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**Sec. 10-10 Short Title**

This ordinance shall be known and cited as "The Town of Clarksville Zoning Ordinance" of Clarksville, Indiana.

**Sec. 10-20 General Purpose**

The purposes of this zoning ordinance are to promote the health, safety, convenience, and welfare of the citizens. This is to be done by dividing the Town into use districts and regulating the uses of the land and the location, construction and use of buildings for the purpose of encouraging the most appropriate use of land in the Town of Clarksville. Additional purposes are to lessen and avoid congestion on public ways and promote the public health, safety, comfort, morals, convenience, aesthetics, and general welfare of the community.

These purposes will secure adequate light, air, convenience of access, and safety from fire, flood, wind, and other danger. Further, the intent of this ordinance is to assure neighborhood compatibility and aesthetics.

**Sec. 10-30 Compliance with Zoning Code**

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

**Sec. 10-40 Authorization**

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

**Sec. 10-50 Applicability to Private Property**

The incorporated Town of Clarksville and any fringe areas is the geographic area over which planning and zoning jurisdiction.

**Sec. 10-60 Applicability to Submerged Lands**

This zoning ordinance applies to any land within the town including any land permanently or temporarily submerged under any water.

**Sec. 10-70 Applicability to Redevelopment Areas**

This zoning ordinance applies to any use, building, land or structure, within an economic development, redevelopment area, or specially designated area within the town.

**Sec. 10-80 Effect of Future Rights-of-Way**

Future rights-of-way designations or road construction shall have no effect on this zoning ordinance.

**Sec. 10-90 Minimum Requirements**

This zoning ordinance shall be considered the minimum requirements regulating any use, land, building or structure within the town.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements, adopted for the promotion of public health, morals, aesthetics, and safety and the general welfare of the community. Whenever the requirements thereof are at variance with the requirements of any lawfully adopted rules, regulations, or ordinance, the most restrictive, or that imposing the higher standards, shall govern.

**Sec. 10-100 Interpretation Appeals**

Other than as described below, it is the intent of this ordinance that all questions of interpretation shall be first presented to the Planning Director. Appeal of a staff decision interpreting this ordinance may be presented to the Board of Zoning Appeal in compliance with this section.

**Sec. 10-110 Rules for Interpretation of Zoning Map**

**A. Zoning Map Incorporated by Reference**

The zoning map is hereby declared a part of this zoning ordinance and indicates the districts and boundaries into which the planning jurisdiction is divided.

Notations, references, indications and other matters shown on the zone Map or a field of the GIS zone map as much a part of this zoning ordinance, as if they were fully described herein.

**B. Interpretation of Boundaries**

Where uncertainty exists as to the boundaries of districts as shown on the Zone map, the following rules shall apply:

**1. Centerlines of Streets and Boundaries**

Unless otherwise indicated, the district boundary lines are the centerlines of streets, parkways, alleys, public ways, or railroad rights-of-way, or such similar lines are extended.

**2. Existing Lines**

- a. Boundaries indicated, as approximately following township lines, Illinois grant lines, section lines, half-section and quarter-section lines, municipal, corporate limit lines, or platted lot lines shall be construed as following such lines.
- b. Except for the shoreline of the Ohio River, boundaries indicated on the zoning map as following a shoreline of a water body shall be construed to follow such shorelines, and in the event of change in the shorelines boundaries shall be construed as moving with the actual shorelines. Boundaries indicated as approximately following the centerlines of streams, creeks, lakes, or other bodies of water shall be construed to follow such centerlines.
- c. The boundary of the Ohio River is the low water mark as mark on the northerly side of the Ohio River as it existed in 1792 as established on January 21, 1980, by the Supreme Court of the United States.(OHIO v. KENTUCKY, 444 U.S. 335 [1980]).

