and Waste Transfer facilities
Other ancillary use to construction, operation, *closure*, and post-closure of a landfill

523.02 Lateral Size: There is no minimum or maximum lateral size for a landfill.

523.03 Vertical Size: The height of the waste-receiving areas of a landfill shall not exceed 1012 feet above mean sea level (AMSL) unless otherwise *approved* by the Clinton County Commissioners.

523.04 Setbacks: Any existing *Municipal Solid Waste Landfill* permitted by *IDEM* as of the effective date of the ordinance and to the extent of the *IDEM approved solid waste boundary* shall not be subject to the setbacks in this section. The *solid waste boundary* of a landfill or any other site where waste excluding recyclables is stored or held for more than one business day, must not be located within the specified distances of the following designated points in existence on the date of application to *IDEM* for a permit:

A. 200 feet from the real property boundary of the landfill measured from the road *right-of-way* or the property line of the adjacent owners.

B. 100 feet from a federally jurisdictional *wetland* or water of the United States, except as listed in **C.** and **D.** below.

C. 500 feet from a continuously flowing river or stream, except as listed in **D.** below

D. 1,000 feet from Sugar Creek, South Fork of the Wildcat Creek,

E. 600 feet from a factory or office.

F. 900 feet from a dwelling.

G. 1,000 feet from a drinking water supply reservoir that is being used as a drinking water supply for humans or is intended to be used as a drinking water supply for humans.

H. 1,000 feet from a potable water supply or drinking water supply.

I. 1,250 feet from a public or private *hospital* with more than twenty (20) beds.

J. 2,640 feet from a public or nonpublic school.

K. Outside the five-year time-of-travel distance for a wellhead protection area, or 3,000 feet from a community water supply well.

L. 1,320 feet from any residential zoned major subdivision

M. 2,640 feet from an Urban Growth Boundary unless industrially zoned.

523.05 Access Standards: A Landfill shall:

A. Have only one entrance or exit which shall be located with direct access to a collector or arterial road unless an alternative plan is *approved* by the *County Commissioners*, following recommendation by the Area Plan Commission. When a collector or arterial road bisects a Landfill, one entrance or exit shall be constructed and used for each side of the bisecting roadway and shall be directly across from each other. Entrances shall comply with Indiana Department of Transportation and Clinton County Highway Department requirements. Passing lanes and turning lanes shall be constructed.

B. A Transportation Plan shall be filed which provides for the landfill operator to have an agreement between the operator and Clinton County

Commissioners to avoid negative traffic impact on residential zoned areas.

523.06 Visibility and *Screening* Standards

A. Be fenced with a minimum 6-foot high slatted *fence* to ensure entry cannot be obtained except through a gate.

B. include a perimeter *buffer* screen consisting of a combination of *berm*s, *landscaping*, and fencing to enhance its appearance and screen the facility and activities from public view either on residential areas or public *right-of-way*s.

C. The *bufferyard* shall meet the standards of UDO Section 306.13.

D. *Accessory use*s, whose boundaries are frequently altered, may substitute fencing to a height of eight foot such that it is not visible to neighboring *parcel*s for side and rear *bufferyard*s at the discretion of the *Zoning Administrator*.

523.07 Operational Requirements: A Landfill shall:

A. Include an entrance sufficiently wide to accommodate a truck entering and a truck exiting the landfill at the same time.

B. Include on-site truck queuing to limit problems associated with trucks backing up onto public roads.

C. Use portable wind screens or litter *fence*s at the active face of the landfill to minimize windblown debris.

D. Use a tire wash, road sweeper, water tank, or such other measures as are needed to control and limit the tracking of dirt and mud onto public roadways.

E. Develop and maintain an *IDEM-approved leachate* management plan.

F. Develop and maintain an *IDEM-approved* methane management plan.

G. Have a final cover *slope* of no less than 4% and no more than 33%.

H. Allow the Clinton County Commissioners or their designee to conduct a daily inspection of the landfill, if requested.

I. Participate in a Citizen's Advisory Board, if requested to do so by the Clinton County Commissioners.

J. Comply with all commitments of a *Clinton County Solid Waste Agreement*.

523.08 *Building* Coverage: No requirement.

523.09 *Lot Coverage*: No requirement.

523.10 *Building* Height: The provisions of UDO Section 307 shall apply.

523.11 Parking: The Provisions of UDO Section 308 shall apply in addition to the following:

A. Off-*street parking* spaces shall be provided in sufficient number to meet the needs of workers and guests without interference with normal movement of traffic.

B. *Parking* areas shall be graded and properly drained in such a manner as to prevent free flow of water onto adjacent property, including *street right-of-way*s. Stormwater generated by *parking* areas shall flow into an *approved drainage system* or be contained on site.

C. Any lighting facilities used to illuminate off-*street parking* areas shall be so located, shielded, and directed upon the *parking* area in such a manner that they do not reflect or cause *glare* onto adjacent properties or interfere with *street* traffic and comply with UDO Section 524. In no instance shall bare, unshaded bulbs be used for *parking* lot illumination.

523.12 *Closure* Plan: A *Closure* Plan (together with all amendments) shall be prepared for approval according to the requirements of 329 IAC Article 10 and submitted to *IDEM* with a copy sent to the Clinton County Commissioners.

523.13 Post-Closure Care Plan:

A. Post-Closure Care Plan (together with all amendments) shall be prepared for approval according to the requirements of 329 IAC Article 10 and submitted to *IDEM* with a copy sent to the Clinton County Commissioners.

B. A Post-Closure Agreement between the *County Commissioners* and Clinton County Council which provides sufficient financial guarantees for permanent *post closure* compliance beyond *IDEM* regulation shall be established prior to receiving of solid waste at any new site.

523.14 Within ten days of the *Closure* Plan being filed with *IDEM*, the Landfill owner shall meet with the Clinton County Commissioners to negotiate a Re-use Plan for the landfill site post-closure. The re-use plan shall be funded and implemented by the Landfill Owner. Permitted re-uses include but will not be limited to the following, which use must be a use allowed by then existing state law and *County* ordinances:

Wildlife sanctuary
Nature and habitat area
Park and sports fields
Golf driving range
Golf course
Ski or sledding slopes
Bike trails
Sculpture or botanical garden
Amphitheater
Public work or other municipal facilities
Energy generation facilities

523.15 Financial Assurance: Financial assurance shall be established, documented, and maintained as required by 329 IAC 10-39 and shall name Clinton County as additional insured.

523.16 The location, installation, operation, *closure*, and post-closure care of a landfill shall meet the requirements of, and receive approval from, the *Indiana Department of Environmental Management* prior to commencing activities, according to the requirements presented in 329 IAC Articles 10, 11, and 12.

524 OUTDOOR LIGHTING

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, area lighting, or *parking* lot lighting shall comply with the requirements of this chapter. Luminaries shall not be located closer to the property line than a distance equal to three times the *fixture*'s mounting height above *grade* at the property line.

524.01 *Light Trespass*: All areas containing outdoor lighting shall limit *light spillage* onto adjacent property, when measured at any point along a property line to the requirements set forth below. Compliance shall be achieved by utilizing *fixture* shielding, directional control designed into *fixture*s, *fixture* location, height, or aim, or a combination of these or other factors.

Adjoining Districts	Light Spillage Measured in Foot-Candles
R-1, R-2, R-3, R-4, B-1, Public rights-of-way	0.10
B-2, B-3	0.20
A-1, B-4, B-5, I-1, I-2	0.50

A. *Fixture*s must be *fully shielded* and may emit no direct light above 90 degrees to the ground.

B. Total *fixture*s and individual *lamp*s must have a listed correlated color temperature (CCT) configuration of 3000K or below.

Table Allowable CCT and Duv (adapted from ANSI C78.377)		
Manufacturer-Rated Nominal CCT (K)	***Allowable IES LM-79 Chromaticity Values***	
	Measured CCT (K)	*Measured Duv*
2700	2580 to 2870	-0.006 to 0.006
3000	2870 to 3220	-0.006 to 0.006
3500	3220 to 3710	-0.005 to 0.007
4000	3710 to 4260	-0.005 to 0.007
4500	4260 to 4746	-0.004 to 0.008
5000	4746 to 5311	-0.004 to 0.008
5700	5312 to 6020	-0.003 to 0.009
6500	6022 to 7040	-0.003 to 0.009

524.02 Illumination of *Building*s and Other Vertical *structure*s: When *building*s or other *structure*s are illuminated, the design for the illumination must be in accordance with the following:

A. The maximum illumination on any vertical surface or angular roof surface shall not exceed 1.0 *foot-candle*;

B. Lighting *fixture*s shall be located and/or aimed such that light is directed only onto the *building* surface. All *fixture*s used to illuminate *building*s shall be *fully shielded*;

C. For statues, monuments, fountains, or other objects for which it may not be possible to reliably and consistently illuminate with downward lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest; and

D. If upward lighting is used to illuminate flags, only spotlights (1500 *lumen* maximum) shall be used; *floodlight*s directed above the horizontal shall not be used to illuminate a flag.

524.03 Parking Areas: All lighting *fixture*s serving *parking* lots shall be *full cutoff fixture*s. The minimum illumination level for a *parking* lot shall be no more than 0.4 *horizontal foot-candles* at *grade* level and the ratio of the average illumination to the minimum illumination shall not exceed 4:1. *Parking* lot light *fixture*s shall be *fully shielded* from off site. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line. Light poles used in lots designed to contain 100 vehicles or less shall not exceed 20 feet in height.

524.04 Lighting of Exterior Display or *Open Sales Areas*: Areas designated as exterior display or *open sales areas* shall be illuminated so that average horizontal illumination at *grade* level does not exceed 4.0 *foot-candle*s, and the ratio of average to minimum illumination shall not exceed 4:1. The average and minimum shall be computed for only that area designated as exterior display or *open sales areas*. Light *fixture*s shall be *fully shielded* from off site. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.

524.05 Lighting of Walkways, Bikeways, Parks and Playgrounds: Where special lighting is to be provided for walkways, bikeways, or parks, the following requirements shall apply:

A. The walkway, pathway, or ground area shall be illuminated to a level of no more than 0.5 average *horizontal foot-candles*;

B. The vertical illumination levels at a height of five feet above *grade* shall be no more than 0.5 average *vertical foot-candles*; and

C. Lighting *fixture*s shall be designed to direct light downward, and the initial output of *light source*s shall not exceed one thousands (1,000) *lumen*s.

524.06 Lighting of Canopies, Bays, and Loading and Unloading Spaces:

A. The minimum horizontal illumination under canopies shall not exceed 5.0 *foot-candle*s at *grade* level, and the average maintained horizontal illumination shall not exceed 15 *foot-candle*s. The ratio of average to minimum illumination shall not exceed 4:1.

B. Areas used for *parking* or vehicle storage shall be illuminated in accordance with the requirements for Parking Lot Lighting.

C. Light *fixture*s mounted on or under canopy ceilings, in bays, and in loading and unloading spaces shall be *full cutoff* and *fully shielded*, unless *indirect lighting* is be used whereby light is directed upward and then reflected down from the ceiling of the *structure*. In this case, light *fixture*s must be shielded so that direct illumination is focused exclusively on the ceiling of the *structure*.

D. Lights shall not be mounted on the top or sides of a canopy, and the sides of a canopy shall not be illuminated.

E. Lighting for drive-through bays must be *fully shielded* as if located outside

524.07 Outdoor Activity Facilities

A. Outdoor activity facilities may have unique lighting needs pertaining to the performing or playing area. A design plan for such a facility shall detail the lighting requirements of the performing or playing area and how unwanted *glare*, illumination of surrounding streets and properties, and nighttime atmospheric light pollution will be minimized.

B. Limits on *light trespass* appearing in UDO Section 524.01 apply to such outdoor facilities. If floodlighting is used in place of *full cutoff fixture*s, the center beam shall be aimed below the horizontal plane at an angle not less than ½ the angular beam spread of the *fixture*. *Glare* shall be controlled by *fixture* design, location, and shielding, natural or positioned obstructions on the *parcel* where the facilities are located. Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Ordinance.

C. Except for professional or amateur events covered by televised broadcast, 30 *foot-candle* horizontal illumination of the playing field or performing area shall not be exceeded. Parking facilities, walkways, and other lighting applications associated with venues for the outdoor activities covered herein shall conform to the requirements specified in the sections of this Ordinance applicable to those lighting applications.

524.08 *Street* Lighting: Unless *street fixture*s of a particular period or architectural style are used, all new, repaired or replaced *street* lighting, whether public or private, shall utilize *full cutoff fixture*s. If *street* light *fixture*s of a particular period or architectural style are used then the maximum *lumen*s generated by each *fixture* not designed or installed as *full cutoff* shall not exceed 2,000. In no case shall the resulting illumination exceed levels contained in the Recommended Practices published by the Illuminating Engineering Society of North America.

524.09 Neon Lighting: *light source*s consisting of glass tubes filled with neon, argon, krypton, or other similar gas (hereafter referred to as “neon lighting”) are excluded from shielding and line-of-sight requirements, however such lighting shall be included in the *light trespass* requirements of UDO Section 524.01. For the purposes of this Ordinance, signs using neon lighting shall be considered internally illuminated signs and shall be subject to the requirements specified for internally illuminated signs in UDO Section 524.10 C. Neon lighting shall not be considered as security lighting.

524.10 *Sign* Illumination

A. Whenever an external artificial *light source* is used to illuminate a *sign*, such source shall be *fully shielded*. A receptacle or device housing a permitted *light source* shall be top mounted and directed below the horizontal,

except or ground-mounted signs no higher than six feet which may be illuminated with ground-mounted or bottom-mounted lighting *fixture*s.

B. The average level of illumination on the vertical surface of an externally illuminated *sign* shall not exceed three *foot-candle*s, unless permitted ground-mounted or bottom-mounted lighting *fixture*s are used in which case the average level of illumination on the vertical surface of the *sign* shall not exceed two *foot-candle*s. No exposed bulb or *lamp* shall be used on the exterior surface of any *sign* so as to expose the face of the bulb, light or *lamp* to any public *right-of-way* or adjacent property.

C. Internally illuminated signs constructed with an opaque or colored background and lighter contrasting text or symbols are preferred; such construction shall be required for internally illuminated signs within 600 feet of a Residential *district*; the average level of illumination on the vertical surface shall not exceed three *foot-candle*s.

524.11 Other Outdoor Lighting

A. Outdoor lighting not otherwise specified in this Ordinance emitting more than 1200 *lumen*s (except motion detector activated lighting) shall be *full cutoff* and *fully shielded*. Bulbs in *outdoor light fixture*s emitting from 600 to 1200 *lumen*s may be installed in *fixture*s that are not *full cutoff* and may be visible from the property line, provided, however, such bulbs shall be frosted glass or covered by frosted glass or other similarly translucent material.

B. A *spotlight* or *floodlight* of less than 1800 *lumen*s need not be *full cutoff* or *fully shielded* if its center beam is aimed at a point not beyond any property lines and no less 45 degrees below horizontal, is used for security lighting purposes only, and is motion detector activated and cycles off within five minutes after the cessation of motion within its field of view. Such security lighting shall not be activated by normal *business* or resident activity.

C. Tower or antenna lighting shall not be permitted unless required by the Federal Aviation Administration. Required lighting shall be of the lowest allowed *intensity* and red unless specifically forbidden under FAA requirements.

D. The use of search lights, laser lighting, or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited with the exception of grand openings that have obtained a permit.

524.12 Lighting Plan: Wherever a lighting plan is called for, such plan shall include the following:

A. Lighting plan showing *building*s, *landscaping*, *parking* areas, and the locations of all proposed exterior lighting *fixture*s, with designation of cutoff and/or shielded *fixture*s;

B. A description of the *outdoor light fixture*s which may include but is not limited to manufacturer's catalog cuts, photometric report with candela distribution, drawings, and shielding information;

C. Proposed mounting height of all exterior lighting *fixture*s;

D. Analysis and illuminance level diagrams showing that the proposed installation conforms to the lighting level standards in this Ordinance; and

E. For *building*s to be illuminated in accordance with the requirements of this Ordinance, the applicant shall include drawings of all relevant *building* elevations showing the *fixture*s, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light *fixture*s.

525 OUTDOOR SHOOTING RANGES (*COMMERCIAL*) AND LAW ENFORCEMENT PRACTICE RANGES, INCLUDING SKEET, TRAP, AND ARCHERY AND HUNTING PRESERVES AND GAMELANDS

These uses shall meet the following standards:

525.01 Such uses shall be located on not less than 20 acre *parcel*s and separated by not less than 2,640 feet from residential zoning *district* boundaries and not less than 1,500 feet from the nearest neighboring dwelling *structure*.

525.02 Any *structure*, permanent or portable, serving such use shall be set back not less than 75 feet from any *street* or road *right-of-way* line and not less than 40 feet from all other property lines.

525.03 Adequate provisions shall be made for on site *parking* and to protect the public from noise, traffic, and dangers from the use of firearms and/or deadly weapons, and shall be constructed per "NRA THE RANGE MANUAL", current edition, and under the supervision of local law and conservation officials.

526 *RECREATIONAL VEHICLE PARK*S or CAMPGROUNDS

All *recreational vehicle parks* and campgrounds shall meet the following requirements:

526.01 *Recreational vehicle parks* and campgrounds shall have direct access to a public *street* with sufficient frontage thereon for the proper construction of entrances

and exits. Such entrances and exits shall be designed for the safe movement of all vehicles into and out of the park.

526.02 Conditions of soil, ground water level, drainage, geologic *structure*, and topography shall not create hazards to the park site or to the health and safety of occupants, nor shall the site be subject to the hazards of objectionable smoke, odor, or noise, or the possibility of subsidence, sudden flooding, or severe *erosion*.

526.03 The minimum area of a *Recreational vehicle parks* or campground shall be three acres.

526.04 The density of a park shall not exceed seventeen *recreational vehicle* or camping spaces per acre of *gross site area*.

526.05 *Recreational vehicle*s spaces and camping spaces shall be separated from each other and from other park *structure*s by at least ten feet.

526.06 In addition to complying with any side or rear yard requirements of the *district* in which the park is located:

A) No *recreational vehicle* or camping space shall be nearer than fifty feet to the *right-of-way* line of the road or *street*.

B) The campground must meet required *bufferyard*s in UDO Section 306.13.

526.07 In the A-1 *district*, food stores, restaurants, sporting good sales, Laundromats, and similar convenience and service shops shall be permitted in *recreational vehicle* parks and campgrounds which contain fifty or more spaces provided:

A) Such shops and the *parking* areas required by their use shall not occupy more than ten percent of the total area of the park.

B) The use of such shops shall be used primarily by the occupants of the park.

526.08 Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, informational signs, and other *structure*s customarily incidental to a *recreational vehicle park* or campground shall be permitted as *accessory use*s.

526.09 All applicable regulations of the Indiana Board of Health shall be met.

527 RENTAL TRUCK AND TRAILER LOCATIONS

Parking of rental trucks or trailers shall meet the following requirements:

527.01 Rental vehicles shall not be parked in any required automobile *parking* spaces or in any required setbacks.

527.02 Where a rental location is an *accessory use* to an *Automobile Service Station* or *commercial garage* the following standards must also be met:

A) Not more than five vehicles of any one type or more than ten vehicles altogether shall be stored on the premises;

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

C) Open trailers having more than a 200 cubic foot capacity, trucks, and vans may be temporarily parked on the premises for immediate pickup by rental customers.

528 ROADSIDE STANDS

Roadside stands shall meet the following requirements:

528.01 Roadside stands shall be accessory to a principal *agricultural* use and shall be erected for the purpose of displaying and selling primarily those products of a fruit or vegetable nature that are grown or produced by the operator;

528.02 There shall be not more than one such stand per *lot*. Stands shall be at least 10' from all Road or public Rights-of-Way. Any stand utilizing a *structure* requiring a permit or subject to setbacks elsewhere in this ordinance shall comply with setbacks as set forth in Table B;

528.03 A minimum of 1,000 square feet shall be provided for off-*street parking* and;

528.04 Signs shall be permanent in appearance and kept in a state of good repair; shall not exceed 32 square feet in area; shall be erected only for the purpose of identification of the roadside stand and for advertising the products for sale on the site; and shall meet other applicable provisions of UDO Section 529.

529 SIGNS

The purpose of this section is to regulate all exterior signs placed for exterior

observance so as to protect property values, to protect character of the various neighborhoods in the *County*, to facilitate the creation of a convenient, attractive, and harmonious community, to protect against danger in travel and transportation, to improve and protect the public health, safety, convenience and general welfare, and to further the purposes and intent of the Unified Development Ordinance.

529.01 Any *sign* erected on a *lot* or *building* for the purpose of advertising a use conducted therein or thereon shall be an *accessory use* to the *principal use*.

A. It is further intended that all signs within a given *development* be coordinated with the architecture of the *principal use* in such a manner that the overall appearance is harmonious in form and proportion and that the signs shall be structurally sound so as to ensure the safety of the general public.

B. No *sign* shall be permitted in any *district* except as herein provided. No *sign*, except as specified herein, shall be erected unless a permit has been issued by the *Zoning Administrator*. Applications for permits shall include drawings of the *sign*, and shall be accompanied by such fee as may be established by the Fee Schedule.

529.02 The following signs are permitted in all *district*s. No permit is required for these signs unless it is needed due to the height, type of construction, or lighting requiring a building inspection to verify safe installation.

A. One residential identification *sign*, not to exceed two square feet in area, for each residential dwelling, may be affixed to a mailbox, *fence*, or *structure* or be freestanding. In addition, one *sign* not exceeding four square feet for any permissible *home occupation* is allowed.

B. Property address numbers for any house or *business* are permitted not to exceed two square feet in residential areas or four square feet in commercial or industrial areas.

C. Signs for the purposes of identifying the name of schools, *church*es, community *Building*s, or other public or semi-public institutional *building*s, residential subdivisions, apartments or *mobile home park*s, shall be permitted provided the following conditions are met:

1. The *sign* shall not exceed 32 square feet.

2. If freestanding, the *sign* shall be located not less than fifteen feet from the road *right-of-way*. *Freestanding sign*s may be double-faced, and such *sign*, including any *structure* to which it is attached, shall not exceed six feet in height.

3. The *Zoning Administrator* may authorize additional signs if the *Building* fronts on more than one *street*.

D. One bulletin board, not exceeding 32 square feet in surface area, is permitted with any *church*, *school*, or other similar public or semi-public *structure*s.

E. Permanent off-site directional signs intended for the purposes of directing traffic to such civic or public facilities as *church*es, schools, or public parks shall be permitted, provided such signs do not exceed six square feet in area and are not placed so as to create a traffic hazard.

F. Signs required or erected by the city, *County*, state, or a public utility are permitted including traffic-control and safety signs, handicapped *parking* signs, railroad signals, entrance and exit signs, indicating scenic or historical places, welcome signs, public directional signs and memorial plaques.

G. Show window displays are permitted, including displays of merchandise, photographs, drawings, prices, promotional statements or messages designed and intended to be viewed from outside the *Building*.

H. An exterior building directory, on a multiple tenancy *structure*, is permitted provided it does not exceed one *sign* per entrance and does not exceed six feet in area.

I. Any flags bearing the official design of a nation, state, city, or organization, a corporation or a *school*. Decorative flags are also permitted.

J. On-site directional signs shall be permitted for the purpose of directing traffic and *parking* on the same *lot* as the signs. Such signs shall not exceed five square feet, shall not be located in any public *right-of-way*, and such *sign*, including any *structure* to which it is located, shall not exceed four feet in height. In industrial *district*s, on-premise directional signs may exceed the minimum size requirement and they may be attached to *structure*s exceeding four feet in height so long as they are not intended to be viewed from public streets and are not legible to neighboring properties or from road right of ways.

K. Signs located on-site warning the public against hunting, fishing, dumping, trespassing, dangerous animals, swimming or the like, shall be permitted. Such signs may be freestanding or attached to a *fence* .

L. Names of *Building*s, dates of construction, commemorative tablets and the like are permitted, when carved in stone, concrete or similar material or made

of bronze, aluminum or other permanent type of construction and made an integral part of the *Building* and *structure*.

M. Signs accessory to an *agricultural* use located on a *parcel* of not less than 20 acres for the purpose of identifying such *agricultural* uses or advertising the products thereof, including seed and demonstration test areas. No such *sign* shall exceed 32 square feet in area, and all such signs on a given *farm* shall not exceed 60 square feet in area. No such *sign* shall exceed eight feet in height or be located within any *street right-of-way*.

N. Signs erected by *farm* operators on their barns or other accessory *building*s giving their name, the name of the *farm* and the year the *farm* was established are permitted.

O. In each instance and under the same conditions as UDO Section 529 permits any *sign*, a *sign* containing an ideological, political, or other non-*commercial* message and constructed to the same physical dimensions and characteristics shall be permitted.

529.03 The following signs are prohibited in all *district*s:

A. Any *sign* that does not meet electrical codes, is no longer functional, or is abandoned. All signs shall be repaired, removed or relocated in compliance with the regulations of this section within one month after notification by the *Zoning Administrator*. Signs shall be considered no longer functional or abandoned:

1. When the *sign* is materially obstructed by view.

2. When its essential elements are no longer readable.

3. When a *sign* has been left by a *business* which has ceased to operate at that location.

4. When a condition shows deterioration or dilapidation.

B. Any *sign* which does not meet the lighting standards in UDO Section 524 or is constructed, altered, located or illuminated in any manner that causes undue *glare*, distraction, confusion, nuisance, noise, or hazard to traffic or to other properties. Signs may not be illuminated after 11:00 p.m. if they are located within or adjacent to a residential *district*, except those *business*es remaining open beyond that time, in which case illumination shall cease upon closing.

C. Signs that are attached to a *tree* or other living vegetation, public utility

pole, rock, curbstone, sidewalk, public lamppost, hydrant, bridge, highway marker, or another *sign*, except for public information signs as provided in UDO Section 529.02 E and F.

D. Any *sign* that is not expressly listed in this subsection is prohibited.

E. Signs advertising activities which are illegal under federal, state, or local laws or regulations are prohibited.

F. Any *sign* so placed that it obstructs any window, door, fire escape, stairway, ladder, opening or access intended for light, air, ingress to, or egress from any *building* is prohibited.

G. Any signs that violate any provision of I.C. 8-23-20-1 *et seq* or I.C. 9-24-4-4 through 9-24-4-6.

H. Signs which have a rotating beam or beacon shall not be permitted for advertising, identification, or other purposes where no hazard or need for caution exists.

529.04 The following temporary signs are permitted within all zoning *district*s subject to these conditions:

A. Temporary real estate signs are permitted on any property being sold, leased, or developed if they are not illuminated, or located between the sidewalk and curb, or in any required side or rear *setback*. They shall be no larger than seven square feet in any residential *district*. These signs shall be promptly removed when the sale, lease or *development* of the property has been completed. A permit is not required.

B. Temporary signs announcing events such as “Grand Opening”, “Under New Management”, or “Going Out of Business”, may be either freestanding or building-mounted and shall be subject to the following standards:

1. Only one *sign* is permitted with a maximum of twenty square feet in area.

2. If freestanding, the *sign* is not to exceed eight feet in height or be located closer than ten feet to any *lot line*.

3. The *sign* is not to be located for a period more than sixty days except for a “Going Out Of Business” *sign* which shall not exceed 120 days.

C. A single temporary *sign* may be permitted on the site of construction work, and may not be more than thirty-two square feet in area. A permit is not

required.

D. Seasonal displays and temporary decorations are permitted for events such as holidays and birthdays, but they cannot advertise a product, service, or entertainment. A permit is not required.

E. Temporary on-site signs advertising any temporary use specified in UDO Section 531 are permitted. These signs may be freestanding or be building-mounted, and shall not exceed one per use, and shall not exceed thirty-two square feet in area. All *freestanding sign*s shall not exceed eight feet in height. Such signs may be erected only for the duration of the temporary use and shall be located out of public right of ways and in a way that does not create a traffic hazard. In addition, there may be off-site directional signs as specified in subsection F below.

F. Freestanding, off-site directional signs providing information for the location of grand openings, private garage or yard sales, other temporary uses, or real estate that is for sale or for rent. These signs do not require a permit but shall be subject to the following conditions.

1. These signs shall not exceed six square feet in area or four feet in height.

2. No more than five signs per site for this purpose are allowed.

3. These signs shall not be located in any public *right-of-way*.

4. These signs shall not be situated to cause an obstruction or distraction to passing motorists.

5. These signs shall be removed promptly after the sale or temporary activity has ended.

G. Banners or flags announcing a campaign, drive or event of a civic, charitable, educational, historical or religious organization are permitted. Such signs may be mounted on a *Building* or freestanding and may be on or over public property or *right-of-way* with the approval of the governing body. These signs do not have to be located at the site of the event, and shall be removed promptly after the event has ended. A permit is not required.

H. Political campaign signs erected on election day at officially designated polling places are permitted. A permit is not required. They are subject to the following conditions:

1. Each *sign* shall not exceed 32 square feet in area, and a *freestanding*

sign shall not exceed eight feet in height.

2. A *sign* shall not be erected for more than 60 days before the primary election, general election or referendum which they advertise.

3. All signs shall be removed within five days after the election or referendum.

4. This provision shall not authorize the posting of political campaign signs upon trees, utility poles, traffic-control signs, *street* lights, or in any place prohibited by UDO Section 529.03 C

5. The political party and candidate shall be responsible for the prompt removal of signs.

I. Signs displayed on private property which express a political, religious, social, or other non-*commercial* message, shall be permitted in any *district* subject to the following:

1. The *sign* shall not exceed ten square feet in area, and the *freestanding sign* shall not exceed six feet in height.

2. The *sign* shall not be placed in any public right of way nor shall it cause a physical or visual obstruction to vehicles.

3. A permit is not required.

J. Inflatable hot-air or gas-filled or powered balloons or other shapes used for the purpose of on-site product advertising shall be permitted as temporary signs in a business *district* for a period not to exceed seven days. They may not be in placed in public right of ways and shall not create a obstruction or unsafe distraction to passing motorists. A permit is required.

K. Search or spot lights placed temporarily on the ground for grand openings are permitted provided the device has a vertical beam and it does not create an air traffic hazard. A permit is required from the *Zoning Administrator* who shall determine that safety standards are met.

L. *Portable sign*s are permitted as temporary signs in Commercial and Industrial *district*s and up to seven days per year in residential areas. There shall be only one *sign* per *business* or residence. Commercial and Industrial areas signs may be located for a period of 120 days and a permit is required. The following standards apply:

1. Signs shall meet the *visual clearance* requirements as specified in

UDO Section 306.12.

2. In residential *district*s, the *sign* shall not display any product advertising.

3. The *sign* shall not obstruct the view of traffic from any driveway, *alley* or *street*.

4. There shall be no flashing lights or any moving parts.

5. The *sign* shall be anchored to the ground and shall meet applicable electrical codes.

529.05 The following *on-premises sign*s are permitted in business and industrial *district*s subject to the standards set forth below. All signs require a permit except those in Subsection A.

A. Signs permitted in all *district*s and temporary signs as specified in this section. Permits not required where specified above.

B. One or more *business* signs not exceeding a combined total of four square feet for each foot of frontage of the *Building*, mounted on the *Building*, shall be permitted.

C. Additional building-mounted *business* signs are permitted if one of the following conditions are met:

1. The *business* fronts on more than one thoroughfare.

2. More than one *business* is located in a *building*. In such instance, the combined total area of the *business* signs shall not exceed four square feet for each foot of frontage in unincorporated areas and shall not exceed two square feet for each foot of frontage in participating incorporated localities.

3. The *business* has rear or side *parking*, in which case one additional *business sign* may be permitted on the side or rear of the *building* occupied provided such *sign* is constructed to the same standards as are required in the front of said premises.

4. The *sign* is part of a *wall graphic*.

5. The *sign* is a *projecting sign*. Where there may be more than one *sign* per *business* and the total surface *area of the sign* (both sides) shall be included in the maximum sign surface area specified in UDO Section

529.05 C 2. The *sign* shall not project more than ten feet from a *structure* nor be closer than eight feet to the ground. If the *sign* is over the public sidewalk or *right-of-way*, *legislative body* approval shall be obtained.

6. The *sign* is a *canopy sign*. There may be more than two *business* uses and the total surface *area of the sign* (both sides) shall be included in the maximum sign surface area specified in UDO Section 529.05 B. The *sign* shall be no closer than eight feet to the ground. If the canopy is over a public sidewalk or *right-of-way*, *legislative body* approval shall be obtained.

D. In addition to the *building-mounted sign* or *sign*s, one single or double-faced, *freestanding sign* may be erected on a *business* or industrial site, provided the following conditions are met:

1. Such *sign*, including any *structure* to which the *sign* is attached, shall not exceed 35 feet in height, shall be set back not less than ten feet from the road *right-of-way* and from adjacent property.

2. The *sign* shall not be larger in total surface area than 100 square feet per face.

3. Only one *freestanding sign* shall be permitted on each individual *parcel*. However, within *commercial* or industrial centers where more than one *business* is located in a *Building*, the *freestanding sign* may identify all *business*es in the center but in this instance, the combined total *area of the sign* shall not exceed the standards of this section. In such instances where an individual *business* site or *commercial* or industrial center has access on more than one *street*, the site may have an additional *sign* per *street* the site fronts. Additional *freestanding sign*s beyond what this sub-section allows may be *approved* as a *special exception* by the Board of Zoning Appeals.

4. *Business*es which require the frequent display of special prices and events shall be permitted, in addition to a *freestanding sign*, one permanent message board which does not exceed the size of the permissible *freestanding sign*. Where additional *freestanding sign*s have been allowed by this subsection, additional message boards shall also be allowed. All such *sign*s shall be mounted on the same pole or *structure* as the primary *sign* or on the *Building*, and there shall be no freestanding message *sign*s or product advertising *sign*s whatsoever other than as permitted above.

E. For *business*es which sell gasoline, internal signage on pump islands and

canopies relating to self-service or full-service locations, prices and similar information are permitted provided that the signage shall be directed toward customers on the property and shall not display any product advertising visible by passing motorists or pedestrians.

F. For *business*es with drive-up windows, directional signs and outside menu display boards are permitted but said signs shall be directed toward customers on the property and shall not display any product advertising visible by passing motorists or pedestrians.

G. For *business*es which have service bays, wall signs which identify the special functions of the various service bays are permitted provided they shall be directed toward customers on the property and shall not display any product advertising visible by passing motorists or pedestrians

H. The following alternating illumination signs are permitted so long as they meet the lighting standards in UDO Section 524:

1. Time, temperature and changing devices customarily identified with banks and lending institutions.

2. Barber poles, provided such devices meet other applicable provisions of this subchapter.

3. Marque signs for theatres and performing arts centers. Such marquees must be located only over the primary entrance of the *Building* and must be no longer than the width of the entrance plus two feet to each side.

4. An Electronic Message Board may be used in place of a message board permitted by this sub-chapter, but must meet the following standards:

a. The lighting standards in UDO Section 524 must be met.

b. Copy may not change in intervals of any less than ten seconds. Continuous animation, or flashing of lights is prohibited. Scrolling words are not considered animation for this purpose.

c. The entire face must appear and disappear uniformly and simultaneously. If copy fades in or out, appears or disappears in a pattern or spiral or movement, or migrates from one part to another the *sign* shall be considered to be a prohibited *sign*.

d. There shall be an automatic shutoff device that renders a blank

screen in the event of an malfunction.

I. Signs on vending machines, in locations where vending machines are permitted, are allowed but shall be directed toward customers on the property and shall not create a obstruction or unsafe distraction to passing motorists.

J. Streamers, pennants, banners and decorative flags are permitted in business and industrial *district*s. No permits required.

K. Disregarding all other *business* sign requirements, signs for *home occupation*s *approved* as specified by UDO Section 516 and signs for other non-residential uses, not elsewhere specified, in residential *district*s by administrative or Area Board of Zoning Appeals approval shall not exceed one *sign* per use either attached or freestanding, nor exceed four square feet in total area. Such *sign* may not be illuminated except by indirect light. *Freestanding sign*s may be double-faced and shall be located in a landscaped area of the front yard.

529.06 *Off-premises sign*s are permitted and shall be treated as a principal land use and may be on the same property as other principal land uses provided all standards of this section are met for each land use.

A. The following standards apply to both building-mounted and freestanding off-premise signs:

1. *Off-premises sign*s shall be permitted in the following zoning *district*s: B-4 (General Business), B-5 (Agribusiness), I-1 (Light Industrial), and I-2 (Heavy Industrial) *district*.

2. *Off-premises sign*s shall be permitted by *special exception* in the B-3 (Roadside Business) *district*.

3. The maximum height of an *off-premises sign* above the road grade from which it is to be viewed is 35 feet.

4. Lighting for *off-premises sign*s shall comply with UDO Section 524 and be indirect and non-flashing in nature. Off-premise signs shall not be or contain digital screens or consist of electronic copy.

5. No *off-premises sign* shall be placed so as to obstruct the view of on-coming traffic or create any kind of traffic hazard.

6. All signs shall meet the applicable *Building Code*s for signs.

7. No *off-premises sign structure* shall be placed until such time as a

permit shall have been issued for said placement in accordance with this subchapter.

B. The following additional standards apply to freestanding *off-premises sign*s:

1. Advertising space shall not total more than 420 square feet (e.g. 14 feet by 30 feet) per side. No *sign structure* shall contain more than two *sign* faces in the same direction that shall not be separated by more than 12 inches. The total of the two *sign* faces may not exceed the 420 square foot maximum.

2. Back-to-back *freestanding sign*s may be separated in the shape of the "V" if the greatest point of separation between *sign* faces does not exceed fifteen feet.

3. The distance between legally erected freestanding *off-premises sign structure*s shall be a linear measure taken along *right-of-way* lines of that side of the *street* on which the *sign* is to be located. *Freestanding sign*s shall be at least:

a. 500 feet or more from one *sign* to another on the same side of the *street* which need not be met where a physical obstruction exists which prevents viewing two *off-premises sign structure*s at the same time.

b. 250 feet to any residential *district* or to a *church*, *school* or health care institution. This measurement is taken along *right-of-way* lines of that side of the *street* on which the *sign* is located.

4. The distance measured at a right angle from the *right-of-way* line to the leading edge of an off-premise *sign structure* shall be no less than 15 feet.

C. The following additional standards apply to *building-mounted sign*s:

1. Each *building-mounted sign* face shall contain no more than 300 square feet (e.g. 12 feet by 25 feet) and there shall be no more than one such face on any *Building* wall facing in the same direction.

2. No *building-mounted sign* shall extend beyond the corner edge of the *Building* to which it is attached.

3. *Building-mounted sign*s shall not be located closer than:

a. 500 feet from any freestanding or building-mounted off-premise *sign* on the same side of the *street*.

b. 250 feet to any residential *district* or to a *church*, *school* or health care institution. This measurement shall be a linear measure taken along *right-of-way* lines of that side of the *street* on which the *sign* is located.

D. Notwithstanding the provisions of UDO Article Nine, nonconforming off-premise *sign structure*s may be continued, but may not be replaced or otherwise increased in nonconformity except as specified herein or as permitted by the provisions of this subchapter. Nonconforming *off-premises sign structure*s may be maintained and repaired subject to the above restrictions.

E. In the A-1 *district* and all business and industrial *district*s, one off-premises permanent directional *sign* is permitted on each *parcel* within 300 feet of an intersection of public roads subject to the following.

1. The *sign* shall provide direction to a use conforming with this Ordinance.

2. The *sign* shall not exceed six square feet in area nor exceed six feet in height.

3. The *sign* shall not be located in any public *right-of-way*.

4. The *visual clearance* provisions of UDO Section 306.12 shall be met.

5. The *sign* shall not be lighted.

6. On highways where signage is regulated by the Indiana Department of Transportation, all state standards shall be met.

7. A permit is required.

529.07 The following operations are not considered as creating a *sign* and will not require a permit:

A. The changing of advertised copy of a message on any *approved sign*, painted, electronic (on message boards or marquees as permitted by this subsection), or printed. This also includes billboards, theater marquees and similar *approved* signs which are specifically designed for the use of replaceable copy.

B. Painting, repainting, cleaning, and other normal maintenance and repair of an *approved sign* or *sign structure*, unless a *structural alteration* is made.

529.08 Taking into account all the above provisions of this Section shrubbery and other *landscaping* shall be planted around all *freestanding sign*s when possible and that *landscaping* must be attractively maintained.

529.09 Any new *business* or occupant which locates on a property that already has a building-mounted or freestanding nonconforming *sign* due to *setback* and size, may reuse the existing *sign* pole or *sign* face, provided the extent of nonconformity is not increased and that no more than one nonconforming *freestanding sign* may be reused per property. A nonconforming *sign* pole may not be replaced except in conformance with this subsection. All other applicable regulations of this section shall be complied with and all abandoned or obsolete signs shall be removed from the property.

530 SLAUGHTERHOUSE or RENDERING PLANT

Slaughterhouses and rendering plants shall meet the following standards:

530.01 Slaughter, dressing, and packing operations shall take place within a completely enclosed *Building*;

530.02 There shall be no outside storage of gasoline, feathers, or objectionable waste;

530.03 The sanitary systems of such facilities shall be subject to the approval of the *County* Health Officer;

5230.04 Such facilities and all operations connected therewith shall be fenced or *buffer*ed according to the standards of this Ordinance.

530.05 Such facilities which include outside housing of *livestock* must meet setbacks from residential dwellings of:

1-10 individual animals = 100 Feet
11-50 individual Animals = 660 Feet
51 or more individual animals = 1320 Feet

531 TEMPORARY USES

A temporary use may be permitted by the *Zoning Administrator* subject to the standards in Table A-2 (Appendix A) and after receipt of *Board of Health* approval, if applicable. Access and *parking* for all temporary uses shall be adequately cleaned

up at the conclusion of the event. Signs for temporary uses shall comply with UDO Section 529. Any temporary use exceeding the standards of Table A-2 shall be considered a *special exception* in the *district* in which it is located. A permit shall be obtained from the *Zoning Administrator* except where specified. A city and/or *town* business license may also be necessary.

531.01 Amusement and charitable activities, sponsored by public agencies, *church*es, civic and charity groups, schools, and other non-profit organizations on a temporary basis are permitted in any zoning *district* without a permit, provided they are on the site of said sponsor. If such activities are not on the site of said sponsor, but have fewer than 1000 people in attendance, they are also permitted without a permit. If an amusement or charitable activity does not meet these standards, it shall be considered under Use 1 of Table A-2.

531.05 In the A-1 *district*, a temporary manufactured or *mobile home* may be placed on a *lot* following the issuance of a permit for construction of a permanent *Single Family Dwelling* for a time period not to exceed one year from the date of permit issuance of the permanent dwelling. In residential *district*s, a temporary manufactured or *mobile home* may be placed on a *lot* following the issuance of a permit for construction of a permanent *Single Family Dwelling* for a period not to exceed one year following approval as a *special exception* by the Area Board of Zoning Appeals. The Area Board of Zoning Appeals may grant a one year extension for any temporary manufactured or *mobile home* in the A-1 or any residential *district* by *special exception* approval.

531.06 The following standards apply to temporary manufactured or *mobile home*s in the case of fire, natural disaster or State of Emergencies.

A) In the A-1 *district*, a temporary manufactured or *mobile home* may be placed upon any *lot* where a permanent dwelling has been destroyed by fire or natural disaster within the prior twelve months for a period not to exceed one year. In other *district*s, a temporary manufactured or *mobile home* may be placed on a *lot* following *special exception* approval by the Area Board of Zoning Appeals. The Area Board of Zoning Appeals may grant a one year extension for any temporary manufactured or *mobile home* in any *district* where a permanent dwelling has been destroyed by fire or natural disaster.

B) If a Federal or Indiana State of Emergency has been declared for Clinton County, a temporary manufactured or *mobile home* may be granted for a period not to exceed six months on any *lot* in any *district* where a dwelling has been destroyed or made uninhabitable by disaster. The Area Board of Zoning Appeals may grant up to a three year extension for any temporary manufactured or *mobile home* following the declaration of a State of Emergency.

532 VACANT NON-RESIDENTIAL STRUCTURES

The Area Board of Zoning Appeals may approve the reuse of non-residential *structure*s which were in existence on the effective date of this Ordinance and which were non-conforming because of the *structure* or use on the effective date of this Ordinance.

532.01 The Area Board of Zoning Appeals may only approve the reuse of an existing *non-conforming structure* and not the reuse of open land which previously had a *non-conforming use*. However, the *Board* may approve the use of a reasonable amount of land around a *vacant* non-residential *structure* which is necessary for and accessory to the reuse of the *structure*, including *parking* and *loading area*s, *bufferyard*s and *outdoor storage* areas.

532.02 The Area Board of Zoning Appeals may authorize the reuse of the *vacant* non-residential *structure* as a *special exception* provided the *Board* finds all *special exception* requirements are met as well as the following standards:

A. Such reuse is equal to or more appropriate to the *district* in which it is located than previous use of the *structure*.

B. Such reuse would not be substantially detrimental to the public welfare or injurious to other property or improvements in the vicinity and *district* in which the property is located;

C. Such reuse would not substantially alter the land use characteristics for the vicinity and *district* in which the property is located;

D. Such reuse would not substantially increase vehicular traffic in the area;

E. Such reuse would comply with the requirements of the Unified Development Ordinance in regard to *lot* size, *setback* and yards, off the *street parking*, fencing or *Screening*, outside storage, and other conditions necessary for the aesthetics and harmony of the vicinity, and;

F. If a change in the zoning of the particular tract were requested and granted, such change would create difficult problems in maintaining the intended pattern of the *Comprehensive Plan*.

533 VETERINARY HOSPITAL AND CLINICS AND KENNELS-CLASS A, KENNELS-CLASS B AND KENNELS-CLASS C[2]

Veterinary Hospitals and Clinics and *Kennel*s - Class A, Class B and Class C shall meet the following standards:

533.01 Such facilities shall be *approved* by the Clinton County Health Department and Animal Control Officer.

533 *Kennels - Class C* shall be at least 1,320 feet from the Corporation limits of any city or *town*.

533.03 *Veterinary Hospitals and Clinics* and *Kennels - Class C* shall be soundproofed.

534 *WAREHOUSES* or *TRUCKING TERMINALS*

*Warehouse*s and trucking terminals shall meet the following standards:

534.01 Such uses shall be located on a *lot* having an area at least two acres and a front width of not less than 225 feet.

534.02 In all cases where a *trucking terminal* abuts a residential *district* or residential use, loading and unloading facilities, *parking* facilities, driveways, and maneuvering room shall be located not less than 100 feet from such residential use or *district*;

534.03 Any loading and unloading berths serving such use shall be located on the same *lot* as the use served.

534.04 Except for engine exhaust fumes commonly associated with such use, there shall be no obnoxious odors emitting from such use.

535 *WIND ENERGY CONVERSION SYSTEM (WECS) – COMMERCIAL*

Permitted within WECS *Overlay district*. See UDO Section 405.

536 *WIND ENERGY CONVERSION SYSTEM (WECS) – NON-COMMERCIAL*

A *Non-Commercial Wind Energy Conversion System* shall meet the following standards:

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

536.01 Permitting and application requirements are as follows:

A. An application for *special exception* approval must be submitted to the Board of Zoning appeals and may be a combined application provided all property *owner*s where the WECS facilities are to be located are *Co-Applicant*s. The *Applicant* may also submit a joint application for any *Variance*s that are needed for the project area. The application shall include the following items, in addition to the regular *special exception* Requirements:

1. A *WECS project* summary, including, to the extent available:

a. A general description of the project, including its approximate name plate generating capacity, the potential WECS equipment manufacturer, type of WECS, number of WECS, the name plate generating capacity of each WECS, the maximum diameter of the WECS rotors, and the general location of the project

b. A description of the *Applicant*, *Owner*, and *Operator*, including their respective *business structure*s.

2. The names, addresses and phone numbers of the *Applicant*s, Owners and *Operator*s, and all *Co-Applicant*s with WECS on their properties.

3. A *map* of the project area, encompassing an area at least a quarter mile radius from the project site.

B. After *special exception* approval is obtained, but before any construction commences or *Improvement Location Permit*s may be acquired, all applicable state and federal permits, approvals and licenses must be obtained and all state and federal statutes and regulations must be complied with and the following requirements satisfied:

1. A *site plan* at an appropriate scale showing (standard sheet of 36 inches by 24 inches and individual tower site not greater than 1 inch equals 20 feet); the proposed location of the wind energy facility (including planned locations of each *WECS Tower*, guy lines and anchor bases (if any); electrical cabling; ancillary equipment; and any *structure*s that are a direct functional part of the WECS). In addition, the *site plan* shall show: primary *structure*s within one quarter of one mile of any WECS; property lines, including identification of adjoining properties; *setback* lines; public roads; *County* regulated drains, open ditches, or titles; private septic systems, tiles, and wells; location of all above-ground utility lines within a distance of two times the *WECS Tower Height* of any *WECS Tower*; location of all existing underground

utility lines associated with the WECS site; floodplains; and any *wetland*s based upon a delineation prepared in accordance with the applicable U.S. Army Corps of Engineer requirements and guidelines.

2. If any oversize or overweight vehicles will be utilizing public *County* roads for construction or maintenance activities the WECS *Applicant*, Owner, or *Operator* must contact the *County* Highway Supervisor to develop a *Transportation Plan*.

3. Written Clinton County Drainage Board and Clinton County Health Department Approval must be submitted with the application for *Development Plan* Review.

4. A copy of a recorded agreement between all *Applicant*s detailing provisions for maintenance and decommissioning shall be submitted with the application for *Development Plan* Review.

536.02 Design and installation standards shall be as follows:

A. Turbines of 50 kW name plate generating capacity or greater must be installed with a tubular, monopole type tower.

B. The minimum distance between the ground and any protruding blades for turbines of 50 kW name plate generating capacity or greater is 25 feet. The minimum distance between the ground and any protruding blades for turbines of less than 50 kW name plate generating capacity is 15 feet.

C. No WECS Turbine or Tower may be attached to any residence or dwelling *structure*, either as freestanding or by guy wires.

D. For all guyed towers install either (A) visible reflective colored objects such as flags, reflectors, or tape on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground or (B) a single visible *fence* to a height of not less than four (4) feet such that it surrounds the tower and all anchor points of the guy wires.

E. All electrical components and *Collector*s of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards. All WECS *Collector*s between *WECS Tower*s shall be located underground.

F. All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

G. Towers and blades shall be painted with non-reflective white or gray color. The *Applicant* shall comply with all applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a *WECS Tower*, except for manufacturers name on the nacelle.

H. All blades shall utilize stick-free surface coatings to minimize ice buildup.

I. A visible warning *sign* concerning voltage must be placed at the base of all pad-mounted transformers and *substation*s.

J. All *WECS Tower* designs must include features to deter climbing or be protected by anti-climbing devices as: 1) *fence*s with locking portals at least eight feet high, 2) anti-climbing devices 15 feet vertically from the base of the *WECS Tower*, and/or 3) locked *WECS Tower* doors.

K. At any non-*Co-Applicant* residentially zoned *lot*, public school, or public library, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 45 decibels or, five decibels above the *Ambient Baseline Sound Pressure Level* of the wind farm project area at *Critical Wind Speed*s. At any non-*Co-Applicant* residence on Agricultural, Industrial, or Business zoned land, for a period of more than 10% out of every hour, the audible A-weighted sound pressure levels as a result of the sound emitted by the WECS shall not exceed either, the greater of 51 decibels or, five decibels above the *Ambient Baseline Sound Pressure Level* of the wind farm project area at *Critical Wind Speed*s. The *Ambient Baseline Sound Pressure Level*, if used, shall be determined by a baseline acoustic emissions study conducted by the Clinton County Area Plan Commission and funded by the Applicant. All methods for measuring and reporting acoustic emissions shall be equal to or exceed the minimum standards for precision described in the International Electrotechnical Commission IEC 61400-11 Standard: Wind turbine generator systems – Part II: Acoustic noise measurement techniques. Noise and vibration levels shall also be in compliance with all other applicable *County*, state and Federal regulations.