**3. Use of Scale on Zone Map**

- a. In an unsubdivided area, where a district boundary divides a lot or parcel, the exact location of the boundary shall be determined by use of the GIS mapping of the Town of Clarksville.
- b. Boundaries indicated as parallel to, or extensions of features indicated on the zoning map and shall be so construed. The scale of the GIS map shall determine distances not specifically indicated on the Zone Map.

**4. Board of Zoning Appeals May Determine**

- a. Where physical or natural features existing on the ground are at variance with those shown on the GIS Zone Map, or in other circumstances not covered herein, the Board of Zoning Appeals shall interpret the district boundaries.
- b. Where a district boundary line divides a lot at the time of adoption of the zoning ordinance, the Town of Clarksville Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot.

**5. Vacations and Relocation**

The vacation or relocation of right-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever proper authority vacates any right-of-way, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation. All areas included in the vacation shall be subject to all regulations of the extended district.

**6. Lines Splitting Lots or Parcels**

Where a district boundary line divides a lot or parcel that was in single ownership at the time of adoption of the zoning ordinance, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot.

**C. Flood Insurance Rate Maps**

The flood plain districts as identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clarksville and County of Clark." With accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps along with any subsequent revisions to the text or maps are hereby adopted by reference and declared to be a part of this ordinance.

**Sec. 10-120 Rules for Interpretation of Uses**

In cases of any uncertainty, the interpretation of use shall be determined by the Plan Commission based on Division 13 of this zoning ordinance.

**Sec. 10-130 Rules for Interpretation of Procedures**

Rules of interpretation of procedure shall be the responsibility of the Plan Commission attorney in the case of Indiana Code.

**Sec. 10-140 Rules for Interpretation of Parcels Split by Two or More Zoning Districts or Overlay Districts**

Parcels split by two or more zoning districts shall be determined in the same manner as *Section 10-130: Rules for Interpretation and Procedures*.

**Sec. 10-150 Establishment of Zoning Districts**

The Town is divided into the districts established by this ordinance as shown by district boundaries on the zoning maps, located in the Plan Commission office.

To accomplish the purposes of this ordinance, seventeen zone districts have been established, and the territory within the jurisdiction of the Clarksville Advisory Plan Commission is in accordance with Table 10-1. Establish Districts.

**A. Application of District Regulations**

The regulations set forth in this zoning ordinance within each district shall be the minimum regulations, and they shall apply uniformly to every kind of structure, use, function, activity, owner, site or land, except as may be herein provided.

**B. District Regulations Apply**

No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with this zoning ordinance.

**C. Lot Areas and Yards May Not Be Encroached Upon**

No building or structure shall be erected, constructed, reconstructed or altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per building, ground floor area of a building, square footage of a building or structure, or lot coverage provisions established herein.

**D. Yards are Separate**

Except for off-street parking legal driveways, or those subject to a shared parking agreement, no part of a required yard, or other open space, off-street parking, or loading space shall be included as part of a yard, open space, or off-street parking, or loading space similarly required for any other building, use, or parcel.

**E. No Reduction in Yards**

No yard or lot existing at the time of passage of this zoning ordinance shall be reduced in dimension or area below the minimum requirements set forth in previously approved plats, herein, unless vested by prior ordinance or action of the BZA, Plan Commission or Town Council. Yards or lots created after the effective date of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance.

DISTRICT DESIGNATION	DISTRICT TYPE
R-1	Single Family Residence
R-2	Single and Two Family Residence
R-3	Single, Two & Multiple Family Residence
MHP	Mobile Home Park
RPO	Residential/Professional Office
B-1	Local [Neighborhood] Business
B-2	General Business
AB	Adult Business
MD	Medical Zone
CLMU	Clarks Landing Mixed Use
EBCZ	Eastern Boulevard Corridor Zone
VPCZ	Veterans Parkway Corridor Zone
OPS	Open Space
OTC	Old Town of Clarksville
PUD	Planned Unit Development
I-1	Light Industry
I-2	Heavy Industry

**Sec. 10-160 Exclusive Control of Subdivisions**

The Plan Commission has exclusive control over the approval of a subdivision plat, the re-plating of a subdivision, amendment of a plat, variance, or waiver regarding subdivision requirements.