L. Red strobe lights are preferred during the night to reduce impacts on migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall also be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in UDO Section 524. All lighting shall be shielded so that no *glare* extends substantially beyond the boundaries of the wind farm facilities.

M. Electricity generated from the WECS may not be sold to a utility. Net

metering is permitted.

N. Setbacks shall be as follows:

1. No WECS shall be constructed in any *setback*, dedicated public *easement* or dedicated public *right-of-way* without prior written authorization from the *County*.

2. Except as provided herein, installation of any WECS may not be nearer than 1.1 times the height of the WECS including the blade at its highest point, to any non-*Co-Applicant* property lines, dedicated roadway, *Co-Applicant* residences, railroad *right-of-way* or overhead electrical transmission or distribution lines. Also, the minimum *setback* distance for all turbines, *substation*s, maintenance *structure*s, storage yards, permanent Meteorological Towers, and other *Building*s that are a direct functional part of the WECS shall be not less than 1,000 feet from any non-*co-applicant* residence, public *Building* or Urban Growth Boundary. Distance shall be measured at the time of application for *Improvement Location Permit* from the center of the foundation at the base of the tower.
New *structure*s built adjacent to wind power facilities shall maintain these same minimum *setback* requirements. The *setback* distance will be followed except in specific instances allowed by the Area Board of Zoning Appeals in a *Variance* hearing.

3. The *WECS Tower* shall not be nearer than 1.1 times the height of the *WECS Tower* including the blade at its highest point from any other *WECS Tower*.

536.03 Financial and Demolition Guarantees

A. All *Applicant*s for proposed towers shall establish a bond for 125% of the cost of demolition as stated below. Additionally, before starting construction, a bond to insure repairs to any *County* infrastructure that may be damaged at 125% of the amount the *County Commissioners* determine it would cost to repair any infrastructure the construction of the tower may place at risk.

B. Construction and Demolition guarantees shall consist of a construction and demolition bond(s) issued by a credit worthy surety *approved* by the hearing authority (or other performance surety or guaranty accepted by the hearing authority) (Hereinafter referred to as “Performance Guaranty”) payable to the *Plan Commission* in an amount equivalent to 125 percent of the estimated cost of demolition. An estimate shall be prepared by the *Applicant* and reviewed by an engineer *approved* by the hearing authority

who shall recommend the amount of the Performance Guaranty to the hearing authority. Such Performance Guaranty shall comply with all statutory requirements and the hearing authority may request information on the surety and may deny approval if the form of Performance Guaranty or the surety is not satisfactory. The *Applicant* for the proposed tower and surety shall be severally and jointly liable for completing the demolition according to the specifications. The Performance Guaranty shall either be perpetual in duration and terminable only on not less than 60 days advance written notice or shall be for a fixed period of time and shall provide that it is a default under the terms of the Performance Guaranty if the Performance Guaranty shall not be renewed or replaced sixty days before the expiration date. Upon advance notice of intent to terminate or upon failure to renew within 60 days, a default shall have occurred and the *Plan Commission* shall be entitled to draw on the Performance Guaranty and invest the funds in an interest bearing account with the funds to be used to demolish the tower upon its abandonment. If any excess funds remain after demolition said remaining funds shall be paid to the Clinton County Unsafe Building Fund.

C. Notwithstanding anything to the contrary elsewhere in this ordinance, any non-commercial WECS that is not operated or utilized for an operation for a continuous period of 12 months shall be considered abandoned (unless an extension is granted by the *Zoning Administrator*) and the owner of the tower shall remove it within 90 days of receipt of notice from the *Zoning Administrator* notifying the owner of such abandonment. Failure to remove an abandoned tower within the 90 days shall be grounds for the Area Plan Commission to proceed under the conditions of the demolition bond or letter of credit to remove the tower.

537 *WIND ENERGY CONVERSION SYSTEM (WECS) – PRIVATE*

A *Private Wind Energy Conversion System* shall meet the following standards:

537.01 Permitting and application requirements are as follows:

A. Prior to receiving an *Improvement Location Permit* the *Applicant* must provide a *map* of the project area, including distances of the proposed WECS Turbine from all property lines, public *easement*s and *right-of-way*s, wells and septic systems, and overhead transmission or distribution lines or dwellings.

B. The *Applicant* must submit turbine technical specifications with the application. At a minimum, the specifications must include; rated power generating capacity, rotor diameter, swept area, and the level of sound generated. If manufacturer's specifications are not available the *Applicant* may submit results from a reliable testing entity such as the National

Renewable Energy Laboratory or the Small Wind Certification Council. If no specifications are available the *Applicant* must submit a report from a qualified engineer.

C. The *Applicant* must submit tower specifications with the application including type and height of tower (guyed, lattice, monopole, etc.) and combined height of the tower and turbine with vertically extended blade.

537.02 Design and installation standards shall be as follows:

A. The minimum distance between the ground and any protruding turbine blades is 15 feet.

B. Installation of any *WECS Tower* may not be nearer than 1.1 times the height of the Tower including the blade at its highest point, to any property lines, dedicated roadway, railroad *right-of-way* or overhead electrical transmission or distribution lines. Distance shall be measured from the center of the foundation at the base of the tower.

C. No WECS Turbine may be attached to any dwelling *structure*, including by guy wires.

D. For all guyed towers install either (A) visible reflective colored objects such as flags, reflectors, or tape on the anchor points of guy wires and along the guy wires up to a height of not less than 15 feet from the ground or (B) a single visible *fence* to a height of not less than four (4) feet such that it surrounds the tower and all anchor points of the guy wires.

E. All electrical components of the WECS shall conform to applicable local, state, and national codes, and relevant national and international standards.

F. All WECS turbines shall be equipped with a redundant braking system. This includes both aerodynamic over-speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over-speed protection.

G. Towers and blades shall be painted with non-reflective white or gray color. The *Applicant* shall comply with applicable Federal Aviation Administration color requirements. No advertising or signage shall be allowed on a WECS, except for manufacturers name on the nacelle.

H. All blades shall utilize stick-free surface coatings to minimize ice buildup.

I. Sound pressure levels may not exceed 45 decibels at six feet in height at any adjacent *lot line*.

J. Electricity generated from the WECS may not be sold to a utility. Net metering is permitted.

K. Minimal lighting should be used. All lighting shall be in compliance with applicable Federal Aviation Administration regulations and the lighting requirements in UDO Section 524. Red strobe lights are preferred during the night to reduce impacts of the migrating birds and red pulsating incandescent lights should be avoided. White strobe lights at night are not allowed. All lighting shall be shielded so that no *glare* extends substantially beyond the *WECS Tower*.

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ARTICLE 6:

DEVELOPMENT PLANS & ADMINISTRATIVE PLATS

601 DEVELOPMENT PLAN APPROVAL

Pursuant to I.C. 36-7-4-140 *et seq*, no ***Improvement Location Permit*** shall be issued until a ***Development Plan*** has been submitted, reviewed and approved in accordance with these provisions.

601.01 ***Development Plan***s shall be submitted for any new or enlarged ***structure*** or use in the:

A. B-3 Roadside Business ***district***

B. B-4 General Business ***district***

C. B-6 Office or Tech park

D. I-1 Light Industrial ***district***

E. I-2 General Industrial ***district***

F. West State Road 28 Corridor Overlay Zone as specified in **UDO Section 403**

G. East State Road 28 Overlay Zone as specified in **UDO Section 404**

H. Wind Energy Conversion System (WECS) ***Overlay district***s as specified in **UDO Section 405**.

I. A ***PUD*** as specified in **UDO Article Eight**.

601.02 Pursuant to I.C. 36-7-4-1404 (b), the ***Zoning Administrator*** may review the ***Development Plan***s within the affected ***district***s without a public hearing as specified below.

A. In the B-3, B-4, B-6, and I-1 ***district***s, any ***accessory structure*** or addition to a principal ***structure*** which is not expanded to the extent so as to need additional ***parking*** as specified in this Ordinance.

B. In the East or West State Road 28 ***Overlay district***s, a change of use or any ***structure*** requiring a permit.

C. In the WECS ***Overlay district***, any amendment to the WECS ***Development Plan*** that was ***approved*** by the Area Plan Commission, provided it is deemed to be a non-material change as specified in **UDO Section 405.02 A 8**.

D. Any decision of the ***Zoning Administrator*** may be appealed directly to the

Area Plan Commission for a public hearing:

601.03 The application for Primary ***Development Plan*** Review shall be submitted to the ***Zoning Administrator***, and shall be accompanied by a fee as specified by the Fee Schedule. The application shall include a drawing of the proposed ***development*** drawn in accordance with standard architectural and engineering practices and shall show the following:

A. Property lines and total acreage of the ***parcel*** proposed for ***development***.

B. All existing ***street right-of-way***s as well as access, utility, drainage, and other ***easement***s related to the ***development***.

C. Location of existing ***structure***s, relevant natural features and other improvements to the property which may affect the ***development*** of the site.

D. Location of proposed ***structure***s, public or private roadways, and ***easement***s including all walkways, driveways, entrances, ***parking*** facilities, loading space, ***landscaping***, signs, lighting, fencing, ***bufferyard***s, and other site improvements.

E. Contours and sufficient elevations to show proposed gradings and other site improvements or amenities.

F. Location and approximate size of utilities to serve the ***development***.

G. A drainage plan which has been ***approved*** by the Clinton County Drainage Board.

H. In the West State Road 28 ***Overlay district***, all requirements of **UDO Section 403**.

I. In the WECS ***Overlay district***, all information required by **UDO Section 405.01 B**.

J. In the ***PUD district***, all information required by UDO Section **802** and **803**.

K. Any other information requested by the ***Zoning Administrator***.

601.04 Unless exempted by **UDO Section 601.02**, a Primary ***Development Plan*** that meets the above criteria shall be docketed for public hearing by the Area Plan Commission for review and approval. However, if a ***variance*** or a ***special exception*** is necessary from the Board of Zoning Appeals for a proposal, said ***Board*** approval must be received prior to submission to the ***Commission***.

601.05 Following its review, the ***Commission*** may grant primary approval to the proposal, and such approval will authorize the applicant to proceed with the preparation of a Secondary ***Development Plan***.

601.06 The ***Plan Commission*** shall not grant primary approval unless the ***Development Plan*** provides for all screening, ***landscaping***, ***parking***, loading, ***outdoor storage***, and all other general ***development*** standards of this Ordinance to be met. Additionally, the ***Commission*** shall ensure that all utilities and drainage facilities are properly planned, designed, and depicted in the plan. The ***Commission*** may request that other interested agencies review the Plan prior to ***Commission*** primary approval.

601.07 Secondary ***Development Plan*** Approval may be granted by the ***Zoning Administrator*** after primary approval has been granted and after any conditions that may have been attached to primary approval have been met.

601.08 Pursuant to I.C. 36-7-4-1015 the Area Plan Commission may permit or require the owner of a ***parcel*** of property to make a written commitment concerning the use or ***development*** of that ***parcel*** as a condition of approval.

A. The ***Commission*** may adopt rules:

1. Governing the creation, form, recording, modification, enforcement, and termination of commitments; and

2. Designating which specially affected persons and classes of specially affected persons are entitled to enforce commitments.

B. Commitments shall be recorded in the office of the ***County Recorder*** and take effect upon granting of the approval. Unless modified or terminated by the ***Commission***, a commitment is binding on the owner of the ***parcel***, each subsequent owner, and each other ***person*** acquiring an interest in the ***parcel***. A commitment is binding on the owner of the ***parcel*** even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other ***person*** acquiring an interest in the ***parcel*** only if that subsequent owner or other ***person*** has actual notice of the commitment. A Commitment may be modified or terminated only by a decision of the ***Commission*** made at a public hearing after notice as provided by rule.

C. This section does not affect the validity of any covenant, ***easement***, equitable servitude, or other land use restriction created in accordance with law.

602 ADMINISTRATIVE DIVISIONS

602.01 General Procedure Following confirmation from the *Executive Director* or his designee of the eligibility to use the Administrative Division Process (UDO Section 701.04), the applicant shall file an application for Administrative Division which meets UDO Section 602.03. The Administrative Division Review Committee shall then review the complete submission for compliance with the applicable standards of UDO Section 703 and the *Executive Director* or his designee shall notify the applicant of the review's results. If *approved*, the administrative division shall be recorded with the *County Recorder* within thirty days of the approval date or the Administrative Division approval shall be automatically voided.

602.02 Administrative Division Review Committee The Administrative Division Review Committee shall include, as feasible, the Area Plan Commission *Executive Director* and any relevant planning *staff* or advisors; the Clinton County Surveyor; the Clinton County Health Department Environmental Health Specialist; a Clinton County Highway Department representative; a Clinton County Soil and Water representative; a representative from any incorporated municipality within a mile of the site, and any other individuals, as requested by the Committee, that have a regulatory or governmental interest in the design of the administrative division. The Administrative Division Review Committee shall as requested by the Area Plan Commission *staff* to review administrative divisions for compliance with all applicable Ordinance requirements.

602.03 Application Requirements The application for Administrative Division review shall:

A. Include all documentation required in UDO Section 702.02 and 702.05.

B. Include ten paper copies of the complete application and documentation for review.

C. Written approvals from The Clinton County Surveyor, the Clinton County Health Department, and the Clinton County Highway Department verifying that they have recieved the proposed Administrative Division and believe it can meet the requirements of their respective ordinances.

602.04 Standards

A. Administrative Divisions shall only be permitted in the A-1, R-1, and R-2 *district*s outside of incorporated areas.

B. Administrative Divisions in the A-1 *district* must meet all standards of UDO Section 513.

C. Only single *parcel*s that are first time splits from a *Parent Tract* and are between one and five acres in size are eligible for Administrative Division.

D. Proposed lots that contain or are within 200 feet of *Wetland*s or Floodplain are not eligible for Administrative Division.

E. Administrative Divisions must meet the requirements of UDO Section 305.

F. Within the Urban Growth Areas of the City of Frankfort and participating towns as shown on the official *zoning maps* in UDO Section 301, the design and construction standards of each incorporated locality shall apply within the applicable Urban Growth Area. If the *participating locality* does not have design or construction standards, or if the design and construction standards are not stricter than the standards contained in this Ordinance, then the design and construction standards of this Ordinance shall apply in the applicable Urban Growth Area.

G. The applicant shall provide the Administrative Division with a sanitary sewer system that meets the standards of the *County Health Department* by one of the following methods:

1. A municipal or other public utility system may be used which is subject to the design standards and approval from that utility company. If there is a waste disposal system available within 200 feet of any *lot* boundary, it must be used unless a written refusal to provide service is submitted by the utility.

2. A private sewage disposal system on the lots consisting of a septic tank and tile absorption field or other *approved* sewage disposal system may be provided, when laid out in accordance with the minimum standards of the Clinton County Health Department. Evidence must be provided that a private system can be installed on the *lot*.

H. The applicant shall provide the Administrative Division with a complete water supply system that meets the standards of the *County Health Department* by one of the following methods:

1. A municipal or other public utility system may be used subject to the design standards and approval from that utility company. If there is a water supply available within 200 feet of any *lot* boundary, it must be used unless a written refusal to provide service is submitted by the utility.

2. Where public water supply is not available within 200 feet of any boundary of the proposed Administrative Division, an individual water supply on the *lot* may be provided in accordance with the minimum

requirements of the Clinton County Health Department.

I. No Administrative Division may create a remaining ***Parent Tract*** with no direct access to a public road right of way unless in such situations the Administrative Division shall include and dedicate an ***access easement*** at least 50 foot in width.

J. The provisions of this section are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, or statute. Where this section would appear to impose different regulations from those imposed by any other section of this UDO or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

602.05 Review Process

A. Upon submission of a complete Administrative Division application to the Area Plan Commission, ***staff*** shall, within two working days, schedule a date within two weeks of the date of filing the division for the Administrative Division Review Committee to meet and review the application.

B. Upon a finding of compliance by the Administrative Division Review Committee, the ***Executive Director*** or his designee shall sign the ***legal description***s and drawings.

C. Once signed, it is the applicants responsibility to record the ***approved*** Administrative Division within ninety days of the date of signature. Failure to do so shall render the approval null and void, requiring resubmittal for approval.

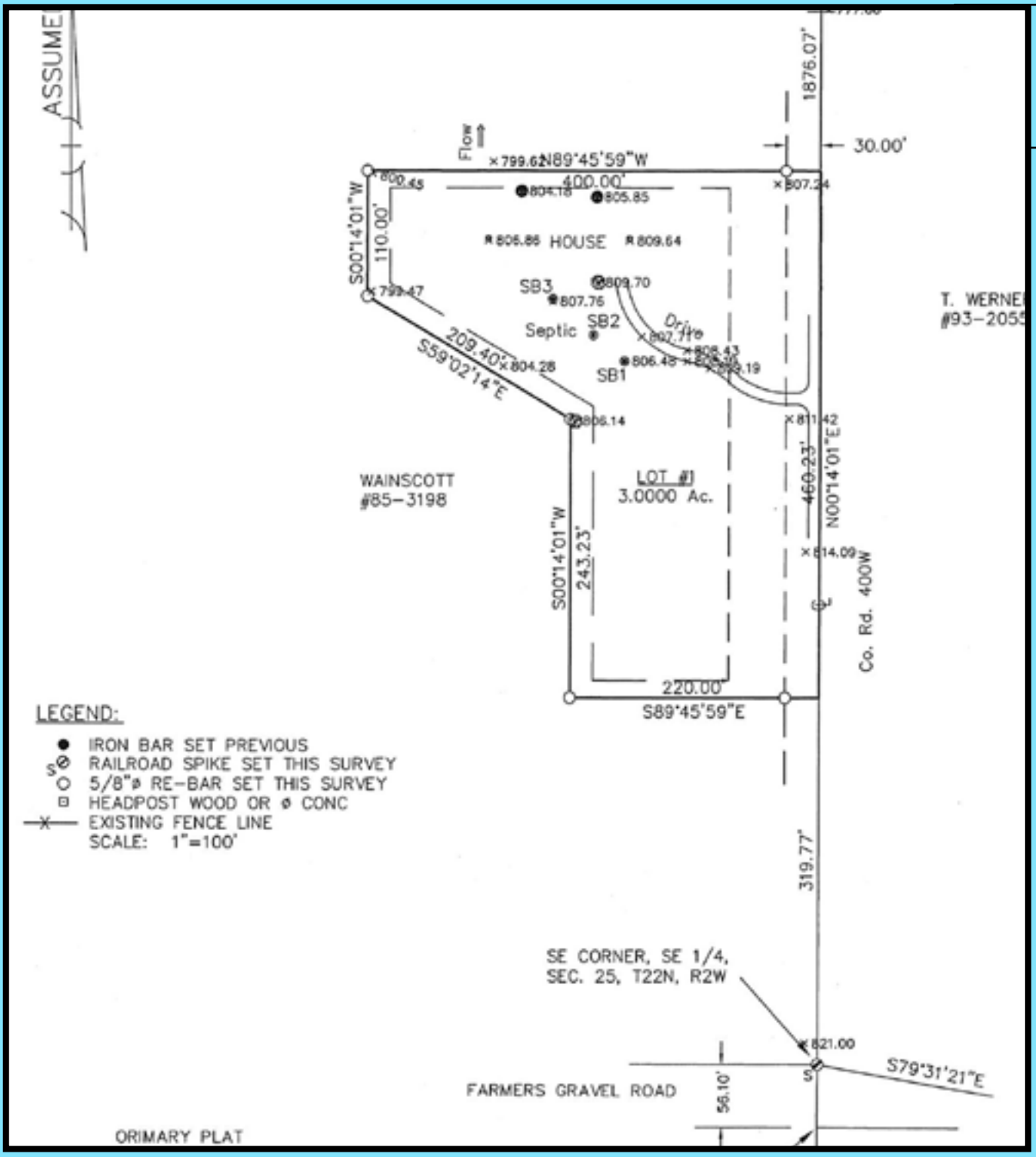
602.06 Dissolution and Modification

A. A recorded Administrative Division may be dissolved or modified if, in doing so, no provision of this or any other ordinance, rule, regulation or statute is violated.

B. A statement dissolving the Administrative division or complete application according to **UDO Section 602.03** modifying the division shall be submitted for review.

C. Upon a finding of compliance the ***Executive Director*** or his designee shall sign the statement, ***legal description***s, and/or drawings. Once signed, it is the applicants responsibility to record the document within thirty days of the date of signature. Failure to do so shall render the approval null and void, requiring resubmittal for approval.

D. *Approved* Administrative Divisions may be subsequently included in Minor and Major Subdivisions without dissolving the division. Upon inclusion in a Subdivision, the Administrative Division shall be automatically voided. However, any right of way or *easement* providing access, utilities, or drainage rights shall not be revoked or voided and must be included on the new Subdivision *Plat*



ARTICLE 7:

SUBDIVISION OF LAND

701 - SUBDIVISION PROCEDURES

701.01 GENERAL: A *subdivider* shall follow the procedure contained in this Article for the type of *subdivision* for which approval is sought.

701.02 ADVISORY MEETING: Prior to submitting any of the materials required by this Ordinance, the *subdivider* should discuss with the *Subdivision Administrator* the details of the proposed *subdivision*, including such items as the proposed use, existing land characteristics, existing and proposed utilities, and existing and proposed streets and other public facilities. The *subdivider* may request or the *Subdivision Administrator* may require that the Advisory Meeting be held before the *Plan Commission* if there are matters which the *Plan Commission* should address early in the review period. Failure to have an Advisory Meeting may result in delays during formal consideration of the *subdivision*.

701.03 SKETCH PLAN: The *subdivider* should present at the Advisory Meeting a *sketch plan* showing in a general way the proposed *development*. This plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This *sketch plan* may be used to show the *Subdivision Administrator* the location, proposed *street* and *lot* layout and any other significant features of the proposed *subdivision*. This *sketch plan* shall not be deemed a *primary plat*. Accompanying the *sketch plan* shall be a preliminary report from the *County Health Department* addressing the *subdivision*'s compliance with the County Private Sewage Disposal Ordinance and a preliminary report from the *County Drainage Board* addressing the *subdivision*'s compliance with the Clinton County Drainage Ordinance.

701.04 SUBDIVISION CLASSIFICATION: Based upon the information provided at the Advisory Meeting, the *Subdivision Administrator* shall classify all *subdivision*s into one of four categories, or combinations of categories, in accordance with this Ordinance and shall advise the *subdivider* of the applicable review procedure. These categories are as follows:

A. *Exempt Divisions*

B. *Minor Subdivisions*

C. *Major Subdivisions*

D. Administrative Divisions (as defined and regulated in UDO Section 602)

701.05 EXEMPT DIVISIONS: Exempt Divisions are not subject to the requirements of this ordinance beyond the determination by the *Subdivision Administrator* that they are Exempt Divisions set forth in UDO Section 701.04.

However, before any permit shall be granted for an *Exempt Division*, the *subdivider* shall certify to the satisfaction of the *Subdivision Administrator* that the following requirements for exemption have been met:

A. That the property involved meets the definition for exemption.

B. That the property involved meets all applicable zoning standards.

C. That the property involved will be divided by metes and bounds descriptions.

D. That the property has either access to public sewers or complies with the *County Health Department sewage disposal regulations*.

E. That the property has proper access and a driveway which meets UDO Section 703.10.

F. That the property meets the requirements of the Clinton County Drainage Board.

701.06 MAJOR AND MINOR SUBDIVISIONS: Major and Minor Subdivisions require *Primary approval* by the *Plan Commission* and *secondary approval* by the *Subdivision Administrator*. *Replat*s which require the extension of streets or utilities shall be considered under the terms of this section.

A. Major and Minor Subdivisions *Primary approval* shall be as follows:

1. A *subdivider* desiring *Primary approval* shall submit the materials specified by UDO Section 702.02 or 702.03 to the *Subdivision Administrator* in a manner specified by *Plan Commission* Rules.

2. Upon receipt of a complete application for *Primary approval* the *Subdivision Administrator* shall review the application for technical conformity with the standards fixed in this Ordinance. Within thirty days after receipt, the *Subdivision Administrator* shall docket and announce the date for a hearing before the *Plan Commission* and provide for notice in accordance with this ordinance. The *Plan Commission* shall, by rule, prescribe procedures for setting hearing dates and for the conduct of hearings. If the *Subdivision Administrator* determines that the application requirements in this Ordinance have not been met, he shall reject the application and provide the *subdivider* with a written statement listing the items of non-compliance. The *subdivider* may reapply according to the procedures of this section.

3. After the *Subdivision Administrator* has announced a date for a

hearing before the *Plan Commission* he shall notify the *subdivider* in writing; give notice of the hearing by publication in accordance with I.C. 5-3-1; and provide for due notice to interested parties at least ten days before the date set for the hearing. The *Plan Commission* shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

4. Copies of the *subdivision plat* shall be submitted to the *Technical Review Committee* members as defined by Plan *Commission Rules* for comment prior to the hearing.

5. The Plan Commission, or *Technical Review Committee* may visit the site anytime during the review process.

6. The public hearing shall be conducted according to Plan *Commission Rules*. The hearing may, at the discretion of the *Plan Commission*, be continued. Additional notice is not required if a continuance is made on the record at a public hearing in which proper notice was made, but additional notice may be requested and required by the *Plan Commission*.

7. If, after the hearing, the *Plan Commission* determines that the application and *plat* comply with the standards in this Ordinance, it shall make written findings and a decision granting *Primary approval* to the *plat*. This decision and a *Primary approval* certificate must be signed by the *Subdivision Administrator*.

8. If, after the hearing, the *Plan Commission* disapproves the *plat*, it shall make written findings that set forth its reasons and a decision denying *Primary approval* and shall provide the *subdivider* with a copy. This decision must be signed by the *Subdivision Administrator*.

9. In its review of a *primary plat*, the *Plan Commission* may approve the *plat* with conditions. As a condition of *Primary approval* of a *plat*, the *Plan Commission* may specify the manner in which *public way*s shall be laid out, graded, and improved; a provision for water, sewage, and other utility services; a provision for *lot* size, number, and location; a provision for drainage design; and a provision for other services as specified in this Ordinance.

10. *Primary approval* shall be valid for two years from the date of approval by the *Plan Commission* unless an extension is granted by the *Plan Commission*. The *Plan Commission* may establish time limits of less than one year on any or all conditions of *Primary approval*. The *Plan*

Commission may also allow the *plat* to be filed for *secondary approval* in phases. In this case, the *Plan Commission* shall specify reasonable expiration dates for each phase. If *secondary approval* is not granted before the specified expiration or expirations for any phase, *Primary approval* shall be null and void for any or all remaining phases of the *primary plat* which has not received *secondary approval* by that time. The *Plan Commission* may reasonably extend the expiration date(s) upon request of the *subdivider*.

11. In case of disapproval of the *primary plat* there shall be no re-application for a substantially similar *plat* in less than 60 days from the date of said disapproval.

12. A participating *legislative body* reserves itself the power to waive any condition that is imposed upon *Primary approval* of a *plat* by the *Plan Commission*. The *legislative body* shall establish the procedure under which a *person* may apply for a waiver of a condition under this subsection.

B. Following *Primary approval* but prior to submission for *secondary approval*, the *subdivider*, who wants to proceed with the *subdivision*, shall file with the *Subdivision Administrator* detailed construction plans for approval. The construction plans must be filed prior to the start of any work and shall meet the standards of UDO Section 702.07 of this ordinance. Construction plans may be submitted in phases to coincide with *approved subdivision* phases. The *Subdivision Administrator* shall specify the number of sets of plans needed based upon *Commission Rules*.

1. The *Subdivision Administrator* shall immediately refer these plans to the appropriate *Technical Review Committee* Members for comment. Once these review agencies indicate their approval of the construction plans or 14 working days have elapsed since their distribution without a written response, the *Subdivision Administrator* shall stamp the plans *approved* and return one set to the *subdivider*. In no event shall *secondary approval* be given prior to approval of the construction plans.

2. The installation of improvements shall be inspected by the appropriate agency as specified by UDO Section 701.08. Such inspections are required in all instances regardless of whether the work is performed before or after *secondary approval*. Failure to request inspection of work performed after the date of this Ordinance and before *secondary approval* may be cause for denial of *secondary approval*.

C. Major and Minor *subdivision*s *secondary approval* procedure shall be as

follows:

1. After all conditions of *Primary approval* have been met and construction plans have been *approved*, the *subdivider* may request *secondary approval* for all of or one phase of the *primary plat* from the *Subdivision Administrator*.

2. Requests for *secondary approval* shall be accompanied by all materials listed in UDO Section 702.05 or 702.06 and shall be filed in a manner specified by *Commission Rules*.

3. No notice or hearing is required and the standards of this Ordinance concerning notice and hearing do not apply to *secondary approval*s.

4. Prior to *secondary approval* all streets and other required improvements must be constructed or completed as required according to *approved* construction plans. Such improvements shall not be considered complete until they are certified as complete by a certifying professional engineer or land surveyor. As an alternative, a performance guarantee may be filed with the *secondary plat* application in a manner specified by UDO Section 701.07.

5. There is no minimum time limit between which primary and *secondary approval* may be granted provided all standards of this Ordinance are met.

6. After the *Subdivision Administrator* has determined that the *plat* complies with the conditions of approval of the *Plan Commission* and the *legislative body* has accepted any public *dedication*s, improvements, and/or guarantees of performance, *secondary approval* shall be given by the *Subdivision Administrator*, and the *Plan Commission* seal shall be affixed to the *plat*.

7. Only after *secondary approval* of the *plat* and the signing and certification of said *plat* by the *Subdivision Administrator* shall said *plat* be entitled to be recorded in the office of the Recorder of Clinton County, Indiana.

8. *Secondary approval* shall be valid for one year from the date of *secondary approval*. If the *plat* is not recorded before the expiration date, it will be null and void.

9. Within 14 days after the *plat* is recorded, the *subdivider* shall provide the *County Recorder* a black line on white paper photographic reproduction of said *plat* which is no more than 18 inches by 12 inches in

size for inclusion in the official record books.

701.07 PERFORMANCE GUARANTEES: Before any *secondary plat* is *approved* and affixed with the *Plan Commission* seal, the *subdivider* shall construct, at his expense, all streets, curbs, gutters, sidewalks, water and sewer facilities, *storm sewer*s, signage, and other required improvements in accordance with the *approved* construction plans. As an alternative, *secondary approval* may be granted to a *plat* for a *subdivision* in which the improvements and installments have not been completed as required by the *subdivision* control ordinance if:

A. The *subdivider* provides a bond, or other proof of financial responsibility, as specified in this ordinance, that is an amount determined by the *Plan Commission* to be sufficient to complete the improvements and installations in compliance with the ordinance and provides surety satisfactory to the *Plan Commission* or *Plat Committee*. With respect to the installation or extension of water, sewer, or other utility service:

1. The *subdivider* shows by written evidence that it has entered into a contract with the *participating locality* or utility providing the service;

2. The *Plan Commission* determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with the *subdivision* control ordinance.

B. Any money received from a bond or otherwise shall be used only for making the improvements and installments for which the bond or other proof of financial responsibility was provided. This money may be used for these purposes without appropriation. The improvement or installation must conform to the standards provided for such improvements or installations by the *participating locality* in which it is located, as well as the *subdivision* control ordinance.

C. The *Plan Commission* shall, by rule, prescribe the procedure for determining whether all improvements and installations have been constructed and completed as required by the *subdivision* control ordinance. The rule must designate the *person* or persons responsible for making the determination.

D. The performance guarantee shall include an amount to guarantee completion at his expense of all public facilities and all other requirements contained in this ordinance including, but not limited to, soil preservation, final *grading*, *lot* drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other *lot* improvements required by the *Plan Commission*.

E. All performance guarantees must be acceptable to and be *approved* by the *Plan Commission* and shall be in such form, sufficiency and manner of execution satisfactory to the *Plan Commission* Attorney.

F. If the *subdivision* is in phases, the *Plan Commission* may require that the performance guarantee be in such amount as is necessary for each phase filed for *secondary approval* and may defer guarantees for the remaining phases of the *plat* until they are offered for approval. However, in the establishment of performance guarantees, overall *subdivision* improvements must be considered and any improvements which are necessary for more than one phase must be constructed or guaranteed at the time of approval of the first applicable phase.

G. In order to obtain *secondary approval* it is permissible for the *subdivider* to construct part of the improvements and guarantee the remaining part of the improvements, if *approved* by the *Plan Commission*.

H. Performance guarantees may consist of any of the following:

1. The *subdivider* may post a performance bond payable to the *Plan Commission* in an amount equivalent to 125 percent of the estimated cost of completion of all required improvements. Such estimate shall be prepared by the *subdivider* and reviewed by a Third party Engineer who shall recommend the amount of guarantee to the *Plan Commission*. Such performance bond shall comply with all statutory requirements and the *Plan Commission* may request information on the bonding company and may deny a performance bond if necessary. Where the cost of the *public improvement*s is covered by a performance bond, the *subdivider* and the bonding company shall be severally and jointly liable for completing the *public improvement*s according to specifications.

2. The *subdivider* may submit a certificate of deposit or certified check made out to the *Plan Commission* and/or to the *subdivider* in an amount equivalent to 125 percent of the estimated cost of the required improvements. Such estimate shall be prepared by a third party Engineer. If the *subdivider* is named singly or jointly on such certificate or check, then the *subdivider* shall endorse it before submitting it to the *Plan Commission* so that the *Plan Commission* may secure the funds. The *subdivider* shall receive any interest accrued on funds provided under the terms of this section.

3. The *subdivider* may submit irrevocable letters of credit on behalf of the *subdivider* and securable by the *Plan Commission* in an amount equivalent to 125 percent of the estimated cost of completion of

the uncompleted portion of required improvements. In the event an irrevocable letter of credit is utilized, it shall be written for a maximum length of two years and the *Subdivision Administrator*, two months prior to the expiration of the letter of credit, shall determine if the *public improvement*s have been accepted for maintenance by the participating *legislative body* and if they have not been accepted shall notify the *subdivider* of intent to secure the funds and then commence procedures to secure the funds pledged by such letter of credit.

4. The *Plan Commission* may, at its discretion, accept another financial guarantee which the *Plan Commission* deems appropriate to accomplish the objectives of this Ordinance.

I. Any performance guarantee submitted under this Section shall be for a period not to exceed two years. The *Plan Commission* may grant an extension of up to one year for the completion of improvements, upon evidence that such extension is justified. Before granting an extension, the *Plan Commission* shall secure a new estimate of the cost of the improvements from a third party Engineer, and if the estimate has increased, the *Plan Commission* shall require an increase in the amount of the guarantee.

J. The performance guarantee shall be released or allowed to expire by the *Plan Commission* only upon certification that all required improvements have been installed satisfactorily by a certifying professional engineer or land surveyor and improvements accepted by the participating *legislative body*. The *Plan Commission* may, at its discretion, approve a partial release of the financial guarantee upon certification that a portion of the improvements has been completed satisfactorily. The Engineer shall provide an estimate of the cost of the remaining improvements, and a guarantee sufficient to cover such cost shall be retained by the *Plan Commission*.

K. For *subdivision*s for which no performance guarantee has been posted, if the required improvements are not completed within the period of validity of the *subdivision* approval, the approval shall be deemed to have expired. In those cases where a performance guarantee has been posted and the improvements have not been installed prior to the expiration of the guarantee, the *Plan Commission* shall declare the guarantee to be in default and cause all improvements to be installed according to the *approved* plans, regardless of the extent of *building development* at the time the guarantee is declared to be in default.

L. The *subdivider* shall build and pay for all costs of any temporary *public improvement*s required by the *Plan Commission* and shall maintain same

for the period specified by the *Plan Commission*. Prior to construction of any temporary public facility or improvement, the *subdivider* shall file with the *Plan Commission* a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

M. Any funds received from any financial guarantee, upon default, shall be used by the appropriate *legislative body* only for the purposes of making the improvements and installations for which the bond was provided. The proceeds of the financial guarantee may be used for these purposes without appropriations. If the improvements or installations are to be made within the corporate limits of a *participating locality* the *County* shall transmit the proceeds of the financial guarantee to the appropriate *legislative body* which shall complete the improvements and installations in conformance with this Ordinance and with plans and specifications *approved* by the *Plan Commission*.

701.08 INSPECTION: All installations and improvements required under the terms of this Ordinance shall be inspected at reasonable intervals by appropriate utility, city, *town*, and/or *County* officials during and after construction. In no case shall work be commenced without specific approval to do so from the *Engineer*. The appropriate *legislative body* shall not be obligated to accept any work which has no been inspected as required by this Section, nor shall it accept any work not completed in conformance with the *approved* plans and specifications.

A. At least 48 hours before commencing any improvements or installations shown on the *approved* plans of a *subdivision*, the *subdivider* shall notify the *Engineer*. The *Engineer* shall inspect all work during and after construction. If the construction ceases at any time for more than one week, such 48 hour notice shall again be required before resumption of construction. The *Engineer* shall have, at all reasonable and proper times, access to any lands under construction.

B. The *Engineer* shall have authority over methods of construction, materials, workmanship and such other aspects of the project as necessary to ensure compliance with the *approved* plans and specifications. This authority includes the right to order work to be suspended for due cause. Due cause includes but is not limited to questionable materials, questionable methods of construction, noncompliance with the *approved* plans and specifications, and adverse weather conditions.

C. In the event that work is commenced without the required inspection and approval, the *Engineer*, the *Subdivision Administrator*, or any other *person* designated by the appropriate *legislative body* may require that work be

suspended until such inspection has been made and approval given.

D. Any remedial work determined by the *Engineer* to be necessary before the improvements are accepted by the appropriate *legislative body* shall be done by the *subdivider* at his expense.

701.09 MAINTENANCE GUARANTEES: After completion of all required improvements and installations, and before acceptance thereof for public maintenance by the appropriate *legislative body*, the *subdivider* shall provide a three-year maintenance bond, with himself or some other *person* satisfactory to the *Plan Commission* as principal, which shall:

A. Run to the appropriate *legislative body* having the legal responsibility for the maintenance of said improvements or installations.

B. Be in an amount equal to ten percent of the total installation cost, as estimated by the *Plan Commission*, of all improvements and installations as required by this Ordinance, excluding, however, the cost of the on site individual water supply improvements and installations required by this Ordinance. Nothing contained in this paragraph shall, however, exclude any of the said improvements and installations from the requirements and coverage of this bond as specified in UDO Section 701.09 D and E;

C. Provide surety satisfactory to the *Plan Commission*.

D. Warrant the workmanship and all materials used in the construction, installation, and completion of said improvements, warrant the installation to be of good quality and to have been constructed and completed in a workmanlike manner in accordance with the standards, specifications and requirements of this Ordinance and with plans and specifications *approved* by the *Plan Commission*, and;

E. Provide maintenance for a period of three years after the date of acceptance of the improvements. The *subdivider* shall, at his own expense, make all repairs to said improvements and installations, or the foundations thereof, which may become necessary by reason of improper workmanship or materials.

701.10 AS-BUILT PLANS: After completion of all *public improvement*s and utilities and prior to their acceptance by the appropriate *legislative body*, the *subdivider* shall provide the *Subdivision Administrator* one mylar copy of drawings showing the actual locations and specifications of all improvements installed in the *subdivision*. The as-built drawings shall be certified by a land surveyor or engineer licensed in Indiana.

701.11 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS: Upon completion of construction whether before or after *secondary approval*, the *subdivider* may file a written request to the appropriate *legislative body* for acceptance of all *public improvement*s and other land *dedication*s.
The approval by the *Plan Commission* of a *subdivision plat* shall not be deemed to have constituted or implied the acceptance by the appropriate *legislative body* of any *public improvement* or land *dedication* shown on said *plat*.

A. A request of acceptance of *public improvement*s and *dedication*s shall contain the certification required by UDO Sections 701.06 B or 701.07 J and the as-built plans required by UDO Section 701.10.

B. The appropriate *legislative body* shall refer a request for acceptance of *public improvement*s and *dedication*s to the *Subdivision Administrator* who shall make a recommendation to the appropriate *legislative body* based upon Plan *Commission Rules* and the *Engineer*'s report.

C. After receiving the recommendation of the *Subdivision Administrator*, the appropriate *legislative body* shall decide whether to accept the improvements and *dedication*s. Any refusal to accept the improvements and *dedication*s shall be accompanied by findings as to the reasons. The appropriate *legislative body* shall not accept the improvements until it has received the maintenance bond required in UDO Section 701.09.

701.12 NON-RESIDENTIAL SUBDIVISIONS: It is recognized that the *subdivider*, in creating a nonresidential *subdivision*, faces problems of *lot* design not normally encountered in residential *subdivision*s. For this reason, the initial emphasis of the *Plan Commission* shall be upon *street* layout and *block* arrangement.

A. The procedural requirements for primary and *secondary approval* are as provided in this Ordinance. *Non-residential subdivision* may be either major or minor *plat*s, as defined. However, in any case, the *subdivider* need show only the proposed *street* and *block* layout and not *lot* locations on the *primary plat*. Subsequently, as prospective buyers or users express interest in lots sized to their required specifications, the *subdivider* may then submit a *secondary plat* or *plat*s in phases to the *Subdivision Administrator* which include *lot line*s. Streets or other public facilities may not be changed from the *approved primary plat* unless *approved* by the *Plan Commission* or *Plat Committee*, where applicable.

B. *Site plan* approval, as required by other Articles of this Ordinance, and non-residential *plat* approval may proceed simultaneously provided all standards of all sections of the Ordinance are met.

C The following standards apply to *non-residential subdivision*s:

1. *Non-residential subdivision*s must be appropriately zoned for business or *industry* prior to the proposal for a *subdivision*.

2. All *non-residential subdivision*s shall be served by *approved* sewer and water facilities, by individual wells, on-site sewage disposal facilities, or some combination thereof as specified by this Ordinance.

3. All applicable design standards of UDO Article Seven shall be met.

4. All applicable standards of the other articles of this Ordinance including off-*street parking* and loading, fire lanes, and *buffer* areas shall be met.

D. If access will be required for large trucks and/or heavy loads, the *Plan Commission* may increase the construction and design requirements according to UDO Section 703.11 based upon the recommendation of the *Engineer*. Roads serving primarily non-residential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent tracts used or zoned for residential purposes, nor shall primarily residential roads be used for access to industrial *subdivision*s. *Multifamily dwelling* complexes shall be designed to discourage traffic from using streets designed and constructed primarily for single-family residential use.

E. In *non-residential subdivision*s, the streets and other access ways shall be planned in connection with the grouping of *building*s, location of rail facilities and the provisions of *alley*s, truck loading and maneuvering areas, and walks and *parking* areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

701.13 VACATION OF A PLATTED AREA: The *Plan Commission* proceeding in accordance with I.C. 36-7-3, has exclusive control over the vacation of *plat*s or parts of *plat*s. The *owner*s of land in a *plat* may vacate all or part of that *plat* as specified in I.C. 36-7-3 and this Section. All the *owner*s of land in the *plat* must declare the *plat* or part of the *plat* to be vacated in a written instrument, and that instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

A. Before offering the instrument for recording under this section, an *owner* must file a copy of the instrument with the *County Auditor* and must submit the instrument vacating the *plat* for the approval of the *Plan Commission* having *subdivision* control jurisdiction. It must be accompanied by a petition which:

1. states the reasons for and circumstances prompting the request;

2. specifically describes the property in the *plat* proposed to be vacated; and

3. gives the name and address of each *owner* of land in the *plat*.

The petition may include a request to vacate any recorded covenants or commitments filed as part of the *plat*. The covenants or commitments are then also subject to vacation.

B. Within 30 days after receipt of a petition for vacation of a *plat*, the *Subdivision Administrator* shall announce the date for a hearing before the *Plan Commission*.

1. Hearings shall be conducted by the *Plan Commission* pursuant to I.C. 36-7-3-10 or I.C. 36-7-4-711 and the *Commission Rules*

2. Each *owner* of land within the *plat* area may comment on the petition and may object to the vacation as provided in UDO Section 701.16 of this Ordinance.

3. The petitioner shall pay the expense of providing notice of the hearing.

C. After the hearing, the *Plan Commission* shall approve or deny the petition for vacation. The *Plan Commission* shall approve the petition for vacation of all or part of a *plat* only upon a determination that:

1. conditions in the platted area have changed so as to defeat the original purpose of the *plat*;

2. it is in the public interest to vacate all or part of the *plat*; and

3. the value of that part of the land in the *plat* not owned by the petitioner will not be diminished by vacation.

D. If, after the hearing, the *Plan Commission* determines that the *plat* or part of the *plat* should be vacated, it shall make written findings and a decision approving the petition. The *Plan Commission* may impose reasonable conditions as part of its approval. The decision must be signed by the *Subdivision Administrator*. The *Plan Commission* shall furnish a copy of its decision to the *County Recorder* for recording.

E. If, after the hearing, the *Plan Commission* disapproves the petition for vacation, it shall make written findings that set forth its reasons in a decision

denying the petition for vacation, and shall provide the petitioner with a copy. The decision must be signed by the *Subdivision Administrator*.

F. The approval, disapproval, or imposition of a condition on the approval of the vacation of all or part of a *plat* is a final decision of the *Plan Commission*. The petitioner or an aggrieved party may seek review of the decision of the *Plan Commission* as provided by I.C. 36-7-4-1016.

G. The *County Recorder* may record the instrument only if a certificate showing the approval of the vacation by the *Plan Commission* is attached to it. If the instrument is not executed and *approved* as required by this section, it is void.

H. An instrument recorded under this section terminates the effect of the *plat* or part of the *plat* declared to be vacated, and it also terminates all public rights in the *public way*s and public places described in the *plat* or part of the *plat*. However, a *public way* that has been improved, or that is part of an improved *plat*, may be vacated only in accordance with UDO Section 701.15.

I. If any platted land is vacated, the descriptions of the lots and *parcel*s of that land shall be preserved as set forth in the *plat*, with the proportionate parts of vacated streets and *alley*s added as provided by law, unless all the *owner*s of land in the vacated area consent in writing to the description of the area by:

1.the method used before the *plat* was made;

2. metes and bounds; or

3. other appropriate description. However, a vacated tract of five acres or more that is owned by one *person*, or jointly by two or more persons, need not be described by lot number and may be described by metes and bounds or some other method.

701.14 ALTERNATE VACATION OF PLATTED AREA PROCEDURE: As provided by I.C. 36-7-3-10(d), the *owner*s of land in a *plat* that is located in the unincorporated area may vacate all of the *plat* without the approval of the *Plan Commission* if no lots have been sold and no roads constructed in the *plat*, and all of the *owner*s of land in the *plat* declare the *plat* to be vacated in a written instrument. The instrument must be executed, acknowledged, and recorded in the same manner as a deed to land.

701.15 VACATION OF PUBLIC WAYS AND PLATTED EASEMENTS: Vacation of *public way*s and platted *easement*s should comply with I.C. 36-7-3 and this section.

A. Persons who own or are interested in any lots or parts of lots and want to vacate all or part of a *public way*, public place, or platted *easement*s in or *contiguous* to those lots or parts of lots may file a petition for vacation with the appropriate *legislative body*.

B. The petition must state the circumstances of the case; specifically describe the property proposed to be vacated; and give the names and address of all *owner*s of land that abuts the property proposed to be vacated.

C. The *legislative body* shall hold a hearing on the petition within 30 days after it is received. The Clerk of the *participating locality* shall give notice of the petition and of the time and place of the hearing:

1. in the manner prescribed in I.C. 5-3-1; and

2. by certified mail to each *owner* of land that abuts the property proposed to be vacated. The petitioner shall pay the expense of providing this notice.

D. The hearing on the petition is subject to I.C. 5-14-1.5-1 *et seq*. At the hearing, any *person* aggrieved by the proposed vacation may object to it as provided by UDO Section 701.16.

E. After the hearing on the petition, the *legislative body* may, by ordinance, vacate the *public way*, public place or platted *easement*s. The Clerk of the *participating locality* shall retain a copy and shall furnish a copy of each vacation ordinance to the *County Recorder* for recording and to the *County Auditor*.

F. Within 30 days after the adoption of a vacation ordinance, any aggrieved *person* may appeal the ordinance to the Circuit Court of the *County*. The Court shall try the matter and may award damages.

G. Notwithstanding this Section, vacation proceedings do not deprive a public utility of the use of all or part of a *public way* or public place to be vacated, if, at the time the proceedings are instituted, the utility is occupying and using all or part of that *public way* or public place for the location and operation of its facilities. However, the utility may waive its rights under this subsection by filing its written consent in the vacation proceedings.

701.16 FILING OF REMONSTRANCES AND OBJECTIONS: A remonstrance or objection permitted by UDO Section 701.13 or 701.15 may be filed or raised by any *person* aggrieved by the proposed vacation, but only on one or more of the following grounds:

A. The vacation would hinder the growth or orderly *development* of the *participating locality* or neighborhood in which it is located or to which it is *contiguous*.

B. The vacation would make access to the lands of the aggrieved *person* by means of *public way* difficult or inconvenient.

C. The vacation would hinder the public's access to a *church*, *school*, or other public *building* or place.

D. The vacation would hinder the use of a *public way* by the neighborhood in which it is located or to which it is *contiguous*.

701.17 TERMINATION OF VACATION PROCEEDINGS: After the termination of a vacation proceeding under this Ordinance, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two years.

702 - APPLICATION REQUIREMENTS

702.01 GENERAL: This section lists the required application materials for Administrative Divisions, Minor and Major *subdivision*s. All plats and other documentation required by this Article shall be prepared by or under the direct supervision of a *registered land surveyor* who shall be responsible for the monumentation thereof. All improvements shall be constructed in accordance with plans and specifications prepared by or under the direct supervision of a licensed engineer or land surveyor as required by state law, and *approved* by the *participating locality* having jurisdiction over the acceptance and/or maintenance of such improvements. The licensed person who prepared or directed the preparation of the improvement drawings shall be responsible for the stake-out, inspection, and completion in accordance with such *approved* drawings unless *approved* by the *Subdivision Administrator*.

702.02 ADMINISTRATIVE DIVISIONS AND PRIMARY APPROVAL - MINOR SUBDIVISIONS: The following materials must be submitted for *Primary approval* of a minor *subdivision plat*. The *Subdivision Administrator* shall specify at the Advisory Meeting how many copies of the application materials are needed based upon Plan *Commission Rules*.

A. An application on a form provided by the *Subdivision Administrator*. Said application shall be executed by all fee simple *owner*s of said land, together with all contract purchasers, or in the latter case, by all contract purchasers with the written consent of all fee simple *owner*s.

B. A filing fee as established by the adopted Fee Schedule.

C. A *primary plat* drawn according to the drafting standards of Appendix B, consisting of the following items:

1. *Legal description* of the *subdivision* including location by section, township and range.

2. Proposed name of the *subdivision* (if the *subdivision* contains more than two lots) followed by the words “Primary Plat”.

3. A location sketch showing the general location of the *subdivision* in relation to the surrounding area shall be placed on the *primary plat*, generally in the upper right or left hand corner. It shall be drawn at a scale sufficient enough to show the relationship of the tract to be subdivided to existing roads, schools, parks, and similar facilities as well as adjacent properties and shall show the nearest cross streets in all directions.

4. Names and addresses of the *owner*, *subdivider*, and consulting engineer, land surveyor, or planning firm who prepared the plan.

5. Legend and notes including the scale, north point, and date.

6. Source of the *owner*’s title to the land as shown by the last entry in the records of the *County Recorder*.

7. *County parcel* tax identification number(s).

8. Tract boundary lines showing dimensions, bearings, angles, and references to section, township, and range lines or corners.

9. Existing zoning of the tract corporate boundaries lying within or *contiguous* to the tract.

10. All section and municipal corporate boundaries lying within or *contiguous* to the tract.

11. Topographic contours at typical intervals of ten feet. Said contours shall be referenced to mean sea level elevations.

12. Layout of lots showing dimensions and numbers and square footage of each *lot* excluding area within *right-of-way*s.

13. *Building line*s showing *setback* dimensions throughout the

subdivision.

14. Existing streets and rights-of-way on and adjoining the site of the proposed *subdivision* showing the names, roadway widths, approximate gradients, types and widths of pavements, curbs, and sidewalks.

15. Existing and proposed *easement*s including the location, width, and purpose of such *easement*s.

16. Location of natural streams, lakes, regulated drains, pipelines, power lines, utility *structure*s and all other natural or man-made features.

17. A description of the surface and *subsurface drainage system* including information on how drainage from adjacent properties is affected by the proposed *subdivision*. Written approval from the Clinton County Drainage Board shall also be submitted verifying that the *subdivision* meets the standards of the Clinton County Drainage Ordinance.

18. The location, size, and capacity of any existing public sewer and/or water facilities, if such facilities are available or evidence that septic tank and well permits can be obtained from the *County Health Department* for each *lot*.

19. The location and size of any proposed access or drive way. Written approval from the CInton County HIghway Department must be submitted with the application.

20. Boundary lines of floodplain areas on each *lot* as scaled from the flood plain *district map*s and regulations of the Zoning Ordinance.

21. If there is a *parent tract* remainder or other *parcel* which qualifies as an *Exempt Division* under the terms of this Ordinance, such land shall be shown on the drawing. Such *Exempt Division* may be shown based upon an existing deed description but shall not be assigned a *lot* number.

22. In case of *Replat*, all descriptive lines of the original *plat* being vacated shall be shown by dotted lines in their proper position in relation to the new arrangement of the *plat*, the new *plat* being clearly shown in solid lines.

23. If the *primary plat* is to be divided into sections or phases of *development*, the boundaries and numbers of such sections shall be shown.

24. All applicable certificates and notations as shown in Appendix B.

D. *Restrictive covenants* which are properly prepared and legally sound shall be incorporated in the *plat*, subject to the approval of the Administrative Division Review Committee, *Plat Committee* or *Plan Commission*.

702.03 PRIMARY APPROVAL - MAJOR SUBDIVISIONS: In addition to the required materials in UDO Section 702.02 for *Primary approval* for a Minor *subdivision*, the following materials must also be submitted for *Primary approval* of major *subdivision*s.

A. The names and addresses of all interested parties as defined by Plan *Commission Rules* keyed to the location sketch.

B. The location and boundaries of any lots in a previously *approved* Minor *subdivision* which had the same *parent tract* as the Major *subdivision*. While said Minor *subdivision* lots shall be considered in the determination of Major *subdivision* classification, said lots do not need to be assigned Major *subdivision lot* numbers nor be considered part of the Major *subdivision plat*, unless said Minor *subdivision* lots contain *easement*s and/or facilities which serve the Major *subdivision* lots.

C. The proposed public streets and ways to be shown on the *primary plat*.

D. *Parcel*s of land proposed to be dedicated or temporarily reserved for schools, parks or other public or semi-public purposes, other than public streets or ways, to be shown on the *primary plat*.

E. Topographic contours at typical interval of two feet if the general *slope* of the tract is less than ten percent or intervals of five feet if the *slope* is in excess of ten percent. Said contours shall be referenced to mean sea level elevations and shall be shown on the *primary plat* in lieu of the requirements of UDO Section 702.02 C 11.

F. A *soils report* of the area to be subdivided with soils interpretations for the proposed use of subject land as provided by the Soil and Water Conservation District and a written opinion from said *district* discussing any soil limitations for the proposed use.

G. In lieu of UDO Section 702.02 C 18, a sewage disposal plan which shows sewage disposal plans in detail according to design standards of UDO Section 703.06, including profiles of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be on the State Planes Coordinate System. For any improvements or systems which are to

be owned and/or maintained by the property *owner*s in the *subdivision*, a plan for establishing such ownership and for providing and financing such maintenance shall be provided. Documents and/or plans submitted under this section are subject to determination by the *Plan Commission* that they are adequate to ensure that the *participating locality* will not be held responsible in the future for such maintenance.

H. An *erosion* control plan which identifies applicable areas of concern and problems addressed in UDO Section 703.20. The plan shall indicate the control strategies for these problem areas. The plan shall indicate the proposed individual practices to be used to accomplish the objectives of this Ordinance. Methods selected to control *erosion* shall be consistent with this Ordinance.

I. In lieu of UDO Section 702.02 C 17, a drainage plan which studies the existing and proposed drainage conditions and the practices to be used to accomplish the objectives of UDO Section 703.19 and the Clinton County Drainage Ordinance shall be submitted. The plan shall evaluate the ability of the proposed water course, channels, drainage tiles, farm tiles, *storm sewer*s, culverts and other improvements to handle the run-off. Existing and expected drainage patterns shall be shown for each *lot*.

J. Documentation sufficient to show that all applicable design and construction standards of UDO Section 703 are met.

K. Documentation sufficient to show the nature and format of a home *owner*s' association if one is to be established.

702.04 PRIMARY or SECONDARY APPROVAL - CERTAIN MINOR SUBDIVISIONS: For certain minor *subdivision*s described below, only the following information is necessary for both primary and *secondary approval* and may be in lieu of all other information specified in this Ordinance.

A. For *resubdivision* of a recorded *secondary plat approved* pursuant to this Ordinance the following materials shall be submitted:

1. An explanation of the changes and why they are necessary.

2. A revised *plat* showing the changes.

3. For *resubdivision*s involving relocated and/or removal of *easement*s, written approval of affected utilities and interested parties must also be submitted.

B. For two pipestem lots and/or for minor *subdivision*s which will not have more than two lots, a survey prepared in accordance with Appendix B and on sheets no less than 8 1/2 by 14 inches may be submitted in lieu of a complete *plat*, provided all applicable information required by UDO Sections 702.02 and 702.05 is adequately shown including the Primary and Secondary Plat Certificate(s). An application and filing fee must also be filed.

702.05 SECONDARY APPROVAL - MINOR PLATS: The following materials must be submitted for *secondary approval* of a minor *subdivision plat*.

A. An application on a form provided by the *Subdivision Administrator*.

B. A filing fee, as established by the adopted Fee Schedule.

C. A *secondary plat* drawn according to the drafting standards of Appendix B consisting of the following items:

1. Name of *subdivision* followed by the words “Secondary Plat”.

2. Name and address of the *owner* and *subdivider*.

3. North point, scale, and date.

4. Certification by a *registered land surveyor* or engineer certifying to the accuracy of the survey and *plat*.

5. Tract boundary lines, *right-of-way* lines of streets, *easement*s, and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, deflection angles or bearings, and radii area, and central angles of all curves.

6. Primary control points or official *monument approved* by the *Subdivision Administrator*, or descriptions and “ties” to such control points or reference corners to which all dimensions, angles, bearings, and similar date on the *plat* shall be referenced.

7. Lot numbers which shall be in consecutive order and *street* addresses for each *lot* conforming to the house numbering system of the applicable *participating locality*.

8. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

9. Reference to recorded *subdivision plat*s of adjoining platted land by record name, date and number.

10. Accurate metes and bounds description of the tract boundary.

11. Source of title of the *subdivider* to the land as shown by the last entry in the books of the *County Recorder*.

12. Existing *street* location and all *street* names.

13. Complete curve notes for all curves included in the *plat*.

14. Lot numbers and dimensions including the square footage of each *lot*.

15. Accurate locations, dimensions, and purposes of *easement*s and any limitations on *easement* use.

16. *Building line*s and *setback* dimensions throughout the *subdivision*.

17. Location, type, material, and size of all *monuments and markers*.

18. All applicable certificates and notations as shown in Appendix B.

19. All *secondary plat*s having within their boundaries areas whose elevation is below that of the Regulatory Flood shall show and label the Regulatory Flood Boundary and elevation, as of the date the *secondary plat* is drawn.

D. Plans and specifications for the improvements required in this Ordinance.

E. *Restrictive covenants* as *approved* with the *primary plat*.

702.06 SECONDARY APPROVAL - MAJOR PLATS: In addition to the required materials in UDO Section 702.05 for *secondary approval* for minor *subdivision*s, the following materials must also be submitted for *secondary approval* of major *subdivision*s.

A. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use other than public streets or ways to be show on the *secondary plat*.

B. *Street* lines with accurate dimensions in feet and hundredths of feet with angles to *street*, *alley*, and *lot line*s for all new public streets and ways which shall be shown, with their names, on the *secondary plat*.

C. Certification by *owner* dedicating streets, any *right-of-way*s and any sites to be set out for public use.

D. Such other certificates, affidavits, approvals, or *dedication*s as may be required by the *Subdivision Administrator* or the *Plan Commission* in the enforcement of this Ordinance.

702.07 CONSTRUCTION PLANS: It shall be the responsibility of the *subdivider* of every proposed *subdivision* to have prepared and certified by a land surveyor and/or professional engineer registered in the State of Indiana, a complete set of construction plans, including profiles, crosssections, specifications, and other supporting data for all required public streets, utilities, and other public facilities.

A. The final construction plans shall be based on the drainage plan, *erosion* plan and other information which has been *approved* with the *primary plat*, and shall be prepared and submitted prior to the *secondary plat*.

B. Construction plans shall be prepared for all required improvements. Plans shall be drawn on standard 24 x 36 inch sheets at a scale of no more than one inch equals 50 feet, and *map* sheets shall be of the same size as the *primary plat*.

C. Construction plans shall consist of the following:

1. Topographic contours at intervals of one foot if the general *slope* of the tract is less than five percent or intervals of two feet if the *slope* is five percent or more. Contours shall be referenced to mean sea level elevations.

2. Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed *street* intersects an existing *street* or streets, the elevation along the center line of the existing *street* or streets within 100 feet of the intersection shall be shown as an approximate radii of all curves, lengths of tangents, and central angles on all streets.

3. The *Plan Commission* may require, where steep slopes exist, that cross-sections of all proposed streets at 100 foot stations shall be shown at five points as follows: On a line at right angles to the center line of the *street*, and said elevation points shall be at the center line of the *street*, each property line, and points 25 feet inside each property line.

4. Plans and profiles showing the location and typical cross-section and grades of *street* pavements including curbs and gutters, sidewalks, rights-of-way, drainage facilities, manholes, and catch basins; the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems; the location of *street* trees, *street*

lighting standards, and *street* signs; and exact location and size of all water, gas, or other underground utilities or *structure*s. Profiles shall be based on the State Planes Coordinate System.

5. Location, size, elevation, and other appropriate description of any other existing physical and natural features or facilities including trees with a diameter of eight inches or more (measured four feet above ground level), the points of connection to proposed facilities and utilities and the approximate high and low water elevations of all ponds, lakes and streams. All elevations shall be referred to the U.S.G.S. datum plane.

703 - PRINCIPLES AND STANDARDS OF DESIGN

703.01 GENERAL: All *subdivision*s shall be designed and constructed according to the standards of this Section. These standards apply to minor and major *subdivision*s except where noted.

A. Whenever any *participating locality* or any utility company have designs and construction standards adopted pursuant to statute in existence or have them subsequently adopted which are stricter than the standards of this Ordinance, they shall apply in lieu of similar standards that may be contained within this Ordinance.

B. Within the *Urban Growth Area*s of the City of Frankfort and participating towns as shown on the official *zoning maps* in UDO Section 301, the design and construction standards of each incorporated locality shall apply within the applicable *Urban Growth Area*. If the *participating locality* does not have design or construction standards, or if the design and construction standards are not stricter than the standards contained in this Ordinance, then the design and construction standards of this Ordinance shall apply in the applicable *Urban Growth Area*.

C. If the *subdivider* places restrictions on any of the land contained in the *subdivision* greater than those required by the Unified Development Ordinance, such restrictions or reference thereto may be required to be indicated on the *subdivision plat*, and the *Plan Commission* may require that *Restrictive covenants* be recorded with the *County Recorder*.

D. No *subdivision* shall be *approved* unless the land to be subdivided is properly zoned for the use of the particular type of *subdivision*. In any case where a rezoning or other special zoning approval of the land is required, the application for *Primary approval* of a *plat* or other special zoning approval shall not be filed with the *Plan Commission* prior to rezoning or other special

zoning approval by the appropriate governing body.

E. In certain instances it is to the benefit of the general welfare that certain improvements within a *subdivision* be increased in size. The additional cost for such *oversized improvements* is of no special benefit to the future residents of such *subdivision* but is of benefit to the general public. In such event, special contractual arrangements for cost sharing of the *oversized improvements* may be entered into between the *subdivider* and *participating locality* or utility company.

F. Improvements required by this ordinance and installed by the *subdivider*, which are of a public utility nature may provide benefits to other properties in the vicinity of the land being subdivided. If the installation of such required improvements cross over or adjoin local public agency utility lines, the public agency may, by contract, agree that whenever a connection is made to, or use is made of, the utility that the *subdivider* has installed, the new user, or users of such utility shall be required to pay a fee to the local public utility agency. Such fees shall be in an amount agreed upon by the *subdivider* and the local public agency. The amount of such fee shall be credited to, and paid to, the *subdivider* for a time period agreed to by the *subdivider* and the agency but not to exceed ten years from the date of acceptance of said installation by the *participating locality*.

G. In reviewing an application for approval of a *subdivision*, the *Plan Commission* shall consider the adequacy of existing streets and roads and other facilities to serve the proposed *subdivision* and may require the *subdivider* to make and pay for improvements deemed necessary. In no case shall the *participating locality* be obligated to make improvements for the purpose of making private land suitable for *development*.

H. Before approving any *subdivision*, the *Plan Commission* shall ensure that there are adequate methods to maintain all improvements required by this Article. Such improvements include but are not limited to recreation facilities, common open space, *private streets* and pedestrian ways, private sewer and water systems, and drainage facilities.

703.02 CHARACTER OF THE LAND: Land which the *Plat Committee* or *Plan Commission* finds to be unsuitable for *subdivision* because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, soils with severe limitations for *development*, utility *easement*s, or other features which will reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the *subdivision* and/or its surrounding areas, shall not be divided unless adequate methods are formulated by the *subdivider* and *approved* by the *Plat Committee* or *Plan Commission* to solve the problems

created by the unsuitable land conditions.

703.03 PRESERVATION OF NATURAL FEATURES AND AMENITIES: Existing features which would add value to the *development* or to the community as a whole, such as trees, watercourses and falls, historic spots, and similar irreplaceable assets, shall be preserved in the design of the *subdivision*. No trees shall be removed from any *subdivision* nor any change of grade of the land affected until *Primary approval* has been granted. All trees on the *plat* which are required to be retained shall be preserved, and all trees, where required, shall be welled and protected against change of grade. This section does not apply to minor *subdivision*s.

703.04 SUBDIVISION NAME: The proposed name of the *subdivision* shall not duplicate, or too closely approximate phonetically, the name of any other *subdivision* in Clinton County. The *Plat Committee* or *Plan Commission* shall have final authority to approve the name of the *subdivision* which shall be determined at the time of *Primary approval*. In the event the *subdivider* intends to develop the *subdivision* in phases, the name of the *subdivision* shall incorporate by number and as necessary the respective phase, section and part in that order.

703.05 MONUMENTS AND MARKERS: *Monuments and markers* shall be designed and constructed according to the following standards:

A. *Monuments and markers* shall be placed so that the center of the bar, or marked point, shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the *monument or marker* is level with the finished grade.

B. *Monuments* shall be set after final *grading* at each corner in the outer perimeter of the *subdivision*, at the intersection of *street* property lines forming angles in the boundary of the *subdivision* and at the intersection of *street* property lines.

C. *Monuments and markers* shall be set prior to issuance of *improvement location permit*s at the beginning and ending of all curves along *street* property lines, at all points where *lot line*s intersect curves, either front or rear, at all angles in property lines or lots, and at all other corners not established by a *monument*.

D. *Monuments* shall be made of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches at the top and be not less than 36 inches deep. They shall be marked on top with a brass or copper dowel not less than 36 inches long and set flush with the top of the *monument* and deeply scored on top with a cross. *Marker*s shall consist of

galvanized iron pipes or galvanized steel bars at least 36 inches long and not less than 5/8 inch in diameter.

703.06 UTILITIES: The *Plan Commission* shall ensure that adequate *sanitary sewer* and water service are provided as follows:

A. The *subdivider* shall provide the *subdivision* with a *sanitary sewer* system that meets the standards of the *County Health Department* by one of the following methods:

1. A municipal or other public utility system may be used which is subject to the design standards and approval from that utility company. The *subdivider* must provide evidence that such system has the capacity and capability to serve the *development* and guarantees of a sufficient number of hook-ons to serve all lots in the *subdivision*. If, in the judgement of the *Plan Commission*, a public *sanitary sewer* main, sized large enough to service the proposed *subdivision*, is reasonably accessible, a complete *sanitary sewer* system including lateral connections to each *lot* shall be installed and connected to the main. The system shall be provided with all necessary supplemental equipment or machinery, including lift stations, and be in such length, size, dimension, and specifications as required by the utility company and *Plan Commission*.

2. A private *sanitary sewer* system to convey the sewage to a treatment plan with lateral connections to each *lot* may be provided, to be constructed by the *subdivider* in accordance with the minimum requirements of the *County Health Department*, the Indiana State Board of Health, and/or the Indiana Stream Pollution Control Board. The private *sanitary sewer* system shall be designed to be compatible with a municipal utility system in case the private system is ever connected to the municipal system. The *subdivider* must show that there are arrangements to ensure continued operation and maintenance of the system, that the system has or will have sufficient capacity to serve the *development*, and guarantees of a sufficient number of hook-ons to serve all lots in the *subdivision*.

3. A private sewage disposal system on individual lots consisting of a septic tank and tile absorption field or other *approved* sewage disposal system may be provided, when laid out in accordance with the minimum standards of the Clinton County Health Department. Evidence must be provided that a private system can be installed on each *lot*.

B. The *subdivider* shall provide the *subdivision* with a complete water supply

system that meets the standards of the *County Health Department* by one of the following methods:

1. A municipal or other public utility system may be used subject to the design standards and approval from that utility company. If public water supply is available within 200 feet of any boundary of the proposed *subdivision*, the *subdivider* shall construct a system of water mains connected with such public water supply and provide a tap connection for each *lot*.

2. Where pubic water supply is not available within 200 feet of any boundary of the proposed *subdivision*, a private community water supply system may be provided in accordance with the minimum requirements of the Indiana State Board of Health.

3. Where public water supply is not available within 200 feet of any boundary of the proposed *subdivision*, an individual water supply on each *lot* in the *subdivision* may be provided in accordance with the minimum requirements of the Clinton County Health Department.

C. Fire hydrants shall be required for all *subdivision*s except those having lots served by individual wells. Generally, fire hydrants shall be located no more than 1,000 feet apart for nonresidential *subdivision*s and no more than 500 feet for any residential *subdivision*. All fire hydrants shall be constructed according to the State Fire Marshall Code and the standards of the applicable fire department and utility company. In *subdivision*s served by individual wells, the *subdivider* shall provide a dry sump in retention basins as specified by the local fire department to provide a water source for fire fighting.

D. All utility facilities, including but not limited to gas, electric power, telephone, and CATV cable, shall be located underground throughout the *subdivision*, except where not permitted by the utility company. All utility facilities existing and proposed throughout the *subdivision* shall be shown on the *primary plat* and shall be reviewed by the applicable utility company. Underground service connections to the property line of each platted *lot* shall be installed at the *subdivider*s' expense. This section does not apply to minor *subdivision*s.

703.07 PUBLIC USE or OPEN SPACE AREAS: Public use and open space areas shall be provided as follows. This section does not apply to minor *subdivision*s.

A. Where sites for parks, schools, playgrounds or other public uses are located within the *subdivision* area as shown on the *Comprehensive Plan*,

Park and Recreation Plans or any other adopted plans, the *Plan Commission* may request their *dedication* for such purposes, or their reservation for a period of three years, following the date of the final approval of the plan. In the event a government agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional five months.

B. In a *subdivision* proposed to contain an average of more than 2 1/2 lots per gross acre, and containing 50 or more lots or cumulative total of 50 or more lots as shown on the *primary plat* (including all phases), at least one acre of open space per each 50 lots shall be platted and permanently dedicated for public park or playground use. Such area may be permanently dedicated to a park board if agreed to by the park board, or to a property *owner*s association if suitably protected by covenants. If the open space is not accepted by the park board or if there is not a property *owner*s association for the *subdivision*, the *Plan Commission* may waive the requirements of this provision if there is no other way to permanently maintain the open space. Playgrounds or public school sites within the boundaries of the proposed *subdivision* shall be deemed to meet such community open space requirements. The least dimension of any such required open space shall be 150 feet. A public crosswalk or *easement* not less than 15 feet in width shall be provided for access to the required open space.

703.08 *BLOCK*S: *Block*s shall be designed according to the following standards. This section shall not apply to minor *subdivision*s.

A. *Block*s shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed *block* width shall be permitted in *block*s adjacent to major streets, railroads, and waterways.

B. The lengths, widths, and shapes of *block*s shall be such as are appropriate for the locality and the type of *development* permitted. *Block* lengths in residential areas shall not exceed 1,400 feet no be less than 400 feet in length. Wherever practical, *block*s along arterial and collector streets shall not be less than 1,000 feet in length. Irregularly shaped *block*s may be *approved* if such a pattern is appropriate to the land to be subdivided and is properly designed.

C. Pedestrian ways or cross walks not less than ten feet in width may be required through the center of *block*s which are not arranged in the direction of natural pedestrian and traffic flow or at other appropriate locations and at the ends of *cul-de-sac*s where the *Plan Commission* deems such ways desirable to provide for circulation or access to neighboring uses. In determining whether pedestrian ways are required, the *Plan Commission*

shall consider methods of maintaining such ways and their usefulness in providing access to any common open space, water areas, recreation areas, schools, *churches*, and other surrounding uses. Pedestrian ways shall be a perpetual, unobstructed *easement*.

703.09 LOT DESIGN: *Subdivision* lots shall be designed according to the following standards:

A. The *lot* arrangement shall be such that all lots shall have satisfactory *building* sites properly related to topography and surrounding land and uses. Each *lot* shall comply with the minimum width, depth and area requirements of UDO Article Three and with all applicable health regulations. Each *lot* shall be capable of providing safe, usable driveway access.

B. Where lots are more than double the minimum required area for the zoning *district*, the *Plat Committee* or the *Plan Commission* may require that such lots be arranged so as to allow further *subdivision* and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the Unified Development Ordinance.

C. Irregular-shaped lots shall be avoided except where the *Plat Committee* or the *Plan Commission* deems such a pattern to be more appropriate to the site conditions than regular shapes. Financial advantage for the *subdivider* and/or the ability to create a larger number of lots is not in itself sufficient reason for allowing irregular shapes.

D. In general, side *lot lines* shall be at right angles to *street* lines and radial to curving *street* lines unless a variation from this rule will provide better layout.

E. To the fullest extent practical, residential lots shall front on residential *subdivision* streets in such a manner as to provide neighborhood cohesiveness. Lots laid out in long lines along arterial, collector, or local streets shall be avoided.

F. Lots abutting a watercourse, drainageway, channel, stream, or floodplain shall have additional minimum width or depth as required to provide an adequate *building* site and afford the minimum usable area required by UDO Article Three for front, rear, and side yards. Lands below the regulatory flood elevation as specified by the UDO Section 401 shall not be used in computing the area requirement for any *lot*.

G. If a tract being subdivided contains a water body other than a temporary detention facility or portion thereof, *lot lines* shall either be so drawn as to distribute the entire ownership of the water body among the fees of adjacent

lots, or the *Plat Committee* or *Plan Commission* may approve an alternative plan whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a *County* responsibility. No part of the *minimum area* of a *lot* required under UDO Article Three may be satisfied by land which is under water other than a temporary detention facility or portion thereof.

H. Double *frontage* and reversed *frontage* lots shall be avoided in residential *subdivision*s except where necessary to provide separation of residential *development* from streets or to overcome specific disadvantages of topography and orientation.

I. Except where provided in UDO Section 703.10, each *lot* shall have at least 40 feet *frontage* on either a public road or a private road of at least 50 foot width.

703.10 LOT ACCESS: Access for *subdivision* lots shall meet the standards of this Section as well as all applicable corner *lot* visual clearance requirements and *parking* lot access requirements of UDO Article Three.

A. Generally, one driveway access shall be permitted per *lot* except for corner lots where one driveway per road is permitted and except for circular driveways where up to two driveway accesses are permitted and except where common *easement*s of access may be required as provided below.

B. To achieve more creative planning and preservation of natural property features, pipestem lots are permitted provided each has an exclusive unobstructed private *access easement* of at least 20 feet width to a public road. Two pipestem lots with no more than one dwelling on each *lot* may share a common *access easement* of at least 24 feet width.

C. The *Plan Commission* may require common driveways to be shared by two or more adjoining non-pipestem lots if they deem it appropriate for the purpose of highway access safety or design.

D. *Access easement*s providing *legal access* to more than two pipestem lots or more than one regular *lot* shall be at least 50 feet in width and shall have the capability of providing suitable locations for future public streets meeting the standards set forth in this Ordinance. Generally, up to four lots may receive access from a private *access easement* if by reason to topography, traffic safety, or other condition peculiar to the property, the *Plan Commission* finds it appropriate. The *subdivision plat* shall be properly noted that the *access easement* is private and a plan for maintenance shall be filed with the *plat*. The *Plan Commission* shall approve a plan for maintenance and the

proposed *access easement* road improvements.

E. An *access easement* serving more than four lots shall be considered a *street* and must be constructed according to the *street* standards in UDO Section 703.11, even if the *street* remains private. In this case the *subdivider* must submit a plan for maintenance for approval by the *Plan Commission*.

F. Lots in residential *subdivision*s shall not in general have access directly from an arterial. Where a *subdivision* borders on or contains an existing or proposed arterial the *Plan Commission* may require that access to such streets be limited by one or more of the following means:

1. The *subdivision* of residential lots so that they back onto the arterial and front onto a parallel *subdivision street*; no access shall be permitted to the arterial from any lots, and screening may be required in a planting strip inside the rear property line of such lots;

2. A series of *cul-de-sac*s, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel *street*, with the rear lines of their terminal lots backing onto the arterial;

3. A marginal access or service streets such as a *perimeter street*, separated from the arterial by a planting or grass strip and having access thereto at suitable points, however, marginal access or service streets shall generally be discouraged in residential *subdivision*s.

4. A common driveway between two adjoining lots as provide by UDO Section 703.10 C.

G. Driveways shall be constructed according to the following standards:

1. Where possible, driveways shall be designed and arranged so as to prevent vehicles from having to back onto any road or driveway.

2. No driveway shall interfere with drainage flow within any *right-of-way*.

3. Appropriate State permits shall be obtained for driveway access onto any State highway.

4. Permits, as required by the Clinton County Highway Department, shall be obtained prior to access onto *County* roads in unincorporated areas.

5. Driveways shared by two lots or driveways shared by two pipestem lots shall meet the following minimum standards:

a. It shall have a minimum width of 16 feet.

b. It shall have a minimum depth of eight inches of Type P or O made stone or gravel.

c. These standards only apply to the portion of the driveway that is jointly shared.

6. All other applicable standards of the Access Control Handbook shall be followed for driveway construction.

703.11 STREETS: All public streets and *alley*s and all *private streets* providing access to more than four lots shall be designed, constructed, and completed to the grades shown in the profiles and gross sections of the construction plans prepared according to the standards of this Section. Where applicable, the work shall be performed as prescribed in "Standard Specifications for Road and Bridge Construction and Maintenance" current issue, of the Indiana Department of Transportation. This Section does not apply to minor *subdivision*s.

A. All streets shall be laid out in relationship with existing and proposed streets and in compliance with the *Comprehensive Plan* and the *Thoroughfare Plan*. Whenever any tract to be subdivided embraces any part of a proposed *street* shown on the *Thoroughfare Plan*, that part of such *public way* shall be platted by the *subdivider* in the location and the width indicated on the Thoroughfare Plan, or as the *Plan Commission* may require. Where streets are not shown in the *Thoroughfare Plan*, the arrangement of streets in the *subdivision* shall provide for the continuation or projection of existing principal streets in surrounding areas or conform to a plan of the neighborhood *approved* and adopted by the *Plan Commission*.

B. All streets shall be properly related to specific traffic generators such as industries, business *district*s, schools, *church*es, and shopping centers; to population densities; and to the pattern of existing and proposed land uses.

C. All streets should be laid out to conform as much as possible to the topography and to existing and planned streets, to discourage use by through traffic on non-arterial or collector streets, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

D. The rigid rectangular gridiron *street* pattern need not necessarily be adhered to, and the use of curvilinear streets, *cul-de-sac*s, or U-shaped streets shall be encouraged where such use will result in a more desirable layout particularly on flat land.

E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the *Plan Commission* such extension is not necessary or desirable for the coordination of the layout or the most advantageous future *development* of adjacent tracts.

F. The creation of reserve strips shall not be permitted adjacent to a proposed *street* in such a manner as to deny access from adjacent property to such *street* unless prevented by topography or other physical conditions or unless in the opinion of the *Plan Commission*, the access from adjacent property to such *street* is not necessary or desirable for the coordination of the layout for the most advantageous future *development* of such adjacent tracts.

G. If an adjacent property is undeveloped and a *street* must be a *dead-end street* temporarily, the *right-of-way* shall be extended to the property lines, unless prevented by topography or other physical conditions, or unless in the opinion of the *Plan Commission*, such extension is not necessary or desirable for coordination of the layout or the most advantageous future *development* of adjacent tracts. A temporary T- or L-shaped turnabout shall be provided on all temporary *dead-end street*s, with the notation on the *subdivision plat* that land outside the normal *street right-of-way* shall revert to abutters whenever the *street* is continued, but that the temporary *right-of-way* becomes permanent if the *street* is never extended. Temporary *dead-end street*s shall also meet the following additional standards:

1. The minimum *right-of-way* radius of a temporary turnaround shall be 50 feet, and the minimum pavement diameter shall be 80 feet.

2. A temporary turnaround shall be constructed of at least six inches of stone.

3. A temporary turnaround shall not exceed 1,000 feet in length unless *approved* by the *Plan Commission*.

4. The temporary *dead-end street* may be on adjacent undeveloped land provided that the standards of this Section are met to the *Plan Commission*s' satisfaction.

H. Where a road does not extend to the boundary of the *subdivision* and its continuation is not required by the *Plan Commission* for access to adjoining property, its *right-of-way* terminus shall normally not be nearer to such boundary than 50 feet. However, the *Plan Commission* may require the reservation of an appropriate *easement* to accommodate drainage facilities,

pedestrian traffic, or utilities.

I. A *cul-de-sac* turnaround shall be provided at the end of a permanent *dead-end street* in accordance with the construction standards and specifications of this Ordinance. For greater convenience to traffic and more effective emergency vehicle access, permanent dead-end or *cul-de-sac* streets shall, in general be limited to 1,000 feet in length. The *cul-de-sac* shall have a minimum *right-of-way* radius of 50 feet and a minimum pavement radius of 40 feet.

J. *Street* systems in new *subdivision*s shall be laid out so as to eliminate or avoid new perimeter half-streets or half *alley*s. Where an existing half-*street* or half *alley* is adjacent to a new *subdivision*, the other half of the *street* shall be improved and dedicated by the *subdivider*. The *Plan Commission* may authorize a new *perimeter street* where the *subdivider* improves and dedicates the entire required *street right-of-way* width within his own *subdivision* boundaries.

K. Where a *subdivision* borders or contains an existing or proposed through *street* as shown in the *Thoroughfare Plan*, the *Plan Commission* may require reverse *frontage* along said *street*. A screen planting, having a minimum depth of ten feet may be required as a separation between these lots and said *street*. In addition, a residential *street*, serving such reverse *frontage* lots and having marginal or limited access may be required.

L. Where a *subdivision* borders an existing, narrow, non-arterial road or where topography design features or other conditions necessitate additional *right-of-way*, or when the *Comprehensive Plan* or the *Thoroughfare Plan* indicates plans for realignment or widening an adjacent road that would require use of some land in the *subdivision*, the *subdivider* shall be required to dedicate such *right-of-way* for widening or realignment of such roads. Where any lots within a *subdivision* derive *frontage* from an existing, narrow, non-arterial road, it shall be improved to 1/2 of the full width of the facility as required by this Ordinance. If the site is transected by an existing arterial road which the *Comprehensive Plan* or the *Thoroughfare Plan* indicates plans for realignment or widening, the *subdivider* shall be required to dedicate *right-of-way* for such arterial. Where any lots within a *subdivision* derive *frontage* from any such arterial, it shall be improved to the full width of a collector facility as required by this Ordinance. Where an arterial proposed in the *Comprehensive Plan* or the *Thoroughfare Plan* borders or transects a proposed *subdivision*, the necessary *right-of-way* shall be reserved.

M. Where a *subdivision* borders on or contains an existing or proposed arterial or collector, a railroad *right-of-way* or *limited access highway right-*

of-way, the Area Plan Commission may require a marginal access *street* approximately parallel to and on each side of such thoroughfare or *right-of-way*. The *right-of-way* of a marginal access *street* shall be 40 feet and the pavement width shall be 18 feet. The marginal access *street* shall be located from the thoroughfare or *right-of-way* at a separating distance suitable for the appropriate use of the intervening land, such as for park purposes in residential *district*s, or for *commercial* or industrial purposes in those appropriate *district*s. Such distances shall be determined with due regard for the requirements of approach grades and future grade separations. The *Plan Commission* may require that said intervening land strips be dedicated to the *County* or participating municipalities under conditions *approved* by the *Plan Commission*. The said strips shall be maintained by the involved governmental unit from the date of acceptance for maintenance.

N. The *Plan Commission* may permit *alley*s in all *subdivision*s if it finds that the *alley*s are the best means of serving the *subdivision*. *Alley*s shall have a minimum *right-of-way* width of 20 feet and a minimum pavement width of 16 feet. *Alley* intersections with sharp changes in alignment shall be avoided, but where necessary, corners shall be *cut* off sufficiently to permit safe vehicular movement. Minimum radii at *alley* or *street* intersections shall be 25 feet. Dead-end *alley*s shall be prohibited except when provided with a fifty foot outside turning radius at the dead-end.

O. If any *subdivision* or any *lot* therein abuts a state highway, evidence of compliance with all applicable regulations of the Indiana Department of Transportation shall be required.

P. All streets shall be designed according to the specifications of Table 1 and the other standards of this Ordinance. For purposes of Table 1, streets shall be classified according to the *Comprehensive Plan*, the *Thoroughfare Plan* and/or the average daily traffic that may be expected. The *Plan Commission* shall classify streets in the absence of clear determination of any of the above. The *Plan Commission* shall use the definitions of this Ordinance as guidelines for making *street* classifications.

Q. In addition to the design standards of Table 1, the following additional standards apply to all streets.

1. The minimum grade of all streets shall 0.5 percent.

2. The minimum radius of curves shall be 100 feet.

3. The minimum length of tangents between reverse curves shall be 100 feet.

4. The pavement cross *slope* shall be between 1/4 inch per foot and 3/8 inch per foot.

5. The shoulder cross *slope* shall be between 1/2 inch per foot and one inch per foot.

6. For all streets, at least three feet of the shoulders shall be stone or paved.

7. The *right-of-way* shall be adequate for construction and maintenance of pavement, shoulders, ditches, curbs and gutters and sidewalks where required. The *Plan Commission* may require such additional *right-of-way* as it deems necessary for these purposes, or may reduce the required *right-of-way* widths if the *subdivider* provides justification deemed adequate by the *Plan Commission*. The *Plan Commission* may also require additional *right-of-way* if, because of topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of a two to one ratio.

8. The pavement widths shown on Table 1 are for streets and roads having shoulders. However, if sidewalks and curbs and gutters are required by UDO Section 703.12 and 703.13 for a *subdivision*, then at least one paved *parking* lane must be provided in lieu of the shoulders. For each *parking* lane, an additional eight feet of pavement (four feet per side) shall be provided.

9. For *non-residential subdivision*s the *right-of-way* shall generally be 60 feet and pavement width shall be 30 feet. There shall be six foot shoulders (except when curb and gutter is necessary). The minimum radius of curves shall be 200 feet and the minimum sight distance and the minimum length of tangents between reverse curves shall also be 200 feet. The minimum *right-of-way* diameter for a *cul-de-sac* shall be 160 feet and the minimum *cul-de-sac* pavement width shall be 140 feet.

10. For streets designed as a boulevard with a center median, the *Plan Commission* shall establish design standards based on the expected average daily traffic and the standards of this Ordinance.

R. All streets shall be graded, surfaced and improved according to the following standards:

1. On land with soils which have slight or moderate limitations for *street* construction according to Table 2 of the *Soil Survey* of Clinton County, the minimum thickness of subbase, base course, and pavement shall be

as follows:

a. For local and *subdivision* streets and places:

i. A six inch plain concrete pavement of compacted subgrade or an equivalent balanced section as recommended by the Portland Cement Association; or

ii. A three inch Hot Asphalt Concrete pavement on eight inches of compacted aggregate base on a compacted subgrade; or

iii. A deep-strength Hot Asphalt Concrete design with minimum total depth of seven and a half inches on a compacted sub-grade.

b. For collector streets:

i. A six and a half inch plain concrete pavement on compacted subgrade or an equivalent balanced section as recommended by the Portland Cement Association, or

ii. A three and a half inch Hot Asphalt Concrete pavement on eight and a half inches of compacted aggregate base on a compacted subgrade, or

iii. A deep-strength Hot Asphalt concrete design with a minimum total depth of nine and a half inches on a compacted subgrade.

c. For arterial streets, as required by the Indiana Department of Transportation.

2. On land with soils which have limitations for *street* construction according to Table 2 of the *Soil Survey* of Clinton County, the above construction standards shall be increased by 33 percent.

3. Contraction joints shall be placed at a spacing of 20 feet or less and placed at every catch basin and manhole in line of pavement and must extend throughout side strips and curbs to full width of pavement.

4. Higher standards than indicated in this section may be required by the *Plan Commission* to provide adequately for unusual soil conditions, extraordinary traffic volumes, or other abnormal characteristics.

5. All work shall be performed in the manner prescribed in the most

recent or successor edition of the "Standard Specifications for Road and Bridge Construction and Maintenance" of the Indiana Department of Transportation. All work shall be shown on the Construction Plans as required by UDO Section 702.07.

6. *Street* surfacing and curb and gutter construction shall not proceed until all water, sewer and *subsurface drainage* facilities have been installed.

S. All traffic control devices, including regulatory, warning, and guide signs, and pavement markings (when installed) shall conform to the then current edition of the Indiana Manual on Uniform Traffic Control Devices.

T. Where a hazard is deemed to exist by the *Plan Commission*, a guardrail shall be provided by the *subdivider*. All guardrails, where required, shall be "blocked out" from posts a minimum of four inches. All guardrail ends shall be terminated in buried ends or breakaway cable terminals unless they are wrapped around a driveway or field entrance in accordance with Indiana Department of Transportation standards.

U. Streets parallel to a railroad when intersecting a *street* which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least 150 feet from the railroad *right-of-way*. Such distance shall be determined with due consideration of grades by means of appropriate approach gradients.

V. Bridges of primary benefit to the *subdivision* as determined by the *Plan Commission* shall be constructed at the full expense of the *subdivider* without reimbursement from the *County*. The sharing of expenses for the construction of bridges not of primary benefit to the *subdivision* as determined by the *Plan Commission* will be fixed by special agreement between the *County* and the *subdivider*. Said cost shall be charged to the *subdivider* pro-rata as the percentage of his land developed and so served, and as specified in UDO Section 703.01 C.

W. Intersections shall be designed according to the following standards:

1. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 80 degrees shall not be acceptable. An oblique *street* should be curved approaching an intersection and should be approximately at right angles for at least 100 feet therefrom. Not more than two streets shall intersect at any one point unless specifically *approved* by the *Plan Commission*.

2. Proposed new intersections along one side of an existing *street* shall, wherever practicable, coincide with any existing intersections on the opposite side of such *street*. *Street* jogs with center line offsets of less than 150 feet shall not be permitted, except where the intersected *street* has separated dual roadways without median breaks at either intersection. When streets intersect arterials and collectors, their alignment shall be continuous.

3. Minimum corner radius at the intersection of two local streets shall be at least 20 feet and minimum corner radius at an intersection involving a collector *street* shall be at least 25 feet. *Alley* intersections and abrupt changes in alignment within a *block* shall have the corners *cut* off in accordance with standard engineering practices to permit safe vehicular movement.

4. Intersections shall be designed with a flat grade wherever practicable. At the approach to an intersection, a leveling area shall be provided having not greater than two percent rate at a distance of 60 feet, measured from the nearest *right-of-way* line of the intersecting *street*.

5. Where any *street* intersection will involve earth banks or existing vegetation inside any *lot* corner that would create a traffic hazard by limiting visibility, the developer shall *cut* such ground and/or vegetation (including trees) in connection with the *grading* of the public *right-of-way* to the extent deemed necessary to provide an adequate sight distance.

6. The cross-slopes on all streets, including intersections, shall be three percent or less.

7. When *subdivision* streets intersect with collector or arterial streets, the *subdivider* may be required to install deceleration and passing lanes or other improvements along the major *street* as specified by the *Plan Commission* or Indiana Department of Transportation.

X. No *street* names may be used which will duplicate, or be confused with, the names of any existing streets in Clinton County unless said proposed streets are the logical extension or continuation of, or obviously in alignment with an existing platted *street* in which case the proposed streets shall bear the names of such existing streets.

Y. Privately-owned *subdivision* streets are allowed but they must meet the following conditions:

1. *Private streets* must be built according to all specifications in this

Ordinance except as *approved* by the *Plan Commission*.

2. A plan for maintenance must be submitted and *approved* by the *Plan Commission* with the *primary plat*.

3. The primary and *secondary plat* must include a statement that the streets are privately owned and maintained.

4. *Private streets* shall be maintained by the *subdivider* or by the home *owner*s association, so that fire, police, health, *school* and sanitation vehicles and public utility vehicles have adequate access. Adequate access includes an adequate turning area. At or near the entrance of each intersection of a private *street* with a dedicated public *street* there shall be erected and maintained by the *subdivider* or association, a signpost to which is attached a sign having an area of at least 15 inches by 21 inches upon which is printed and clearly legible “Private Street” and in at least one inch letters the words, “Not Dedicated for Public Use or Maintained by the Public”.

5. Applicable performance guarantees as required by this Ordinance shall be filed.

Z. Installation and maintenance of mailboxes within *County right-of-way* is the responsibility of the property *owner*.

703.12 SIDEWALKS: Sidewalks shall be designed and constructed as follows:

A. Sidewalks shall be provided on each side of the *street* for *subdivision*s which meet one of the following:

1. All Major *subdivision*s, or

2. Wherever a proposed *subdivision* lies adjacent to or between other *subdivision*s which have been provided with sidewalks, or

3. Whenever a proposed *subdivision* is located in an area zoned for R-2 (Low Density Residential), R-3 Medium Density Residential), R-4 (High Density Residential), B-1 (Neighborhood Business), B-2 (Central Business), B-3 (Roadside Business), B-4 (General Business), B-6 (Office or Tech Park), and PD (Planned Development), or

4. Along any *street* where a reasonable volume of pedestrian traffic could be expected and an alternative pathway has not been provided.

B. When sidewalks are required, they shall be constructed of Portland

Cement Concrete, at least four inches thick, and four feet wide and shall meet the following standards:

1. Sidewalks shall be included within the dedicated non-pavement *right-of-way* as required by Table 1.

2. A median strip of grassed or landscaped areas at least two feet wide shall separate all sidewalks from adjacent curbs and gutters.

C. Ramps for access by handicapped persons shall be provided at all corners.

703.13 CURBS AND GUTTERS: Curbs and gutters shall be designed and constructed as follows:

A. Concrete curbs and gutters are required for all streets where sidewalks are required by this Ordinance. In addition, the *Plan Commission* may require curbs and gutters on the downslope side of a *street* surface in a hillside *subdivision* to assist in *erosion* control. If a curb system is required on the downslope side, it shall be provided with catch basins and culverts as necessary to carry run off waters to the natural drainage course.

B. The curbs and gutters, whether rolled or vertical, shall be constructed according to the following specifications:

1. The base for the curb and gutter shall be well-compacted on the existing base or grade.

2. All gutters and curbs shall be of Portland Cement concrete and shall be constructed in accordance with the Standard Specifications of the *participating locality* or the Indiana Department of Transportation, if applicable.

703.14 STREET SIGNS: *Street* identification signs shall be provided by the *subdivider* and installed at all *street* intersections within the *subdivision*. Said signs and posts shall conform to the following standards or be of a design *approved* by the *participating locality*. This section does not apply to minor *subdivision*s.

A. Each sign post shall consist of a two inch galvanized pipe ten feet long weighing two pounds per foot.

B. Each sign shall be of a metal double blade design, green reflectorized with three inch black gothic letters, mounted at the top of the post with the *street* name on both sides at an elevation of seven feet above the paved *street*.

C. All signs shall be located within the *street right-of-way* but no closer than six feet from the edge of the traveled portion of the *street*.

703.15 CULVERTS Culverts shall be designed and constructed as follows:

A. Roadside drainage shall not be disrupted by public driveways or other obstructions. Culverts, pipes, or tiles shall be placed under roads at locations in accordance with the drainage plan and/or as necessary to provide outlets for side ditches and storm water to which they will be subjected.

B. All culverts shall be corrugated aluminum, galvanized corrugated steel, HDPE Dual-wall corrugated plastic, or concrete pipe.

C. All culverts installed under driveways or within *street* rights-of-way shall be a minimum of twelve inches in diameter and shall be installed prior to placing of the *street* surface. Pipe end sections shall be installed on all pipes 36 or fewer inches in diameter. All culverts under the roadway shall extend at least the full roadway width, including the shoulders.

703.16 DITCHES: Ditches and roadside swales in *subdivision*s without curbs and gutters shall be designed and constructed as follows:

A. Roadside ditches and swales shall be constructed with a minimum width of ten feet as specified in the drainage plans to provide positive drainage along the entire property frontage and to insure that the drainage pipe or culvert under the driveway will not become blocked or clogged with debris. Areas disturbed by driveway construction or *swale grading* shall be stabilized, fertilized, sown or sodded in grass to prevent *erosion*. A suitable outlet shall be provided for all side ditches to a natural or established drain or ditch as specified in the drainage plan.

B. The minimum *slope* on all roadside ditches shall 0.25 percent. The maximum side *slope* for ditches shall be 3:1 and the maximum back *slope* shall be 2:1. Deep, open ditches shall be avoided.

C. The minimum depth of all roadside ditches shall be 18 inches below the edge of pavement.

D. All roadside ditches with grades of less than three percent shall be seeded and mulched with straw or sodded. All ditches with grades of at least three percent but less than five percent shall be sodded, and all ditches with grades of five percent of more or subject to severe washing or eroding as specified in the *erosion* control plan shall be paved or protected by riprap of stone. Seeding and sodding shall be in conformance with the Indiana Department of Transportation standard specifications.

E. No existing ditches shall be filled without written approval of the Highway Department.

F. Day lighting of sump pumps, perimeter drains, other types of drains or geothermal HVAC systems to Road Right of Way shall not be allowed without the written approval of the Highway Department and Drainage Board.

703.17 STREET LIGHTS: *Sreet* lights are required along all streets in incorporated areas and in *subdivision*s in the *County* where sidewalks are necessary provided that the *subdivision* has a homeowners' association for permanent maintenance of the lights. Lights shall be installed at all intersections throughout the *subdivision* and such installations shall conform to the requirements of the *participating locality* and/or the public utility providing such lighting. All *street* lights must also comply with UDO Section 524.

703.18 EASEMENTS: *Easement*s shall be provided as follows:

A. Utility Easements: *Easement*s, centered on rear or side *lot line*s where possible, shall be provided for utilities where necessary and shall be at least 16 feet wide. *Easement*s shall be continuous to the *street* at the end of the *block* to connect with *easement*s in adjoining *block*s in the shortest direct line. The *Plan Commission* may require larger *easement*s if requested by the utility company.

B. Drainage Easements: *Easement*s shall be provided where the *Plan Commission* deems them necessary to provide proper drainage for the *subdivision*. Such *easement*s shall be at least 15 feet in width and may be coincident with utility *easement*s.

1. Where a *subdivision* is traversed by a water course, drainage way, or stream, there shall be provided an adequate storm water *easement* or drainage *right-of-way* conforming substantially with the lines of such water course and to the provisions of the Clinton County Drainage Ordinance for any present or future width of construction.

2. Where a *subdivision* is traversed by a *legal drain*, the *right-of-way* for the drain shall be in accordance with the Indiana Code requirements for *legal drain*s.

C. **Maintenance Easements:** Where the *Plan Commission* deems appropriate, *easement*s for the maintenance of adjoining property may be required.

D. Farm Tile Easements: Where there are farm tiles which are to remain

on property proposed for *subdivision*, an *easement* at least ten feet in width on both sides measured at right angles from the tile shall be provided for protection and maintenance of such tiles. The *Plan Commission* may require larger *easement*s when it deems such additional width necessary for carrying out the purposes of this section.

E. Farm Access Easements: All *parcel*s, including *agricultural* property shall have *legal access* meeting the minimum standards of this Article. In addition to the *legal access*, *access easement*s at least 25 feet in width for farm machinery and other *agricultural* purposes may be provided. Such *easement*s shall not be permitted unless the remaining property has *legal access*, frontage, and width.

F. Access Easements: *Access easement*s shall be provided as required by UDO Section 703.10.

G. Pedestrian Way Easements: *Easement*s for pedestrian ways shall be provided as required by UDO Section 703.08 C.

H. Recording of Easements: All *easement*s shall be described on the *plat* or, if off site, described on a separate *easement* recorded in the office of the Clinton County Recorder.

703.19 STORM WATER DRAINAGE: The *subdivider* shall be required to design and construct an adequate storm water *drainage system* that shall be in compliance with the Clinton County Drainage Ordinance. This may be comprised of a natural *drainage system*, a *storm sewer* system or a combination natural drainage and *storm sewer* system. Storm water *drainage system*s shall meet all design standards of the Clinton County Drainage Ordinance and the following standards. All drainage information shall be shown on the drainage plans as required in UDO Section 702.03 I.

A. *Subdivision* on-site drainage facilities shall be designed to accommodate the effect of water *runoff* from the *subdivision* area after *development* on downstream drainage areas, the present water *runoff from developed and undeveloped areas upstream*, and that part of the water *runoff* attributable to future *development* in undeveloped areas upstream, which is not reasonably likely to be accommodated in such upstream areas.

B. All storm water *drainage system*s shall be separate and independent of any *sanitary sewer* system.

C. Natural drainage patterns and natural stream channels shall be maintained wherever possible.

D. *Storm sewer*s, where required, shall be designed according to accepted engineering practice and the standards of the Clinton County Drainage Ordinance.

E. All lots, tracts, or *parcel*s shall be designed and graded to provide proper drainage away from the *building*s and dispose of it without ponding, and all land within the *development* shall be graded to drain and dispose of surface water without ponding, except where *approved* by the *Subdivision Administrator*.

F. All drainage provisions shall be of such design to adequately handle the surface *runoff* and carry it to the nearest suitable outlet such as a curbed *street*, , or natural watercourse. Where *drainage swale*s are used to divert surface water away from *building*s, they shall be sodded or planted as required and shall be of such *slope*, shape, and size as to conform with the requirements of the *Plan Commission*.

G. Concentration of surface water *runoff* shall only be permitted in swales or watercourses.

H. Land alteration shall be accomplished in such a way that the grades left at the time that the work is completed will be permanent and stable.

I. An existing drain (including pipe or tile) or watercourse affected by a *subdivision* shall not be changed or altered in its operation unless the *subdivider* provides the necessary drain or watercourse to a proper and adequate outlet.

J. When a proposed *drainage system* will carry water across private land outside the *subdivision* or water from adjacent property will flow into the *drainage system* of the *subdivision*, appropriate *off-site* drainage rights must be secured and indicated on the *plat*.

K. Retention or detention ponds may be required by the Drainage Board to regulate the flow at the outfall. Such ponds shall be protected from *erosion* and shall be designed and constructed to enable adequate access for maintenance. *Easement*s and plans for permanent maintenance shall also be specified.

L. In the approval of drainage plans, the *Plan Commission* may require *off-site* improvements of drainage outlets to adequately handle the run-off from the *subdivision* when damage and *erosion* would be caused to adjacent property. If such *drainage system* is required, a covenant shall be required showing that future perpetual maintenance costs shall be shared

proportionately by those benefitted. Utilities and sewers shall be installed under paved areas of streets only when absolutely necessary. Plans shall include drainage provisions for at least a ten year frequency storm.

M. No *subdivider* or *person*, corporation, or other entity shall block, impede the flow of, alter, construct any *structure*, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse or *drainage system* without having obtained prior approval from the Clinton County Drainage Board and/or *DNR*.

N. It is the responsibility of the *subdivider* and any *person*, corporation, or other entity doing any act on or across a communal stream, watercourse, or *swale* or upon the flood plain, floodway, or floodway fringe area of any watercourse during the period of *development* to return these areas to their original or equal conditions upon completion of said activities.

O. Whenever *sedimentation* is cause by stripping, vegetation, regrading or other *development* activities, it shall be the responsibility of the *subdivider*, *person*, corporation, or other entity causing such *sedimentation* to remove it from all adjoining surfaces, *drainage system*s, and watercourses and to repair any damage at his expense as quickly as possible.

P. Connection to a state *drainage system* is allowed only with written approval from the Indiana Department of Transportation. Connection to a *County legal drain* is allowed only with written approval from the *County Drainage Board*. Connection to a *County* road ditch is allowed only with approval from the Clinton County Highway Department.

Q. The *Plan Commission* shall not approve any *subdivision* for which adequate provision for maintenance of *drainage system*s has not been made. Such provision may include but is not limited to acceptance of the system as a rural or urban *legal drain* by the *County Drainage Board* or establishment of a property *owner*s association with responsibility to set and collect fees for *drainage system* maintenance.

R. If designated as a legal *drainage system*, all *storm sewer*s, *structure*s, and designated surface drains within the *subdivision* shall become part of the legal drainage shed. *Subdivision* lots shall be assessed as annual drainage maintenance fee by the office of the Clinton County Treasurer.

703.20 EROSION CONTROL: Effective measures in minimizing *erosion* and *sedimentation* shall be included where applicable in the *erosion* control plan as required by UDO Section 702.03 H and as may be required by the Indiana Stormwater Control Manual.

A. The following measures shall be included where applicable:

1. Stripping of vegetation, regrading, or other *development* shall be done in such a way that will minimize *erosion*.

2. *Development plan*s shall preserve prominent natural features, keep *cut* fill operations to a minimum, and ensure conformity with topography so as to create the least *erosion* potential and adequately handle the volume and velocity of surface water *runoff*.

3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

4. The disturbed area and the duration of exposure shall be kept to a practical minimum.

5. Disturbed soils shall be stabilized as quickly as possible.

6. Temporary vegetation and mulching shall be used to protect exposed critical areas during *development*.

7. The permanent final vegetation and structural *erosion* control and drainage measures shall be installed as soon as practical in the *development*.

8. Provision shall be made to effectively accommodate the increased *runoff* caused by changed soil and surface conditions during and after *development*. Where necessary, the rate of surface water *runoff* will be structurally retarded.

9. Sediment in the *runoff* water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

B. The *Subdivision Administrator* shall be guided by the Indiana Stormwater Control Manual and by applicable *erosion* regulations of the Soil and Water Conservation District, Clinton County Drainage Board, Indiana Department of Natural Resources and/or the adopted *erosion* control handbook.

703.21 SITE PREPARATION STANDARDS: The following standards shall be met during construction of the *subdivision*:

A. All lots and other land included within a *subdivision* shall be graded in accordance with the *approved* drainage control and *erosion* control plans. Except for land covered by *building*s, included in streets, or where the grade

has not been changed and natural vegetation not seriously disturbed, the land shall be covered with topsoil an average depth of at least four inches. Topsoil shall not be removed from residential lots or used as spoil but shall be redistributed so as to provide at least four inches of cover between sidewalks and curbs and between shoulders and *right-of-way* lines and shall be stabilized by seeding or planting.

B. No cut trees, timber, debris, rocks, stones, *junk*, rubbish, or other waste material shall be buried in any land, or left or deposited on any *lot* or *street* at the time of occupancy within a *subdivision*, nor shall any such material be left or deposited in any area of the *subdivision* at the time of expiration of the performance guarantee or *dedication* of *public improvement*s.

C.No utility company shall *cut*, dig, trench, otherwise interfere with the surface or subsurface of any City *street* or *County* road prior to notification of the Board of Works, municipal *street* department, or, where applicable, Clinton County Highway Department. The Board of Works shall have the right to designate when the road work may be started in order to minimize congestion during peak traffic periods.

D. Areas within the *right-of-way* of a City *street* or *County* road that are disturbed by a utility company or its subcontractor during the installation of equipment shall be returned to their original condition. Vegetation that is removed shall be replaced by sodding the disturbed area or seeding, mulching, and fertilizing the area to prevent *erosion*.

E. Construction signs and barricades shall be adequate to protect the area under construction, workers, and the travelling public. The *subdivider* shall be responsible for maintaining the signs and barricades to the satisfaction of the *Subdivision Administrator*.

F. *Excavation* and fills shall meet the following standards:

1. *Cut* and fill slopes shall not be steeper than 3:1 unless stabilized by a retaining all or cribbing as *approved* by the *Subdivision Administrator* when handled under special conditions.

2. Provisions shall be made to prevent surface water from damaging the *cut* face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above this area.

3. Cuts and fills shall not endanger adjoining property.

4. Fill shall be placed and compacted so as to minimize sliding or *erosion* of the soil.

5. Fills shall not encroach or impede flows on natural watercourses or constructed channels.

6. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against *erosion* during this period of construction.

7. *Grading* will not be done in such a way so as to divert water onto the property of another land *owner* without the expressed consent of the *Subdivision Administrator* and other land *owner*.

8. During *grading* operations, necessary measures for dust control will be exercised.

9. *Grading* equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary or permanent culverts of bridges.

G. Each *subdivider* shall be required to furnish and install *fence*s wherever the *Plan Commission* determines that a hazardous condition may exist. The *fence*s shall be constructed according to standards established by the *Plan Commission* and shall be noted as to height and material on the *secondary plat*.

703.22 FLOODPLAINS AND AREAS OF POOR DRAINAGE: *Subdivision*s which have land within floodplains or land subject to flooding shall meet the requirements below:

A. The *Plan Commission* shall review all proposed *subdivision*s to determine whether the *subdivision* lies in a specified flood hazard area. If the *Plan Commission* finds the *subdivision* to be so located, the *Plan Commission* shall forward plans and materials to *DNR* for review and comment. *DNR* shall require appropriate changes and modifications in order to assure that:

1. It is consistent with the need to minimize flood damages;

2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

3. Adequate drainage is provided so as to reduce exposure to flood hazards;

4. Onsite waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during

the occurrence of the regulatory flood.

B. Developers shall record the 100 year flood elevation on all *subdivision plat*s containing lands identified elsewhere by ordinance as within a specified flood hazard area prior to submitting the *plat*s for approval by the *Plan Commission*.

C. All *owner*s of *subdivision*s located within the specified flood hazard areas shall develop an evacuation plan for those lots located within specified flood hazard areas and file it with the *Plan Commission* and have it filed and *approved* by the appropriate community emergency management authorities.

D. Areas which are not within the jurisdiction of the Clinton County Flood Plain Management Ordinance but which contain soils which are subject to flooding may be *approved* for *subdivision* by the *Plan Commission*, provided that the *subdivider* fills the affected areas of said *subdivision* to an elevation sufficient to place *building* sites and streets two feet above ponding levels.

E. In areas characterized by soils having a high seasonal water table as determined by the Clinton County Soil and Water Conservation District, lots shall be limited to slab type construction unless the *Plan Commission* determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.

F. Low-lying lands along watercourses subject to flooding or overflowing during storm periods that are not in a special flood hazard area shall be preserved and retained in their natural state wherever required by the Clinton County Drainage Board as drainage *easement*s.

ARTICLE 8: PLANNED UNIT DEVELOPMENT

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

801 PUD PURPOSES

The following purposes apply to *PUD district*s:

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

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

801.03 *Planned Unit Development district*s may be created for *development* of open or vacant land, redevelopment of presently developed land, and *development* of both comparatively small and large scale projects.

802 PUD USES AND STANDARDS

The following uses and standards apply to *PUD district*s:

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

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

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

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

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

D. All *PUD*s shall include such *bufferyard*s as determined appropriate by the Area Plan Commission. To determine the *bufferyard* classification of each specific use bordering the boundary line within the *PUD*, use Table A-1. The required *bufferyard*s shall not count towards the required open space.

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

803 PUD ORDINANCE REQUIREMENTS

At a minimum, the following items must be addressed in a *PUD district* in a general sense at the stage of *primary approval* (certified by the Area Plan Commission and

adopted by the *County Commissioners*) and specifically at *secondary approval*:

803.01 The proposed layout of *street*, sidewalk, open space, and other basic elements of the plan.

803.02 General identification of location and types of *structure*s/areas, their use categories within the area, and proposed densities of said uses.

803.03 Proposals for handling traffic, *parking*, sewage disposal, drainage, *tree* preservation/removal, lighting, signage, waste disposal, and other pertinent *development* features.

803.04 Map showing, to scale, the boundary lines of the proposed *district* with a *legal description* for all the land included in the proposed *PUD* zoning.

803.05 Covenants to be made part of the *PUD*.

803.06 Proposed schedule of construction and completion.

803.07 An open space plan designating the location and type of open space to be provided and the manner in which the space will be perpetuated, maintained, and administrated.

803.08 Locations of proposed *easement*s, *right-of-way*s, or other restrictions imposed on land or *building*s.

803.09 *Landscaping*, *screening*, and *buffer*ing proposals.

803.10 Minimum setbacks, *lot area*s, lot *frontage*, and *lot width*.

803.11 Maximum height of principal and *accessory structure*s and maximum permitted *impervious surface* per use type

803.12 Any other specification within the *PUD* that will differ from the standards of the Unified Development Ordinance.

804 PUD DELEGATION OF AUTHORITY

Pursuant to I.C. 36-7-4-1511, as amended, authority to conduct a secondary review and grant *secondary approval* for the *PUD district* Ordinance is delegated to the Area Plan Commission.

805 PROCEDURE/PROCESS SUMMARY

The following is a summary of the process or procedure to be followed when creating

a *PUD*:

805.01 Submission of application for *primary approval* of *PUD district* and *PUD district* Ordinance/*Development Plan*s. This requests that the Official *Zoning Maps* are amended to show the requested area as a *PUD district* and specifies the applicable regulations. The requirements of UDO Section 803 shall be generally addressed in the application and the developer is encouraged to meet informally with planning *staff* beforehand to discuss the requirements and proposal.

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

805.03 Submission of application for *secondary approval* of the *PUD district* Ordinance/*Development Plan*s. The requirements of UDO 803 shall be specifically addressed in the application along with any other information requested during the primary review.

805.04 If applicable and not done concurrently with the *PUD* approval, a primary subdivision *plat* shall be filed and heard by the Area Plan Commission in accordance with the Unified Development Ordinance.

805.05 A *secondary plat* shall be filed with the *Plan Commission* and *approved* by the *Subdivision Administrator* as specified in the Unified Subdivision Control Ordinance of Clinton County. All improvements must be secured by bond or other financial guarantee determined by the Area Plan Commission to be acceptable before *secondary approval* is granted. The *plat* shall then be recorded with the Clinton County Recorder's Office and a recorded copy submitted to the *Plan Commission*.

805.06 No *Improvement Location Permit* shall be issued and no construction shall begin for any property that is part of a proposed *PUD* until an *approved* Final *Development Plan* is in effect for that phase or property.

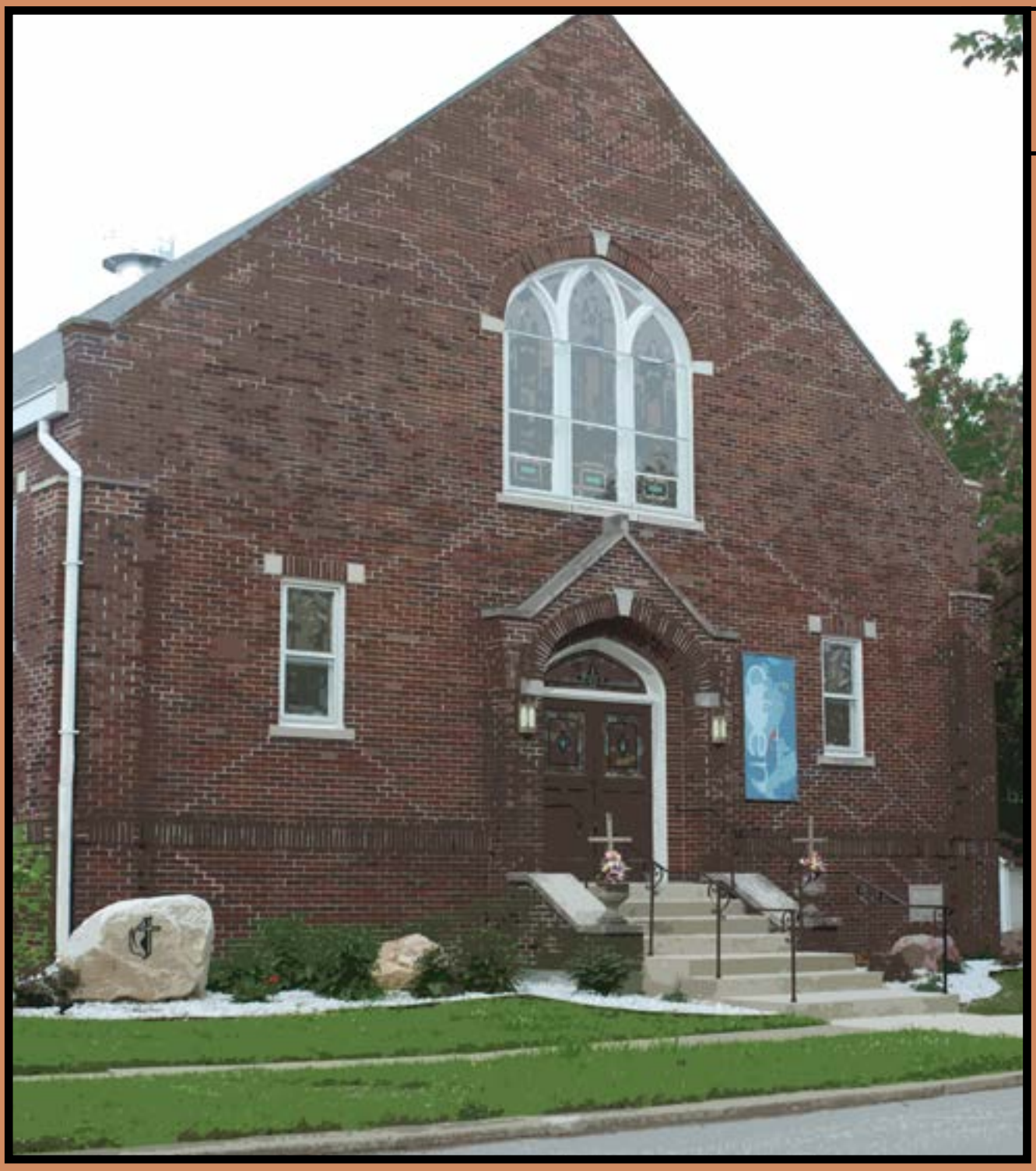
806 PUD ABANDONMENT AND MODIFICATION

Abandonment and modification shall be handled as follows:

806.01 *PUD* **ABANDONMENT** A *PUD* shall be considered abandoned when no improvements have been made according to the *approved* schedule of construction and completion (UDO Section 803.06) that is part of the *PUD* Ordinance and *Development Plan* for 12 consecutive months. An extension

of this time may be granted at the discretion of the Area Plan Commission. In the event of *PUD abandonment* the Area Plan Commission shall initiate an amendment to the Development Ordinance (According to UDO Section 201.01) to rezone the land into a category or categories that suit the existing uses or any other zoning categories that it determines are appropriate.

806.02 *PUD* **MODIFICATION** Minor modifications of the *approved* Secondary *Development Plan* may be *approved* by the *Zoning Administrator* so long as they are consistent with the *approved* Primary *Development Plan* for the PUD and do not involve increase of density, change in *permitted use*s, change to general *structure* locations, or any item contrary to the Unified Development Ordinance or which changes the recorded Secondary *Development Plan* or covenants. Modifications that exceed the limits of the Zoning Administrators review must return to the appropriate step of UDO Section 805 in order to modify the PUD.



ARTICLE 9:
NON-CONFORMITIES

901 NON-CONFORMING USES OF LAND OR STRUCTURES

A non-conforming use of land or *structure* or both in combination may be continued but shall not be extended, expanded, or changed unless to a conforming use, except as specified herein or as permitted by the Area Board of Zoning Appeals, in accordance with the provisions of this Ordinance.

901.01 A non-conforming use may be expanded, subject to the approval of a *Special Exception* by the Board of Zoning Appeals. In reviewing petitions, the *Board* shall, in addition to other criteria, consider the following:

A. The number of times a use may be expanded shall be limited to once, unless special circumstances warrant further expansion.

B. Expansions which would significantly increase the market value of the use shall be discouraged unless special circumstances warrant. As a general guide, the *Board* shall consider an increase of forty percent over the pre-improvement market value as being a significant increase.

901.02 An existing non-conforming use which occupies only a portion of an existing *structure* may be extended throughout such *structure*, provided such change or extension does not eliminate, displace, prevent, or restrict the continuance of any then existing use being concurrently carried on in said *structure* which conforms with the requirements of this Ordinance. A non-conforming use shall not be extended to occupy any land outside the *structure*.

901.03 If no structural *alteration*s are made, any non-conforming use of a *structure*, or *structure* and land, may be changed to another non-conforming use provided that the Board of Zoning Appeals approves of such change as a *Special Exception*. In reviewing specific cases, the *Board* shall only approve a proposed use if it is equally appropriate or more appropriate to the *district* than the existing or former non-conforming use. In addition, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

901.04 If any non-conforming use of land, or *structure*, or both in combination is *abandoned*, the land, *structure*, or *structure* and land in combination shall not thereafter be used except in conformance with the regulations of the *district* in which it is located, unless, after this time period has elapsed, a use is *approved* as a *Special Exception* by the Board of Zoning Appeals. However, a discontinuance occurring seasonally, for necessary repairs, or as a result of any act of government shall be considered a temporary discontinuance and shall not result in elimination of the use.

901.05 An intention on the part of the owner of the property to put it some day to a non-conforming use or to resume such use after it has been ***abandoned***, shall be insufficient to preserve the owner's right to a non-conforming use.

901.06 Whenever a non-conforming use is ***abandoned***, the owner shall remove within six months after abandonment any and all appurtenances connected with the previous use, such as signs and ***fence***s, and the ***abandoned*** premises shall be maintained by the owner so as not to become a public nuisance, as defined in any local codes and ordinances.

901.07 When a non-conforming status applies to ***structure*** and land or premises in combination, removal, or destruction of the ***structure*** shall eliminate the non-conforming status of land or premises. If any ***non-conforming structure*** remains damaged or degraded to an extent more than 50 percent of its pre-damaged value for period of more than two years without a Board of Zoning Appeals approval per **UDO Section 903.02**, the ***structure*** shall be removed and such land or premises shall be considered to have lost the non-conforming status.

901.08 Whenever a non-conforming use has been changed to a conforming use, it shall not thereafter be changed again to a non-conforming use.

901.09 A non-conforming ***junkyard*** shall not be expanded to cover a greater land area or greater height than what was in existence on the effective date of this Ordinance.

901.10 An existing use which is listed herein as a ***Special Exception***, and which is located in a ***district*** in which such ***Special Exception*** may be permitted, is a conforming use. Any expansion of such ***Special Exception*** involving the enlargement of ***building***s, ***structure***s, and land area devoted to such use, shall be subject to the requirements and procedure described in this section.

902 NON-CONFORMING LOT OF RECORD

The following provisions shall apply to a non-conforming ***lot of record***:

902.01 In any ***district*** in which ***single-family dwellings*** are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a ***single-family dwelling*** and customary ***accessory structure***s may be erected on any single ***lot of record*** as of the effective date of this Ordinance. Such ***lot*** must be in separate ownership and not of ***contiguous frontage*** with other lots in the same ownership. This provision shall apply even though such ***lot*** fails to meet the ***lot*** and/or yard area or width requirements of the ***district***. Yard dimensions (including yard requirements not involving area or width of the ***lot***) shall conform to the regulations for the ***district*** in which the ***lot*** is located.

902.02 If two or more non-conforming lots, or combination of non-conforming lots and portions of lots, are adjacent and under the same ownership at the time of passage of this Ordinance, such lots shall be considered to be an undivided *parcel* for the purposes of this Ordinance. No portion of said *parcel* shall be used or sold which does not meet the appropriate *lot width* and area requirements established by this Ordinance, nor shall any division of the *parcel* be made which leaves remaining any *lot* with width or area below the requirements stated in this Ordinance.

903 NON-CONFORMING STRUCTURES

Where a *structure* exists that could not be built under the terms of this Ordinance by reason of restrictions on area, *lot coverage*, height, yards, and other characteristics of the *structure* or its location on the *lot*, such *structure* may be continued so long as it remains otherwise lawful, subject to the following provisions.

903.01 No such *structure* may be enlarged or altered in a way which increases its non-conformity.

A. An open porch or carport non-conforming only to setbacks may be enclosed or replaced provided the original footprint is not enlarged.

B. A *structure*, non-conforming only to the *setback* regulations, may be added to, improved, enlarged, or partially rebuilt if said enlargements do not encroach into any portion of any required yard to a greater extent than the existing non-conforming *building*.

903.02 If any *non-conforming structure* is damaged by fire, flood, explosion, or other casualty to an extent more than fifty percent of its pre-damaged value, such *structure* shall not be restored except in conformity with the regulations of the *district* within which it is located. Any *non-conforming structure* damaged to an extent greater then 50 percent shall be subject to approval by the Board of Zoning Appeals prior to reconstruction or restoration.

903.03 Ordinary repairs may be made to a *non-conforming structure* provided that the cubic content of the *structure* shall not be increased, although nothing in this section shall prevent the repair of a *structure* ordered by the *Zoning Administrator* or authorized officer because of an unsafe condition.

904 ENFORCEMENT

Action brought under this Article, the party alleging the existence of a lawful non-conforming *lot*, *structure*, or use has the burden of proof. Such proof shall be in the form of written, sworn statements and other written documents which shall become

part of the record. Any *lot*, *structure*, or use in violation of this section may be declared a common nuisance and such may be abated under existing law.

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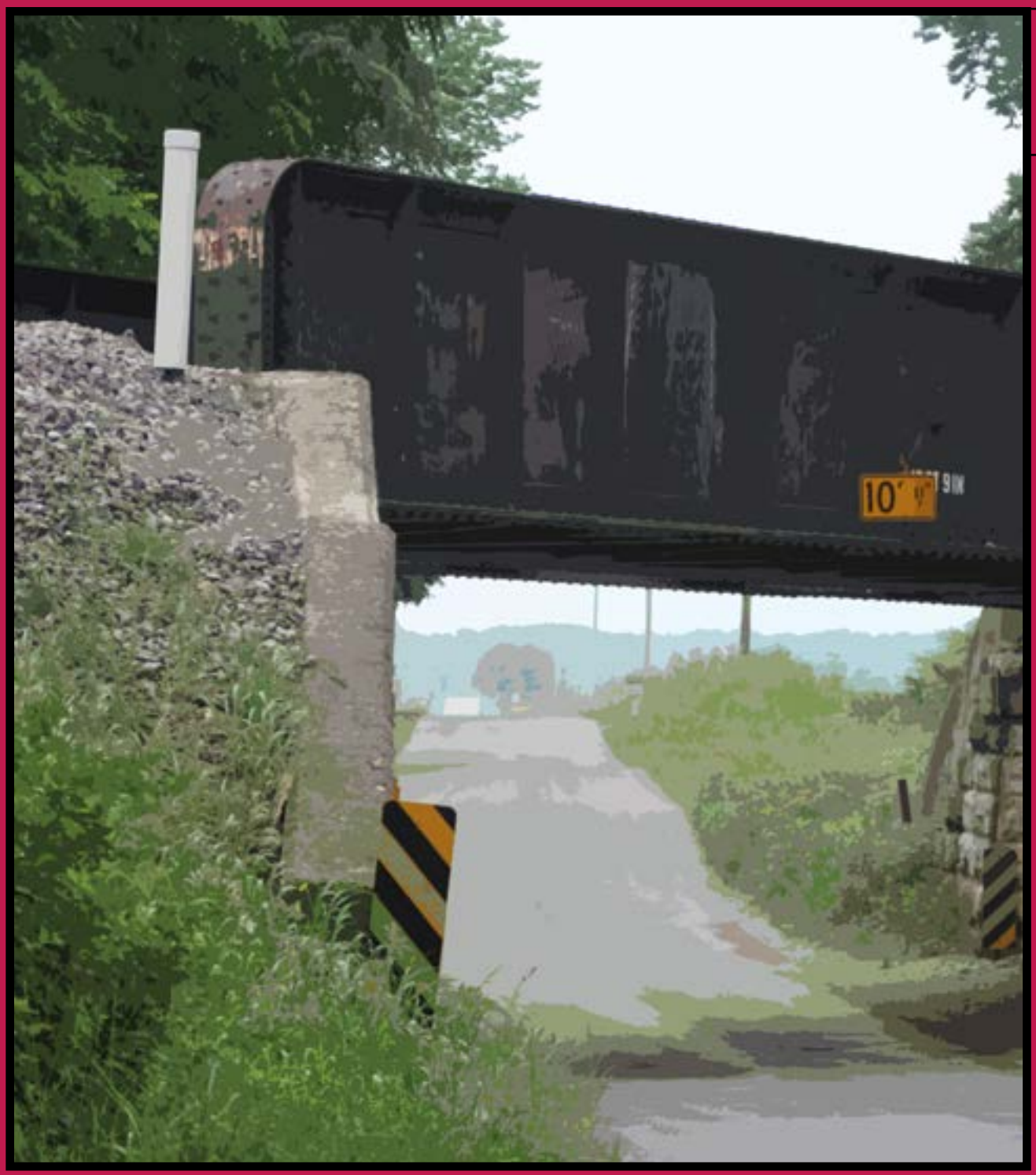

ARTICLE 10: PERMITS, PROCESSES, & PROCEDURE

10 Unified Development Ordinance

1001 IMPROVEMENT LOCATION PERMITS

The ***Zoning Administrator*** shall issue ***Improvement Location Permit***s in participating localities in accordance with this section.

1001.01 Except as provided below, an ***Improvement Location Permit*** shall be obtained before any ***person*** may occupy or use any land; construct, reconstruct, move, alter, or enlarge any ***structure***; change the use of a ***structure*** or land to a different use; or change a ***non-conforming use***.

1001.02 No permit pertaining to the erection, ***alteration***, or use of land or ***structure***s shall be issued by an officer, department, or employee of the ***County*** or any ***participating locality*** unless an ***Improvement Location Permit*** shall have been issued by the ***Zoning Administrator***, stating that the proposed improvement or use complies with all the provisions of this Ordinance.

1001.03 ***Improvement Location Permit***s are not required for the following. Items on this list are still subject to setbacks and other standards elsewhere in this ordinance.:

A. Agricultural use numbers 1.01, 1.02, 1.11, and 1.12 of UDO **Table A-1**.

B. Natural Resource use numbers 2.01 and 2.09 of UDO **Table A-1**.

C. Transportation, Communication, and Utility use numbers 13.08 and 13.12 of UDO **Table A-1**.

D. Land Preparation activities listed in **UDO Section 309.13**.

E. ***Day care center***s – Class 1 as specified in **UDO Section 511**.

F. Storage of ***recreational vehicle***s and trucks as specified in UDO Sections **503.04** and **503.05**.

G. Collection boxes, refuse disposal boxes, outside vending machines in other than B-2 zoning ***district***s, and other uses listed in UDO Sections **503.07**, **503.08**, and **503.09**.

H. ***Fence***s as specified in **UDO Section 503.13**.

I. ***Accessory use***s and yard improvements listed in **UDO Section 306.04** of this Ordinance.

J. Certain signs as specified in **UDO Section 529**.

K. Certain temporary uses as specified in **UDO Section 531**.

L. Kennels – Class A

M. Sheds, both temporary and permanent, 200 square foot or less in size.

N. ***Structure***s assessed as personal property, other than Single Wide ***Mobile Home***s, not affixed to the real estate and portable by use and design, such as calf hutches, ***hoop house***s, row covers, portable livestock feeders, and other similar items.

O. Above ground swimming pools under 42 inches in depth.

P. Single ***story*** covered or uncovered porches and decks, under 30" in height from ***grade*** to the deck floor and not attached to any other ***structure***

Q. Pre-manufactured carports 576 square feet or smaller.[1]

R. Greenhouses, under 500 square foot, used for non-***commercial*** hobby purposes.

1001.04 An application for an ***Improvement Location Permit*** shall be accompanied by a ***site plan*** showing, drawn to scale or with accurate notations of measurement in feet, the following, as applicable, to define the proposed ***building*** or use;

A. The boundaries of the subject property, all existing ***easement***s, section lines and property lines, existing streets, ***building***s, watercourses, waterways, lakes, and other physical features in or adjoining the property;

B. Location and character of proposed ***building***s or use, including height and ***bulk*** of ***building***s and ***structure***s, open space, ***bufferyard***s and ***landscaping***, outdoor lighting, signs, and;

C. The location, dimensions, and character of construction of proposed streets, ***alley***s, driveways, curb cuts, entrances, exits, ***loading area***s, and ***parking*** areas, including numbers of ***parking*** and loading spaces.

D. The application shall be accompanied by written approval from the Clinton County Surveyor for compliance with the Clinton County Drainage Ordinance.

E. The application shall be accompanied by written approval from the ***Board of Health*** for compliance with the Clinton County Private Sewage Disposal Systems Ordinance if any of the following situations apply:

[1]As amended in County Ordiance 2016-06 adpoted May 16, 2016

1. Construction of a residence or placement of a manufactured or ***Mobile Home*** which will not be connected to a public or ***approved*** private sanitary sewage system.

2. Any replacement, reconstruction, expansion or remodeling of a residence which increase the number of bedrooms served by the on-site residential sewage disposal system.

3. In any situation involving ***commercial*** use, plumbing, kennels, or other characteristics that may relate to Health Department regulations.

F. Written approval from the Clnton County HIghway Department must be submitted with the application.

G The application shall be accompanied by a fee established by the Fee Schedule.

H. The application shall be accompanied by such other information as the ***Zoning Administrator*** may require under the provisions of this Ordinance.

I. In the Floodplain ***Overlay District*** the following additional information shall be filed with the application:

1. Existing and proposed land grades;

2. Elevation of the top of the ***lowest floor*** (including ***basement***) of all proposed ***building***s. Elevation should be in ***NAVD 88*** or ***NGVD***;

3. Elevation (in ***NAVD 88*** or ***NGVD***) to which any non-residential ***structure*** will be floodproofed; and

4. Description of the extent to which any ***watercourse*** will be altered or relocated as a result of proposed ***development***.

J. Upon placement of the ***lowest floor***; or ***floodproofing***, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the ***NAVD 88*** or ***NGVD*** elevation of the ***lowest floor*** or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a ***registered land surveyor*** or professional engineer and certified by the same. When ***floodproofing*** is utilized for a particular ***structure*** said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the ***lowest floor*** and ***floodproofing*** elevation survey data submitted.) The permit holder shall

correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

1001.05 Within fifteen days after the receipt of a completed application, the ***Zoning Administrator*** shall either approve or disapprove the application in conformance with the provisions of this Ordinance. If the ***Improvement Location Permit*** application is ***approved***, the applicant may proceed to secure any other applicable permits. If the application is disapproved, the ***Zoning Administrator*** shall state the reasons for disapproval in writing and shall deliver such notice of refusal to the applicant.

1001.06 An applicant shall begin construction authorized in an ***Improvement Location Permit*** after the permit is issued.

A. An applicant shall also have all construction completed, or have all the work described in the permit finished if a change of use, within six months from the date of issuance of said permit. Such time limit shall be specified on the permit.

B. The applicant, upon determining that the stated period of time is inadequate for such completion and that extenuating circumstances exist, may request the ***Executive Director***, Building Inspector, and/or ***Zoning Administrator*** for an extension of time. The ***Executive Director***, Building Inspector, and/or ***Zoning Administrator*** may grant up to two extensions for a period not to exceed an additional three months for each extension.

C. Following the two extensions described in **Section B** above, the permit shall expire and a new ***Improvement Location Permit*** shall be obtained and fees paid according to the procedures of this Article of the Ordinance. If the permit involved a ***variance*** or ***special exception*** that was ***approved*** by the Board of Zoning Appeals, all applicable requirements of **Article Eight** shall be met prior to permit re-issuance.

D. At any time during construction authorized by an ***Improvement Location Permit***, non-compliance with the ***approved site plan*** as determined by the ***Executive Director***, Building Inspector, and/or ***Zoning Administrator*** shall result in the permit being null and void.

E. All requests for extension of time by the ***Executive Director***, Building Inspector, and/or ***Zoning Administrator*** or the Board of Zoning Appeals shall be timely filed so that the extension may be granted prior to expiration of the original time period.

F. If an ***Improvement Location Permit*** expires before the construction authorized by the permit is completed and an extension has not been obtained

before expiration, said permit shall be null and void.

G. In any case where an ***Improvement Location Permit*** becomes null and void prior to completion of construction, a new permit may only be ***approved*** upon payment of new filing fees with an expiration date exceeding the date which would have been required if the permit had not become null and void. Any additional extension time may only be granted by the Area Board of Zoning Appeals as specified in this section.

H. If an ***Improvement Location Permit*** expires and the original permit was work which required a ***variance*** or ***special exception*** that has expired, new approval shall be obtained from the Board of Zoning Appeals prior to issuance of a new ***Improvement Location Permit***. The ***Board*** shall handle the application of said work as if it were an original application for approval.

I. No utility, either private or public, shall furnish any utility service, temporary or permanent, to any new location in the absence of an ***Improvement Location Permit*** issued by the ***Executive Director***, Building Inspector, and/or ***Zoning Administrator***.

1002 CERTIFICATE OF OCCUPANCY

A request for an ***Improvement Location Permit*** shall also be considered a request for a ***Certificate of Occupancy***. A change of use on a property also requires the issuance of a ***Certificate of Occupancy*** by the Area Plan Commission even if an ***Improvement Location Permit*** is not necessary. Applicants make their requests for a ***Certificate of Occupancy*** to the ***Executive Director*** or the ***Zoning Administrator*** with the appropriate fees as set forth in the Fee Schedule.

1002.01 When a ***Certificate of Occupancy*** request is jointly filed with the ***Improvement Location Permit*** Application, the applicant shall notify the ***Executive Director*** or ***Zoning Administrator*** in writing, within seven days of the completion of the ***structure*** or ***building***. When an applicant requests a ***Certificate of Occupancy*** independent of an ***Improvement Location Permit***, the applicant must make the request seven days before the proposed change of use.

1002.02 The ***Executive Director*** or ***Zoning Administrator***, after consultation with the Building Inspector to verify ***Building Code*** compliance, may elect to conduct inspections of ***structure***s, ***building***s, and uses for compliance with the final ***site plan*** and the Unified Development Ordinance before issuing a ***Certificate of Occupancy***. For new dwellings, the ***Executive Director*** or ***Zoning Administrator*** must receive a copy of a signed Certificate of Inspection from the Health Department verifying the installed septic system complies with the submitted and ***approved*** septic plan before issuing a ***Certificate of Occupancy***. If the

property does comply with the plan and the Unified Development Ordinance, the ***Executive Director*** or ***Zoning Administrator*** shall issue the ***Certificate of Occupancy***. Until the ***Executive Director*** or ***Zoning Administrator*** issues a ***Certificate of Occupancy***, the applicant shall not do any of the following:

A. Occupy any ***building*** or major ***alteration*** or addition constructed after the effective date of this Ordinance,

B. Occupy any ***building*** under a change of use, or

C. Commence any use not requiring an ***Improvement Location Permit***, but requiring a ***Certificate of Occupancy***, after the effective date of this Ordinance.

1002.03 Pending the issuance of a ***Certificate of Occupancy*** the ***Executive Director*** or ***Zoning Administrator*** may issue a Temporary ***Certificate of Occupancy*** for a period not to exceed six months, pending the meeting of a permit or ordinance condition, pending the completion of a major ***alteration*** of an existing ***building***, for the use of a portion of a ***structure*** as a permitted ***accessory use*** while the primary use is being established, or for the temporary occupancy or partial occupancy of a new or renovated ***building***.

1002.04 No utility, either private or public, shall furnish any utility service, temporary or permanent, to any location not requiring an ***Improvement Location Permit***, but requiring a ***Certificate of Occupancy***, in the absence of a valid ***Certificate of Occupancy***.

1002.05 The ***Executive Director*** or ***Zoning Administrator*** must make a written statement containing the reasons for denying a request for a ***Certificate of Occupancy***.

1002.06 The ***Executive Director*** or ***Zoning Administrator*** has a period of fifteen days from the notification from the Building Inspector of a completion of a ***structure*** or ***building*** to issue a ***Certificate of Occupancy*** or issue a written statement of denial. The ***Executive Director*** or ***Zoning Administrator*** also has a period of fifteen days or less to issue a ***Certificate of Occupancy*** to an applicant who proposes to change the use of a property without the need of an ***Improvement Location Permit*** or issue a written statement of denial.

1003 ENFORCEMENT AND PENALTIES

The procedures for the enforcement of this Ordinance are as follows:

1003.01 The ***Zoning Administrator*** and ***Subdivision Administrator*** shall be the

designated enforcement officers and shall act for the Area Plan Commission and shall not be personally liable for his or her official acts.

1003.02 Where a violation occurs, or is alleged to have occurred, any ***person***, firm, or corporation may file a written complaint stating fully the causes and basis thereof with the ***Zoning Administrator***, who shall record the complaint, investigate, and take action as prescribed in this Section and the ***Commission Rules***.

1003.03 Any ***person*** who violates any provision of this Ordinance or any regulation of the ***Commission*** hereunder enacted shall be fined not less than Ten Dollars and not more than Three Hundred Dollars. Each day a violation occurs or continues constitutes a separate offense.

1003.04 The owner or tenant of any ***lot***, ***structure***, use, or part thereof, and any architect, builder, contractor, agent, or other ***person*** who commits, assists in, participates in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties as provided herein and the ***Commission Rules***.

1003.05 Any ***person*** who knowingly engages in any activity under the control of this Ordinance without first obtaining the required ***Improvement Location Permit*** or ***Certificate of Occupancy*** shall have violated the terms of this Ordinance and shall be liable to pay a fine of 25 Dollars in addition to the fees required under **UDO Section 202.03**. If any ***person*** required to pay this additional fee subsequently fails to obtain the required permit, that ***person*** shall pay a fine of 50 Dollars in addition to the fees required under **UDO Section 202.03** on each and every occasion the required permit is not obtained.

1003.06 Any ***building*** or ***structure***, erected, raised, or converted, or land or premises used in violation of any provisions of this Ordinance or the requirements thereof, is hereby declared to be a common nuisance and as such may be abated under existing law.

1003.07 Pursuant to I.C. 36-7-4-1012 within the jurisdiction of the ***Plan Commission***, any land that is subdivided in violation of the terms of this Ordinance is declared to be a common nuisance and the owner of such land shall be liable for maintaining a common nuisance, which may be restrained, enjoined, or abated in any appropriate action or proceeding.

1003.08 In accordance with I.C. 36-7-4-1014(a) and (b), the Area Plan Commission, the Area Board of Zoning Appeals, the ***Subdivision Administrator***, or ***Zoning Administrator*** may bring an action under I.C. 36-1-6 for the enforcement of this ordinance and/or to enforce conditions imposed by the Area Plan Commission or by the Area Board of Zoning Appeals or covenants made in connection with a subdivision ***plat***, a ***development plan***, or a PUD ***district*** ordinance. In accordance

with I.C. 36-7-4-1014 (d) the Area Plan Commission, the Area Board of Zoning Appeals, or the ***Subdivision Administrator***, or the ***Zoning Administrator*** may bring an action to invoke any legal, equitable, or special remedy in such action.

1003.09 Pursuant to I.C. 36-7-4-1014(a) the ***Subdivision Administrator*** may bring an action for injunction to restrain a ***person*** from violating this Ordinance.

1003.10 The ***Plan Commission*** may, as deemed prudent or necessary under the circumstances, enter into any compromise or settlement involving a violation of the Subdivision sections of this Ordinance, providing such compromise or settlement is in the best interests of the enforcement of this Ordinance.

1003.11 In accordance with I.C. 36-7-4-1013 (b) the Area Plan Commission or the Area Board of Zoning Appeals may request the prosecuting attorney of the ***County*** to take appropriate action in any case involving the violation of this chapter or of any ordinance or regulation adopted under it. The prosecuting attorney shall act promptly when requested.

1004 ADMINISTRATIVE DECISIONS

Whenever, in the course of administration and enforcement of this Ordinance, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the area affected.

1005 EFFECT OF ANNEXATION OR VACATION ON ZONING

The effect of annexation or vacation on zoning should be as follows:

1005.01 After the effective date of this Ordinance, areas annexed by participating localities shall remain zoned as they were on the date of the annexation. However, if not zoned, the annexed area will be zoned R-2, Low Density Residential, as of the date of annexation. In any case:

A) Within sixty days after the date of annexation, the Area Plan Commission shall submit to the ***legislative body*** a recommended plan for zoning for the area;

B) The procedure specified in **UDO Section 201.01**, shall be followed in adopting the plan for zoning, and;

C) An ***Improvement Location Permit*** shall not be issued in an area annexed by a ***legislative body*** until a plan for zoning for the area has been adopted, provided, however, that such permit may be issued for a ***single*** or ***two family***

dwelling unit on a ***lot of record*** in a recorded subdivision, provided that all other provisions of the Ordinance are complied with.

1005.02 Whenever any ***street***, ***alley***, ***public way***, railroad ***right-of-way***, waterway, or other similar area is vacated by proper authority, the ***district***s adjoining each side of the ***street***, ***alley***, ***public way***, railroad ***right-of-way***, or similar areas shall be extended automatically to the center of the vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended ***district***s. In the event of a partial vacation, the adjoining ***district***, or ***district*** nearest the portion vacated, shall be extended automatically to include all of the vacated area.

ARTICLE 11: INCORPORATED TOWNS

11 Unified Development Ordinance

Whenever a specific use or the terms of a specified use have not been addressed in this Article, including, but not limited to, signs and land size, then the terms of the Unified Development Ordinance shall control. Except where indicated otherwise, the provisions of this Article shall apply in each participating Incorporated ***Town***.

1101 Town of Colfax

1101.01 ***Lot*** Size: All lots must contain at least 7,200 square foot and have at least 60' of width

1101.02 Setbacks[1]:

Town of Colfax Setbacks			
	Front Setback	*Rear Setback*	*Side Setback*
Primary Structures*	15 feet	25 feet	See **UDO Table B**
Accessory Structures*	15 feet**	See **UDO 306.03**	See **UDO 306.03**
* Except business and industrial districts which follow **UDO Table B** ** Subject to **UDO 1101.03**			

1101.03 Front Yard: No structure, including, but not limited to, satellite dishes, antenna towers, and doghouses, shall encroach upon, or be placed in, any front yard. This does not include decorative planting or decorations reasonably compatible with the neighborhood.

1101.04 Manufactured Housing and ***Mobile Home***s: The Town of Colfax shall permit Manufactured Housing subject to the Town of Colfax Ordinance 93-1, which is reproduced for reference in the Addendum of this Ordinance, but is not considered part of this Ordinance.

1102 Town of Kirklin

1102.01 ***Lot*** Size: All lots must contain at least 8,000 square foot and have at least 66' of width

1102.02 Setbacks[2]:

Town of Kirklin Setbacks			
	Front Setback	*Rear Setback*	*Side Setback*
Primary Structures*	15 feet	25 feet	See **UDO Table B**
Accessory Structures*	15 feet**	See **UDO 306.03**	See **UDO 306.03**
* Except business and industrial districts which follow **UDO Table B** ** Subject to **UDO 1102.03**			

[1]As amended in Ordinance 2016-06 adopted May 16, 2016
[2]As amended in Ordinance 2016-06 adopted May 16, 2016

1102.03 Front Yard: No structure, including, but not limited to, satellite dishes, antenna towers, and doghouses, shall encroach upon, or be placed in, any front yard. This does not include decorative planting or decorations reasonably compatible with the neighborhood.

1102.04 Manufactured Housing and ***Mobile Home***s: The Town of Kirklin shall permit Manufactured Housing subject to the Town of Kirklin Ordinance 11-89-1, which is reproduced for reference in the Addendum of this Ordinance, but is not considered part of this Ordinance.

1103 Town of Mulberry

1103.01 ***Lot*** Size : All lots must contain at least 10,000 square foot and have at least 80' of width

1103.02 Setbacks[3]:

Town of Mulberry Setbacks			
	Front Setback	*Rear Setback*	*Side Setback*
Primary Structures*	15 feet	25 feet	See **UDO Table B**
Accessory Structures*	15 feet**	See **UDO 306.03**	See **UDO 306.03**
* Except business and industrial districts which follow **UDO Table B** ** Subject to **UDO 1103.03**			

1103.03 Front Yard: No structure, including, but not limited to, satellite dishes, antenna towers, and doghouses, shall encroach upon, or be placed in, any front yard. This does not include decorative planting or decorations reasonably compatible with the neighborhood.

1103.04 Manufactured Housing and ***Mobile Home***s: The Town of Mulberry shall restrict Manufactured Housing to only those structures identified under I.C. 36-7-4-1106 and protected under the MHC and Safety Standards Law of 1974 (42U.S.C.5410 et seq). Such structures shall be a minimum of 23 feet wide and shall have a minimum of 950 sq ft of living area according to Mulberry Town Ordinance 96, which is reproduced for reference in the Addendum of this Ordinance, but is not considered part of this Ordinance.

1103.05 ***Home Occupation*** Signage: ***Approved Home Occupation***s according to **UDO Section 516** may have an unlit freestanding or ***building*** mounted sign up to eight square foot in size.

[3]As amended in Ordinance 2016-06 adopted May 16, 2016

1104 Town of Rossville

1104.01 ***Lot*** Size: All lots must contain at least 10,000 square foot and have at least 80' of width

1104.02 Setbacks[4]:

Town of Rossville Setbacks			
	Front Setback	*Rear Setback*	*Side Setback*
Primary Structures*	20 feet	25 feet	See **UDO Table B**
Accessory Structures*	20 feet**	See **UDO 306.03**	See **UDO 306.03**
*Except business and industrial districts which follow **UDO Table B** ** Subject to **UDO 1104.03**			

1104.03 Front Yard: No structure, including, but not limited to, satellite dishes, antenna towers, and doghouses, shall encroach upon, or be placed in, any front yard. This does not include decorative planting or decorations reasonably compatible with the neighborhood.

1104.04 Manufactured Housing and ***Mobile Home***s: The Town of Rossville shall restrict Manufactured Housing to only those structures identified under I.C. 36-7-4-1106 and protected under the MHC and Safety Standards Law of 1974 (42U.S.C.5410 et seq). Such structures shall be a minimum of 23 feet wide and shall have a minimum of 800 sq ft of living area according to Rossville Town Ordinance 12-3, which is reproduced for reference in the Addendum of this Ordinance, but is not considered part of this Ordinance.

[4]As amended in Ordinance 2016-06 adopted May 16, 2016

ARTICLE 12:

DEFINITIONS

12 Unified Development Ordinance

1201 GENERAL

Certain words used in this Ordinance are defined below.

1201.01 Words used in the present tense shall include the future tense, and words used in the singular number shall include the plural number, and the plural the singular. Words used in the masculine gender shall include the feminine.

1201.02 The word “shall” is mandatory, not discretionary and the word “may” is permissive.

1201.03 The phrase “used for” shall include the phrase “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”.

1201.04 All measured distances shall be to the nearest integral foot. If a fraction is one-half foot or less, the integral foot next below shall be taken. Unless otherwise specified, all distances shall be measured in a straight line in any direction.

1201.05 Parenthetical words or statements are integral parts of the definitions in which they are located.

1201.06 Any words not defined in this section shall be constructed in their generally accepted meanings as defined by Webster’s Third New International Dictionary of the English Language, Unabridged (1981). In cases where a word is not defined in this dictionary, the Merriam-Webster’s Collegiate Dictionary, Eleventh Edition shall be used.

1202 DEFINED WORDS

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

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

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

Zone AE and A1-A30: Areas subject to inundation by the ***one-percent annual chance flood*** event determined by detailed methods. ***Base flood elevation***s are

shown within these zones. Mandatory ***flood*** insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

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

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

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

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

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

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

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

ACCESS EASEMENT A private way which provides access to lots, tracts or ***parcel***s of land and which meets the minimum standards set forth in this Ordinance.

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

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

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

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

ADEQUATE ASSURANCE OF COMPLETION AND CONTINUED OPERATION OF THE WECS PROJECT The term "Adequate Assurance of Completion and Continued Operations of the ***WECS Project***" shall mean the financial commitments (including but not limited to bonds, letter of credit, or other financial asurances), insurance certificates, warranties, and all other information and data provided pursuant to **UDO Section 406.01 B 2 c**.[1]

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

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

[1] As adopted in LUPAC 11-16-332, which became effective by default, went 90 days without legislative action.

areas."

B. *Adult bookstore or Adult Video store:* A ***commercial*** establishment which, as one of its principal ***business*** purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "***specified sexual activities***" or "***specified anatomical areas***"; or

2. Instruments, devices, or paraphernalia which are designed for use in connection with "***specified sexual activities***."

C. *Adult Cabaret:* A nightclub, bar, restaurant, or similar ***commercial*** establishment which features:

1. Persons who appear in a ***state of nudity***; or

2. Live performances which are characterized by the exposure of "***specified anatomical areas***" or by '***specified sexual activities***"; or

3. Files, motion pictures, videocassettes, slides, or other photographic reproductions, which are characterized by the depiction or description of "***specified sexual activities***" or "***specified anatomical areas***."

D. *Adult Motel:* A ***hotel***, ***motel***, or similar ***commercial*** establishment which as one of its principal ***business*** purposes:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "***specified sexual activities***" or "***specified anatomical areas***"; and has a ***sign*** visible from the public ***right-of-way*** which advertises the availability of this adult type of photographic reproductions; or

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

E. *Adult Motion Picture Theater:* A ***commercial*** establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by the exposure of "***specified sexual activities***".

F. *Adult Theater:* A theater, concert hall, auditorium, or similar ***commercial*** establishment which features persons who appear in a ***state of nudity*** or live performances which are characterized by the exposure "***specified sexual activities***".

G. *Escort Agency:* A person or ***business*** association who furnishes, offers to furnish, or advertises to furnish ***escort*** as one of its primary ***business*** purposes, for a fee, tip, or other consideration.

H. *Nude Model Studio:* Any place where a person who appears in a ***state of nudity*** or displays "***specified anatomical areas***" provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

I. *Sexual Encounter Center:* A ***business*** or ***commercial*** enterprise that, as one of its primary ***business*** purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; and

2. Activities between male and female person or persons of the same sex when one or more of the persons is in a ***state of nudity*** or seminude.

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

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

1. The opening or commencement of any ***adult business*** as a new ***business***;

2. The conversion of, or partial conversion of, an existing ***business***, whether or not an ***adult business***, to any ***adult business***;

3. The additions of any ***adult business*** to any other existing ***adult business***; or

4. The relocation of any ***adult business***.

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

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

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

A. The ***sale, lease***, or sublease of the ***business***:

B. The transfer of securities which constitutes a controlling interest in the ***business***, whether by sale, exchange, or similar means, or

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

ADULT CARE CENTER A ***building*** where adults receive day care from a provider while unattended by a relative, legal guardian, or custodian; for regular compensation; and for more than four hours but less than 24 hours in each of Ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

AGRICULTURE (Agricultural) Any land used for: cropland and orchards, ***pasture*** and ***grazing***, livestock and ***poultry*** production, sod farming, ***confined feeding***, ***commercial*** fur production, and similar uses. Agriculture includes all barns and accessory storage facilities, irrigation facilities, and other ***structure***s used for the conduct of the above except for dwellings. Agriculture also includes the packaging, treating or processing and/or the onsite storage or sale of goods produced on the property provided that the operation of any such ***accessory use*** shall be secondary to that of normal agricultural activities. In some zoning ***district***s some of the above agricultural activities may not be permitted as shown in **UDO Table A-1**.

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

AGRITOURISM BUSINESS A ***farm*** based ***business*** that is secondary and incidental to a ***farm*** using products or processes from items not primarily produced on the ***farm*** which serve visitors and tourists to farms such as ***farm*** related craft production and services and sales; ***farm*** visits and stays; blacksmiths; tool sharpening services; carriage, wagon and buggy ***manufacturing***, sales and service; handcrafted woodworking, furniture and cabinet shops; dressmaking, tailor and shoe shops; country bakeries. Some Agritourism Businesses may also be ***home occupation***s or a Temporary Use listed on **UDO Table A-2** and in case of conflict, the least restrictive standards shall apply. There are two classes of Agritourism Business as follows:

1. Agritourism Class One-These Businesses are smaller, seasonal, and/or periodic and/or do not create an increase in traffic above what is customarily associated with farms by an average three or fewer additional vehicles at a time and no more than two agritourism ***business*** employees. They shall be on at least 20 acres of land.

2. Agritourism Class Two-These Businesses may or may not be seasonal and/or periodic and create an increase in traffic above what is customarily associated

with farms by an average of four or more additional vehicles at a time. Agritourism ***business***es that are on less than twenty acres of land or do not have adequate parking space off of the road ***right-of-way*** or have more than two agritourism ***business*** employees are also classified as a Class Two Farm Based Business.

AIRPORT The Frankfort Municipal Airport.

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

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

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

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

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

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

1. Anaerobic Digester-Class 1 these anaerobic digesters utilize biomass feedstock completely produced on-site and must meet other standards in **UDO Article Five**.

2. Anaerobic Digester-Class 2 These anaerobic digesters utilize biomass feedstock wholly or partially produced off-site and must meet other standards in **UDO Article Five**.

ANIMAL CONGREGATION AREA AN area, within an animal operation, wether confinment or pasture and grazing where animals gather together for prolonged periods because of improvements installed by the operator. These areas may be inside pastures and hanve increased animal traffic, dust, mud, and decreased vegitative cover.[2]

ANIMAL PRODUCT Anything originating or made (whether in whole or in part) from a

[1]As amended in Ordinance 2016-06 adopted May 16, 2016

living or dead animal and includes the carcass or any part of the carcass of an animal.

ANIMAL UNIT A term used to establish an equivalent density, based on relative waste production, for various species of livestock. The following animal unit values are assigned as show as follows:

Animal Unit Values	
Adult Dairy Cow	1.4
Beef or Buffalo Bull, Cow or Steer over 1 year of age	1.0
Dairy Heifer, 1 to 2 years	1.0
Horse over 1 year of age	1.0
Elk, over 2 years of age	0.60
Horse, weaning (6 months) to one year of age	0.50
Pony under 46" as measured at the withers	0.50
Cattle, including Buffalo weaning (6 months) to 1 year of age	0.50
Mature Sow or Boar	0.30
Elk, weaning to 24 months of age	0.30
Finishing swine over 55 lbs	0.20
Gilts, 55 lbs to 1 year of age	0.20
Alpaca or Llama	0.20
Deer, White-Tail	0.15
Emu or Ostrich	0.15
Swine under 55 lbs	0.10
Sheep and Goat	0.10
Birds (duck, goose, turkey, peacock, chicken, pheasant, quail), except as noted elsewhere	0.05
Small mammals (rabbits, mink and others of 10 lbs mature weight or less)	0.05

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

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

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES *Airport overlay district*s as set forth in **UDO Section 402**.

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

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

ASSISTED LIVING FACILITY A residential establishment or institution other than a *hospital* or *nursing home* that provides living accommodations and medical services primarily to individuals 55 years of age or over and to individuals who, due to illness or disability, require care similar to that provided to persons that are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

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

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

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

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

AXIS OF ILLUMINATION, OR CENTERLINE BEAM The midline of the primary beam of light emitted by a ***spotlight***, ***floodlight*** or other ***fixture***.

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

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

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

BED AND BREAKFAST ESTABLISHMENT A ***single family dwelling*** which contains sleeping accommodations in the principal ***structure*** or ***accessory structure*** for up to six bedrooms for guests for which a fee is charged and which is owned and operated by the property owner. To qualify as a bed and breakfast establishment, food service shall include, but is not limited to, breakfast. This definition includes tourist homes, country Inns, and retreat centers which meet the above standards. Bed and breakfast establishments, which exceed the above standards, may be classified as either a country inn or a ***motel*** or ***hotel***.

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

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

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

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

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

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

1. Biofuel Refinery-Class 1 These biofuel refineries have a maximum annual

production capacity of less than 10,000 gallons of ***biofuel*** and must meet other standards in **UDO Section 507**.

2. Biofuel Refinery- Class 2 These biofuel refineries have a maximum annual production capacity of 150,000 gallons of biodiesel or 600,000 gallons of ethanol or methanol and must meet other standards in **UDO Section 507**.

3. Biofuel Refinery- Class 3 These biofuel refineries have a maximum annual production capacity from 10,000 to one million gallons of ***biofuel*** and must meet other standards in **UDO Section 507**.

4. Biofuel Refinery- Class 4 These biofuel refineries have an annual production capacity greater than one million gallons of ***biofuel*** and must meet other standards in **UDO Section 507**.

5. Biofuel Refinery- Class 5 These biofuel refineries have no restrictions on capacity and must meet other standards in **UDO Section 507**.

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

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

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

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

BOARD OF HEALTH The Clinton County Board of Health.

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

BREWERY A facility that brews ales, beers, meads, and/or similar beverages on site.

BREWERY (Micro) An establishment where ale, beer, mead, and/or similar beverages are brewed, typically in combination with an eating establishment. Annual production is limited to no more than 30,000 barrels per year.

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

other emissions and to maintain privacy.

BUILDING A type of ***structure*** having a roof supported by columns or walls.

BUILDING (FLOODPLAIN) See "***STRUCTURE (FLOODPLAIN)***"

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

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

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

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

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

CEMETERY Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with the boundary of such cemetery, but not crematories.

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

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

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

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

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

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

COMMERCIAL Any activity which is conducted as a part of or integral to a ***business*** or other economic activity where the monetary component is not de minimis.

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

COMMISSION or PLAN COMMISSION The Area Plan Commission of Clinton County.

COMMISSION RULES The Rules of Procedure adopted by the Area Plan Commission.

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

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

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

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

CONDOMINIUM Real estate defined as a Condominium by I.C. 32-25-2-7.

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

CONSTANT LIGHTING A light ***fixture*** meant to operate continually, and not meant to operate only briefly upon activation by a motion sensor or other device. A motion detector activated light would be a non-constant light.

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

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

CONVENIENCE STORE A one-***story***, retail store containing less than 8,000 square feet of gross ***floor area*** that is designed and stocked primarily to sell food, beverages, and other household supplies to customers who purchase only relatively few items. It is designed to attract and depends upon a large volume of stop-and-go traffic and may include gasoline sales as an ***accessory use***.

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

COUNTY County of Clinton, Indiana.

COUNTY AUDITOR The Clinton County Auditor.

COUNTY COMMISSIONERS The Board of County Commissioners of Clinton County, Indiana.

COUNTY DRAINAGE BOARD The Clinton County Drainage Board.

COUNTY HEALTH DEPARTMENT The Clinton County Department of Health.

COUNTY RECORDER The Clinton County Recorder.

CREMATORY A facility containing furnaces for the reduction of dead bodies to ashes

by fire. There are three classes as follows:

1. CLASS I (human remains) - These facilities handle human remains and shall be permitted in conjunction with an ***approved*** funeral home.

2. CLASS II (pet remains) - These facilities may handle pets and other animals up to 250 lbs, live weight.

3. CLASS III (livestock remains) - These facilities handle livestock and other animal remains with weights greater than 250 lbs, live weight.

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

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

CUL-DE-SAC A ***dead-end street*** which has a appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

CUT An ***excavation***. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in ***excavation***.

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

DAY CARE or CHILD CARE CENTER A child care center operated up to 24 hours a day for the purpose of providing care, maintenance, or supervision and instruction to children separated from their parents or guardians during a part of the day for ten or more consecutive workdays. The day care center may be a ***principal use*** or an ***accessory use*** to residential, ***commercial***, industrial, or other non-residential use as further categorized below. The following are not considered day care centers for the purposes of this Ordinance: 1) ***schools***, including nursery schools, 2) churches which provide day care (as defined by I.C. 12-7-2-28.8), 3) the care of children in their own home, 4) day or summer camps and 5) children's homes. A Day Care Center, as defined by this Ordinance, may or may not be a child care center as defined by I.C. 12-7-2-28.4, a Head Start or migrant worker center defined by I.C. 12-17.2-2-9, or a day care ministry operated by a religious organization as defined by I.C. 12-7-2-28.8. A day care center may or may not be subject to Indiana Department of Public Welfare licensing. A Day Care Center shall be either a Class 1, Class 2 or Class 3 Center, as defined below:

1. Day Care or Child Care Center Class 1- A Day Care Center located within the operator's own residence which provides care to no more than five children at a time (excluding the operator's relatives) for more than four hours a day but less than 24 continuous hours.

2. Day Care or Child Care Center Class 2 – Day Care Center which may be within the operator's own residence or within a separate ***structure*** which provides care for up to ten children (excluding the operator's relatives) for more than four hours a day but less than 24 continuous hours. This definition also includes the care of up to five additional children other than the operator's relatives (15 total) who are not at the center for more than four hours a day.

3. Day Care or Child Care Center Class 3 – A Day Care Center, which provides care for more children than permitted at Class 1 and Class 2 centers.

DEAD-END STREET A ***street*** or a portion of a ***street*** with only one vehicular traffic outlet.

DECOMMISSIONING PLAN The term "Decommissioning Plan" with regards to a WECS shall have the meaning and include the requirements set forth at **UDO Section 405.01 B 1 f**.[3]

DECOMMISSIONING SECURITY The term "Decommissioning Security" with regards to a WECS shall have the meaning and meet the requirements as set forth at **UDO Section 405.03 A**.

DEDICATION The setting apart of land or interest in land for use by the public by advance resolution or entry in the official minutes as by the recording of a ***plat***.

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

1. Construction, reconstruction, or placement of a ***structure*** or any addition to a ***structure***;

2. Installing a manufactured home on a site, preparing a site for a manufactured home or installing a ***recreational vehicle*** on a site for more than 180 days;

3. Installing utilities, erection of walls and fences, construction of roads, or similar projects;

4. Construction of ***flood*** control ***structure***s such as levees, dikes, dams, channel improvements, etc.;

5. Mining, dredging, filling, ***grading***, ***excavation***, or drilling operations;

6. Construction and/or reconstruction of bridges or culverts;

[3] As adopted in LUPAC 11-16-332, which became effective by default, went 90 days without legislative action.

7. Storage of materials; or

8. Any other activity that might change the direction, height, or velocity of ***flood*** or surface waters.

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

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

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

DEVELOPMENT PLAN (WECS) The term "Development Plan" with regards to a WECS shall have the meaning and content and meet the requirements set forth in **UDO Section 405.01 B**.

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

DISABLED VEHICLE An abandoned vehicle as defined by I.C. 9-13-2-1, as amended, or any vehicle that is partially disassembled, inoperable and/or unlicensed on any property in a location visible or partially visible from public property or adjacent private property for more than thirty days. This definition shall not include tractors, combines, pickers, disks, plows, or other similar farm machinery that is owned by a ***farm*** operator and is used for parts replacement for machinery currently being used in the farming operation.

DISTILLERY A distillery established to produce, through distillation, beverage grade alcohol, either as a standalone facility or in conjunction with a brewery or winery or vineyard.

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

DRAINAGE PLAN The term "Drainage Plan" with regards to a WECS shall mean the storm water management plan ***approved*** by Clinton County Drainage Board for the ***WECS Project*** as required by **UDO Section 405.01 B 1 c**.

DRAINAGE SWALE A natural or constructed waterway, usually broad and shallow,

covered with ***erosion***-resistant grasses, used to conduct surface water from a field, diversion or other site feature.

DRAINAGE SYSTEM Any combination of surface and/or ***subsurface drainage*** components fulfilling the drainage requirements of this Ordinance.

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

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

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

DWELLING, COTTAGE OR CABIN A dwelling, other than a manufactured or ***mobile home*** that is not at least 23 feet wide for 60 percent of its length on the ***structure***'s longest side or does not contain at least 800 square feet on the first floor and may or may not be for used for seasonal, vacation or temporary use.

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

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

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

DWELLING, SINGLE-FAMILY DETACHED A detached residential dwelling unit designed to be occupied by one ***family***. A single-family dwelling shall be at least 23 feet wide for 60 percent of its length on the ***structure***'s longest side and contain a minimum of 800 square feet on the first floor.

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

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

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

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

ECONOMIC DEVELOPMENT AGREEMENT (WECS) With regards to **UDO Section 405**, An agreement between the WECS ***Applicant***, ***Owner*** and/or ***Operator*** and the ***County*** setting forth the ***Applicant***, ***Owner*** and/or ***Operator***'s financial commitment to support economic development and/or provide other financial assistance in the ***County***, or any portion thereof.

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

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

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

ENCROACHMENT (FLOODPLAIN) For the purpose of the ***floodplain overlay district***, the advance or infringement of uses, fill, ***excavation***, ***building***s, permanent ***structure***s, or ***development*** into a ***floodplain***, which may impede or alter the flow capacity of a

floodplain.

ENGINEER The *person* designated by the Clinton County Commissioners or by the *legislative body* of participating towns to perform the duties specified in this Ordinance.

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

EROSION The removal of surface materials by the action of natural elements.

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

EXCAVATION Any act by which earth, sand, gravel, rock or other similar material is dug into, *cut*, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

EXEMPT DIVISION Any division of land which includes the following:

1. Any land that is being divided for *agricultural* purposes and not for *building development* or for residential, *commercial*, industrial, recreational, or for other nonagricultural purposes.

2. Any land being divided as a *farm* where each plot is at least 20 acres in size after division.

3. Any *parcel* that is at least 20 acres in size.

4. Any land being divided for sale, gift or exchange between adjoining land *owner*s for the combining with an existing adjacent *parcel* where no additional *building* sites are created, and where *parcel*s or combined *parcel*s, after transfer, shall comply with Development Ordinance standards.

5. Any land being divided which has an existing residential or *commercial structure* located on the *parcel* on the effective date of this ordinance and which meets Development Ordinance standards.

6. Any land which is divided pursuant to Court decree except land being divided

for probate, trust, or guardianship proceedings not otherwise exempt.

7. Any land being divided or acquired by a public agency or utility for a ***street*** or utility ***right-of-way*** or ***easement***, other than those required for ***subdivision*** as defined in this Ordinance.

8. Any land being divided into ***cemetery*** plots.

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

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

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

FAMILY A single individual, or two or more persons related by blood, marriage, adoption, guardianship, or a group of not more than eight persons who need not be related by blood, marriage, adoption, or guardianship, living together in a common household and using common kitchen and bathroom facilities. If all of the eight members of a household are not related by blood, marriage, adoption, or guardianship, then a use with more than eight persons occupying a ***single family dwelling*** unit shall not be considered a single family use. A family also includes foster homes as defined by I.C.12-3-2-3.6, emergency or short term placement for five or fewer children. A family does not include group-housing quarters.

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

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

FARM BASED BUSINESS Businesses customarily associated with ***agriculture*** practiced in Clinton County using items primarily produced on the ***farm***. This term includes activities catering to the public coming to the ***farm*** that are traditionally

associated with ***agriculture*** or rural areas. Such uses include but are not limited to animal boarding, riding and therapeutic stables; petting zoos; vegetable farms; ***tree*** farms and orchards; gardening clubs; farms that harvest or sell hay as a crop; 4-H animal breeders; organic farms; seed and grain sales offices and ***business***es that utilize or provide products primarily produced on the ***farm*** including direct marketing; herb sales; dairy product production sales; cider mills; wineries; pumpkins and u-pick ***business***es, corn mazes, hayrides and farm markets. Some Farm Based Businesses may also be ***home occupation***s or a Temporary Use listed on **UDO Table A-2** and in case of conflict, the least restrictive standards shall apply. Farm Based Businesses including animals may also be subject to **UDO Section 509**. There are two classes of Farm Based Businesses as follows:

1. *Farm Based Business Class One* -These Businesses are smaller, seasonal, and/or periodic and/or do not create an increase in traffic above what is customarily associated with farms by an average of three or fewer additional vehicles at a time and no more than two farm based ***business*** employees. They shall be on at least 20 acres of land.

2. *Farm Based Business Class Two* - These Businesses may or may not be seasonal and/or periodic and create an increase in traffic above what is customarily associated with farms by an average of four or more additional vehicles at a time. Farm based ***business***es that are on less than twenty acres of land or do not have adequate parking space off of the road ***right-of-way*** or have more than two farm based ***business*** employees are also classified as a Class Two Farm Based Business.

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

FEMA The Federal Emergency Management Agency.

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

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

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

FIXTURE The bulb and the assembly that holds the bulb (or ***lamp***), in a lighting system, including the elements that provide light output control such as a reflector

(mirror) or refractor (lens) and the ballast, photosensor, and housing.

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

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

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

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

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

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

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

FLOODLIGHT OR FLOOD LIGHT A ***fixture*** or bulb which is intended to project in a specific direction primarily in a broad directed beam, typically 100 degrees or more wide.

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

FLOODPLAIN MANAGEMENT The operation of an overall program of corrective and preventive measures for reducing ***flood*** damage and preserving and enhancing, where possible, natural resources in the ***floodplain***, including but not limited to emergency preparedness plans, ***flood*** control works, ***floodplain*** management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS Standards in this ordinance, the Unified Subdivision Control Ordinance, ***Building Code***s, health regulations, special purpose ordinances, and other applications of police power which control ***development***

in ***flood-prone areas***. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing ***flood*** loss and damage. ***Floodplain*** management regulations are also referred to as ***floodplain*** regulations, ***floodplain*** ordinance, ***flood*** damage prevention ordinance, and ***floodplain management*** requirements.

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

FLOODPROOFING CERTIFICATE A form used to certify compliance for non-residential ***structure***s as an alternative to elevating ***structure***s to or above the ***FPG***. This certification must be by a ***registered professional engineer*** or Architect.

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

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

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

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

brandy spirits; spring water bottling and other food processing establishments not elsewhere defined or specified in this Ordinance.

FOOT-CANDLE A measure of illumination striking a surface. Measured by a light meter.

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

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

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

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

FULL-CUTOFF A light ***fixture*** which cuts off all upward transmission of light

FULLY SHIELDED A ***fixture*** with housing or attachment thereto which prevents a line of sight to the bulb when viewed from another property and which prevents a line of sight to any part of the ***light source*** at or above a horizontal plane running through the lowest portion of the ***fixture***

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

GLARE The effect of discomfort experienced by an observer due to brightness from a ***light source*** which often results in annoyance, discomfort or loss of visual performance and visibility causing visual impairment.

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

GRADING Any stripping, cutting, filling, stockpiling, or any combination thereof and shall include the land in its ***cut*** or filled condition.

GRAFFITI Vulgar Language or symbols placed on a property by anyone, including the

owner, or any language or symbols placed on a property by someone other than the property owner which serves to deface that property and others properties around it.

GRAIN HANDLING OPERATION A ***structure*** or group of ***structure***s used for drying and/or storing grain for any use or purpose and having 20,000 bushels or more **capacity.**

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

GROSS SITE AREA The entire area within a single continuous perimeter and relative to a particular use on which is located the principal and accessory ***building***s, drives, parking lots and similar ***structure***s.

GROUP HOUSING QUARTERS A ***structure*** occupied by more than 8 individuals unrelated by blood , marriage, or adoption sharing common facilities. Group housing quarters differ from two and multi-family dwelling units in that the rooms contained in the ***structure*** do not constitute independent housekeeping establishments. Examples of group housing include a boarding house, lodging house, clubs that offer lodging, fraternities, or a single room occupancy ***hotel***.

GROUP RESIDENTIAL FACILITY (LARGE) A facility providing housing for over eight (8) unrelated individuals, with or without supervisory staff. This definition shall include residential facilities for individuals who are developmentally disabled or mentally ill, or other similar residential facility if the facility houses more than eight individuals (excluding supervisory staff, counselors, or resident managers). This definition shall not include a facility that serves individuals under a court ordered re-entry program or homeless individuals. A large group residential facility for mentally ill individuals shall be located at least 3,000 feet from any other group residential facility for mentally ill individuals.

GROUP RESIDENTIAL FACILITY (SMALL) A facility providing housing for up to eight unrelated individuals, with or without supervisory staff. This definition shall include a residential facility for individuals who are developmentally disabled or mentally ill or any other residential facility that houses up to eight individuals (excluding supervisory staff, counselors, or resident managers) who are members of a ***protected class*** as set forth under the federal Fair Housing Act. This definition shall not include a facility that serves individuals under a court ordered re-entry program or homeless individuals. A large group residential facility for mentally ill individuals shall be located at least 3,000 feet from any other group residential facility for mentally ill individuals.

HARDSHIP A perceived difficulty with regard to one's ability to improve land stemming

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

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

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

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

1. Cause or significantly contribute to an increase in mortality or increase in serious irreversible, or incapacitating reversible, illness; or

2. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The intent of this definition is to comply with the meaning of or amendments to the definition contained within I.C. 13-11-2-99.

HEIGHT The vertical distance of a ***building*** or ***structure*** measured from the ***grade*** to the highest point of the coping of a flat roof, to the deck line of a mansards roof, or to the midpoint of the highest gable of a pitched roof. Chimneys, spires, towers, elevators, penthouses, tanks, and similar projections other than signs shall not be included in calculating the height.

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

HID LIGHTING A family of bulb type known as high *intensity* discharge, including high-pressure sodium, mercury vapor, and metal halide.

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

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

HOME See *Dwelling*.

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

1. *Home Occupation - Class 1* These home occupations can have no more than one non-resident employee, can have no outside storage and must meet other standards in UDO Article Five. Examples include: home offices, small *repair services*, and other similar uses.

2. *Home Occupation - Class 2* These home occupations can have no more than five non-resident employees, can have limited outside storage and must meet other standards in UDO Article Five. Examples include small cottage industries, small contractors, *farm*-related *business*es, and other similar uses which otherwise would not be permissible in non-commercial *district*s.

HOOP STRUCTURE or HOOP HOUSE - A tunnel made of polyethylene, usually semi-circular, square or elongated in shape typically used as a greenhouse or season extender for vegetable or fruit crops.

HORIZONTAL (OR VERTICAL) FOOT-CANDLES The amount of light striking a vertical or horizontal plane

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

I.C. The Indiana Code, 1988 or most recent edition, and the most recent yearly

cumulative supplement.

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

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

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

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

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

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

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

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

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

INTERESTED PARTY ***Person***s and/or organizations required by ordinance or rule to

either participate in, or be given notice of, an action of, or a pending matter, before a ***commission***, ***board*** or hearing authority.

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

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

KENNEL-Class A Any premises, or portion thereof, where up to eight domestic dogs or equivalent animals are kept. Cats and other small animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. No animals may be boarded, trained, groomed, bred, or cared for in return for financial compensation, or are kept for the purpose of sale. However, for a single personal pet that has no more than one litter per year the sale of its offspring shall be considered de minimis and not for financial compensation causing a designation of a Class B or C kennel. Animals under six months of age should not be counted when determining the number of dogs or equivalent animals.[4]

KENNEL-Class B Any premises, or portion thereof, where nine to 20 domestic dogs or equivalent animals are kept. Cats and other smaller animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. No animals may be boarded, trained, groomed, bred, or cared for in return for financial compensation, or are kept for the purpose of sale. However, for a single personal pet that has no more than one litter per year the sale of its offspring shall be considered de minimis and not for financial compensation causing a designation of a Class B or C kennel. Animals under six months of age should not be counted when determining the number of dogs or equivalent animals.[5]

KENNEL- Class C Any premises, or portion thereof, where more than 21 domestic dogs or equivalent animals are kept. Cats and other smaller animals of less than 20 pounds may be substituted for dogs at a rate of two cats or small animals to one dog. All ***commercial*** kennels, including boarding kennels, training kennels, veterinary kennels, rescue kennels or where animals are boarded, trained, groomed, bred or cared for in return for financial compensation, or are kept for the purpose of sale are a Kennel-Class C. However, for a single personal pet that has no more than one litter per year the sale of its offspring shall be considered de minimis and not for financial compensation causing a designation of a Class B or C kennel. Animals under six months of age should not be counted when determining the number of dogs or

4 As adopted in Ordinance 06-03 adopted on January 23, 2006
5 As adopted in Ordinance 06-03 adopted on January 23, 2006

equivalent animals.[6]

LAMP A light bulb.

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

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

LEGAL ACCESS A platted ***access easement*** or the minimum required frontage on a ***street***.

LEGAL DESCRIPTION A written portrayal that (1) locates a ***parcel*** or ***parcel***s of land and (2) defines the boundary of the land using distances (in feet and hundredths of feet) and bearings (using degrees, minutes, and seconds) that must have closure of at lease 1 part in 5000.

LEGAL DRAIN Any ***drainage system*** consisting of an open drain, a tiled drain, or any combination of the two, that is under the jurisdiction of the ***County Drainage Board*** as provided by I.C. 36-9-27.

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

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

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

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

LIGHT SOURCE Source from which light emanates either directly from the bulb, or indirectly from a reflective enclosure, lens, or diffuser.

6 As adopted in Ordinance 06-03 adopted on January 23, 2006

LIGHT TRESPASS, OR SPILLAGE Light projected onto property or onto a right of way from another property.

LIMITED ACCESS HIGHWAY A road, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.

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

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

LOT (Subdivision) A portion of a ***subdivision*** or any ***parcel***, site, tract or interest of land intended as a unit for the purpose, whether immediate or future, of offer, ***sale, lease***, transfer of ownership or of ***development***; or any lot as defined elsewhere in the Unified Development Ordinance.

LOT A designated ***parcel*** which is described within a recorded ***subdivision*** properly recorded and accessible to a public ***street*** or an ***approved*** private ***street***. Additionally, It may be a ***parcel*** separately described in a deed or ***plat*** which is recorded in the office of the ***County Recorder***, or it may include parts of or a combination of lots and ***parcel***s when adjacent to one another, in common ownership, and used as one. A cadastral or unrecorded lot is not considered a lot for the purpose of this Ordinance. Tax ***parcel***s are not necessarily considered lots that can be used independently for the purpose of this ordinance.

LOT OF RECORD A lot which is part of a platted ***subdivision***, recorded in the office of the ***County Recorder*** at the time of adoption of the previous 1993 Clinton County Zoning Ordinance which is April 12, 1993.

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

LOT AREA, MINIMUM or REQUIRED The usable or buildable area of a lot, excluding part of the lot which by reason of rock outcropping, the ***right-of-way*** of any public ***street*** or ***alley***, grade, ***floodplain***, or occupation by water, cannot, without corrective modification, be used or built upon.

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

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

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

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

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

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

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

LOT LINE A line dividing one ***lot*** from another ***lot*** or from a ***street*** or ***alley***. In sets of ***lot***s is used as one, in common ownership, and ***contiguous*** the lot line may be considered to be at the outer boundaries of the combination of ***lot***s or ***parcel***s being used together as a ***lot***.

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

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

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

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

LOWEST FLOOR For the purpose of the ***floodplain overlay district***, the lowest of the following:

1. The top of the lowest level of the ***structure***;

2. The top of the ***basement*** floor;

3. The top of the garage floor, if the garage is the lowest level of the ***structure***;

4. The top of the first floor of a ***structure*** elevated on pilings or pillars;

5. The top of the floor level of any enclosure, other than a ***basement***, below an ***elevated structure*** where the walls of the enclosure provide any resistance to the flow of ***flood*** waters unless:

a. The walls are designed to automatically equalize the hydrostatic ***flood*** forces on the walls by allowing for the entry and exist of floodwaters, through providing a minimum of two openings (in addition to doorways and windows) in a minimum of two exterior walls having a total net area of one square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one foot above the exterior ***grade*** or the interior ***grade*** immediately beneath each opening, whichever is higher; and,.

b. Such enclosed space shall be usable solely for the parking of vehicles and ***building*** access.

LUMEN The unit used to measure the actual amount of light that is produced by a bulb as provided by the manufacturer. A 60-watt incandescent household bulb is usually 890 lumens. For the purposes of this ordinance, for ***HID lighting*** lumens means initial lumens.

MANUFACTURED HOME A single-family dwelling unit designed and substantially built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the Federal ***Manufactured Housing Construction and Safety Standards*** Law (42 U.S.C. 5401 *et seq*.), and which also complies with the following specifications:

1. Was constructed after January 1, 1981, and exceeds 950 square feet of occupied space I.C. 36-7-4-1106 (d),

2. Is attached to a ***permanent foundation*** of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the ***One and Two Family Dwelling Code***,

3. Has wheels, axles and towing chassis removed,

4. Has a pitched roof with a minimum rise of 2:12 and,

5. Consists of two or more sections which, when joined, have a minimum dimension of 23 feet in width for at least sixty percent of its length.

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

MANUFACTURED HOME (FLOODPLAIN) For the purpose of the ***floodplain overlay***

district, a ***structure***, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a ***permanent foundation*** when attached to the required utilities. The term "manufactured home" does not include a "***recreational vehicle***."

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

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

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

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

1. *Manufacturing, Heavy:* Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in

character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, ***glare***, air pollution and water pollution, but not beyond the zoning ***district*** boundary.

2. *Manufacturing, Light:* Manufacturing or other industrial uses which are controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed ***structure***s; and no nuisance.

MAP A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

MARKER OR MONUMENT A stake, pipe, rod, nail, or any other object which is intended to be a permanent survey point for record purposes.

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

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

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

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

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

1. Prior to June 15, 1976 and bears a seal attached under Indiana public Law 135, 1971, certifying that it was built in compliance with the standards established

by the Indiana Administrative Building Council, or

2. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

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

MUNICIPAL SOLID WASTE LANDFILL OR LANDFILL As defined by 329 IAC 10-2-116, means a solid waste land disposal facility that is permitted to receive municipal solid waste, and that it is not a land application unit, surface impoundment, injection well, or waste pile. It may also receive ***commercial*** solid waste, ***construction or demolition waste***, small quantity generator waste, and industrially generated solid waste not regulated by 329 IAC 3.1.

MUNICIPAL SOLID WASTE LANDFILL UNIT As defined by 329 IAC 10-2-117, means a discrete area of land or an ***excavation*** this is permitted to receive municipal solid waste for disposal, and that is not a landfill application unit, surface impoundment, injection well, or waste pile. It may also received ***commercial*** solid waste, ***construction/ demolition waste***, small quantity generator waste, and industrially generated solid waste not regulated by 329 IAC 3.1.

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

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

NEW CONSTRUCTION (FLOODPLAIN) Any ***structure*** for which the "***start of construction***" commenced after the effective date of the ***community***'s first ***floodplain*** ordinance.

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

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

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

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

NON-RESIDENTIAL SUBDIVISION Any ***subdivision*** of land involving land which is zoned or intended to be used for ***commercial*** or industrial purposes as defined in the Development Ordinance.

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

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

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

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

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

OBSTRUCTION (FLOODPLAIN) For the purpose of the ***floodplain overlay district***,

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

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

OFF-SITE (Subdivision) Any premises not located within the area of the property to be subdivided, whether or not such premises are in the ***same ownership*** as the property to be subdivided.

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

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

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

OPEN GRAZING The maintenance of animals on ***pasture*** at a concentration no greater than two ***animal unit***s per acre of ***pasture*** such that their principle feed is derived from ***grazing***.

OPEN SALES AREA Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. Such merchandise includes, but it is not limited to passenger cars, trucks, motorcycles, boats, and monuments.

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

OUTDOOR LIGHT A ***fixture*** which illuminates an exterior area. Includes lighting at locations such as under canopies, pavilions, or drive-through bays not fully enclosed such that the ***fixture*** or the illuminated area is visible from beyond the property line.

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

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

OVERSIZED IMPROVEMENTS Improvements required by the ***Plan Commission*** which are in excess of those needed for the ***subdivision*** under review. These include but are not limited to increased pavement width, oversized culverts or ***drainage swales***, sewer and water lines, and oversized retention ponds. When such improvements are required, the ***participating locality*** or utility shall pay the difference between the costs of improvements necessary for the ***subdivision*** and the cost of the actual required improvement.

OWNER (Subdivision) Any ***person***, firm, corporation, or other legal entity listed in the records of the ***County Auditor*** having title to land sought to be subdivided under these regulations. For purposes of this Ordinance, any land which is involved in a contract purchase may be subdivided only if both the contract seller and the contract purchaser sign the application for such ***subdivision***.

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

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

PARCEL OF RECORD A ***contiguous*** area of land which has a ***legal description*** for which a conveyance has been recorded in the office of the ***County Recorder*** at the time of adoption of the previous 1993 Clinton County Zoning Ordinance which is April 12, 1993.

PARENT TRACT All land which is ***contiguous*** and under common ownership from which a new ***lot*** or ***parcel*** is being taken as recorded in the office of the ***County***

Recorder at the time of adoption of the previous 1993 Clinton County Zoning Ordinance which is April 12, 1993.

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

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

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

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

PERIMETER STREET Any existing ***street*** to which the ***parcel*** of land to be subdivided abuts on only one side.

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

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

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

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

planned developments. A planned development requires approval through a zone map amendment.

PLAT The ***map***, drawing, or plan described in this Ordinance of a ***subdivision*** and any accompanying material submitted to the ***Plan Commission*** or ***Plat Committee*** for approval, and which, if signed by the designated official(s) may be submitted to the ***County Recorder*** for recording.

PLAT COMMITTEE The permanent committee of the ***Plan Commission*** which reviews and approves ***subdivision***s according to the Plan ***Commission's Rules***.

PLAT, PRIMARY A ***map*** indicating the ***subdivision*** or ***resubdivision*** of land, prepared in accordance with the primary plat requirements of this Ordinance as a basis for consideration by the ***Plat Committee*** or ***Plan Commission*** prior to the preparation of the ***secondary plat***.

PLAT, SECONDARY A land survey and ***map*** indicating the ***subdivision*** or ***resubdivision*** of land filed, or intended to be filed, for record.

POSITIONAL TOLERANCE The maximum distance that any point or ***monument*** of the survey may be mislocated with respect to any other point or ***monument*** as opposed to its theoretical location, by state-of-the-art equipment, given the location of any one point or ***monument*** and the determination of the meridian used for the survey. It represents the radius in feet from the theoretically correct point.

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

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

PRIMARY APPROVAL An approval (or approval with conditions) granted to a ***subdivision*** by the ***Plat Committee*** or ***Plan Commission*** indicating that it has determined that the ***subdivision*** complies with the standards prescribed in this Ordinance.

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

PRIVATE STREETS A ***right-of-way*** or ***easement*** which serves the same function as local streets but which are not dedicated to nor maintained by any unit of government. Any such streets constructed after the effective date of this Ordinance shall be required to be constructed in accordance with the standards set forth in this Ordinance.

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

PROJECTED SOUND EMISSIONS STUDY A study predicting the sound pressure levels including high and low frequencies and effects of harmonics, if any, that will be produced by a *WECS Project*. This study shall include a summary of the study methodology and a sound contour *map* in five decibel increments displayed as an overlay on an aerial photograph of the project area to a minimum of 40 decibels. The study shall be done at the maximum turbine sound level as provided by the manufacturer.[7]

PROTECTED CLASS The Federal Fair Housing Act, which is the federal law governing housing discrimination, includes the following seven protected classes: race, color, religion, national origin, sex, disability, and familial status.

PUBLIC IMPROVEMENT Any drainage ditch, *street*, highway, parkway, sidewalk, pedestrian way, *tree*, lawn, off-*street* parking area, *lot* improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

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

PUBLIC WAY Any highway, *street*, avenue, boulevard, road, lane or *alley* as defined in I.C. 36-7-1-17.

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

RECREATIONAL VEHICLE (NON-FLOODPLAIN) A portable vehicular *structure*, built to the Federal *Manufactured Housing Construction and Safety Standards Code*,

[7] As adopted in LUPAC 11-16-332, which became effective by default, went 90 days without legislative action.

designed for travel, recreational camping, or vacation purposes, either having its own motor power or mounted onto or drawn by another vehicle, and including, but not limited to, a travel trailer, tent trailer, motor home, "tiny house", detached pickup camper, boat, and boat trailers or manufactured or ***mobile home***s of less than 320 square feet.

RECREATIONAL VEHICLE PARK or CAMPGROUNDS A ***parcel*** of land used or intended to be used for temporary occupancy by campers or for temporary occupancy by ***recreational vehicle***s, travel trailers, tents, cabins, tiny houses, or other temporary accommodations.

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

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

REGISTERED LAND SURVEYOR A land surveyor properly licensed and registered in the State of Indiana permitted to practice in the State of Indiana through reciprocity.

REGISTERED PROFESSIONAL ENGINEER An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

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

REGULATORY FLOOD A ***flood*** having a one percent chance of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and ***approved*** by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The ***regulatory flood*** elevation at any location is as defined in **UDO Section 401.01**. The "***regulatory flood***" is also known by the term "Base Flood", "***One-Percent Annual Chance Flood***", and "***100-Year Flood***".

REPAIR SERVICES A ***business***, other than a ***home occupation***, which includes, but is not limited to, the repair of electrical appliances, musical instruments, watches, clocks, jewelry, shoes, small gasoline powered items such as lawn-mowers, and similar

small items; and also the reupholstery and repair of furniture. This may include the accessory resale of items repaired at the establishment.

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

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

RESIDENTIAL FACILITY, COURT ORDERED OR HOMELESS Higher *intensity* residential uses, regardless of size, used for court ordered re-entry programs and/or homeless individuals.

RESIDENTIAL FACILITY, GENERAL Higher *intensity* residential uses other than single-family, two family and multiple family dwellings, that are not otherwise regulated by this ordinance, including but not limited to:

1. Boarding house
2. Dormitory or campus housing (off-site)
3. Fraternity house
4. Residential facilities for voluntary rehab programs.
5. Sorority house

RESTRICTIVE COVENANTS Limitations of various kinds on the usage of lots within a *subdivision* which are placed by the *subdivider*, and, in the case of public health, safety and welfare required by the *Plan Commission*, that are recorded with the *plat* and run with the land.

RESUBDIVISION OR REPLAT A change in a *map* of a *plat* having secondary approval or a recorded *subdivision plat*. Any resubdivision that does not meet the minor *subdivision* definition must be *approved* by the *Plan Commission* according to major *subdivision* procedure.

RETAIL TRADE *Building*s for the display and sale of merchandise at retail such as the following: antiques, apparel, arts and crafts supplies, automotive parts, bakeries, bicycle sales and accessory repair, books and magazines, camera shops, carpet,

department stores, drapery, drug stores, fabrics, florists (not to include greenhouses), furniture, gift shops, groceries, hardware, hobby shops, household appliances, jewelry, office and ***business*** machines and supplies, paint stores, pet shops (not include ***kennel***s), rent-to-own stores, tape and music stores, shoes, specialty food stores, sporting goods, toy stores, variety stores, video tape sales and rentals, and other similar type uses not elsewhere defined or specified in this Ordinance.

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

RULES The bylaws and/or Rules of Procedure adopted by the Area Plan Commission and Board of Zoning Appeals setting forth procedure for the administration of this Ordinance.

RUNOFF The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of the land.

RUNOFF FROM DEVELOPED AND UNDEVELOPED AREAS UPSTREAM The surface water runoff that can be reasonably anticipated upon maximum ***development*** of that area of the watershed located upstream from the subject tract, as permitted by the Development Ordinance.

SALE (SELL) OR LEASE Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a ***subdivision*** or part thereof, whether by metes and bounds, deed, land contract, ***plat***, ***map***, lease, devise, intestate succession, or other written instrument.

SAME OWNERSHIP Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

SANITARY SEWER A pipe or conduit designed for carrying any combination of water-carried wastes from residence, ***business***, ***commercial building***s, public uses, and industries, together with such ground, surface, and storm waters as may be present but which are not intentionally admitted.

SCHOOL A public, parochial, or private institution offering an educational curriculum

or educational instruction or any institution under the State Department of Public Instruction jurisdiction, including pre-schools, primary, middle and high schools or academies, junior colleges, colleges or universities except for home schools.

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

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

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

SECONDARY APPROVAL An approval by the ***Subdivision Administrator*** indicating that all conditions of ***primary approval*** have been met.

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

SECTION CORNER A corner established as part of the United States Public Land Survey System used for horizontal control in describing land.

SECURITY AND SAFETY PLAN The ***WECS Project*** site security and safety plan as provided by **UDO Section 405.01 B 2 b**.

SEDIMENTATION The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity.

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

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

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

SETBACK, FRONT A required minimum space on the same ***lot*** with ***structure***s, open and unobstructed except as otherwise authorized by this ordinance, the depth of which is the least permitted distance between the ***street right-of-way*** line and ***building line***. On corner lots, the front setback shall be all setbacks between the ***street right-of-way***s and the ***building line***s. On through lots or on lots which abut a ***street right-of-way*** and a lake or river shore, there shall be front setbacks provided on both streets and off river or lakeshore property lines except as provided by this Ordinance.

SETBACK, REAR A required minimum space on the same ***lot*** with ***structure***s, open and unobstructed except as otherwise authorized by this ordinance, the depth of which extends across the full width of the ***lot*** and is the least permitted distance between the rear ***lot line*** and the ***building line***. On corner lots, the yard opposite the ***street*** on which the lot is addressed shall contain the rear setback and the remaining yard(s) shall contain the side setback.

SETBACK, SIDE A required minimum space on the same ***lot*** with ***structure***s, open and unobstructed except as otherwise authorized by this ordinance, and is the least permitted distance, extending from the front setback line to the rear setback line, between the side ***lot line*** and the ***building line***. The width of the required side setback is measured horizontally, 90 degrees with the side ***lot line***, from the nearest part of the ***structure***. On corner lots the side setback is measured opposite the ***street*** on which the property is not addressed.

SEWAGE DISPOSAL REGULATIONS ISBH Rule 410 IAC 6-8.3-1 *et seq* or subsequent regulations.

SEXUALLY ORIENTED BUSINESS An adult bookstore, adult cabaret, adult motion picture theater, adult night club, adult novelty store, adult video store, nude or ***semi-nude*** model studio, or sexual encounter establishment.

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

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

SIDEWALK CAFÉ A restaurant which has an incidental or ***accessory use***, a group

of tables, chairs, benches or decorative devices maintained upon a public sidewalk adjacent to the restaurant for the sale to the public of food or beverages as otherwise permitted by law. This definition does not include tables or benches for eating purposes provided by a restaurant as ***accessory use***s on the restaurant property.

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

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

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

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

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

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

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

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

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

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

1. *Freestanding or building-mounted* -The area includes all lettering, wording, and accompanying design and symbols, together with the background, whether open or closed, on which they are displayed. The area does not include minimal supporting framework, bracing, or poles but does include any decorative ***structure***s.

2. *Individual letter or figures* - When attached or painted on a surface such as ***building***, canopy, awning, wall, or window, the area is that of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols.

SITE PLAN A drawing which must be submitted with an application for an ***Improvement Location Permit*** showing the information specified in **UDO Section 1001.04**.

SKETCH PLAN An informal, informational drawing, as described in this ordinance, preparatory to the drawing of the ***primary plat*** to enable the ***subdivider*** to save time and expense in reaching general agreement with the ***Subdivision Administrator*** as to the form of the ***plat*** and conformance to the objectives of this Ordinance.

SLOPE The face of an embankment or ***cut*** section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

SOILS REPORT A report from the technical personnel of the Clinton County Soil and Water Conservation ***district*** if available within a reasonable time as determined by the Area Plan Commission. This report shall include a soils ***map*** and interpretations. These interpretations shall indicate the degree of limitations of the soils in the proposed ***subdivision*** with respect to the proposed ***building development***, road construction, drainage, sewage disposal system, and ***erosion*** control.

SOIL STABILIZATION Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SOIL SURVEY The Soil Survey of Clinton County Indiana published in November 1980 by the United States Department of Agriculture, Soil Conservation Service and which contains detailed soil ***map***s which may be used for planning purposes.

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

SOLID WASTE DISPOSAL FACILITY An incinerator, composting facility, garbage grinding facility, or any other facility that meets the definition in I.C. 36-9-30-2.

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

SPECIAL EXCEPTION A use, which shall be allowed within a particular ***district*** contingent upon approval of the Board of Zoning Appeals because of its special nature. Special exceptions which may be considered in each ***district*** are listed in **UDO Table A-1**.

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

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

SPECIFIED SEXUAL ACTIVITIES Includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated; or

4. Excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

SPOTLIGHT A ***fixture*** or bulb which projects light in a specific direction in a narrow beam, typically 45 degrees or less

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

START OF CONSTRUCTION (FLOODPLAIN) For purpose of the ***floodplain overlay district***, this include ***substantial improvement***, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a ***structure*** (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of

columns, or any work beyond the stage of ***excavation*** for placement of a manufactured home on a ***foundation***. Permanent construction does not include land preparation, such as clearing, ***grading*** and filling; nor does it include the installation of streets and/or walkways; nor does it include ***excavation*** for a ***basement***, footings, piers, foundations, or the erection of temporary forms. For ***substantial improvement***, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a ***building***, whether or not that alteration affects the external dimensions of the ***building***.

STATE PLANE COORDINATE SYSTEM A system of plane coordinates based upon the Transverse Mercator Projection established by the United States Coast and Geodetic Survey for the State of Indiana.

STORM SEWER Sewer collecting surface ***runoff***.

STORM DRAIN Drain carrying waste water, other than raw sewage solids and untreated waste water, to a ***storm sewer***.

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

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

STREETS, CLASSIFICATION All roads must be classified according to their function for the purpose of providing for their ***development***, future improvement, reconstruction, realignment, and necessary widening, including provision for curbs, gutters, and sidewalks. The classification of each street is based upon its location in the respective zoning ***district*** and its present and estimated future traffic volume and relative importance and function as specified in the ***Comprehensive Plan*** and/or its ***Thoroughfare Plan*** component. Roads not elsewhere classified shall be classified by the ***Plan Commission***. The classifications are as follows:

Principal and Minor Arterials: Roads intended to move through traffic to and from such major attractors as larger communities, major shopping areas, major industrial areas, and similar traffic generators.

Major and Minor Collectors: Roads intended to collect and distribute traffic in a manner similar to arterials, except that these roads service minor traffic-generating areas such as smaller established towns, airports, educational facilities, ***hospital***s, and recreational areas, and/or are designed to carry traffic from local and

subdivision roads to arterials.

Local Road: Roads intended to move traffic from local ***subdivision*** roads to collectors. A local road serves the needs of a smaller geographical area such as a township or neighborhood. Most existing ***County*** roads and city streets are local roads.

Subdivision Road: Roads intended to provide primary access from within a ***subdivision*** and other individual properties to other higher classified roads.

Place: A short residential street, ***cul-de-sac*** or court with a maximum of ten residential units.

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

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

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

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

SUBDIVIDER Any ***person*** who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a ***subdivision***; or who (2), directly or indirectly sells, leases, or develops, or offers to ***sell, lease***, or develop, or advertises for ***sale, lease***, or ***development***, any interest, ***lot***, ***parcel***, site, unit, or ***plat*** in a ***subdivision***; or who (3) engages directly, or through an agent, in the ***business*** of selling, leasing, developing, or offering for ***sale, lease***, or ***development*** a ***subdivision*** of any interest, ***lot***, ***parcel***, site, unit, or ***plat*** in a ***subdivision***; or who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

SUBDIVISION The division or partial division of a ***parent tract*** or any ***parcel*** of land into one or more lots, ***parcel***s, sites, units, ***plat***s, or interests for the purpose of offer, ***sale, lease***, transfer of ownership or ***development***. It also includes ***resubdivision*** and the grant of an ***easement*** which is needed to provide ***legal access*** to any property

under the terms of this Ordinance. Exempt divisions and ***parent tract***s which meet the definition of an ***exempt division*** shall not be counted in determining if a division qualifies as a ***subdivision***. However, the cumulative number of all divisions from the original ***parent tract*** on the effective date of this ordinance and/or from any subsequent ***exempt division*** shall be considered in the application of this definition.

Major Subdivision Any ***subdivision*** of land which includes the following:

1. Any land being divided which involves the construction or extension of public streets, ***private streets*** or ***access easement***s, other than two pipestem lots sharing a common ***access easement***.

2. Any land being divided that under the terms set forth in this Ordinance involves the ***substantial improvement*** or realignment of an existing ***street*** or road or the provision of any public facility or utility.

3. Any land being divided into more than five lots, or the combined and cumulative total of more than five lots from an original ***parent tract***.

4. Any ***resubdivision*** or changes on a recorded ***secondary plat approved*** pursuant to this Ordinance which is not a minor ***subdivision***.

5. Any ***subdivision*** which requires a modification to the terms of this Ordinance.

6. Any ***subdivision*** which has common open space or land to be maintained by a property owners association.

Minor Subdivision Any ***subdivision*** of land that does not involve the opening of any ***public way*** and that complies with all standards of this Ordinance and the Zoning Ordinance and which includes one of the following:

1. Any land being divided into five or fewer lots or the combined and cumulative total of five or fewer lots from an original ***parent tract*** which does not involve the construction or extension of public streets or ***private streets*** or ***access easement***s, except for two pipestem lots sharing a common ***access easement***.

2. Any land being divided into five or fewer lots or the combined and cumulative total of five or fewer lots from an original ***parent tract*** that under the terms set forth in this Ordinance does not involve the ***substantial improvement*** or realignment of any ***street*** or road.

3. Any ***resubdivision*** of a recorded ***secondary plat approved*** pursuant to this Ordinance which involves only the changing of the notations written on the ***plat*** or correction of errors thereon, which involves only the removal or relocation of ***easement***s on the property, or which involves only the removal of interior ***lot*** or ***parcel*** lines provided the outside perimeter of the property remains unchanged and that fewer ***parcel***s result than were contained in the

original ***plat***.

4. Any division of land into two pipestem lots sharing a common ***access easement***.

SUBDIVISION ADMINISTRATOR The officer appointed by and/or delegated the responsibility for the administration of regulations by the Area Plan Commission. This term shall be construed to include those planning ***staff*** members working under the direction of the Subdivision Administrator in the exercise of his responsibilities in regard to the enforcement of this Ordinance.

SUBDIVISION BENCHMARK A permanent ***monument*** of known elevation, tied to the U.S.G.S. Benchmark System, installed at ground level.

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

SUBSTANTIAL IMPROVEMENT (FLOODPLAIN) For the purpose of the ***floodplain overlay district***, any reconstruction, rehabilitation, addition, or other improvements of a ***structure***, the cost of which equals or exceeds 50 percent of the ***market value*** of the ***structure*** before the "***start of construction***" of the improvement. This term includes ***structure***s that have incurred "***repetitive loss***" or "***substantial damage***" regardless of the actual repair work performed. The term does not include improvements of ***structure***s to correct existing ***violation***s of state or local health, sanitary, or safety code requirements or any alteration of a "***historic structure***", provided that the alteration will not preclude the ***structure***'s continued designation as a "***historic structure***".

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

SUBSURFACE DRAINAGE A system of pipes, tile, conduit or tubing installed beneath the ground surface used to collect ground water from individual ***parcel***s, lots or ***building*** footings.

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

SURFACE DRAINAGE A system by which the storm water run-off is conducted to an outlet. This would include the proper ***grading*** of parking lots, streets, driveways, and yards, so that storm water ***runoff*** is removed without ponding and flows to a ***drainage swale***, open ditch, or a ***storm sewer***.

SURFACE WIDTH The distance across the combined driving lanes and proposed parking accommodations adjacent and contiguous to same. The surface width shall require, in its entirety, a base and substructure, as well as top, based on the C.B.R. criteria. Any shoulder required shall be in addition to a surface width.

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

SWALE A low lying stretch of land which gathers or carries surface water ***runoff***.

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

TECHNICAL REVIEW COMMITTEE Governmental and other public agencies and utilities which are specified by ***Plan Commission Rules*** to review and comment on a proposed ***subdivision***.

TEMPORARY IMPROVEMENT Improvements built and maintained by a ***subdivider*** during construction of the ***subdivision*** and intended to be replaced by a permanent improvement prior to release of the performance bond or turnaround improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through ***street*** connection made.

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

TOP SOIL Surface soils and subsurface soils which presumably are fertile soils and soil materials, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the “A Horizon”.

TOWN Each incorporated town in Clinton County which has adopted this Ordinance.

TRANSPORTATION PLAN Detailed route plan recommended by the ***WECS Transportation Committee*** and ***approved*** by the Clinton County Commissioners used for construction and maintenance by a WECS including plans for pre-construction road and/or bridge improvements, dust control measures, temporary road closures and traffic re-routing, plans for the repairs, replacement and/or reconstruction of all damage to roads, bridges, signage, vehicles, drainage ***structure***s, and other public or private improvements damaged by the WECS construction and maintenance, and the posting of repair, replacement, and maintenance bonds and such other matters as

may be determined to be necessary and appropriate to protect the health and safety of motorists and to preserve and maintain the affected roads, bridges, and other public and private improvements before, during, and after construction and/or maintenance.[8]

TREE A plant having at least one well defined stem or trunk and normally attaining a mature height of at least 15 feet in height. Trees may be deciduous or evergreen, unless specified.

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

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

USE, OF PROPERTY The purpose of activity for which the land or ***building*** thereon is designed, arranged, intended, or for which it is occupied or maintained. This includes any manner of performance of activity or operation with respect to the performance standards of this Ordinance.

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

VACANT Any ***structure*** that is: 1) not abandoned or 2) used or occupied.

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

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

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

[8] As adopted in LUPAC 11-16-332, which became effective by default, went 90 days without legislative action.

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

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

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

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

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

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

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

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

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

WECS TRANSPORTATION COMMITTEE A committee chaired by the Clinton County Highway Supervisor and including the Clinton County Sheriff or designee, School Superintendent(s) of the ***district***(s) the WECS will be constructed in or designee(s), Fire Chief(s) with jurisdiction over the ***WECS Project*** Area or designee(s), Clinton

County Surveyor or designee(s), Soil and Water Conservation District Board Representative or designee(s), and other identified individuals which will review and recommend to the ***County Commissioners*** the proposed ***Transportation Plan*** submitted by a WECS ***Applicant***.

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

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

1. Wild Animals-Class 1 This class includes any wild animal which, because of its nature, habits, or status, is not a threat to personal or public safety such as rabbits or squirrels as further defined in 312 IAC 9-11-6.

2. Wild Animals-Class 2 This class includes any wild animal which, because of its nature, habits, or status may pose a threat to human safety such as beaver, coyote, gray or red fox, mink, muskrat, opossum, raccoon, skunk or weasel as further defined in 312 IAC 9-11-7.

3. Wild Animals-Class 3 This class includes any wild animal which presents a real or potential threat to human safety such as wolves, bears, wild cats, venomous reptiles and crocodilians as further defined in 312 IAC 9-11-8.

WIND ENERGY CONVERSION SYSTEM (WECS)-COMMERCIAL All necessary devices referred to in **UDO Section 405** that together convert wind energy into electricity and deliver that electricity to a utility's transmission lines, including but not limited to the rotor, nacelle, generator, **WECS Tower**, electrical components, WECS foundation, transformer, and electrical cabling from the **WECS Tower**, the ***substation***s, ***switching station***s, meteorological towers, communications facilities and other required facilities and equipment, as related to the ***WECS Project***.

WIND ENERGY CONVERSION SYSTEM (WECS)-NON-COMMERCIAL A WECS facility referred to in **UDO Section 536** of one or more turbines with a total name plate generating than 20 kW but not more than one Megawatt (MW) for the purpose of producing electricity on one or more ***contiguous parcel***s and not for resale or distribution by interconnection with a utility.

WIND ENERGY CONVERSIONS SYSTEM (WECS)-PRIVATE USE A WECS facility referred to in **UDO Section 537** consisting of not more than one turbine and with a total name plate generating capacity of no more than 20 Kilowatts (kW) for the purpose of

generating supplemental electricity for the ***parcel*** on which the facility is located.

WITNESS MONUMENT A ***marker*** or ***monument*** that is set as a reference to the actual corner when it is not possible or practical to set the actual corner.

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

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

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

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

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

ZONE A (see definition for ***A zone***)

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

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

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ARTICLE 13:

ENACTMENT

13 Unified Development Ordinance

UNIFIED DEVELOPMENT ORDINANCE OF CLINTON COUNTY, INDIANA

Ord. No. A-1-2015 (Colfax), Ord. No. 2015-09 (Clinton County), Ord. No. 2015-8-3 (Kirklin), Ord. No. 2015-206 (Mulberry), Ord. No. 2015-07 (Rossville)

AN ORDINANCE to enact Unified Development Regulations for participating towns and Clinton County and all participating localities by establishing zoning districts which regulate the location, height, and the use of structures and land for agriculture, residences, business, industry and other purposes; regulating the division of land for the purpose of gift, sale, or development; providing regulations, requirements and design standards; prescribing procedures for the presentation, approval, recording and vacation of plats; establishing development standards for certain uses; requiring development plans for certain districts; providing for non-conformities; prescribing penalties for violations; defining terms; providing for a Board of Zoning Appeals; and setting forth administrative procedure.

WHEREAS, I.C.36-7-4, as amended, empowers Clinton County and participating localities to enact a zoning ordinance and subdivision control ordinance and to provide for its administration, enforcement, and amendment, following recommendation by the Area Plan Commission and

WHEREAS, the Area Plan Commission has prepared and recommended a Zoning Ordinance and Subdivision Control Ordinance in the form of a Unified Development Ordinance, and

WHEREAS, the Area Plan Commission of Clinton County, the legislative bodies of participating localities, and the Board of County Commissioners of Clinton County deem it necessary for the purpose of promoting the health, safety, convenience, comfort, morals, and general welfare of the community to enact such an ordinance, and

WHEREAS, such regulations have been found to be in accordance with the spirit and intent of the 2012 Clinton County Comprehensive Plan and

WHEREAS, the Area Plan Commission of Clinton County has prepared and the legislative bodies of participating localities and the Board of County Commissioners of Clinton County, Indiana have adopted the 2012 Clinton County Comprehensive Plan, and

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

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODIES OF THE PARTICIPATING LOCALITIES, AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLINTON, INDIANA AS FOLLOWS:

Regarding typographical errors and omissions: Corrections to the internal navigation for ease of use and obvious spelling and grammar corrections that do not make a substantive change may be corrected by staff with notice to all participating legislative bodies after a thirty day period with no objection. Such corrections may be done without requiring amendment to this ordinance.

This Ordinance shall be in full force and effect upon its passage and after notice of adoption as required by law.

Passed and adopted by the Board of Commissioners of Clinton County, Indiana on this 2 day of November, 2015.

BOARD OF COMMISSIONERS OF CLINTON COUNTY

ATTEST:

Secretary

Passed by the Town Council of the Town of Colfax on this
18 day of August, 2015.

Town Council President
Town of Colfax

ATTEST:
Town Clerk/Treasurer
Town of Colfax

Passed by the Town Council of the Town of Kirklin on this
10 day of August, 2015.

Town Council President
Town of Kirklin

ATTEST:
Town Clerk/Treasurer
Town of Kirklin

Passed by the Town Council of the Town of Mulberry on this
11 day of AUGUST, 2015.

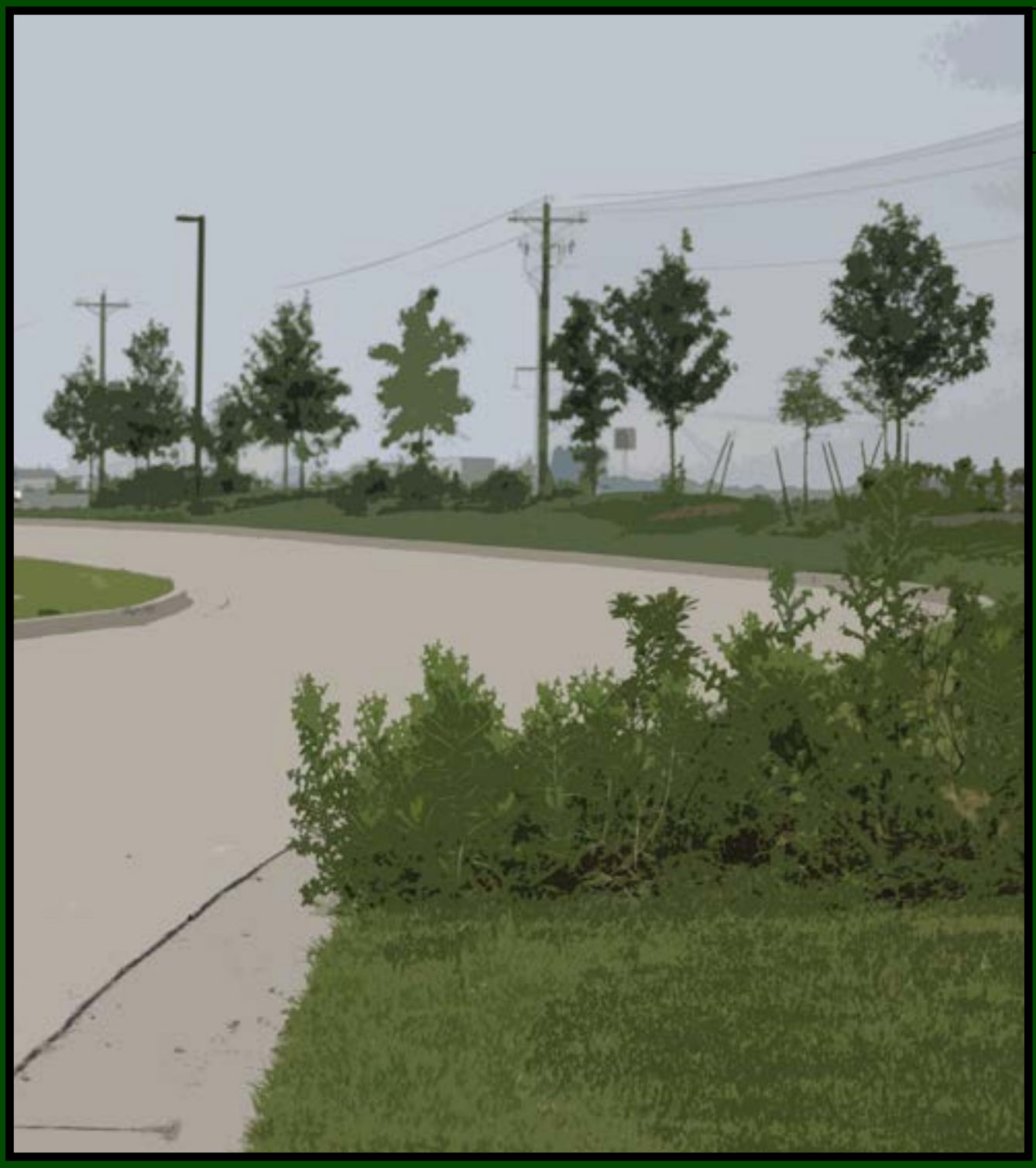
Town Council President
Town of Mulberry

ATTEST:
Town Clerk/Treasurer
Town of Mulberry

Passed by the Town Council of the Town of Rossville on this
11th day of AUGUST, 2015.

Town Council President
Town of Rossville

ATTEST:
Town Clerk/Treasurer
Town of Rossville



APPENDIX A:
LAND USE & TABLES

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
1.00 AGRICULTURAL																	
1.01 CROPLAND AND ORCHARDS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
1.02 ***PASTURE*** and ***GRAZING***	P	S	S	S	S	S	S	S	S	S	S	P	P	P	A	C	**UDO 509**
1.03 ***CONFINED FEEDING*** OPERATION	P	S	X	X	X	X	X	X	S	S	X	S	S	S	A	C	**UDO 509**
1.04 ***GRAIN HANDLING OPERATION***	P	S	S	X	X	X	X	X	S	S	X	S	S	S			**UDO 509**
1.05 COMMERCIAL FISH or WORM or FUR FARMS AND OTHER SPECIALTY FARMS	P	S	X	X	X	X	X	S	S	P	X	S	S	S	A	C	
1.06 ***AGRICULTURAL*** ACCESSORY STORAGE FACILITIES [including barns, sheds, silos, bins]	P	P	S	X	X	S	S	S	S	P	S	P	P	S	A	C	
1.07 PROCESSING OF ***AGRICULTURAL*** GOODS PRODUCED ON PROPERTY ONLY	P	S	S	S	S	S	S	S	S	P	S	P	P	S	A	C	

**At the time this ordinance was originally prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this ordinance, as written, recognizes these limitations so compliance must be as specified in this table.

^This use is subject to the point system in A-1 land and as such is considered a rural non-farm residential dwelling subject to the standards of **UDO Section 513**.

*Except it is a permitted use where a WECS Overlay District has been created according to **UDO Section 405**.

A1 - Agricultural

R1 - Rural Residential R-2 - Low Density Residential R-3 - Medium Density Residential R4 - High Density Residential

B1 - Neighborhood Business B2 - Central Business B3 - Roadside Business B4 - General Business

B5 - Agribusiness B6 - Office or Tech Park I1 - Light Industrial I2 - General Industrial LD - Landfill

P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
1.08 ROADSIDE STAND ON-SITE SALE OF ***AGRICULTURAL*** GOODS PRODUCED ON PROPERTY [seasonal]	P	S	S	S	S	P	S	P	S	P	S	P	P	S	A	D	**UDO 528**
1.09 ROADSIDE STAND ON- SITE SALE OF ***AGRICULTURAL*** GOODS PRODUCED ON PROPERTY [permanent]	S	S	S	X	X	S	S	P	S	P	S	P	S	S	C	D	**UDO 528**
1.10 IRRIGATION FACILITIES	P	S	S	X	X	X	X	S	S	P	S	P	P	S	A	C	
1.11 LAND APPLICATION OF SLUDGE and WASTEWATER	P	X	X	X	X	X	X	X	X	X	X	X	X	P	A	C	
1.12 CROPLAND RESEARCH OR DEMONSTRATION TEST PLOT [temporary or permanent]	P	P	P	X	X	P	P	P	P	P	P	P	P	P	A	C	**UDO 509**
1.13 LIVESTOCK RESEARCH OR EVALUATION	P	X	X	X	X	X	X	X	X	S	X	P	P	S	B	C	**UDO 509**
1.14 ***AGRICULTURAL*** AND ENVIRONMENTAL RESEARCH CENTERS	S	X	X	X	X	X	X	X	S	S	X	P	P	S	B	B	**UDO 509**

**At the time this ordinance was originally prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this ordinance, as written, recognizes these limitations so compliance must be as specified in this table.

^This use is subject to the point system in A-1 land and as such is considered a rural non-farm residential dwelling subject to the standards of **UDO Section 513**.

*Except it is a permitted use where a WECS Overlay District has been created according to **UDO Section 405**.

A1 - Agricultural

R1 - Rural Residential R-2 - Low Density Residential R-3 - Medium Density Residential R4 - High Density Residential

B1 - Neighborhood Business B2 - Central Business B3 - Roadside Business B4 - General Business

B5 - Agribusiness B6 - Office or Tech Park I1 - Light Industrial I2 - General Industrial LD - Landfill

P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
1.16 ***WILD ANIMALS*** - CLASS 1	P	S	S	S	S	P	P	P	P	P	P	P	P	P	A	C	**UDO 509**
1.17 ***WILD ANIMALS*** - CLASS 2	P	X	X	X	X	P	P	P	P	P	P	P	P	P	A	C	**UDO 509**
1.18 ***WILD ANIMALS*** - CLASS 3	S	X	X	X	X	S	S	S	S	S	S	S	S	S	A	C	**UDO 509**
1.19 HORSE OR OTHER DOMESTIC ANIMAL RESCUE SERVICE	P	S	X	X	X	X	X	S	S	S	S	S	S	S	A	A	**UDO 509**
1.20 ***FARM BASED BUSINESS*** CLASS 1	P	P	S	X	X	S	S	P	P	P	S	S	S	X	A	A	
1.21 ***FARM BASED BUSINESS*** CLASS 2	S	S	S	X	X	S	S	P	P	P	S	S	S	X	C	A	
1.22 ***AGRITOURISM*** CLASS 1	P	S	S	X	X	S	S	P	P	P	S	S	S	X	A	A	
1.23 ***AGRITOURISM*** CLASS 2	S	S	S	X	X	S	S	P	P	P	S	S	S	X	C	A	
1.24 STORAGE OF FARM CHEMICALS (For use, not sale)	P	P	S	S	S	P	P	P	P	P	S	P	P	P	N/A	N/A	
2.00 NATURAL RESOURCES																	
2.01 FORESTRY or WOODLAND	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	

**At the time this ordinance was originally prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this ordinance, as written, recognizes these limitations so compliance must be as specified in this table.

^This use is subject to the point system in A-1 land and as such is considered a rural non-farm residential dwelling subject to the standards of **UDO Section 513**.

*Except it is a permitted use where a WECS Overlay District has been created according to **UDO Section 405**.

A1 - Agricultural

R1 - Rural Residential R-2 - Low Density Residential R-3 - Medium Density Residential R4 - High Density Residential

B1 - Neighborhood Business B2 - Central Business B3 - Roadside Business B4 - General Business

B5 - Agribusiness B6 - Office or Tech Park I1 - Light Industrial I2 - General Industrial LD - Landfill

P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
2.02 PLANT NURSERY [does not include office or retail business facilities]	P	S	X	X	X	X	X	S	S	P	X	S	S	S	A	C	
2.03 NATURE or NATURAL RESOURCE PRESERVES	P	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.04 BOAT LANDING FACILITIES	P	X	X	X	X	S	P	P	P	P	S	P	P	S	A	C	
2.05 CONSERVATION OR ENVIRONMENTAL STUDY CLUB FACILITIES	P	S	X	X	X	X	X	X	S	S	S	X	X	X	B	C	
2.06 ***MINERAL EXTRACTION*****	S	X	X	X	X	X	X	X	X	S	X	S	S	S	E	B	**UDO 522**
2.07 OIL and GAS PRODUCTION [not to include refining]	S	S	X	X	X	X	X	X	X	S	X	S	S	S	E	B	
2.08 WATER AREAS, MARSHLAND	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
2.09 FILL OF NATURAL WETLAND, WATER AREAS OR MARSHLAND	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.10 FISH HATCHERIES	P	X	X	X	X	X	X	X	P	P	S	P	P	S	A	C	

**At the time this ordinance was originally prepared (1992), State and/or Federal law limited local zoning from regulating this land use. However, this ordinance, as written, recognizes these limitations so compliance must be as specified in this table.

^This use is subject to the point system in A-1 land and as such is considered a rural non-farm residential dwelling subject to the standards of **UDO Section 513**.

*Except it is a permitted use where a WECS Overlay District has been created according to **UDO Section 405**.

A1 - Agricultural

R1 - Rural Residential R-2 - Low Density Residential R-3 - Medium Density Residential R4 - High Density Residential

B1 - Neighborhood Business B2 - Central Business B3 - Roadside Business B4 - General Business

B5 - Agribusiness B6 - Office or Tech Park I1 - Light Industrial I2 - General Industrial LD - Landfill

P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
2.11 ARTIFICIAL LAKE OR POND OR RESERVOIR OF FIVE ACRES OR MORE	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	
2.12 WATER MANAGEMENT AND USE FACILITIES SUCH AS DAMS, DOCKS AND FLOODWALLS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
3.00 RESIDENTIAL																	
3.01 DWELLING-***SINGLE FAMILY-DETACHED***	P^	P	P	P	P	X	S	X	X	X	X	X	X	X	A	A	**UDO 513**
3.02 DWELLING - ***SINGLE FAMILY - ATTACHED*** FOR SALE OR RENT	S	S	S	S	P	X	X	X	X	X	X	X	X	X	B	A	
3.03 DWELLING - CONVERSION OR ***TWO FAMILY*** FOR SALE OR RENT	S	S	S	S	P	X	X	X	X	X	X	X	X	X	B	A	**UDO 510**
3.04 DWELLING - ***MULTI-FAMILY*** FOR SALE OR RENT	X	S	S	S	P	S	S	X	X	X	X	X	X	X	B	A	
3.05 ***FAMILY HOMESTEAD***	S	S	X	X	X	X	X	X	X	X	X	X	X	X	A	A	**UDO 513**
3.06 DWELLING - ***EARTH SHELTERED HOME***	P^	P	P	P	P	X	X	X	X	X	X	X	X	X	A	A	**UDO 513**

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As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
3.07 DWELLING - ***COTTAGE OR CABIN***	S	S	S	X	X	X	X	X	X	X	X	X	X	X	A	A	**UDO 513**
3.08 DWELLING - FARM LABOR CAMP	S	X	X	X	X	X	X	X	X	X	X	X	X	X	A	A	**UDO 515**
3.09 DWELLING - ***ACCESSORY APARTMENT*** (WITHIN PRINCIPAL DWELLING STRUCTURE)	P	P	P	P	P	S	S	S	S	S	S	S	S	X	A	A	**UDO 502**
3.10 DWELLING - ***ACCESSORY APARTMENT*** (In ***accessory structure***, including guest or caretaker dwelling)	S	S	S	S	S	S	S	S	S	S	S	X	X	X	A	A	**UDO 502**
3.11 DWELLING - APARTMENT WITHIN OR ABOVE NON-RESIDENTIAL or COMMERCIAL STRUCTURE	S	X	X	X	X	S	S	S	S	S	S	S	S	X	A	A	
3.12 ***MANUFACTURED HOME***	P^	P	P	P	P	X	X	X	X	X	X	X	X	X	A	A	**UDO 513** & **UDO 519**
3.13 ***MOBILE HOME***	S	S	X	X	X	X	X	X	X	X	X	X	X	X	A	A	**UDO 513** & **UDO 519**

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
3.14 MANUFACTURED HOME or MOBILE HOME AS ***ACCESSORY USE*** TO EXISTING DWELLING [limit one per parcel] [seasonal or permanent]	S	S	X	X	X	X	X	X	X	X	X	X	X	X	A	A	**UDO 519**
3.15 MANUFACTURED HOME or MOBILE HOME AS DWELLING WHEN LOCATED IN CONNECTION WITH A PERMITTED BUSINESS [***accessory use***]	X	X	X	X	X	S	S	S	S	S	X	S	S	S	A	A	**UDO 519**
3.16 ***MANUFACTURED HOME or MOBILE HOME PARK***	X	X	X	X	S	X	X	X	X	X	X	X	X	X	A	A	**UDO 520**
4.00 SOCIAL SERVICES RESIDENTIAL																	
4.01 CONGREGATE HOUSING or RETIREMENT COMMUNITY or ***NURSING HOME***	S	S	S	S	S	X	X	X	X	X	X	X	X	X	B	K	
4.02 ***ASSISTED LIVING FACILITY***	S	S	S	S	S	X	X	X	X	X	X	X	X	X	B	K	
4.03 ***ADULT CARE CENTER***	S	S	S	S	S	S	S	S	X	X	X	X	X	X	B	K	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
4.04 ***RESIDENTIAL FACILITY***, COURT ORDERED OR HOMELESS**	X	X	X	X	X	X	X	X	X	X	X	S	X	X	B	J	
4.05 ***RESIDENTIAL FACILITY, GENERAL*** **	S	S	S	S	P	X	X	X	X	X	X	X	X	X	B	J	
4.06 ***GROUP RESIDENTIAL FACILITY*** (SMALL)**	P	P	P	P	P	X	X	X	X	X	X	X	X	X	B	J	
4.07 ***GROUP RESIDENTIAL FACILITY*** (LARGE)**	S	S	S	S	S	X	X	X	X	X	X	X	X	X	B	J	
5.00 RESIDENTIAL RELATED																	
5.01 ***GROUP HOUSING QUARTERS***	S	X	X	X	S	S	S	X	X	X	X	X	X	X	B	K	
5.02 ***MOTEL OR HOTEL***	X	X	X	X	X	X	P	P	P	P	S	S	S	X	D	S	
5.03 ***BED AND BREAKFAST FACILITY*** or TOURIST HOME or COUNTRY INN	S	S	S	S	S	S	S	X	X	X	X	X	X	X	B	S	**UDO 506**
5.04 RETREAT CENTER	S	S	S	S	S	S	X	X	X	X	X	X	X	X	B	S	**UDO 506**
5.05 HOME OCCUPATION - CLASS 1	P	P	P	P	P	P	P	P	P	P	P	S	S	S	A	A	**UDO 516**

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
5.06 HOME OCCUPATION - CLASS 2	S	S	S	S	S	S	P	P	P	P	P	S	S	S	C	A	UDO 516
5.07 RESIDENTIAL ***ACCESSORY USE***S AND STRUCTURES	P	P	P	P	P	P	P	P	P	P	P	S	S	S	A	A	UDO 503
6.00 RETAIL TRADE																	
6.01 ***RETAIL TRADE*** OF NO MORE THAN 1000 SQUARE FEET PER ESTABLISHMENT	X	X	X	X	X	P	P	P	P	S	S	S	S	X	C	D	
6.02 ***RETAIL TRADE*** OF MORE THAN 1000 SQUARE FEET PER ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	S	S	S	X	C	D	
6.03 ***SHOPPING CENTER*** OF UP TO 200,000 SQUARE FEET	X	X	X	X	X	S	S	P	S	S	S	X	X	X	D	I	
6.04 ***SHOPPING CENTER*** OF OVER 200,000 SQUARE FEET	X	X	X	X	X	X	S	P	S	S	S	X	X	X	D	H	
6.05 ***CONVENIENCE STORE***	X	X	X	X	X	P	P	P	P	S	S	X	X	X	D	H	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
6.06 RESTAURANT AND CAFETERIAS [not including drive-ins or sidewalk cafes]	X	X	X	X	X	P	P	P	P	S	P	S	S	X	D	L	
6.07 DRIVE-IN WINDOW RESTAURANTS	X	X	X	X	X	S	S	S	P	S	S	S	X	X	D	L	
6.08 ***SIDEWALK CAFÉ***	X	X	X	X	X	S	S	S	S	S	S	S	S	X	D	L	
6.09 DINNER THEATER, NIGHT CLUB, AND TAVERNS	X	X	X	X	X	S	P	P	P	S	S	X	X	X	D	L	
6.10 LIQUOR STORES	X	X	X	X	X	S	P	P	P	S	S	X	X	X	D	F	
6.11 ***DISTILLERY*** or ***BREWERY***	S	X	X	X	X	S	P	P	P	S	S	X	X	X	D	L	
6.12 MONUMENT SALES	X	X	X	X	X	X	S	P	P	S	X	S	X	X	E	D	
6.13 LUMBER AND BUILDING SUPPLIES LAWN AND GARDEN SUPPLIES, AND FARM SUPPLY CENTERS [including ***outdoor storage***]	S	X	X	X	X	X	X	S	P	P	X	S	X	X	E	F	
6.14 RETAIL or WHOLESALING	X	X	X	X	X	X	S	S	P	P	S	P	P	P	E	F	
7.00 AUTOMOTIVE or HEAVY EQUIPMENT TRADE AND SERVICES																	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
7.01 AUTOMOTIVE SALES AND RENTAL-NEW AND USED AND ACCESSORY SERVICE AND REPAIR (including motorcycles)	X	X	X	X	X	X	S	S	P	S	X	S	X	X	E	N	
7.02 ***COMMERCIAL GARAGE***S	X	X	X	X	X	X	S	X	P	S	X	S	S	X	E	M	**UDO 505**
7.03 AUTOMOBILE ***SERVICE and FUELING STATIONS*** AND TIRE AND BATTERY DEALERS AND ACCESSORY SERVICES AND REPAIR [not including ***junk yards***]	X	X	X	X	X	X	S	S	P	S	X	S	S	X	E	M	**UDO 505**
7.04 CAR WASH	X	X	X	X	X	X	X	S	P	S	X	S	X	X	E	E	**UDO 512**
7.05 TRUCK WASH	S	X	X	X	X	X	X	S	P	P	X	S	P	P	E	E	**UDO 512**
7.06 LIVESTOCK TRAILER WASHES (as a principle use)	S	X	X	X	X	X	X	X	S	S	X	X	S	X	E	E	**UDO 509** & **UDO 512**
7.07 ***MOBILE HOME***S AND ***RECREATIONAL VEHICLE*** SALES AND RENTAL AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	X	X	P	S	X	S	X	X	E	N	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
7.08 TRUCK SALES AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	S	X	P	S	X	S	X	X	E	N	
7.09 TRUCK STOPS, FUELING STATIONS, AND SERVICE CENTERS	X	X	X	X	X	X	X	X	P	S	X	S	S	X	E	M	
7.10 INDUSTRIAL AND HEAVY EQUIPMENT SALES AND RENTAL NEW AND USED AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	X	X	P	P	X	S	S	X	E	N	
7.11 AIRCRAFT SALES, STORAGE AND RENTALS AND ACCESSORY SERVICE AND REPAIR [including crop dusting services]	S	X	X	X	X	X	X	X	X	S	X	S	X	X	E	N	
7.12 BOAT AND OTHER MARINE SALES AND RENTAL AND ACCESSORY SERVICE AND REPAIR	X	X	X	X	X	X	S	S	P	S	X	S	X	X	E	N	

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CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
7.13 TRUCK AND TRAILER RENTALS [as principal or ***accessory use***]	X	X	X	X	X	X	X	S	P	S	X	S	X	X	E	N	
7.14 AUTOMOTIVE GRAVEYARD	X	X	X	X	X	X	X	X	X	X	X	X	S	S	E	N	**UDO 517**
8.00 AGRIBUSINESS																	
8.01 ***FOOD PROCESSING FACILITY***	X	X	X	X	X	X	X	X	S	P	X	P	P	X	E	B	
8.02 FARM EQUIPMENT SALES AND RENTAL NEW AND USED AND ACCESSORY SERVICE AND REPAIR	S	X	X	X	X	X	X	X	S	P	X	S	S	X	E	N	
8.03 LIQUID FERTILIZER AND ***AGRICULTURAL*** CHEMICALS SALES MIXING STORAGE AND DISTRIBUTION	S	X	X	X	X	X	X	X	X	P	X	S	S	S	E	B	
8.04 GRAIN ELEVATORS AND FEED DEALERS STORAGE AND DISTRIBUTION (Including feed mills)	S	X	X	X	X	X	X	X	X	P	X	P	P	X	E	B	

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8.05 LIVESTOCK AUCTION BARNS	P	X	X	X	X	X	X	X	X	P	X	X	S	X	E	G	**UDO 509** & **UDO 518**
8.06 SLAUGHTERHOUSE AND RENDERING PLANT	X	X	X	X	X	X	X	X	X	X	X	X	S	S	E	B	**UDO 530**
8.07 ***BIOFUEL REFINERY*** - CLASS 1	P	X	X	X	X	X	X	S	P	P	S	P	P	S	A	C	**UDO 507**
8.08 ***BIOFUEL REFINERY*** - CLASS 2	S	X	X	X	X	X	X	S	P	P	S	P	P	S	E	B	**UDO 507**
8.09 ***BIOFUEL REFINERY*** - CLASS 3	S	X	X	X	X	X	X	X	S	S	X	S	P	S	E	B	**UDO 507**
8.10 ***BIOFUEL REFINERY*** - CLASS 4	X	X	X	X	X	X	X	X	X	S	X	S	S	S	E	B	**UDO 507**
8.11 ***BIOFUEL REFINERY*** - CLASS 5	S	X	X	X	X	X	X	S	S	S	X	S	S	S	E	B	**UDO 507**
8.12 ***ANAEROBIC DIGESTER*** - CLASS 1	P	X	X	X	X	X	X	S	S	P	X	P	P	P	A	C	**UDO 507**
8.13 ***ANAEROBIC DIGESTER*** - CLASS 2	S	X	X	X	X	X	X	X	S	S	X	S	S	P	E	B	**UDO 507**
9.00 PERSONAL, PROFESSIONAL AND REPAIR SERVICES																	
9.01 ***FINANCIAL SERVICES***	X	X	X	X	X	P	P	P	P	P	P	S	X	X	D	E	

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CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
9.02 ***FINANCIAL SERVICES***- DRIVE-UP WINDOWS or AUTOMATIC TELLER MACHINES	X	X	X	X	X	S	S	S	P	P	S	S	X	X	D	E	**UDO 512**
9.03 ***REPAIR SERVICES***	X	X	X	X	X	P	P	P	P	P	P	S	X	X	C	D	
9.04 HOSPITALS	S	X	X	X	X	S	S	S	S	X	S	X	X	X	B	J	
9.05 MEDICAL AND DENTAL OFFICES AND CLINICS	S	X	X	X	X	P	P	P	P	P	P	S	X	X	C	O	
9.06 ***ENGINEERING***, RESEARCH AND DEVELOPMENT LABORATORIES [including fire or explosives]	X	X	X	X	X	X	X	X	X	X	X	S	S	S	E	B	
9.07 ***RESEARCH AND DEVELOPMENT LABORATORIES*** [not including fire or explosives]	X	X	X	X	X	S	S	S	S	S	P	P	P	S	B	B	
9.08 BARBER AND BEAUTY SHOPS	X	X	X	X	X	P	P	P	P	S	P	X	X	X	C	D	

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P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
9.09 COIN OPERATED LAUNDRIES AND DRY CLEANING	X	X	X	X	X	P	P	P	P	S	X	S	X	X	D	D	
9.10 LAUNDRIES [commercial]	X	X	X	X	X	X	S	S	P	S	X	S	S	X	D	B	
9.11 MORTUARY	X	X	X	X	X	S	P	P	P	S	X	S	X	X	D	R	
9.12 PHOTOGRAPHIC STUDIO	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.13 DRIVE-UP PHOTO FINISHING DEALERS STORAGE AND DISTRIBUTION	X	X	X	X	X	P	P	P	P	S	S	S	X	X	D	E	UDO 512
9.14 ***VETERINARY HOSPITAL AND CLINIC***	S	X	X	X	X	X	S	S	S	P	S	X	X	X	C	O	UDO 533
9.15 KENNEL - ***CLASS A***	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	UDO 533
9.16 KENNEL - ***CLASS B***	P	S	S	S	S	P	S	P	P	P	S	X	X	X	A	A	UDO 533
9.17 KENNEL - ***CLASS C***	S	S	X	X	X	S	S	S	S	S	S	X	X	X	C	N	UDO 533
9.18 ***DAY CARE*** or CHILD CARE CENTER CLASS 1**	P	P	P	P	P	P	P	P	P	P	P	P	P	X	B	T	UDO 511
9.19 ***DAY CARE*** or CHILD CARE CENTER CLASS 2**	S	S	S	S	S	S	S	P	P	P	P	P	P	X	B	T	UDO 511

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
9.20 ***DAY CARE*** or CHILD CARE CENTER CLASS 3**	X	X	X	X	X	S	S	S	P	S	S	P	P	X	B	T	**UDO 511**
9.21 NURSERY SCHOOL or PRESCHOOL or K or PRE-K (Not administrated by an Indiana accredited public/private elementary school)	S	X	X	X	X	S	S	P	P	S	P	S	S	X	B	T	
9.22 NURSERY SCHOOL or PRESCHOOL or K or PRE-K (administrated by an Indiana accredited public/private elementary school)	P	P	P	P	P	P	P	P	P	P	P	P	P	X	B	T	
9.23 WOODWORKING, CABINET SHOP [not to include ***manufacturing***]	S	X	X	X	X	S	P	P	P	S	X	S	X	X	C	D	
9.24 TAXIDERMIST	S	X	X	X	X	P	P	P	P	S	X	S	X	X	C	D	
9.25 SIGN PAINTING	X	X	X	X	X	P	P	P	P	S	S	S	X	X	C	D	
9.26 WELDING	S	X	X	X	X	X	P	P	P	P	X	S	S	X	C	D	
9.27 BLUEPRINTING AND PHOTOCOPYING	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.28 PRINT SHOP or PRINTING	X	X	X	X	X	S	P	P	P	S	P	S	X	X	C	D	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
9.29 DATA PROCESSING	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.30 TRAVEL BUREAU	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.31 LANDSCAPING [not to include nurseries]	S	X	X	X	X	X	P	P	P	S	S	X	X	S	C	D	
9.32 TAILORING AND DRESS MAKING	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.33 INTERIOR DECORATING SERVICE	X	X	X	X	X	P	P	P	P	S	P	S	X	X	C	D	
9.34 OTHER ***PROFESSIONAL SERVICES or OFFICES*** OF NO MORE THAN 1000 SQ FT PER ESTABLISHMENT	X	X	X	X	X	P	P	P	P	S	P	S	S	X	C	D	
9.35 OTHER ***PROFESSIONAL SERVICES or OFFICES*** OF MORE THAN 1000 SQ FT PER ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	P	S	S	X	C	D	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
9.36 CONTRACTORS, INCLUDING PLUMBING, HEATING, COOLING, ELECTRICAL, ROOFING, WATER SOFTENING, WELL DRILLING, EXCAVATING, BUILDING, AND HOUSE MOVING [including, but not limited to, service yard and showroom]	S	X	X	X	X	X	S	P	P	P	X	S	P	S	E	D	
10.00 GOVERNMENTAL, RELIGIOUS AND CHARITABLE SERVICES																	
10.01 SCHOOL-COLLEGE AND UNIVERSITY [public or private]	S	X	X	X	X	P	P	P	X	S	P	S	S	X	B	Q	
10.02 SCHOOL-ELEMENTARY AND SECONDARY [public or private]	P	P	P	P	P	P	P	P	P	S	P	S	S	X	B	P	
10.03 SCHOOL-TRADE VOCATIONAL BUSINESS ART OR MUSIC [private or public]	S	X	X	X	X	P	P	P	P	S	P	S	S	X	B	Q	
10.04 GOVERNMENT OFFICES AND AUTO LICENSE BUREAUS	S	S	S	S	S	P	P	P	P	P	P	P	S	X	C	D	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
10.05 POLICE, FIRE AND AMBULANCE STATIONS AND SERVICES	P	S	S	S	S	P	P	P	P	P	P	P	P	X	C	D	
10.06 LIBRARIES COMMUNITY CENTERS SENIOR CITIZENS CENTERS AND POST OFFICES	S	S	S	S	S	P	P	P	P	P	P	P	X	X	B	D	
10.07 JAIL [local operation]	X	X	X	X	X	X	S	X	S	S	X	S	S	X	B	B	
10.08 PENAL OR CORRECTIONAL INSTITUTIONS [state, federal or private operation]	X	X	X	X	X	X	X	X	S	S	X	S	S	X	B	B	
10.09 RELIGIOUS MEETING FACILITIES (Church, Synagogue, Mosque, or similar facility)	P	P	P	P	P	P	P	P	P	P	P	S	S	S	B	R	
10.10 ***CEMETERY***	S	X	X	X	X	X	X	S	S	S	X	S	S	X	B	C	
10.11 ***CREMATORY*** CLASS I (principle or ***accessory use***)	S	X	X	X	X	X	S	S	S	X	X	S	S	S	B	C	
10.12 ***CREMATORY*** CLASS II (principle or ***accessory use***)	S	X	X	X	X	X	S	S	S	S	X	S	S	S	B	C	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
10.13 ***CREMATORY*** CLASS III (principle or ***accessory use***)	S	X	X	X	X	X	X	X	X	S	X	X	S	S	B	C	
10.14 OTHER CIVIC AND CHARITABLE ORGANIZATION FACILITIES	S	X	X	X	X	S	P	P	P	S	P	S	S	X	C	X	
11.00 RECREATIONAL FACILITIES [public or private]																	
11.01 BOWLING ALLEY	X	X	X	X	X	X	P	P	P	S	S	S	X	X	D	U	
11.02 BILLIARD AND POOL ESTABLISHMENT	X	X	X	X	X	S	P	P	P	S	S	S	X	X	D	U	
11.03 DANCE HALL AND SCHOOLS OF DANCE	X	X	X	X	X	X	P	P	P	S	S	S	X	X	D	V	
11.04 FAIRGROUNDS	S	X	X	X	X	X	X	X	S	S	X	S	X	S	A	W	
11.05 GOLF AND COUNTRY CLUBS	S	S	X	X	X	X	X	S	S	S	S	S	S	S	A	X	
11.06 GOLF COURSES AND ***ACCESSORY STRUCTURE***S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	U	
11.07 GOLF DRIVING RANGES	S	X	X	X	X	X	X	P	P	S	S	S	S	S	A	W	
11.08 MINIATURE GOLF COURSES AND SIMILAR WALK-THROUGH FACILITIES	X	X	X	X	X	X	P	P	P	S	S	S	X	S	D	W	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
11.09 LODGES FRATERNAL ORGANIZATIONS AND PRIVATE CLUBS	S	X	X	X	X	S	P	P	P	S	S	S	X	X	D	X	
11.10 INDOOR THEATER	X	X	X	X	X	X	P	P	P	S	S	S	X	X	D	R	
11.11 OUTDOOR THEATER or AMPHITHEATER	X	X	X	X	X	X	X	S	S	S	S	S	X	X	D	R	
11.12 MUSEUM AND ART GALLERY	X	X	X	X	X	S	P	P	P	S	P	P	P	X	D	D	
11.13 RACE TRACK	X	X	X	X	X	X	X	S	S	S	X	S	X	S	D	R	
11.14 PUBLIC OWNED PARK OR RECREATIONAL FACILITY AND ***ACCESSORY STRUCTURE***S	P	P	P	P	P	P	P	P	P	P	P	P	P	S	A	C	
11.15 AUDITORIUM, COLISEUM, STADIUMS	X	X	X	X	X	X	X	S	S	S	X	S	X	X	D	R	
11.16 OUTDOOR SHOOTING (COMMERCIAL), SKEET AND TRAP RANGE or ARCHERY RANGE, LAW ENFORCEMENT PRACTICE RANGE	S	X	X	X	X	X	X	S	S	S	X	S	X	S	D	W	**UDO 525**

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
11.17 SHOOTING OR ARCHERY RANGE [indoor]	S	X	X	X	X	X	P	P	P	S	S	S	X	X	D	V	
11.18 ICE or ROLLER SKATING ARENA or RINK	X	X	X	X	X	X	P	P	P	S	S	S	X	X	D	V	
11.19 AMUSEMENT PARK	X	X	X	X	X	X	X	S	S	S	X	S	S	X	D	W	
11.20 TENNIS AND RACQUET CLUBS	X	X	X	X	X	X	P	P	P	S	S	S	X	X	D	U	
11.21 SKI AND TOBOGGAN RUNS	S	X	X	X	X	X	X	P	P	S	X	S	X	S	A	W	
11.22 RECEPTION HALLS	S	X	X	X	X	X	P	P	P	S	S	S	X	X	D	V	
11.23 ZOOS BOTANICAL GARDENS	S	X	X	X	X	X	P	P	S	S	S	S	X	S	A	W	
11.24 ***RECREATIONAL VEHICLE PARK***	S	X	X	X	X	X	S	S	S	S	X	S	X	S	D	A	**UDO 526**
11.25 ORGANIZATIONAL CAMPGROUND [scouts, churches, recreational clubs, and similar organizations]	S	X	X	X	X	X	S	S	S	S	X	S	X	S	D	W	
11.26 CAMPGROUND [public or private]	S	X	X	X	X	X	S	S	S	S	X	S	X	X	D	A	**UDO 526**

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CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
11.27 HUNTING PRESERVES AND GAMELANDS [including wild or exotic animals]	S	X	X	X	X	X	X	S	S	S	X	S	S	S	A	W	**UDO 525**
11.28 WEIGHT REDUCTION EXERCISE FACILITY	X	X	X	X	X	S	P	P	P	P	P	S	X	X	D	V	
11.29 MOTORCYCLE OR SNOWMOBILE RIDING TRAILS	S	X	X	X	X	X	X	S	S	S	S	S	X	S	D	W	
11.30 BOAT RENTAL AND STORAGE	S	X	X	X	X	S	P	P	P	P	S	S	S	X	D	W	
11.31 VIDEOGAME ARCADE	X	X	X	X	X	S	P	P	P	X	P	X	X	X	D	F	
11.32 ***COMMUNITY RECREATIONAL FACILITY***	S	X	X	X	X	S	S	S	S	S	S	X	X	X	D	Z	
11.33 WATER SLIDE PARK or PUBLIC SWIMMING AREA	S	X	X	X	X	X	S	S	S	S	S	X	X	X	D	W	
11.34 MODEL AIRPLANE FACILITY	S	X	X	X	X	X	X	S	S	S	S	S	X	X	D	W	
11.35 PAINT BALL FACILITY (Indoor)	S	X	X	X	X	X	P	P	P	S	S	S	S	X	D	W	
11.36 PAINT BALL FACILITY (Outdoor)	S	X	X	X	X	X	X	S	S	S	X	X	S	X	D	W	

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12.00 WHOLESALE TRADE WAREHOUSING, AND STORAGE																	
12.01 ***WHOLESALE DISTRIBUTION***	X	X	X	X	X	S	S	S	P	P	S	P	P	S	E	B	
12.02 GREENHOUSE [commercial]	S	X	X	X	X	S	S	P	P	P	S	S	X	X	E	N	
12.03 BOTTLED GAS STORAGE AND DISTRIBUTION	S	X	X	X	X	X	X	X	S	P	X	P	P	S	E	B	
12.04 BULK FUEL YARD	S	X	X	X	X	X	X	X	S	S	X	S	P	X	E	B	
12.05 HIGHWAY MAINTENANCE GARAGE AND STORAGE YARD	S	X	X	X	X	X	X	X	S	P	X	P	P	X	E	B	
12.06 UTILITY COMPANY OFFICE AND STORAGE YARD	S	X	X	X	X	X	X	X	S	P	X	P	P	X	E	B	
12.07 FROZEN FOOD LOCKERS	X	X	X	X	X	S	S	S	S	P	X	P	P	X	E	B	
12.08 ***SELF SERVICE STORAGE or MINIWAREHOUSES***	X	X	X	X	X	X	X	X	S	S	X	P	P	X	E	B	
12.09 MOVING COMPANIES AND STORAGE	X	X	X	X	X	X	X	X	S	S	X	P	P	X	E	B	
12.10 AUCTION SALES YARD [not involving livestock]	S	X	X	X	X	X	X	S	S	P	X	P	P	X	E	N	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
12.11 ***SUPPLY YARD***	X	X	X	X	X	X	X	X	X	S	X	S	P	X	E	N	
12.12 ***JUNK YARD***	X	X	X	X	X	X	X	X	X	X	X	X	S	P	E	N	**UDO 517**
12.13 ***SCRAP METAL PROCESSING*** FACILITY	X	X	X	X	X	X	X	X	X	X	X	S	P	P	E	N	**UDO 517**
12.14 ***TRUCKING TERMINAL*** FREIGHT DISTRIBUTION CLUBS AND SIMILAR ORGS.	X	X	X	X	X	X	X	X	S	P	X	P	P	X	E	B	**UDO 534**
12.15 ***WAREHOUSING*** OR STORAGE INSIDE [involving flammable, explosive or radioactive materials]	X	X	X	X	X	X	S	S	S	P	S	P	P	X	E	B	**UDO 534**
12.16 ***WAREHOUSING*** OR STORAGE INSIDE [not involving flammable, explosive or radioactive materials as principal or ***accessory use***s]	X	X	X	X	X	P	P	P	P	P	P	P	P	X	E	B	**UDO 534**
12.17 AIR CARGO SERVICES	S	X	X	X	X	X	X	X	S	P	X	P	P	X	E	B	
12.18 ***WHOLESALING or RETAIL***	X	X	X	X	X	X	S	S	P	P	S	P	P	S	E	F	
12.19 ***INDUSTRIAL SUPPORT***	X	X	X	X	X	X	X	S	S	P	S	P	P	S	E	F	

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^This use is subject to the point system in A-1 land and as such is considered a rural non-farm residential dwelling subject to the standards of **UDO Section 513**.

*Except it is a permitted use where a WECS Overlay District has been created according to **UDO Section 405**.

A1 - Agricultural

R1 - Rural Residential R-2 - Low Density Residential R-3 - Medium Density Residential R4 - High Density Residential

B1 - Neighborhood Business B2 - Central Business B3 - Roadside Business B4 - General Business

B5 - Agribusiness B6 - Office or Tech Park I1 - Light Industrial I2 - General Industrial LD - Landfill

P - Permitted S - Special Exception X - Prohibited Buffer Class - See Table C Parking Class - See Table D

Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
13.00 TRANSPORTATION COMMUNICATIONS, UTILITIES																	
13.01 AIRPORT LANDING STRIP or HELIPORT	S	X	X	X	X	X	X	S	S	S	S	P	P	X	A	M	
13.02 NON-COMMERCIAL HELIPORT (for personal use)	S	S	S	X	X	X	X	S	S	S	S	P	P	X	A	M	
13.03 RADIO OR TV BROADCASTING STUDIO	X	X	X	X	X	X	P	P	P	S	P	S	S	X	A	B	
13.04 RADIO OR TV BROADCASTING TOWER**	S	X	X	X	X	X	S	S	S	S	S	S	S	S	A	C	
13.05 COMMUNICATIONS TOWER	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	UDO 508
13.06 TELEPHONE EXCHANGE**	S	S	S	S	S	S	S	S	P	P	P	P	P	S	A	B	
13.07 UTILITY STATION-MAIN INSTALLATION**	S	S	S	S	S	S	S	S	P	P	S	P	P	P	E	B	
13.08 UTILITY STATION or SUBSTATION**	S	S	S	S	S	S	S	S	P	P	S	P	P	P	A	C	
13.09 RAILROAD or HIGHWAY RIGHT-OF-WAY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
13.10 PIPELINE PUMPING STATIONS**	S	X	X	X	X	X	S	S	P	P	S	P	P	P	A	C	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
13.11 PIPELINES [interstate] **	S	S	S	S	S	S	P	P	P	P	S	P	P	P	A	C	
13.12 ELECTRIC GENERATION (2)	S	X	X	X	X	X	S	S	S	S	S	S	S	S	E	C	
13.13 BRIDGES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
13.14 PUBLIC WATER WELLS FILTRATION PLANTS AND STORAGE TANKS**	S	S	S	S	S	S	S	S	P	P	S	P	P	X	B	B	
13.15 SEWAGE TREATMENT PLANTS**	S	X	X	X	X	X	X	X	S	S	X	P	P	S	E	B	
13.16 OTHER ***ESSENTIAL SERVICES*** [not separately listed] **	P	P	P	P	P	P	P	P	P	P	P	P	P	S	A	C	
13.17 SOLAR (PERSONAL or ***AGRICULTURAL***)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	C	
13.18 SOLAR (COMMERCIAL)	S	S	X	X	X	S	S	S	S	S	S	S	S	S	E	C	
13.19 ***WECS - COMMERCIAL****	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	A	C	**UDO 405**
13.20 ***WECS - NON-COMMERCIAL***	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	C	**UDO 536**
13.21 ***WECS - PRIVATE***	P	S	S	S	S	S	S	S	S	S	S	P	P	S	A	A	**UDO 537**

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
13.22 ***METEOROLOGICAL TEST TOWER***	P	S	S	S	S	S	S	P	P	P	S	P	P	S	A	A	**UDO 521**
14.00 INDUSTRIAL																	
14.01 LIGHT ***MANUFACTURING***	X	X	X	X	X	X	X	X	S	S	X	P	P	X	E	B	
14.02 HEAVY ***MANUFACTURING***	X	X	X	X	X	X	X	X	X	X	X	P	P	X	E	B	
14.03 BOTTLING COMPANY or COMMERCIAL BAKERY or ICE ***MANUFACTURING***	X	X	X	X	X	X	X	X	S	S	X	P	P	X	E	B	
14.04 SAWMILLS AND PLANNING MILLS [as distinguished from a temporary sawmill on the property where lumbering is being done]	S	X	X	X	X	X	X	X	S	P	X	P	P	S	E	B	
14.05 PRINTING AND PUBLISHING [including newspapers, books, periodicals]	X	X	X	X	X	X	S	S	S	X	S	P	P	X	E	B	
14.06 EXPLOSIVES ***MANUFACTURING***	X	X	X	X	X	X	X	X	X	X	X	X	S	X	E	B	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
14.07 PETROLEUM REFINING [including paving and roofing material]	X	X	X	X	X	X	X	X	X	X	X	S	S	S	E	B	
14.08 ASPHALT OR READY MIX PLANT	X	X	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.09 ORDINANCE PRODUCTS [including arms and ammunition]	X	X	X	X	X	X	X	X	X	X	X	X	S	X	E	B	
14.10 GENERAL OFFICES ASSOCIATED WITH A ***MANUFACTURING*** USE [including service facilities for employees and guests]	X	X	X	X	X	X	X	S	P	P	S	P	P	S	E	B	
14.11 ***ACCESSORY USE*** RETAIL OR WHOLESALE TRADE ASSOCIATED WITH A ***MANUFACTURING*** USE	X	X	X	X	X	X	X	S	P	P	S	P	P	S	E	B	

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Table A-1 - Land Use Matrix
As amended in County Ordinance 2016-06 adopted May 16, 2016

CATEGORY	A1	R1	R2	R3	R4	B1	B2	B3	B4	B5	B6	I1	I2	LD	Buffer Class	Parking Class	Development Standards
14.12 ***ACCESSORY USE*** STORAGE OF SUPPLIES OR FINISHED PRODUCTS ASSOCIATED WITH ANY PERMITTED ***MANUFACTURING*** USE	X	X	X	X	X	X	X	S	P	P	S	P	P	S	E	B	
14.13 CONCRETE BATCHING PLANTS AND MIXING PLANTS FOR PORTLAND CEMENT OR ASPHALTIC CONCRETE	S	X	X	X	X	X	X	X	X	X	X	S	S	X	E	B	
14.14 ***MANUFACTURING*** OF CEMENT CONCRETE OR CLAY PRODUCTS	S	X	X	X	X	X	X	X	X	X	X	S	S	X	E	B	

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Table A-2 - Temporary Uses

USE	PERMITTED DISTRICT or TIME	CONDITIONS
Carnival, Circus, Fair, Festival, or Concert	Any non-residential district/15 days per year, per site	Lights and noise to be controlled
Tent Sale, Auto Show, Farm Equipment Show, Outdoor Promotion Attraction	Any non-residential district/30 days per year, per site	Lights and noise to be controlled
Farmers Market (sale of Agricultural Produce, off premise)	Any non-residential district/60 days per year, per site	Only agricultural produce to be sold, No permit required
Sawmills on property where the timber is cut	Any non-residential district/6 months maximum	No closer than 500 feet to off-premise residence. No permit required.
Temporary Group Camp	Any non-residential district/1 week per 6 months	Noise shall not adversely affect adjacent land
Contractor Office and Equipment Storage (including mobile homes)	Incidental to any construction/ removal upon completion of construction/not to exceed 2 years	No sleeping facilities, No permit required except electrical.
Christmas Tree Sales	Any district/45 days per year	Unsold trees removed by Jan. 1
Real Estate Sales Office	Incidental to any development/ not to exceed 1 year	No sleeping or cooking facilities
Religious Tent Meeting	Any non-residential district/30 days per 6 months	Off street parking as required for churches. No permit required.
Basement Home	A-1 district or residential district/ not to exceed 1 year from permit issuance	Does not include permanently complete earth sheltered home, which are permitted
Fireworks Display and Sales (1)	Any business district/not to exceed 30 days per year	All applicable State and Federal Laws must be met.
Farm Tours, Farm Fairs, Hayrides (Commercial), Pick-your-own-produce sales, or Similar Uses	Any non-residential district/6 months per year maximum	No permit required
Yard or Garage or Porch sales (only normal household merchandise)	Any district/No more then 15 days per year per site	Multiple participants permissible. No permit required

(1) At the time the Ordinance was originally prepared (1993), State and/or Federal law prevented local zoning from regulating this land use. Consequently, this use is permitted wherever authorized by State and/or Federal law. Upon State and/or Federal law changes to allow local land use responsibility however, this use shall be in compliance with this table.

Table A-2 - Temporary Uses		
USE	**PERMITTED DISTRICT or TIME**	**CONDITIONS**
Sale of personal property at place of residence, including vehicles such as automobiles, motorcycles, and recreational vehicles.	Any district/not to exceed 30 days per item	No permit necessary, no more than 2 square feet sign, no more than two items at a time if displayed outside. Vehicles must be tilted to resident and may not be inoperable or in any way dismantled
Auction or Pre-priced Sales	Any non-residential District	No permit necessary, parking to be controlled
Sale or offering for sale of goods or Services from any temporary structure or vehicle, including trailers, buses or vans.	Any non-residential district/15 days per year, per site, Publicly owned land in any district/30 days per year per site. Special Exception approval required if exceeding these standards.	Does not include vending from vehicles on a public street that is otherwise prohibited by law
Manufactured or mobile home during residential construction of Single Family Dwelling	A-1 district or residential district/ not to exceed 1 year from permit issuance for dwelling construction	Subject to standards of UDO 531.05
Manufactured or Mobile Homes in cases of fire, natural disaster, or State of Emergency	A-1 District/1 year after fire or natural disaster, Other districts/ By BZA Special Exception, In Indiana or Federal State of Emergency/6 months in any affected district where a residence was.	Subject to standards of UDO 531.06
(1) At the time the Ordinance was originally prepared (1993), State and/or Federal law prevented local zoning from regulating this land use. Consequently, this use is permitted wherever authorized by State and/or Federal law. Upon State and/or Federal law changes to allow local land use responsibility however, this use shall be in compliance with this table.		

Table B - District Performance Standards

	A-1, Agricultural	R-1, Rural Residential	R-2, Low Density Residential	R-3, Medium Density Residential	R-4, High Density Residential	B-1, Neighborhood Business	B-2, Central Business	B-3, Roadside Business	B-4, General Business	B-5, Agribusiness	B-6, Office or Tech Park	I-1, Light Industrial	I-2, Genera Industrial	LD, Landfill
Minimum Lot Area (Sq Ft)														
No Central Sewage	See note 1	43560	43560	NA	NA	43560	NA	43560	43560	43560	43560	43560	43560	43560
With Central Sewage	See note 1	24,000	8,700	7,200	6,000	6,000	NONE	8,700	10,000	10,000	8,700	10,000	24,000	24,000
Minimum Lot Width (Feet)														
No Central Sewage	150	100	80	NA	NA	80	NA	80	80	80	80	80	150	150
With Central Sewage	100	100	70	60	50	50	NONE	70	70	70	70	70	100	100
Minimum Lot Area Per Family (Sq Ft)														
No Central Sewage	43560	43560	43560	NA	NA	43560	NA	43560	43560	43560	43560	43560	43560	43560
With Central Sewage	24,000	24,000	8,700	3,000	2,000	2,000	NONE	8,700	10,000	10,000	10,000	NA	NA	NA
Impervious Surface Ratio (Percent)	0.15 / 0.30**	.30	.30	.50	.50	.35	.95	.80	.80	.50	.80	.50	.50	.50

NOTE: Some setbacks and lot sizes in incorporated towns are governed by UDO Article Eleven, unless specified otherwise. Some *Accessory Structure* Setbacks are governed by UDO 306.03

(*) Zero lot line structures are not required to meet this minimum where the structure and lot line are coterminous. Spacing structures must be twice the setback that is otherwise required.

(**) Lots in the A-1 district that are less than five acres may use the .30 impervious surface ratio, all larger lots must use the .15.

(1) Twenty acres for all uses except for rural non-farming dwellings and other uses *approved* by special exception or for parcels that are otherwise exempt by the Subdivision Control Ordinance which shall have a minimum lot size of 43,560.

Table B - District Performance Standards

	A-1, Agricultural	R-1, Rural Residential	R-2, Low Density Residential	R-3, Medium Density Residential	R-4, High Density Residential	B-1, Neighborhood Business	B-2, Central Business	B-3, Roadside Business	B-4, General Business	B-5, Agribusiness	B-6, Office or Tech Park	I-1, Light Industrial	I-2, Genera Industrial	LD, Landfill
Minimum Front Yard (Feet)	50	50	45	40	20	25	NONE	30	25	40	30	40	40	75
Minimum Side Yard (Feet)	15	15	7(*)	6(*)	5(*)	15	NONE	15	15	20	15	20	20	50
Minimum Rear Yard (Feet)	20	20	20(*)	15(*)	15(*)	20	NONE	20	20	25	20	25	25	50
Minimum Distance Between Structures (Feet)	10	10	10	10	10	15	NONE	15	15	25	10	25	25	25

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Table C - Required Bufferyards											
BUFFERYARD CLASSIFICATION	ADJACENT EXISTING USE BUFFERYARD CLASSIFICATION						ADJACENT VACANT LAND (ZONING DISTRICT)				
	A	B	C	D	E	F	A-1	R-1, R-2, R-3, R-4	B-1, B-2, B-3, B-6	B-4, B-5, I-1, I-2	LD
A	X	X	X	X	X	X	X	X	X	X	X
B	V	I	II	III	IV	V	II	III	V	V	V
C	V	IV	I	II	III	IV	IV	III	IV	V	V
D	V	IV	III	I	II	III	V	IV	I	I	I
E	V	IV	III	II	I	II	V	V	I	II	I
F	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI	VI
X = No bufferyard required,							See bufferyard illustrations *here*.				

Bufferyard Illustrations

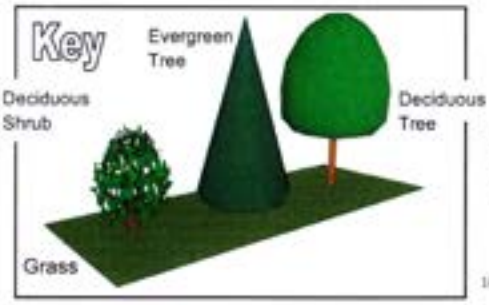

Illustration I Buffer Options
Required plants per 100'

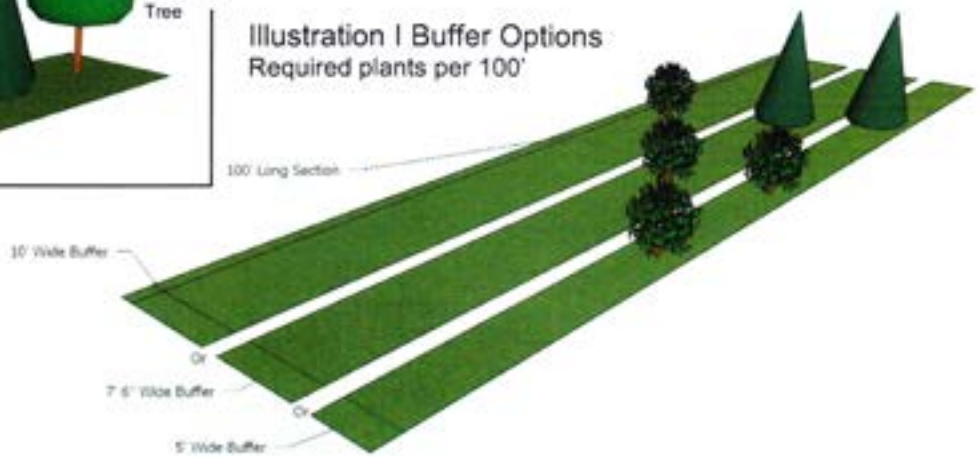

Illustration II Buffer Options
Required plants per 100'

Illustration III Buffer Options
Required plants per 100'

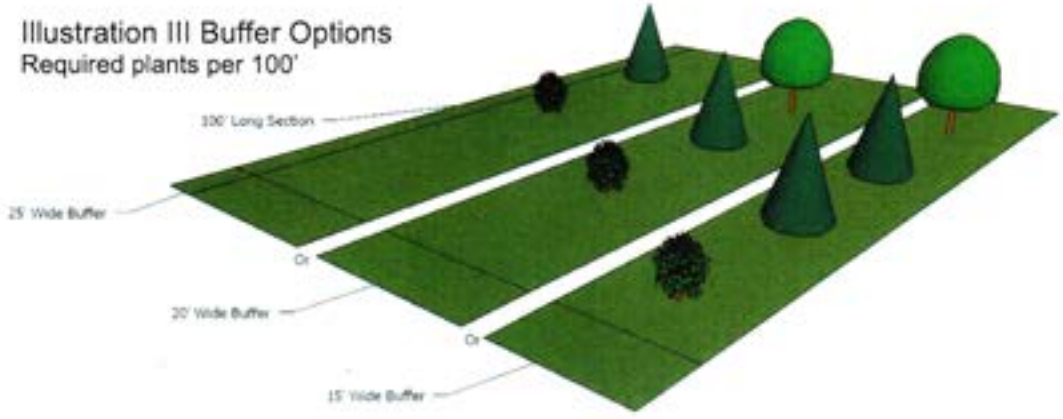

Illustration IV Buffer Options
Required plants per 100'

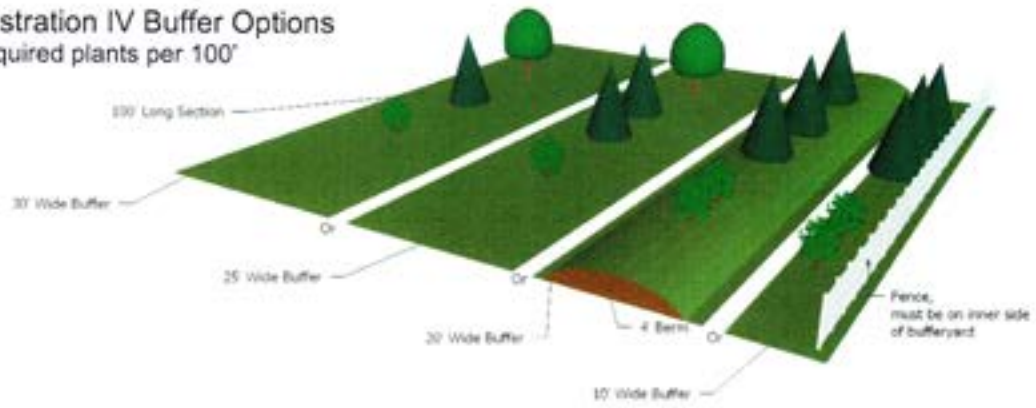

Illustration V Buffer Options
Required plants per 100'

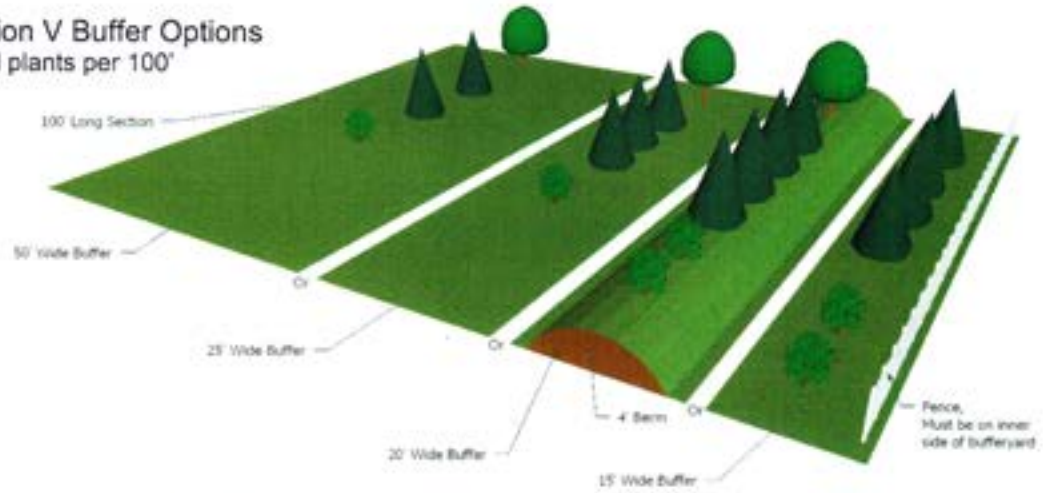

Illustration VI Buffer Options
Required plants per 100'

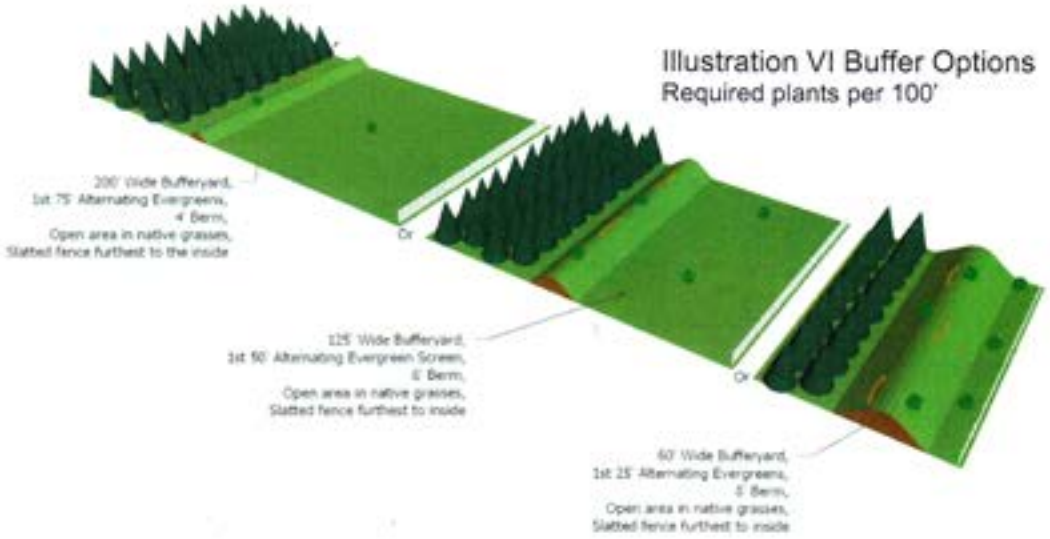

Table D - Required Parking	
PARKING CLASSIFICATION	NUMBER OF PARKING SPACES
A	2 per dwelling unit or pad or campsite plus 1 per home occupation.
B	2 per 3 employees of the two expected maximum shifts combined plus 1 per visitor or customer space for each 20 required employee spaces with a minimum of 4.
C	No parking required provided there are no employees at the site. If there are employees, there must be 1 space per employee.
D	3 per 1,000 square feet of gross floor area.
E	5 per 1,000 square feet of gross floor area.
F	6 per 1,000 square feet of gross floor area.
G	10 per 1,000 square feet of gross area.
H	5.25 per 1,000 square feet of leasable floor area.
I	5.5 per 1,000 square feet of leasable floor area.
J	1 per 3 beds or residents plus 1 per employee.
K	1 per 2 occupants plus 1 per employee.
L	1 per 4 customer seats plus 1 per employee.
M	2 per service stall or airplane parking space plus 1 per employee.
N	1.25 per 1,000 square feet of land and building area used for business.
O	10 per doctor, 5 per dentist, 3 per veterinarian.
P	1 per 15 elementary students and 1 per 4 secondary students.
Q	5 per 10 students expected to attend at any one time.
R	1 per 3 seats in each auditorium, chapel room, or grandstand
S	1 per guest room plus 1 per employee
T	1 per 10 children on the maximum shift plus 1 per employee on the maximum shift
U	2 per table, 3 per hole, 4 per court, 5 per alley
V	1 per 3 persons based upon maximum occupancy plus 1 per employee
W	1 per 500 square feet of use area plus 1 per 3 employees

Table D - Required Parking	
PARKING CLASSIFICATION	NUMBER OF PARKING SPACES
Z	The cumulative parking total of all component recreational activities from this table or 1 space per member family and employee, whichever is more and/or applicable

Table E - Parking Area Standards				
ANGLE OF PARKING (DEGREES)	STALL WIDTH	STALL DEPTH	TWO WAY DRIVE WIDTH	ONE WAY DRIVE WIDTH*
61-90	9 FEET	18 FEET	24 FEET	18 FEET
46-60	9 FEET	18 FEET	22 FEET	15 FEET
0-45	8 1/2 FEET	18 FEET	22 FEET	12 FEET
PARALLEL	8 FEET	22 FEET	22 FEET	12 FEET
*For purposes of measurement, drives with parking on one side only shall be considered as one-way drives.				

Table F - Required Loading		
USE CLASSIFICATION	GROSS FLOOR AREA (SQ FT)	NUMBER OF SPACES
Office Buildings, Banks, Hotels, Auditoriums, Retail Trade, Shopping Centers, Hospitals, Services, Recreation Facilities, Multi-family Dwellings, and Similar Uses	8,000-60,000	1
	60,001-100,000	2
	For each additional 100,000 above 100,000	1
Manufacturing, Wholesale Trade, Warehousing, Storage, and Similar Uses	8,000-25,000	1
	25,001-60,000	2
	60,001-100,000	3
	For each additional 100,000 above 100,000	1

Table G - Driveway Access			
DRIVEWAY STANDARD	RESIDENTIAL PROPERTY	SERVICE STATION or TRUCK TERMINAL	OTHER NON-RESIDENTIAL
Maximum Width at Property Line	25 FOOT	40 FOOT	35 FOOT
Minimum Distance from Interior Lot Line	5 FOOT	11 1/2 FOOT	12 1/2 FOOT
Minimum Distance from Street Intersection	30 FOOT	30 FOOT	30 FOOT
Space between Two Drives/ Same Property	25 FOOT	25 FOOT	25 FOOT
Radius of Curb Return			
Minimum	5 FOOT	5 FOOT	5 FOOT
Maximum	20 FOOT	20 FOOT	20 FOOT

Table H-1 - Setbacks As amended May 16, 2016 in County Ordiance 2016-06		
I	II	III
	REQUIRED DISTANCE SEPARATION (FEET**)	REQUIRED DISTANCE SEPARATION (FEET**)
*ANIMAL UNIT*S*		
10 or less	100	660
11-49	660	2640
50 or more	1320	5280
LIVESTOCK TRAILER WASHES	1320	5280
LIVESTOCK AUCTION BARNS	1320	5280
GRAIN HANDLING FACILITY (Bushels Capacity)		
Less than 20,000 Bushels	0	0
20,000 or more Bushels	660	1320
* Total number at any structure or feeding facility of a confined feeding operation at any one time.		
** All distances to be measured from the outer perimeter of each structure or feeding facility of a confined feeding operation as determined by the Zoning Administrator.		

Table H-2 - Open Grazing			
I	II	III	IV
ACREAGE***	*ANIMAL UNIT*S**	ACREAGE***	*ANIMAL UNIT*S**
Less than 0.5	0.1	Less than 1	0.1
0.5-1	1	1-1.49	1
1-1.49	2	1.5-1.99	2
1.5-1.99	3	2-2.49	3
2-2.49	4	2.5-2.99	4
2.5-2.99	5	3-3.49	5
3-3.49	6	3.5 - 3.99	6
3.5-3.99	7	4-4.49	7
4-4.49	8	4.5-4.99	8
4.5-4.99	9	5-5.49	9
5-5.49	10	5.50-5.99	10
*Lots exceeding the acreages in Table H-2 may increase the number of animals at the rate of one *ANIMAL UNIT* per one-half acre of additional pasture and retain *open grazing* designation.			
**Lots exceeding the concentration of *ANIMAL UNIT*s described in Columns II and IV shall be considered Confined Feeding Operations (CFO) rather than grazing operations and will be subject to the setback as described in Table H-1.			
***Acreage must be maintained so that concentrations do not exceed 2 *ANIMAL UNIT*s per acre of pasture.			

Table I-1 - A-1 District Dwelling Rating Criteria	
Existing Parcel of Record or Parent Tractor Factor (All Applicable Points May Be Used)	
Based on parent tract on effective date of ordinance	
1st Lot Split From Parcel of Record	4
New lot contiguous to lot line of existing lot containing a residence, providing residence on existing lot is within 300' of the shared lot line and new lot is between one and two acres in size	6
Parent Tract with Less Than 20 Acres Not Divided Since the Effective Date of this Amendment	4
Parent Tract with 20 Acres or More Not Divided Since the Effective Date of this Amendment	10
Access Factor (All Applicable Points May Be Used)	
Access to New Lot by Public Gravel Road	0
Access to New Lot by Public Paved Road	1
Access to New Lot by Shared Private ***Access Easement*** with 2 or more lots	2
Perimeter Land Use Compatibility Factor	
Percent of Boundary of New Lot Adjacent to Non-Cropland or Pasture Land Use, excluding public roads and railroads. Land across from public roads and railroads shall be considered contiguous.	
0% Contiguous to Cropland or Pasture	4
1-25% Contiguous to Cropland or Pasture	3
25.01-50% Contiguous to Cropland or Pasture	2
50.01-75% Contiguous to Cropland or Pasture	1
75.01-100% Contiguous to Cropland or Pasture	0
Past Land Use Factor (Based Upon Predominant Prior Land Use On New Lot)	
Less than 2 Years Not Cropland or Pasture	0
2.01-5 Years Not Cropland or Pasture	1
5.01 or more Years Not Cropland or Pasture	2
New Lot Previously had a Residence or is Currently Part of a Identifiable, Distinct Yard Area of an Existing Residence. If lot previously had residence, new residence must be constructed within 200' of the old residences foundation in order to receive points.	4
Land Use Limiting Factor	
If the new lot is less than 20 acres, the Percentage of the Outer Perimeter of the New Lot which adjoin the following Features: Railroad, Limited Access Road, Waterway such as a creek, open ditch or open grass waterway when those features cause an irregular or therewise use limiting shape.	
Less than 10% Adjoining Feature	0
10-24.99% Adjoining Feature	1
25-49.99% Adjoining Feature	2
50-74.99% Adjoining Feature	3
More than 75% Adjoining Feature	4
Slope	
If New Lot Has 50% or More of the Following Slopes Based Upon Soil Types or Topographical Feature.	
0-2% Slope	0

Table I-1 - A-1 District Dwelling Rating Criteria	
2.01-6% Slope	1
More than 6% Slope	3
Nearby Residential Dwellings	
Number of Existing Dwellings or Platted Lots in a Residential Subdivision Within 660 Feet of Boundary of New Lot Measured from the Center Point of the New Lot	
0-3 Dwellings or Vacant Parcels	0
4-7 Dwellings or Vacant Parcels	2
8-11 Dwellings or Vacant Parcels	4
12 or more Dwellings or Vacant Parcels	6
Prime Farmland Soils	
*Percent of New Lot with Soils Listed as Permitted for Development As Shown on **Table J**.*	
0-25% Of New Lot	0
25.01-50% Of New Lot	2
50.01% or more Of New Lot	3
Size of New Parcel	
Small Lot Incentive	
1-2 Acres	1
2.01-3 Acres	-1
3.01-19.99 Acres	-2
Twenty Acre of More Parcels	
20 to 39.99 Acres	4
40 to 59.99 Acres	6
60 to 79.99 Acres	8
80 or More Acres	10
School Capacity Factor	
Enrollment Percent Above or Below Capacity of Schools of the School District in Which the New Lot is Located as Measured by the Average Daily Membership (ADM) in September of Each School Year.	
Below Capacity	
1-5% Under Capacity	1
More than 5% Under Capacity	2
Above Capacity	
1-5% Over Capacity	-1
More than 5% Over Capacity	-2
Adjustments to Point Schedule	
After the points are determined by the above Factors, adjustments shall be made to the points as follows:	
Wetland Adjustment	
New Lot Has Wetland but Still Has Sufficient Area for Development	0
New Lot Has Wetland but Does Not Have Sufficient Area for Development	Not Buildable

Table I-1 - A-1 District Dwelling Rating Criteria	
Floodplain Adjustment	
New Lot is More Than 75% Floodplain but Still Has Sufficient Area for development	-1
New Lot is More Than 90% Floodplain but Still Has Sufficient Area for development	-2
New Lot Has Floodplain but Does Not have Sufficient Area for Development	Not Buildable
Confined Feeding Adjustment	
New Lot is Less Than 2,640 Feet to a Confined Feeding Operation of a Size requiring an IDEM permit	-2
New Lot is Between 2,641 to 5,280 Feet to a Confined Feeding Operation of a size requiring an IDEM permit	-1
Proximity to Landfill or Industrially Zoned Land Adjustment	
New Lot is Less Than 2,640 Feet to a Landfill or Industrially Zoned Area of Over 80 acres	-6
New Lot is Between 2,641 to 5,280 Feet to a Landfill or Industrially Zoned Area of over 80 acres	-5
Proximity to Urban Growth Boundary or Residential Zoned Land Adjustment	
New Lot is Between 1/2 and One Mile of Urban Growth Boundary	1
New Lot is Within 1/2 Mile of Urban Growth Boundary	2
New Lot is Contiguous to Residential Zoned Land	5
Conflicts with Land Use Plan in Comprehensive Plan	
New lot conflicts with adopted Land Use Plan	-1
Proximity to Public School Adjustment	
New Lot is Closer Than 1/2 Mile to Public School	2
New Lot is Between 1/2 to 1 Mile to Public School	4
Access to Sanitary Sewer or Alternative Sewage Adjustment	
New Lot is Using Public Sanitary Sewers or Alternative Common Sewage System	5
Replacement Dwelling Adjustment (Must Meet required setbacks)	
Parent Tract has an existing dwelling (Providing the existing dwelling is removed or not used for a dwelling upon issuance of Certificate of Occupancy for new dwelling.	Buildable
Parent Tract had a dwelling that was destroyed by fire or other natural means within the last 12 months	Buildable
Parent Tract has an existing single wide mobile home to be replaced with a manufactured home	Buildable
Parent Tract has an existing single wide mobile home to be replaced by another single wide mobile home	Needs Special Exception

Table I-2	
Size of Parent Tract of Land in acres on the effective date of this Ordinance	Cumulative maximum Number of Non-Farm Dwelling Lots which may be ***approved*** from Parent Tract (including Parent Tract if less than 20 acres)
0-1.99	2
2-10.99	3
11 - 40.99	4
41 - 80.99	5
81 - 120.99	6
212+	1 additional lot of every 40 acres of land

Table J - Soils in Clinton County		
SYMBOL	**SOIL NAME**	**USE TYPE FOR CONSTRUCTION**
Be	Brenton silt loam	S
CbA	Camden Variant silt loam, 0-2% slope	S
Ce	Ceresco loam	F
Cy	Cyclone silt loam	S
DaA	Dana silt loam, 0-2% slope	S
DaB	Dana silt loam, 2-6% slope	S
Dr	Drummer silty clay loam	S
FcA	Fincastle silt loam, 0-2% slope	S
FdA	Fincastle-Crosby silt loam, 0-3% slope	S
FsB	Fox silt loam, 2-6% slope	P
FsC	Fox loam, 6-15% slope	P
Gn	Genesee silt loam, sandy substratum	F
HeF	Hennepin silt loam, 18-50% slope	H
Ho	Houghton muck, undrained	F
La	Landes fine sandy loam	F
Ma	Mahalasville silty clay loam	S
McA	Martinsville silt loam, 0-2% slope	S
McB2	Martinsville silt loam, 2-6% slope	P
MnC	Miami silt loam, 6-12% slope	P
MnD	Miami silt loam, 12-18% slope	H
MsC3	Miami clay loam, 6-12% slope, severely eroded	P
MsD3	Miami clay loam, 12-18% slope, severely eroded	H
MtB	Miami-Crosby silt loam, 2-6% slope	P
MwA	Miami-Martinsville silt loams, 0-2% slope	P
Mx	Milford silty clay loam	S
"P" = Permitted soils type where Single Family Dwellings may be built; in areas designated "P", at least 75% of the soils within one eighth mile (1,320 ft.) Radius of the building site are classified as "F", "H", or "P".		
"S" = Special Exception status soils		
"F" = Floodplain status and may require D.N.R. approval as building sites. These areas may be subject to flooding, ponding, wet spots, etc., and are generally not recommended for building.		
"H" = Hazardous. Such areas have severe slope or other impediment to building.		

Table J - Soils in Clinton County		
SYMBOL	**SOIL NAME**	**USE TYPE FOR CONSTRUCTION**
OcA	Ockley silt loam, 0-2% slope	S
OcB	Ockley silt loam, 2-6% slope	S
Pc	Palms muck, undrained	F
PgB	Parr silt loam, 1-5% slope	P
Pn	Patton silty clay loam	S
Pr	Pits, gravel	H
PtA	Proctor silt loam, 0-3% slope	S
Ra	Ragsdale silt loam	S
RdA	Raub silt loam, 0-2% slope	S
Re	Reesville silt loam	S
RuB	Russell silt loam, 2-6% slope	P
Sa	Sable silty clay loam	S
Sc	Sable-Drummer silty clay loam	F
Sd	Saranac silty clay loam	F
St	Sleeth silt loam	S
Su	Sloan silt loam	F
Sx	Starks silt loam	S
Ty	Treaty silt loam	S
Ud	Udorthents, loamy	H
Wa	Wallkill silt loam	P
We	Westland silty clay loam	S
Wh	Whitaker silt loam	S
XeA	Xenia silt loam, 0-2%	P
XeB	Xenia silt loam, 2-6% slope	P
“P” = Permitted soils type where Single Family Dwellings may be built; in areas designated “P”, at least 75% of the soils within one eighth mile (1,320 ft.) Radius of the building site are classified as “F”, “H”, or “P”.		
“S” = Special Exception status soils		
“F” = Floodplain status and may require D.N.R. approval as building sites. These areas may be subject to flooding, ponding, wet spots, etc., and are generally not recommended for building.		
“H” = Hazardous. Such areas have severe slope or other impediment to building.		

Table K - Recommended Shrub List

DECIDIOUS SHRUBS:

- *Amelanchier Canadensis* - Serviceberry
- *Aronia arbutifolia* - Red Chokeberry
- *Aronia melanocarpa* - Black Chockeberry
- *Baptisia australis* - Blue False Indigo
- *Baptisia leucantha* - White False Indigo
- *Berberis thunbergii* - Japanese Barberry
- *Caryopteris x clandonensis* - Blue Mist Spirea
- *Ceanothus americanus* - New Jersey Tea
- *Chaenomeles speciosa cultivars* - Flowering Oriental Quince
- *Clethra alnifolia* - Summersweet
- *Cornus alba* - Tatarian Dogwood
- *Cornus sericea* - Redtwig Dogwood
- *Cotoneaster speciosa cultivars* - Cotoneaster Species
- *Euonymous alata 'compacta'* - Dwarf Burning Bush
- *Forsythia x intermedia* - Common Forsythia
- *Hydrangea macrophylla* - Bigleaf Hydrangea
- *Hydrangea paniculata* - PeeGee Hydrangea
- *Hydrangea quercifolia* - Oakleaf Hydrangea
- *Ilex verticillata* - Winterberry Holly
- *Ligustrum amurense* - Amur Privet
- *Myrica Pensylvanica* - Northern Bayberry
- *Pyhysocarpus opuliolius* - Common Ninebark
- *Potentilla fruticosa* - Potentilla
- *Rhus aromatic 'Lo Grow'* - Low Grow Sumac
- *Spiraea speciosa cultivars* - Spirea
- *Syringa meyeri 'palibin'* - Dwarf Korean Lilac
- *Syringa patula 'Miss Kim'* - Miss Kim Lilac
- *Viburnum speciosa cultivars* - Viburnum

EVERGREEN SHRUBS:

- *Buxus x koreana* - Korean Boxwood
- *Ilex crenata* - Japanese Holly
- *Ilex glabra* - Compact Inkberry
- *Ilex meserveae* - Meserveae Holly
- *Juniperus (Shrub forms)* - Juniper
- *Picea abies (Shrub forms)* - Norway Spruce
- *Picea glauca (Shrub forms)* - Dwarf Alberta Spruce
- *Pinus mugo* - Mugho Pine
- *Pyracantha coccinea* - Scarlet Firethorn
- *Taxus x media* - Common Yew

Table L - Recommended Tree Species List

SMALL TREES with narrow crowns:

Acer griseum - Paperbark Maple
Amelanchier arborea - Shadblow Serviceberry
Amelanchier Canadensrs' Lam arcki' - Lam arcki Servicebe rry
Amelanchier x grandiflara 'Robin Hill' - Robin Hill Serviceberry
Amelanchier laevis - Cumulus Serviceberry
Comus kousa - Kousa Dogwood
Prunus sargentii 'Columnaris' - Columnar Sargent Cherry
Prunus serrulata - Oriental Cherry
Prunus virginiana 'Canada Red Select' - Canada Red Select Cherry

SMALL TREES with broad crowns:

Acer buergeranum - Trident Maple
Acer campestre - Hedge Maple
Acer ginnala - Amur Maple
Acer tartarian - Tartarian Maple
Amelanchier laevls 'Cumulus' - Cumulus Serviceberry
Carpinus caroliniana - American Hombeam
Cercis canadensis - Eastem Redbud
Chionanthus virginicus - Fringetree
Comus alternifolia - Pagoda Dogwood
Cornus floida - Flowering Dogwood
Crataegus spp. - Hawthorm Varieties: lnermis, Vaughn, ohio Pioneer, Crimson Cloud, Winter King, Washington
Malus spp. - Crabapple Varieties *: CenDam, Red Splender, Red Jewel, Van Eseltine, Zumi
Prunus virginiana 'Shubert' - Shubert Chokecherry
Prunus 'Accolade' -Accolade Flowering Cherry
Syringa reticulata - Japanese Tree Lilac

MEDIUM TREES:

Aesculus x camea 'Briotii' – Rubyred Horsechestnut
Betula nigra – River Birch
Carpinus betulus – European Hornbeam
Fagus sylvatica 'Purpurea Tricolor' or 'roseo-marginata' – Tricolor Beech
Gleditsia triacanthos inermis 'Impcole' – Imperial Honeylocust
Koelreuteria paniculata – Golden-Rain Tree
Nyssa sylvatica – Sourgum or Blackgum
Ostrya virginiana – Hophornbeam
Phellodendron amurense 'Macho' – Male Corktree
Pyrus calleryana spp – Pear Species
Quercus robur 'Fastigiata' – Pyramidal English Oak
Quercus robur 'Skyrocket' – Skyrocket English Oak
Spohora japonica – Pagodatree
Tilia cordata 'Corzam' – Corinthian Littleleaf Linden
Tilia x flavescens 'Glenleven' – Glenleven Hybrid Linden

Table L - Recommended Tree Species List

LARGE TREES:

Acer x freemanii – Autumn Blaze Maple
Acer nigrum – Black Maple
Acer platanoides – Norway Maple
Acer rubrum – Red Maple*
Acer saccharum – Sugar Maple
Celtis laevigata 'All Seasons' – All Seasons Sugarberry
Celtis occidentalis 'Prairie Pride' – Prairie Pride Hackberry
Cercidiphyllum japonicum – Katsura Tree
Clasrastis kentukea – Yellowwood
Corylus columa – Turkish Filbert
Eucimmia ulmoides – Hardy Rubber Tree
Fagus grandifolia – American Beech
Fagus sylvatica – European Beech
Ginkgo biloba – Ginkgo (male only)
Gleditsia triacanthos inermis – Honeylocust
Gymnoclanus dioica – Kentucky Coffeetree
Liriodendrom tulipifera – Tuliptree
Metasequoia glyptostroboides – Dawn Redwood
Platanus x acerifolia 'Bloodgood' – Bloodgood London Planetree
Platanus x acerifolia 'Columbia' – Columbia London Planetree
Platanus x acerifolia 'Liberty' – Liberty London Planetree
Quercus alba – White Oak
Quercus bicolor – Swamp White Oak
Quercus coccinea – Scarlet Oak
Quercus macrocarpa – Bur Oak
Quercus muehlenbergii – Chinkapin Oak
Quercus rubra – Northern Red Oak
Taxodium distichum – Bald Cypress
Tilia Americana – American Linden
Tilia cordata - Littleleaf Linden
Tilia tomentosa – Silver Linden
Ulmus parvifolia - Chinese or Lacebark Elm
Ulmus parvifolia - 'Dynasty' – Dynasty Chinese Elm
Ulmus 'Pioneer' - Pioneer Elm
Ulmus x hollandica - 'Urban' – Urban Elm
Zelkova serrata - Japanese Zelkova

Table L - Recommended Tree Species List

EVERGREEN TREES

Juniperus spp. – Juniper
Picea abies – Norway Spruce
Picea glauca – White Spruce
Picea omorika – Serbian Spruce
Picea pungens species – Colorado Blue Spruce
Pinus nigra – Austian Pine
Tsuga Canadensis - Eastern Hemlock

UNDESIRABLE *STREET* TREES:

Acer negundo – Boxelder: Aggressive, Shallow roots, Weak wood
Acer saccharinum – Silver Maple: Aggressvice, Shallow roots, Weak wood
Ailanthus altissima – Tree of Heaven: Seeds, Suckers, Weak wood
Betula papyrifera – Paper Birch: Insects
Elaeagnus angustifolia – Russian Olive: Form, Disease
Fraxinus velutina glabra - Modesto Ash: Sidewalk damage problems
Fraxinus Americana – White Ash: Insects
Fraxinus pennsylvanica – Green Ash: Insects
Ginkgo biloba – Female – Female Ginkgo: Fruits
Morus species – Mulberry: Fruits, Shallow roots
Pinus strobes – Eastern White Pine: Yellowing, Soil problems
Populus alba – White Poplar: Suckers, Shallow roots, Weak wood
Populus deltoids – Cottonwood: Weak wood, Shallow roots, Seeds
Populus nigra 'Italica' – Lombardy Poplar: Insects, Disease, Short-lived
Pyrus calleryana 'Bradford' – Bradford Pear: Weak branching, Low branches
Quercus palustris – Pin Oak: Soil problems, Yellowing, Low branches
Quercus shumardii - Shumard Oak
Robinia pseudoacacia – Black Locust
Salix species – Willow: Weak wood, Shallow roots
Ulmus Americana – American Elm: Insects, Disease
Ulmus pumila – Siberian Elm: Weak wood, Seeds

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APPENDIX B:
SURVEYS, PLATS, & ROADS

A. PLAT CERTIFICATES

A-1 GENERAL:

All plat must contain all applicable certificates and notations in substantially the same form indicated herein. Deviations in form or wording may be permitted by the Administrator, provided that the certificate or notation fulfills its intended purpose. Additional certificates and/or notations may be required by the Administrator where special circumstances warrant such additions on the secondary plat.

A-2 LAND SURVEYOR'S CERTIFICATE:

Each Plat submitted to the Plan Commission for secondary approval shall carry a statement signed by the Registered Land Surveyor who prepared the Plat in substantially the following form:

"This plat represents the subdivision of a survey completed by me or while under my direct supervision on _(Date)_; that the description and plat to the best of my knowledge, information, and belief was performed in accordance with the Indiana Survey Standards Law, Title 865 in Indiana Administrative Code 1-12; that the theoretical uncertainty (due to random errors in measurement) in the corners of the described plat is within the specifications for a Class_(Type)_ Survey; and that all monuments and markers accurately shown on the plat actually exist and comply with the provision of the Unified Development Ordinance."

(SEAL) _____(Name)_____
Registered Land Surveyor
State of Indiana __(Number)__

A-3 LEGAL DESCRIPTION CERTIFICATE:

The Plat submitted to the Commission for Secondary Approval shall contain a metes and bounds legal description prepared by the Registered Professional Land Surveyor of the outside boundary of the completed survey.

A-4 OWNER'S CERTIFICATE:

The basic Owner's Certificate required on all plats is as follows:

OWNERS CERTIFICATE

We, the undersigned, (NAMES), owners of the real estate shown and described herein, do hereby certify that we lay off, plat, and subdivide, said real estate in accordance with this plat.
This subdivision shall be known and designated as _____, an addition to (City/County/Township/Town) consisting of _____ lots numbered

_____.
Clear title to the land contained in this plat is guaranteed. Any encumbrances and special assessments are explained as follows: ____(Details)_____

A-5 ADDITIONS TO OWNER'S CERTIFICATE:

Any of the following paragraphs which are applicable shall be included in the Owner's Certificate.

1. All public streets and alleys shown and designated as such and not heretofore dedicated are hereby dedicated to the public. Other public lands shown and not heretofore dedicated are hereby dedicated for the purposes designated hereon.

2. Front, side, and rear yard building setback lines are hereby established as shown on this plat, which are in compliance with the Zoning Ordinance, between which lines and the property lines of the streets there shall be erected or maintained no building or structure.

3. There are strips of ground shown on this plat and marked easement, reserved for the use of public utilities or drainage and subject to the paramount right of the utility or County to install, repair, maintain or replace its installation. Within these easements, no structure, planting, or other material or fill shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easement, or which may stop or interfere with the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

4. There are private access easements and/or private streets shown on this plat and marked accordingly. These are intended to be private in perpetuity, and there is no obligation for any government entity to assume any responsibility for these easements and/or streets now or at any future time. The responsibility for maintenance and snow removal on the access easements and/or streets shown on this plat is assumed by the property owners of lots _____ and not by the (City/County/Town).

5. Improvements dedicated to the public by this plat shall not be maintained by the (City/County/Town) until the appropriate legislative body has accepted completed improvements for maintenance. The release by the appropriate legislative body of a financial guarantee of performance and/or maintenance shall constitute acceptance for maintenance by the (City/Town/County).

6. This subdivision contains property included in the "Zone A District" on

the Flood Hazard Boundary Map for Clinton County Indiana dated January 13, 1978 (or subsequent update). No building may be constructed or substantially improved in the area so designated until a flood elevation has been determined by the Indiana Department of Natural Resources. Any building constructed or substantially improved after the date of this instrument in the "Zone A District" shall be provided with a flood protection grade which is at least two feet above said flood elevation. The flood protection grade is the elevation of the lowest floor of a building or structure. If a basement is included, the basement floor shall be considered to be the lowest floor.

7. The right to enforce these provisions by injunction, together with the right to cause the removal, by the process of law, of any structure or part thereof erected or maintained in violation hereof, is dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

A-6 ACKNOWLEDGEMENT CERTIFICATE/NOTARIZED SIGNATURE REQUIRED:

The notarized signature of the owner(s) must be included on any plat, in a form similar to the following:

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 19___.

_____(Owner)_____ _____(Owner)_____

STATE OF INDIANA)
)SS:
COUNTY OF CLINTON)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY AND STATE, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT AS HIS/HER VOLUNTARY ACT AND DEED FOR THE PURPOSES THEREIN EXPRESSED AND DULY SWORN STATED THAT THE REPRESENTATIONS CONTAINED THEREIN ARE TRUE.

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 19___.

_____
NOTARY PUBLIC (SEAL)

_____
COUNTY OF RESIDENCE

_____
MY COMMISSION EXPIRES

A-7 PRIMARY APPROVAL CERTIFICATE:

The following Plan Commission Certificate of Primary Approval for Major and Minor Subdivisions shall appear on all plats of major and minor subdivisions:

PRIMARY APPROVAL

Under authority provided by I.C. 36-7-4-700, Subdivision Control, and any amendments thereto, this plat was given PRIMARY APPROVAL by the County of Clinton, Indiana as follows:
Approved by Clinton County Area Plan Commission (or Clinton County Plat Committee, if minor subdivision) at a meeting held _____. (If a major subdivision, there shall be lines here for the signatures of the Plan Commission President and Secretary and, if a minor subdivision, there shall be adequate lines for all Plat Committee members.)
Void unless secondary approval is received by _____.

A-8 SECONDARY APPROVAL CERTIFICATE:

The following Certificate of Secondary Approval for Major and Minor Subdivisions shall appear on all final plats or major and minor subdivisions:

SECONDARY APPROVAL

All conditions of primary approval have been met and this plat is granted SECONDARY APPROVAL.
Approved by the Administrator _____.

_____(Administrator)_____
Void unless Recorded by _____.

A-9 CONSTRUCTION PLANS CERTIFICATE:

The following certificate shall appeal on each sheet of the final construction plans for a major subdivision:

CONSTRUCTION PLANS

This document contains or is a part of the approved construction plans for _____. The improvements to be installed in this subdivision will not be accepted for maintenance by the (appropriate legislative body) unless and until all improvements shown hereon have been installed and are in substantial compliance with these plans.

_____(Administrator)_____

_____(Date)_____

A-10 DEDICATION CERTIFICATE:

The following certificate shall appear on all secondary plats containing land and/or improvements to be dedicated to the public.

DEDICATION

The dedication(s) shown on this plat is (are) hereby accepted by the (appropriate legislative body) at a meeting held on the _____ day of _____, 19___.

[The following paragraph shall appear on all plats involving improvements for which financial guarantees of performance are posted.]

This acceptance does not constitute acceptance for maintenance by the (City/County/Town). Maintenance by the (City/County/Town) shall commence only after the release of the financial guarantee.

(APPROPRIATE LEGISLATIVE BODY)

_____

_____

_____

ATTEST:

_____

Clerk

A-11 SUBDIVISIONS CONTAINING NO DEDICATIONS:

Subdivisions containing no dedication of land and/or improvements to the public and no vacations of easements or public rights-of-way shall contain the following certificate:

ADMINISTRATOR CERTIFICATION

This subdivision involves no dedication to the public of land or improvements and does not require the signatures of (appropriate legislative body).

_____(Administrator)_____

_____(Date)_____

A-12 RECORDING CERTIFICATE:

The real property taxes due through the last installment period have been paid and this plat may be recorded. This certificate remains valid through _____(Date)_____.

_____

Treasurer of Clinton County

The real property has been duly entered for taxation and transferred

on the records of the Auditor of Clinton County. This _____ day of _____, 19 ___.

_____
Clinton County Auditor

Recorded in Plat Book _____, page number _____, this the _____ day of _____, _____, at _____ o'clock _____.

Instrument Number _____. Fee paid _____.

_____
Clinton County Recorder

A-13 Subdivisions Containing Previously Platted Land:

Any Plat which contains land in a previously recorded plat shall contain the following certificate:

A notation has been made on the original plat of _____, Plat Book _____, Page _____.

B. STANDARDS FOR SURVEYS AND PREPARATION OF PLATS

B-1 GENERAL:

All surveys shall be conducted and plats prepared in accordance with the Indiana Survey Standards adopted by the Indiana Society of Professional Land Surveyors and any amendments thereto. In the event of any difference between the Indiana Survey Standards and this Ordinance, the stricter requirement shall apply.

B-2 DRAFTING:

All plats submitted for approval shall be prepared by or under the supervision of a registered land surveyor. All drawings shall be neat, legible, reproducible, reducible, and drawn on a permanent material.

A. Material. All major and minor plats shall be drawn on Mylar or equivalent material at least 2 mils in thickness.

B. Letters, Symbols, and Drafting. Lettering identifying surveying points or labeling items displayed graphically shall be done using a Leroy or equivalent lettering system, or freehand using plastic lead (E1 to E5) on Mylar or standard lead on paper. Lettering shall be no smaller than 14 point or 1/8 inch in height and shall be legible when the drawing is reduced 65 percent. Symbols shall be drawn using appropriate templates. Certificates and notations shall be typewritten or drawn using a Leroy or equivalent lettering system. Drafting may be done with pen and ink or plastic lead as specified

above.

C. Legend. All plats shall contain a legend, using the following standards symbols:

5/8 INCH X 30 INCH REBAR SET

5/8 INCH REBAR FOUND

SECTION CORNER MONUMENT SET

SECTION CORNER FOUND

OTHER TYPES OF MONUMENTS SET

OTHER TYPES OF MONUMENTS FOUND

5/8 INCH X 30 INCH REBAR SET AT ALL OTHER PROPERTY CORNERS

STATE HIGHWAY R/W MONUMENT FOUND

Note: All monuments shall be described in a legend or on the plat near the monument.

D. Scale. Plats shall be drawn to a suitable scale to be legible when read or when reduced if the size exceeds 11 x 17 inches and as approved by the Administrator.

E. Size. Plats shall be drawn on sheets no larger than 11 x1 17 inches and no smaller than 8½ x 14 inches. Plats containing more than one sheet must be labeled with the name of the subdivision and consecutively numbered. If the sheet is any larger it shall be reduced to 11 x 17 inches before signatures for recording.

F. Copies. Copies of plats shall be blueline or blackline prints and must be legible.

G. Layout. Layout of the plat should be similar to the example shown in Figure 2, except when the configuration of the property prohibits such layout.

H. Lines. Accurate direction and length in feet and hundredths of feet must be specified for each line. Geometrically curved lines must be identified with sufficient curve data to define the curve. (Curve data include delta angle, radius, chord distance, chord bearing, arc length, tangent length and the degree of the curve). Lines required to be shown include but are not limited to the following:

a. Plat boundary (heavy solid line).

b. Right-of-way lines of streets and alleys (solid line).

c. Easements (dashed line).

d. Lot lines (solid line).

e. Lines indicating easements or lot lines to be vacated by the plat (dashed or dotted line).

B-3 SURVEYS:

All surveys conducted and graphically represented under the terms of this ordinance shall comply with the minimum standards contained herein.

A. The measurement specifications contained in subsection B will apply for all retracement surveys, surveys based on record documents, and original surveys.

B. The following specifications shall be used for the location of property boundaries with respect to the referenced controlling corners:

CLASS OF SURVEY	THEORETICAL UNCERTAINTY (tu)
A plus or minus	.10 feet
B plus or minus	.25 feet
C plus or minus	.50 feet
D plus or minus	1.00 feet
E all other surveys	To be negotiated with the client

C. The classes of surveys listed in subsection B shall fall into the following sizes:

1. Class A – Small area wherein dense monument controls exist, as in a downtown commercial area. Lots are typically fifty (50) feet by 100 feet Periphery and beginning distance is less than 400 feet.

2. Class B – Longest side is typically under 1,000 feet and periphery and beginning distance is less than 5,000 feet.

3. Class C – Longest side is typically under 1,000 feet and periphery and beginning distance is less than 5,000 feet.

4. Class D – All sides are typically under 1,000 feet and periphery and beginning distance is less than 12,000 feet.

5. Class E – The precision of larger surveys shall be negotiated with the client and shall be clearly stated on the plat of survey.

D. Point of Beginning. The point of beginning shall be called out in the description.

E. Source of Bearing System. The source of the bearing system shall be stated (i.e., assumed, magnetic, astronomic) in description.

F. Area of Tract. The calculated area of the tract in square feet of acres shall

be included in the description.

G. Ties. All surveys shall be tied in reference to an accessible section corner or to any monument shown on a previously platted area in the Office of the Recorder.

C. ROAD AND STREET STANDARDS

TABLE 1 - CLINTON COUNTY ROAD SPECIFICATIONS FOR LAYER THICKNESS FOR ASPHALT CONCRETE TOP AND BASE COURSES AND THE FOUNDATION STONE COURSE

C B R VALUE	STREET TYPE	TOTAL PROFILE THICKNESS	ASPHALT SURFACE COURSE	ASPHALT BASE COURSE	ROCK OR STONE FOUNDATION COURSE
3	Resident Collect Arterial	13 ½” 17 ½” 19 ½”	1 ½” 1 ½” 1 ½”	2 ½” 3” 4”	8” 13” 14”
4	Resident Collect Arterial	11 ½” 14 ½” 18 ½”	1” 1 ½” 1 ½”	2 ½” 3” 3”	6” 9” 13”
5	Resident Collect Arterial	9 ½” 13 ½” 17 ½”	1” 1 ½” 1 ½”	2 ½” 3” 4”	6” 9” 13”
6	Resident Collect Arterial	9” 13” 14 ½”	1” 1 ½” 1 ½”	2” 2 ½” 3”	6” 9” 10”
7	Resident Collect Arterial	8” 12” 13 ½”	1” 1” 1 ½”	2” 2 ½” 2 ½”	5” 8” 9”
8	Resident Collect Arterial	8” 11 ½” 13”	1” 1” 1 ½”	2” 2 ½” 2 ½”	5” 8” 9”
10	Resident Collect Arterial	7 ½” 9 ½” 12”	1” 1” 1 ½”	1 ½” 2 ½” 2 ½”	5” 6” 8”

The surface course mixture shall consist of ISHC Section 402, Type III, Hot Asphalt Emulsion Pavement or Section 403, Type B, Hot Asphalt Concrete Pavement.

When the base course column is 2 inches or less, the mixture used shall be a binder course, consisting or IHSC Section 402, No. 9 Binder, Hot Asphalt Emulsion pavement or Section 403, No. 9 Binder, Hot Asphalt Concrete Pavement. When the thickness required exceeds 2 inches, the mixture used shall be a base course, consisting of IHSC Section 402, No. 53B, Hot Asphalt Concrete Pavement.

TABLE 1 - CLINTON COUNTY ROAD SPECIFICATIONS FOR LAYER THICKNESS FOR ASPHALT CONCRETE TOP AND BASE COURSES AND THE FOUNDATION STONE COURSE					
C B R VALUE	**STREET TYPE**	**TOTAL PROFILE THICKNESS**	**ASPHALT SURFACE COURSE**	**ASPHALT BASE COURSE**	**ROCK OR STONE FOUNDATION COURSE**
15	Resident Collect Arterial	6 ½” 9” 11 ½”	1” 1” 1”	1 ½” 2” 2 ½”	4” 6” 8”
The surface course mixture shall consist of ISHC Section 402, Type III, Hot Asphalt Emulsion Pavement or Section 403, Type B, Hot Asphalt Concrete Pavement.					
When the base course column is 2 inches or less, the mixture used shall be a binder course, consisting or IHSC Section 402, No. 9 Binder, Hot Asphalt Emulsion pavement or Section 403, No. 9 Binder, Hot Asphalt Concrete Pavement. When the thickness required exceeds 2 inches, the mixture used shall be a base course, consisting of IHSC Section 402, No. 53B, Hot Asphalt Concrete Pavement.					

TABLE 2 - INDIANA SOILS

The U.S. Department of Agriculture Soil Conservation Service prepares soil maps for each of the counties in Indiana. These maps are available from the Soil Conservation Office in each of the county seats.

Figure 1 Estimates the CBR values for Indiana Soils.

Soils which have an estimated CBR of 0 require comprehensive investigation and testing by a solid engineer before the pavement can be designed.

Soils which have CBR of 2 or 3 are marginal for use as sub-grade under asphalt pavements. If used, these soils should be stabilized.

The higher the CBR value, the stronger the soil and the pavement thickness requirements decrease.

SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR
Ade	10	Haymond	6	Quinn	5
Adrian	0	Hennepin	6	Ragsdale	3
Alford	5	Henshaw	4	Rahm	3
Algiers	5	Hickory	4	Randolph (2)	4
Alida	7	High Gap (2)	4	Rarden (2)	3
Allensville	6	Hillsdale	7	Raub	5
Allison	5	Homer	6	Rawson*	5-3
Alvin	8	Hoopeston	7	Reesville	4
Armiesburg	5	Hosner (3)	5	Rensselaer	4

NOTE: Whenever there is a request to Clinton County to take over the Maintenance and care of any street or way, that street or way shall conform to all the requirements of the Clinton County Subdivision Control Ordinance and shall be HARD SURFACED and IN GOOD STATE OF REPAIR.

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SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR
Aubbeenaub-bee	4	Houghton	0	Riddles	4
Ava	4	Hoytville	2	Rimer*	5-3
Avonburg (3)	5	Huntington	4	Robinson	3
Ayr*	7-4	Huntsville	5	Rockcastle (2)	3
Ayrshire	6	Iona	5	Rodman	15
Bartle (3)	5	Ipava	3	Romney	3
Baxter	2	Iva	4	Ross	6
Beasley	3	Jasper	6	Rossmoyne (3)	5
Bedford*(3)	5-2	Johnsburg (3)	4	Runnymede	4
Belmore	8	Jennings	5	Rush	5
Berks (2)	4	Jules	5	Russell	5
Birds	5	Kalamazoo	6	Ryker	5
Bloomfield	10	Kerston	0	Saranac	2
Blount	4	Kings	2	Saugatuck	8
Bonnie	4	Kokomo	3	Sciotoville (3)	6
Bono	2	Landes	7	Sebewa	4
Boonesboro (2)	6	Lawrence* (3)	5-2	Seward*	5-3
Boyer	10	Lindside	4		6-4
Brady	7	Linkville	4	Shipshe	10
Brekmis	15	Longlois	6	Shoals	6

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The higher the CBR value, the stronger the soil and the pavement thickness requirements decrease.

SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR
Bronson	8	Lorenzo	10	Sidell	5
Brookston	3	Lowell	3	Sleeth	5
Burgin	3	Lucas	3	Sloan	5
Burnside	8	Lydick	6	Sparta	15
Camden	5	Lyles	5	St. Clair	3
Carlisle	0	Mahalasville	3	Starks	5
Casco	10	Manlove	5	Steff	5
Catlin	5	Markham	4	Stendal	5
Celina	4	Markland	3	Stonelick	7
Chamlers	3	Martinsville	6	Stoy (3)	5
Chelsea	15	Martisco	0	Strole	2
Cincinnat (3)	5	Massie	8	Sunbury	3
Clarence	3	Matherton	6	Switzerland	3
Clermont	4	Maumee	8	Swygert	3
Colyer	4	McGary	3	Sylvan	5
Conover	4	Medway	6	Taggart	5
Conrad	0	Mellot	5	Tama	5
Corwin	4	Mermill*	4-2	Tawas	0
Cory	4	Metamora	4	Tedrow	10
Corydon (1)	2	Metea*	7-4	Tilsit (3)	4
Coupee	8	Miami	4	Tippecanoe	6
Crane	5	Milford	3	Toledo	2
Crider	5-2	Millsdale (2)	3	Toronto	5
Crosby	3	Milton (1)	4	Tracy	7

NOTE: Whenever there is a request to Clinton County to take over the Maintenance and care of any street or way, that street or way shall conform to all the requirements of the Clinton County Subdivision Control Ordinance and shall be HARD SURFACED and IN GOOD STATE OF REPAIR.

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The higher the CBR value, the stronger the soil and the pavement thickness requirements decrease.

SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR
Crosier	4	Monitor	5	Trappist (2)	4
Cuba	5	Montgomery	2	Treaty	3
Dana	5	Montmorenci	4	Troxel	5
Darroch	6	Morley	4	Tyner	15
Del Ray	3	Morocco	10	Uniontown	4
Dickinson	8	Muren	5	Vigo	4
Door	6	Muskingum (2)	4	Vincennes	4
Dowagiac	6	Mussey	10	Volinia	6
Dubois (3)	4	Nappanee	3	Wallkill	0
Dunning	3	Negley	7	Wakeland	6
Eden (2)	3	Newark	4	Wanatah	5
Edwards	0	Newton	8	Warners	0
Edenton (2)	3	Nicholson (3)	4	Warsaw	6
Eel	6	Ninevah	6	Wasepi	10
Elkinsville	5	Nolin	5	Washtenaw	3
Elliott	4	Oakville	15	Watseka	10
Elston	8	Ockley	6	Wauseon*	4-2
Evansville	3	Octagon	4	Wawasee	5
Fabius	10	Odell	4	Wea	6
Fairmont (1)	3	Ormas	10	Weikert (1)	4
Fincastle	5	Oshtemo	8	Weinback (3)	5
Flanagan	3	Otwell (3)	4	Weiss	10
Foresman	6	Owosso*	5-4	Wellston	4

NOTE: Whenever there is a request to Clinton County to take over the Maintenance and care of any street or way, that street or way shall conform to all the requirements of the Clinton County Subdivision Control Ordinance and shall be HARD SURFACED and IN GOOD STATE OF REPAIR.

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SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR	SOIL NAME	ESTIMATED CBR
Fox	6	Palms	0	Westland	4
Frederick	2	Parke	6	Wheeling	6
Fulton	2	Parr	4	Whitaker	6
Genessee	6	Pate	3	Whitson	3
Gessie	6	Patton	3	Wilbur	6
Gilford	5	Pekin (3)	5	Willette	0
Gilpin (2)	4	Peoga	4	Wingate	5
Ginat (3)	4	Petrolia	3	Woodmere	4
Glenhall	6	Pewamo	3	Woolper	3
Grayford	5	Pike	5	Wooten	10
Granby	8	Pinhook	5	Wynn (2)	5
Guthrie* (3)	4-2	Plainfield	15	Xenia	5
Hagerston	2	Plano	5	Zanesville (3)	4
Hanna	7	Pope	7	Zipp	2
Haskins*	5-3	Princeton	6		
Haubstadt (3)	4	Proctor	5		

NOTE: Whenever there is a request to Clinton County to take over the Maintenance and care of any street or way, that street or way shall conform to all the requirements of the Clinton County Subdivision Control Ordinance and shall be HARD SURFACED and IN GOOD STATE OF REPAIR.

CLINTON COUNTY SPECIFICATIONS FOR PORTLAND CONCRETE

A. Base areas for concrete shall be void of all vegetable and plant matter, regardless of state, and be well drained and compacted to (a minimum of) 95 percent.

B. Where heavy loads and/or heavy traffic are anticipated, a base of #3 and #4 crushed stone, or similar, shall be fully compacted to a depth of four inches before any concrete is set in place.

C. After the base area has been properly prepared, it shall be dampened with water, but not made muddy, before the concrete is placed.

D. The concrete mix and placement shall conform to the requirements of the American Concrete Institute Standards, current edition, and the Indiana Department of Transportation, current edition, for the particular job, and at the proper time, shall be striked and finished in a manner consistent with trade requirements.

E. Curing compound shall be applied to the full new surface as soon as the finish has been completed.

F. Transverse control joints shall be sawed to a depth of not less than 25 percent of the total concrete thickness at approximately thirty foot intervals and shall be skewed at approximately five feet for each 24 feet of width.

G. A longitudinal control shall be sawed at the approximate mid-point of width and extend the entire length of the concrete.

H. Expansion and contraction joint material shall be capable of withstanding repeated extensions and compressions. Proper sealant reservoirs shall be provided at all expansion joints.

I. Concrete thickness shall be as follows:

Industrial Parking Lots 8”

Residential/Local Streets

And Cul-de-sacs 7”

Collector Streets

Arterials 9”

Private Driveways 5”

Parking Lots for Churches

And Small Businesses 6”

Commercial Parking Lots 7”

SUBDIVISION TABLE 1 CLINTON COUNTY STREET MINIMUM DESIGN STANDARDS[1]					
	URBAN MINOR ARTERIAL/ RURAL MAJOR COLLECTOR	**URBAN COLLECTOR/ RURAL MINOR COLLECTOR**	**LOCAL STREET**	**SUBDIVISION STREET**	**PLACE (CUL-DE-SAC)**
ADT (Average Daily Traffic)[2]	1000 or more	500 to 999	100 to 499	less than 100	80
Minimum Right-of-Way Width	80 ft	60 ft	50 ft	50 ft	50 ft
Pavement Width[3]	36 ft	28 ft	24 ft	22 ft	22 ft
Shoulder Width	8 ft	6 ft	4 ft	4 ft	4 ft
Maximum Grade	8%	8 %	10%	10%	10%
Design Speed: Rural Areas - Urban Areas -	50 mph 30 mph	45 mph 30 mph	40 mph 30 mph	30 mph 30 mph	20 mph 20 mph
Sight Distance (along each approach as applicable): Stopping - Intersection -	350 ft. 500 ft.	310 ft. 450 ft.	275 ft. 400 ft.	200 ft. 300 ft.	200 ft. 300 ft.
Minimum Bridge Width	30 ft	30 ft	28 ft	28 ft	28 ft
Pavement Markings	Center line w/no parking zone & edge lines	Center line	None	None	None

1 - Principal arterials and rural minor arterials as designated in the Comprehensive Plan Consist entirely of state highways in Clinton County and thus only state minimum design standards apply to these roads.
2 - ADT shall be estimated based upon eight trips per day per maximum potential residences on the street.
3 - Pavement widths are measured excluding curbs, or if no curb is required the paving width shall be measured edge to edge.

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ADDENDUM:

FOR REFERENCE ONLY

PLEASE NOTE:

The information contained in this ADDENDUM pertains to board rules, restrictions that affect the placing (putting, erecting, and/or installing) of single wide Manufactured Housing (Mobile Homes) in towns, and other restrictions that affect different types of development. **This ADDENDUM is not Zoning and is not to be considered as such.** This ADDENDUM is included here only for your information and convenience only, but is not guaranteed to be up-to-date or all-inclusive.

Index of Addendum:

Rules of Procedure, Clinton County Area Plan Commission
Rules of Procedure, Clinton County Board of Zoning Appeals
Cofax Manufactured Housing Ordinance
Kirklin Manufactured Housing Ordinance
Mulberry Manufactured Housing Ordinance
Rossville Manufactured Housing Ordinance

RULES OF THE AREA PLAN COMMISSION OF CLINTON COUNTY
AS ADOPTED DECEMBER 7, 2015 AND AMENDED NOVEMBER 6, 2017

WHEREAS, The Area Plan Commission of Clinton County is required by I.C. 36-7-401 to supervise and make rules for the administration of the affairs of the Commission; prescribe uniform rules pertaining to investigations and hearings; keep a complete record of all Commission proceedings; record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission; prepare, publish and distribute reports, ordinances, and other material relating to its activities, adopt a seal; and certify to all official acts; and

WHEREAS, The Commission determines that its rules should be organized and stated in a coherent manner and be made readily available to those persons appearing before it, and to other interested persons.

NOW THEREFORE, BE IT RESOLVED BY THE AREA PLAN COMMISSION OF CLINTON COUNTY that the following rules be adopted;

DEFINITIONS AND CITATION FORM

COMMISSION, PLAN COMMISSION, AREA PLAN COMMISSION-Defined: The Area Plan Commission of Clinton County.
PRESIDENT-Defined: The President of the Area Plan Commission of Clinton County.
VICE PRESIDENT-Defined: The Vice-President of the Area Plan Commission of Clinton County.
SECRETARY-Defined: The Secretary of the Area Plan Commission of Clinton County.
DIRECTOR, EXECUTIVE DIRECTOR-Defined: The Executive Director of the Area Plan Commission of Clinton County.

CITATION

The rules shall be cited as “The Area Plan Commission of Clinton County Rules” and apply to all public hearings or procedures of the Commission required by State Law or by the Unified Development Ordinance of Clinton County and to all special meetings of the Commission.

DUTIES

The duties of this commission are as set forth in I.C. 36-7-4-100 and following, as amended.

ELECTION OF OFFICERS

Nomination of officers shall be made from the floor at the first regular meeting of the Commission each year. The election of officers follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Area Plan Commission shall be declared the elected officer and shall serve for one (1) year and until his successor is elected and takes office.

OFFICERS: TENURE & DUTIES

The President and Vice President shall take office immediately following their selection. The Vice President shall perform the duties of the President, in his absence, and in case of vacancy, shall succeed to said office for the unexpired term of President and the Area Plan Commission shall elect a successor to the office of Vice President for the unexpired term. The Secretary of the Area Plan Commission shall be elected and shall serve at the will of the Commission. Such Secretary need not be a member of the Commission and shall perform the duties by the Indiana Area Planning Law and the duties required by the Commission and these rules. In the absence of the Secretary, the Executive Director of the Commission or such other person as the President shall select a person to act in the capacity of the Secretary.

REGULAR MEETINGS

Unless otherwise determined in a previous meeting, or by notice, regular meetings will be held on the 1st Monday of each month at 7:00 p.m. E.S.T. in the Clinton County Courthouse. A majority of the entire membership of the Commission shall constitute a quorum and the number of votes necessary to transact business shall be a majority of the entire membership.

Where required by statute, voting shall be taken by roll call, but when not otherwise required by statute, votes may be taken by voice vote.

At any meeting where any Commission member has a direct or indirect financial interest in the particular matter before the Commission, such member shall absent himself from the meeting room during consideration of that matter and the Secretary of the meeting shall show in the minutes of the meeting such reason and that such member is absent and, until his return, he shall not be counted in determining the quorum or determining the votes take, on any matter, during such absence. Upon his return, the Secretary shall show him present in the minutes of the meeting and he shall again be considered in determining the vote and quorum [I.C. 36-7-4-223, as amended].

Special meetings may be called as permitted in I.C. 36-7-4-307, as amended.

HEARING [NOTICES]

When a public hearing is required, the petitioner shall provide written notice to all interested parties who are defined as all owners of real estate lying within the lesser of 660 feet of the property or a depth of two property ownerships of the property which is the subject of the hearing or within such greater distance as determined by the Zoning Administrator. In determining a depth of two property ownerships, property owned by a governmental entity for road purposes shall be disregarded. Such notice shall be sent by certified mail, return receipt requested, at least Thirteen (13) days before the hearing, and the petitioner shall provide the staff with a notarized affidavit, certifying that said notice was sent to all interested parties. The petitioner is responsible for providing the Plan Commission staff with the legal names and address of said interested parties with the completed application.

The notice must state the date, time and place of the hearing, if applicable, a legal description of the subject real estate, the name of the petitioner and a general description of the nature of petitioner’s requested approval.

When a public hearing is required, notice also shall be given by the petitioner to each of the owners of real estate lying within the lessor of 660 feet or within a depth of two property ownerships of the property which is the subject of the hearing or within such greater distance as determined by the Plan Commission staff to be applicable for the particular case. The petitioner is responsible for providing the Plan Commission staff with the legal names and addresses of said owners of real estate not less than twenty (20) days prior to the public hearing.

The petitioner shall further cause the erection of information signs giving notice of the time and place and purpose of such hearing on the side of said property not more than three (3) feet from the principal street right-of-way, at least ten (10) days prior to the date set for such hearing.

After the filing of a petition, a written recommendation may be made by the Area Plan staff to the Plan Commission advising the Commission of the effects of granting such petition.

The required application fees shall be paid by the petitioner prior to the hearing date. For Development Plans as defined in the Unified Development Ordinance which require public hearing, the only required notice shall be notice placed in the newspaper at least ten (10) days prior to the hearing. For WECS Overlay Zoning Districts public hearings, notice shall consist of; (1) notice placed in the newspaper at least ten (10) days prior to the hearing and may consist of a map as well as

explanatory text as necessary; 2) written notification to all property owners within the lessor of six hundred and sixty (660) feet or within a depth of two property ownerships of any property subject to the hearing as well as the owners of any property proposed for rezoning not owned by a co-applicant and; 3) placement of one information sign for each 1,000 acres proposed for rezoning at location(s) determined by Staff where maximum visibility may be obtained based upon traffic volume with a minimum of at least one sign. All of the WECS notice requirements shall meet all other provisions of this HEARING (NOTICES) Section of the Rules except for the use of the map in lieu of any specific legal descriptions. The map shall be provided by the petitioner according to Staff specifications.

HEARING [PROCEDURE]

At a public hearing before the Commission, the Petitioner shall first present the facts and arguments in support of the case. Comments from groups or individuals regarding the merits of the case may follow. Comments from those in opposition may be heard. The petitioner shall then receive reasonable time for rebuttal. Comments and questions from the Commission members and Area Plan staff may then be made or asked for clarification of subject matter. To maintain order, each side should proceed without interruption by the other side.

In the preparation and presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, diagrams and other exhibits necessary for a clear understanding of the problem. The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence upon which to make a determination.

The Plan Commission may determine the time allowed for a particular hearing.

Every person appearing before the Commission shall abide by the orders and directions of the President. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the President directs.

The Commission, at its discretion, may continue or postpone the hearing of any case on the affirmative vote of a majority of the members present. The petitioner may request a continuance or postponement of their agenda item at any time prior to a call for vote by the President of the Plan Commission. The Postponement or continuance may be granted, at the discretion of the Commission, until the next regularly scheduled Plan Commission meeting. At the next Plan Commission meeting, the Commission shall act upon the petition or the petitioner will be required to withdraw the petition and comply with any other applicable ordinance requirements.

A petition which has been withdrawn by the petition shall not again be placed on the docket for consideration within a period of six (6) months after the date of withdrawal.

A petition which has been decided adversely to the petitioner by the Commission shall not again be placed on the docket for consideration until twelve (12) months after the date of decision of the Plan Commission.

RULES FOR ADMINISTRATIVE DIVISIONS

As provided by Section 602 of the Unified Development Ordinance there is a process established where some divisions may be heard by the Administrative Division Review Committee. In addition to the procedures laid out in that section, notice shall be given as follows:

1. A notification letter shall be sent by regular mail to each property owner within one hundred (100) feet of the site perimeter. The notice must state the date, time and place of the meeting, a legal description of the subject real estate, the name of the petitioner, and a general description of the request.

3. The petitioner shall further cause the erection of an information sign giving notice of the time and

place and purpose of such meeting on the side of said property not more than three (3) feet from the principal street right-of-way, at least five (5) days prior to the date set for such hearing.

2. Notice of the meeting shall be posted at the meeting site and given, pursuant to I.C. 5-14-1.5-5, to all news media which have requested notice at least two (2) business days prior to the meeting.

RULES FOR HEARING OFFICER

1. Establishment and Appointment of the Hearing Officer. As provided by Section 202.05 of the Unified Development Ordinance, there is hereby established an alternate procedure whereby a Hearing Officer conducts public hearings in accordance with the provisions of IC 36-7-4-900 et. Seq. and particularly IC Section 36-7-4-923 and 924 and these rules. The Hearing Officer will be a staff member appointed by the Area Plan Commission.

2. Limitations of Powers of the Hearing Officer. The Hearing Officer shall be empowered to hear and render a decision in any proceedings for variances from the development standards on applications referred to the Hearing Officer by the Zoning Administrator and/or Executive Director. The hearing officer may not hear any petitions for special exceptions or any appeals of the decision of the Zoning Administrator. The petitioner may request that the variance be determined by the Board of Zoning Appeals.

3. Hearing Before the Hearing Officer-Conduct.

A. All provisions adopted by the Board of Zoning Appeals under its Rules of Procedure, for the conduct of public hearings and procedure related thereto, which are not inconsistent with the law, the zoning ordinance and /or these rules shall apply to hearings and proceedings before the Hearing Officer.

B. The Hearing Officer may not participate in a hearing or decision of a mater in which the Hearing Officer has a direct or indirect financial interest or otherwise has a conflict of interest.

C. The Hearing Officer shall prepare and maintain a record of all proceedings conducted which may be assisted by Plan Commission staff.

D. Within 5 days of the decision, the Hearing Officer shall cause notice such decision to be furnished in writing to the petitioner and such decision shall be filed in the office of the Board.

4. Transfer of Proceedings from the Hearing Officer to the Board of Zoning Appeals

A. Once a petition has been filed for consideration before the Hearing Officer, the proceeding may not be transferred to the Board for hearing except by direction of the Zoning Administrator.

B. The Hearing Officer may transfer a petition currently scheduled under the Hearing Officer procedure to the Board without first conducting a hearing or making a decision, when the Hearing Officer determines that it would be in the best interest of all parties and/or for the Board to hear, consider and act upon such petition. In any case where there appears to be conflicting interest or controversy, the Hearing Officer shall automatically transfer the hearing of the petition to the Board.

C. In the event the Hearing Officer determines that a pending proceeding before the officer should be transferred to the Board, there shall be written notification provided to the petitioner of such determination, if made prior to issuance of notice of public hearing. If the Hearing Officer makes a determination to transfer any time after notice of public hearing has been issued, the Hearing Officer shall make an oral announcement at the scheduled public hearing of the determination to transfer the proceedings and the date and time the public hearing will be held before the Board. Except for notice publication under I.C. 5-3-1, no other notice of transfer or scheduling of the public hearing before the board need to be given by the Hearing Officer.

5. Appeals from Decision of Hearing Officer.

A. An interested person who is aggrieved by a decision of the Hearing Officer may request an appeal to the Board. If a timely appeal is not filed, the decision of the Hearing Officer shall be final.

B. An interested person aggrieved by a decision of the Hearing Office shall file an appeal with the APC staff within 5 days after the decision is made, as provided under I.C. 36-7-4-924 (g). The appeals must be filed on forms prescribed by staff and approved by the APC. The forms shall require the name and address of each appellant and a description of the reasons the decision is believed to have been arbitrary and capricious, illegal or contrary to law or the provisions of the ordinance or of these rules, as the case may be. Such appeal shall also be verified and signed by the aggrieved interested person. The appeal will be scheduled for the next Board of Zoning Appeals meeting.

C. Any written request for appeal which is not filed within the time limit described above shall not thereafter be accepted for filing, and the interested person otherwise aggrieved shall be construed as having forever waived the right to appeal such a decision to the Board of Zoning Appeals.

D. The interested person requesting such appeal to the Board of Zoning Appeals shall also be required to pay any filing fee imposed for such filing under these rules.

E. Notice of such appeal hearing to the Board of Zoning Appeals shall be given by publication in accordance with I.C. 5-3-1, to interested, as in any other hearing before the Board of Zoning Appeals.

F. The public hearing upon such requested appeal shall be conducted in the same manner as other hearings held by the Board of Zoning Appeals.

G. After such public hearing, the Board of Zoning Appeals shall either affirm, reverse, or modify the decision of the Hearing Officer which the appeal has been taken. Such action by the Board shall be considered as final decision from which a further appeal may be prosecuted, in accordance with I.C. 36-7-4-1001 et seq., as amended.

ORDER OF BUSINESS

A. Written roll call
B. Approval of minutes
C. Report of officers and committees
D. Old Business
E. The hearing(s) if such is requested
F. New Business
G. Adjournment

RE-HEARING

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

WAIVER OR REQUIREMENTS

Unless otherwise required by statute or ordinance, the application of any rule herein, as

it affects a particular petition, may be unanimous vote of the Commission present if a quorum is present. The Commission may place a time limit on such waiver.

AMENDMENT

These rules may be repealed or amended at any regular or special meeting by a two-thirds (2/3) vote of the entire membership.

EFFECTIVE DATE

These rules shale enter into effect on the 7th day of December, 2015.

_____

President, Area Plan Commission

RULES OF THE AREA BOARD OF ZONING APPEALS OF CLINTON COUNTY
AMENDED AS OF NOVEMBER 2017

WHEREAS, The Board of Zoning Appeals of Clinton County is authorized and required by various statutory provisions to provide for procedures to supervise and make rules for the filling of appeals, the petitions for variances, special uses, special exceptions, the giving of notice, and conduct of hearings; and

WHEREAS, The Board of Zoning Appeals determines that its rules should be printed and organized in a coherent manner and be made readily available to all petitioners and other interested persons.

NOW, THEREFORE, BE IT RESOLVED, BY THE AREA BOARD OF ZONING APPEALS OF CLINTON COUNTY, THAT THE FOLLOWING RULES ARE ADOPTED:

DEFINITIONS AND CITATION

These terms shall be defined as follows for the purpose of these rules:
BOARD, BOARD OF ZONING APPEALS, BOARD OF APPEALS-Defined:
The Area Board of Zoning Appeals of Clinton County.
CHAIRMAN-Defined: The Chairperson of the Area Board of Zoning Appeals.
VICE-CHAIRMAN-Defined: The Vice-Chairman of the Area Board of Zoning Appeals.
SECRETARY-Defined: The Secretary of the Area Board of Zoning Appeals.
EXECUTIVE DIRECTOR-Defined: The Executive Director of the Area Plan Commission whose duties include being the Zoning Administrator of the Unified Zoning Ordinance of Clinton County.

CITATION

These rules shall be cited as Area Board of Zoning Appeals Rules.

ELECTION OF OFFICERS

The Board shall elect each year a Chairman and Vice-Chairman from the Board membership, and shall also elect a Secretary who is not required to be a member of the board.

The election shall be held during the first scheduled meeting of each year. Nominations for all offices shall be made from the floor and election of officers shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the Board of Zoning Appeals shall be declared elected.

Officers so elected shall take office immediately following their election and hold office for a term of one year and until successors are elected and assume office.

The Chairman shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Board.

The Vice-Chairman shall perform the duties of the Chairman in his absence, and in case of vacancy, shall succeed to his office for the un-expired term of the Chairman and until a newly elected Chairman assumes office. The Area Board of Zoning Appeals shall elect a successor to the office of Vice-Chairman for the expired term.

The Secretary of the Board shall take the minutes of the meeting, give all notices, prepare the agenda for the meeting, notify the members of all meetings and such other duties as directed by the Board, its Chairman or by these rules. In the absence of Secretary, the Chairman may appoint anyone to serve as the Secretary.

MEETINGS

A quorum per I.C. 36-7-4-910 as amended consists of a majority of the entire membership of the Area Board of Zoning Appeals.

Unless otherwise determined in a previous meeting, or by notice, the Board shall hold regularly scheduled meetings on the 4th Tuesday of each month at 6:00 p.m. E.S.T. in the Clinton County Court House. Other meetings shall be held on the call of the Chairman or a majority of the members. The staff shall notify in writing all members of the Board at least ten (10) days prior to the date of any regular or special meeting and shall further notify all persons who have filed not less than ten (10) days prior to such meeting. If necessary, legal advertisement of such meetings shall be not less than ten (10) days prior to the date of said meeting.

VOTING

Voting on all petitions before the Board shall be by roll call vote. All action of the Board shall be official as determined by a majority of the membership and as required by I.C. 36-7-4-900 and following, as amended.

PROCEDURES-FILING

Completed petition forms, requesting a decision by the Area Board of Zoning Appeals, and all other pertinent material, shall be filed in the office of the Area Plan Commission of Clinton County not less than twenty (20) days before any proposed hearing date. Prior to filing any such petition, the petitioner shall meet in conference with the Area Plan staff to discuss the proposed petition and to consider any recommendations.

The petitioner(s) following such conference shall submit a petition on forms approved by the Area Board of Zoning Appeals. Such petition shall be accompanied by a plot plan drawn on specified sheet size, and showing scale, property lines, right-of-way lines, easements, existing and/or proposed structures, and general use of the land within a distance determined by the Executive Director from the property affected. The petitioner shall also furnish, at the time of filing, the legal names and addresses of all interested parties who are hereby defined as all property owners of real estate lying within the lessor of 660 feet of the property or within a depth of two property ownerships of the property which is subject of the hearing or within such greater distance as determined by the Zoning Administrator. In determining a depth of two property ownerships, property owned by a governmental entity for road purposes shall be disregarded. After the Plan Commission staff has determined that all material to be considered by the Board of Appeals has been filed within the required time, such petition shall be placed on the agenda of the meeting at which it is to be considered.

Using the legal description furnished by the petitioner, the Area Plan Commission staff shall prepare and cause to have published the legal notice required to the newspaper of general circulation in Clinton County in such time frame that said legal notice can be published not less than (10) days before the date set for said hearing. The notice must state the date, time and place of the hearing. The notice will include the name of the petitioner and a general description of the nature of the petitioner’s requested approval. The notice also needs to include a narrative description of the subject real estate consisting of an address and sufficient geographic specifics to ensure adequate identification of the property. The use of subdivision lot descriptions and abbreviated (fractional Section, Township and Range) legal descriptions shall be acceptable and the use of metes and bounds legal description shall not be required. The Staff shall also prepare the posters for information signs giving notice about the time, place, and purpose of the public hearing. Said information signs shall be posted on the property and shall be in place not less than ten (10) days before the date of said hearing. The petitioner shall erect the backing prescribed by the Executive Director so that the property can be timely posted.

After the filling of a petition, a written recommendation may be made by the Area Plan staff to the Board of Zoning Appeals advising the Board of the effects of granting such petition.

The petitioner shall provide written notice to all interested parties as defined by these Rules by certified mail, return receipt requested, at least ten (10) days before the hearing, and shall provide the staff with a notarized affidavit, certifying that said noticed was sent to all interested parties. The burden of furnishing complete accurate information to the Area Plan Commission staff as to who are, or will be, affected by such proceedings shall be on the petitioner. Withholding, or failure to provide information, giving ambiguous or false information shall be cause for denial of a petition. Failure to notify adjacent landowners about the proceedings at hand shall be sufficient cause for denial of a petition.

The required application fee shall be paid by the petitioner prior to the hearing date.

PROCEDURE-HEARING

At any meeting the Board shall hear each matter placed on the agenda provided that at the time said hearing is to begin, there has been filed with the Board proof of publication of the notice as required herein, proof of payment of all fees and the affirmation of sign posting, unless any such proof is waived by the Board.

The Board of Appeals will only conduct a hearing on such petition at which the petitioner, or a representative designated by the petitioner before the hearing date, is present. Upon failure of such petitioner or representative to be present, the Board of Appeals may, at its discretion, dismiss said petition or continue said petition to a subsequent meeting date, whichever the Board of Appeals deems appropriate. If prior to such hearing date, the petitioner or his Board of Appeals shall grant continuance to the next regularly scheduled meeting or to such future meeting that the Board may deem appropriate. In every case the number of all continuances connected with any petition shall not exceed two (2).

At any hearing the petitioner(s) or his representative shall first be entitled to present the petition. Any remonstrator or his representative, or other person attending the hearing, after stating his name and address, may present his views, and members of the Board may then question any petitioner, representative, remonstrator, or other person.

At any hearing, regular or special, where any member has direct or indirect financial interest in the particular matter before the Board, such member shall absent himself from the hearing room and the Secretary of the hearing shall show in the minutes of the hearing such reason and that such member is absent and, until his return, he shall not be counted in determining the quorum or determining the votes taken, on any matter, during such absence. Upon his return, the Secretary shall again show him present in the minutes of the hearing and he shall again be considered in determining the vote and quorum.

The order of business at all Board meetings shall be as follows:

1. Roll Call
2. Approval of minutes of previous meeting (as read or as printed)
3. Old Business
4. The Hearing or Hearings if such is requested
5. New Business
6. Adjournment

In all instances, it is the obligation of the Chair to maintain an orderly procedure. Loud, derisive, argumentative, profane, or obscene language cannot be tolerated. The Chair may limit presentations

or speeches at any time he deems it in the best interests of the Board unless otherwise determined by the Board.

DOCKETING OF CASES

Each case will be docketed and numbered consecutively from the first day of each calendar year and individually filed with the following information forms:

1. Approved petition form; approved petition supplement which may be required; and proof of fees paid.
2. Sketches and plans of affected area and the proposed improvement(s).
3. Posting of signs affirmation.
4. Notarized Proof of Publication.
5. Proof of Certified Mailing.
6. All written statements, remonstrance's and other petition.
7. Any written recommendation or statement by the Area Plan staff.
8. Statement of refusal to grant permit by the Executive Director (Stated on application for permit or an attached memo).
9. A Health Department assessment must be received at least 24 hours prior to the hearing.

CONTINUANCE

In the case of an advertised public hearing before the Area Board of Zoning Appeals, at which there is no quorum of that body or at which no action upon the petitioner's petition is, or can be, taken by said body, such public Board, and no further notice of public hearing need be given unless otherwise ordered by the Board.

RE-HEARINGS

In any case where the Area Board of Zoning Appeals denies a petition for a particular use, exception, or variance on particular property, a petition to consider the same or similar use, exception or variance on the same property shall not be heard by the B.Z.A. within less than ninety (90) days from the date of such denial. Such request shall include such additional information and evidence as might warrant reconsideration. Any such petition for rehearing will follow the same procedure as the original petition. An additional application fee shall be paid by the person applying for such re-hearing.

SUSPENSION

These Rules or any portion of them, may be suspended by a two-thirds (2/3) vote of the membership of the Board. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

AMENDMENT

These rules may be repealed or amended at any regular or special meeting by a two-thirds (2/3) vote of the entire membership.

EFFECTIVE DATE:

These rules shall enter into effect on the _____ day of _____, 19_____.

_____

Chairman, Area Board of Zoning Appeals

ORDINANCE NUMBER 2003-3

THE FOLLOWING ORDINANCE GOVERNS THE CONSTRUCTION, PLACEMENT, OR SETTING OF A MANUFACTURED/MOBILE HOME INSIDE THE CORPORATION LIMITS OF THE TOWN OF COLFAX, INDIANA.

WHEREFORE, the Council for the Town of Colfax, Indiana, has held a public hearing in accordance with law and thereafter has obtained a majority vote, duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Colfax, in the County of Clinton, State of Indiana, as follows:

Section # 1. From and after the effective date of this ordinance, it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, park, or erect inside the corporation limits of the Town of Colfax, Indiana, any house trailer, mobile home, manufactured home, or other transportable structure to be used for human habitation, that does not comply with the following requirements:

1. a minimum of cross section dimensional width of fourteen-feet of usable ground floor living area at its narrowest,

2. a minimum length of 65-feet along the longitudinal centerline of the dwelling,

3. a title of no older than five years filed with the Colfax Town Board,

4. a masonry foundation extending below the frost line of either formed and poured cement or of 8 x 8 x 16-inches concrete block on an adequate footing located below the frost line; or a masonry facial skirting of a concrete block at least 2 x 8 X 16-inches or a type of colored brick of the standard $2^{1/2}$ x $3^{7/8}$ X 8 $^{1/4}$-inch size on an adequate footing that runs from grade to below frost line,

5. topped with a roof comprised of a material compatible with site-built dwellings, such as fiberglass, shake, asphalt, or tile,

6. sufficient anchorage in the form of tie-downs with a minimum tensile strength of 2,000 pounds such as cast-in-place concrete dead men, eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices,

7. have all hitches and towing apparatus removed and the placement of vinyl or metal skirting compatible in color and appearance on the dwelling within thirty days of locating the dwelling on its foundation,

7. have all hitches and towing apparatus removed and the placement of vinyl or metal skirting compatible in color and appearance on the dwelling within thirty days of locating the dwelling on its foundation,

8. aesthetics compatible with adjacent site-built dwellings found throughout the Town of Colfax as exemplified by the use of clapboard style siding of any material and shutters framing exterior windows,

9. a report by a Town Council approved of certified home inspector submitted to the Area Plan Commission of Clinton County documenting the overall structural integrity of the dwelling to ensure the presence of a sound roof, no broken windows, the installation of at least two operable smoke detectors, and all doors are serviceable and undamaged so they latch shut,

10. a written recommendation from a regularly scheduled public meeting of the Colfax Town Board before the obtainment of an Improvement Location Permit.

Section # 2. Regardless of compliance with Section #1, no such structure (any type of single wide mobile home or manufactured home) shall be located less than 1,040 feet (3 ½ blocks) from the following streets in the Town of Colfax: Old Clark Street, and Oakland Street.

Section # 3. This ordinance shall be in full force and effect from and after its passage in accordance with law.

Dated this 19 day of August, 2003

Member, President

Member

Member

Member

Member

ATTEST:

Clerk / Treasurer

ORDINANCE NO. 11-89-1

AND ORDINANCE GOVERNING THE PLACING OR PUTTING OF SINGLE WIDE MOBILE HOME COACH INSIDE THE CORPORATION LIMITS OF THE TOWN OF KIRKLIN, INDIANA.

WHEREAS, the Council for the Town of Kirklin has held an advertised public hearing in accordance with law and has obtained a majority vote duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Kirklin, in the County of Clinton, State of Indiana, as follows:

Section #1. From and after the effective date of this ordinance it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, or erect inside the corporation limits of the Town of Kirklin, Indiana,

Any House Trailer, Mobile Home or other transportable structure to be used for human habitation that:

1. is less than 14 ft. wide at its narrowest part;
2. is less than 70 ft. long and having 980 sq. ft. of useable living area;

SEE ORDINANCE # 3-92-1

3. is more than 5 years of age per legal title, a copy of which shall be filed with the Clerk/Treasurer;

SEE ORDINANCE # 2-93-1

4. does not have galvanized useable unaltered tie-down straps extending from under the skin covering and located at not more than 20 ft. center to center intervals;
5. has any damaged windows or doors;
6. has a damaged roof;
7. has a damaged outer skin surface;
8. has failed any inspection by the building inspector as being unfit for human habitation.
9. has an aesthetic value not in keeping with established standards.
10. has damaged interior living area, interior accessories or appurtenance.

APPENDIX "C" Kirklin

Section #2. Homes with rusted, drilled, foreshortened or altered (in any way) tie down straps shall not be permitted without the unanimous approval of the Town Council in a regularly scheduled public meeting.

Section #3. All mobile homes, or other transportable structures shall be inspected for minimum requirements prior to being transported to any lot, land parcel or plat within the corporate limits.

SEE ORDINANCE # 4-92-1

Section #4. Regardless of compliance with Section #1, no such house trailer, mobile home or other transportable structure shall be located on U.S. Highway 421, otherwise known as Main Street in the Town of Kirklin.

Section #5. This ordinance shall be in full force and effect from and after its passage.

Dated this 14th day of November, 1989.

James A. Ross
Member, President

Walter A. Minnick II
Member

Kevin M Eyke
Member

Jerold L. Fawcett
Member

Thomas B. Rodgers
Member

ATTEST:

Esther J. Payne
Clerk/Treasurer

ORDINANCE NO. 3-92-1

WHEREAS, the Council for the Town of Kirklin, Indiana, has determined that the requirements of Ordianace No. 11-89-1 are working an undue hardship upon the residents of the Town.

NOW THEREFORE,BE IT ORDAINED, by the Council for the Town of Kirklin, Clinton County, Indiana, that said ordinance is hereby emmended as follows:

> Sub-paragraph (2) shall read, "is less than 60 ft. long".

All other provisions of said ordinance shall remain in full force and effect.

Dated: 3-3-92

Wilbur D Bowman
Member, President

Kenneth R. Smith
Member

Kevin M Ogle
Member

Marvin Henry
Member

Norma Stowers
Member

ATTEST:

Mary L Long
Clerk/Treasurer

APPENDIX "C" Kirklin

ORDINANCE NO. 4-92-1

AN ORDINANCE AMENDING ORDINANCE NO. 11-89-1.

WHEREAS, the Council for the Town of Kirklin, Clinton County, Indiana, has held a public hearing in accordance with the law.

NOW THEREFORE BE IT ORDAINED by the Council for the Town of Kirklin, Clinton County, Indiana, that Ordinance No. 11-89-1 is hereby amended such that Section 4 shall read as follows:

Section #4. Regardless of compliance with Section #1, no such house trailer, mobile home or other transportable structure shall be located on U.S. Highway 421, otherwise known as Main Street, or within 350 feet of such highway or street.

This ordinance shall be in full force and effect upon its passage.

Dated: 4-13-92

Wilbur D Bowman
Member, President

Member

Member

Member

Member

ATTEST:

Clerk/Treasurer

APPENDIX "C" Kirklin

ORDINANCE NO. 2-93-1

AN ORDINANCE AMENDING ORDINANCE NO. 11-89-1

WHEREAS, the Council for the Town of Kirklin, Clinton County, Indiana, has determined that it is desireable to encourage residents of the Town to update and improve their property;

NOW THEREFORE, BE IT ORDAINED by the Council of the Town of Kirklin, Clinton County, Indiana, that Ordinance Number 11-89-1 is hereby amended to action Section #6 as follows:

Section #6. The provisions of Section #1 paragraph number 3 concerning the age of a structure shall not apply to a structure being used to replace a structure which was in place prior to the adoption of Ordinance Number 11-89-1 or which was previously placed in compliance with said ordinance so long as a majority of the Town Council of the Town of Kirklin agree that said replacement structure conforms to all other provisions of said ordinance.

This amendment shall take effect upon its passage by the Town Council of the Town of Kirklin.

Dated this 2nd day of February, 1993.

Member, President

Member

Member

Member

Member

ATTEST:

Clerk/Treasurer

APPENDIX "C" Kirklin

ORDINANCE No. 96

AN ORDINANCE GOVERNING THE PLACING, OR PUTTING A SINGLE WIDE MANUFACTURED (MOBILE) HOME INSIDE THE CORPORATION LIMITS OF THE TOWN OF MULBERRY, INDIANA.

WHEREAS, the Town Council for the Town of Mulberry, Indiana, has held a public hearing in accordance with law and thereafter has obtained a majority vote, duly taken;

NOW, THEREFORE, BE IT ORDAINED by the Council for the Town of Mulberry, in the County of Clinton, State of Indiana, as follows:

Section #1. From and after the effective date of this ordinance, it shall be unlawful and a violation of this ordinance for any person, persons, partnership, firm or corporation to construct, place, put, locate, park or erect inside the corporation limits of the Town of Mulberry, Indiana, any house trailer, mobile home, manufactured home, or other transportable structure which may be used for human habitation or other, that is:

#1. less than 23 feet wide at its narrowest dimension, and

#2. less than 950 square feet in useable living area, and

#3. not protected under the provisions of I.C. 36-7-4-1106

Section #2. All other mobile, portable, or manufactured structures may be placed in any Mobile Home Park.

Section #3. This ordinance shall be in full force and effect from and after its passage in accordance with law.

Dated this 8TH day of MARCH, 1993.

MULBERRY APPENDIX "C"

Member, President

Member

Member

Member

Member

ATTEST:

Patsy B. King

Clerk/Treasurer