A parcel of land platted or parcelized after the effective date of this zoning ordinance shall conform to the minimum lot area and lot width established by this zoning ordinance for the district in which it is located, and conform to all requirements set forth in the Subdivision Control Ordinance of the Town of Clarksville. In case of any conflict, the stricter of the two shall apply.

Subdivision of land meeting the definition in 15-10: Subdivision is permitted in R-1, R-2, RPO, B-1, B-2, MD, I-1, I-2, EBCZ, CLMU, VPCZ, and AB zone districts. The definitions in Division 15 are not to be construed as standards. They are interpretations of zoning terms.

**Sec. 10-170 Rules for Interpretation of Language**

Interpretation of language in this zoning ordinance shall be interpreted by the definitions in *Section 15-10: Rules of Interpretation*.

**Sec. 10-180 Abbreviations:**

“AASHTO” (American Association of State Highway and Transportation Officials)	“LOS” (Level of Service)
“ADA” (American Disability Act)	“LBCS (Land Based Classification Standard)
“ADAAG” (American Disability Act Accessibility Guidelines)	“NAICS” (North American Industrial Classification System)
“ADU” (Accessory Dwelling Unit)	“NCHRP” (National Cooperative Highway Research Program)
“ATM” (Automated Teller Machine)	“NRCS” (National Resources Conservation Service)
“ADT” (Average Daily Trips)	“PCA” (Primary Conservation Areas)
“BZA” (Board of Zoning Appeals)	“POA” (Property Owners Association)
“CRI” (Color Rendering Index)	“PUD” (Planned Unit Development)
“DNR” (Department of Natural Resources)	“R.O.W.” (Right of Way)
“FAA” (Federal Aviation Association)	“RV” (Recreational Vehicle)
“FCC” (Federal Communication Commission)	“SCA” Secondary Conservation Areas)
“FP” (Flood Plain)	“SEC” (Section)
“FPG” (Flood Protection Grade)	“SFHA” (Special Flood Hazard Area, Rule and Authority)
“FSSA” (Family Social Services Administration)	“SHPO” (State Historic Preservation Office)
the incorporated Town of Clarksville and any fringe areas.	“TAZ” (Traffic Analysis Zone)
“HVAC” (Heating, Ventilation, Air Conditioning)	“TIA” (Traffic Impact Analysis)
“IC” (Indiana Code)	“TRC” (Technical Review Committee)
“IDEM” (Indiana Department of Environmental Management)	“USGS” (US Geological Survey)
“IESNA” (Illuminating Engineering Society of North American)	“VMT” (Vehicle Miles Traveled)
“ILP” (Improvement Location Permit)	“VPD” (Vehicles Per Day)
“ITE” (Institute of Transportation Engineers)	

**Sec. 10-190 Rule and Authority**

The Planning Director is authorized to take those necessary, lawful actions to enforce the terms of this ordinance on behalf of the Plan Commission and Board of Zoning Appeals. The Planning Director has the authority to call and convene meetings of the Technical Review Committee. The Planning Director shall also have the authority to perform inspections, to review applications, and to issue permits. The Planning Director is authorized to inspect all lands located in the jurisdiction of the Plan Commission or to enforce the provisions of this ordinance. In order to execute inspections, the Planning Director shall have

the right to enter any premises at any reasonable time for carrying out their duties in the enforcement of this ordinance. The Planning Director is authorized to take any action authorized under Indiana Code IC 36-7-4 et. Seq. to correct such violations.

The Plan Commission is hereby authorized to perform those duties and functions specified in Indiana Code, IC 36-7-4-400 et. Seq., and other applicable sections of Indiana law and such other responsibilities, as may be assigned to it from time to time by the Clarksville Town Council. The Plan Commission shall adopt written rules of procedure for the administration of the affairs of the Plan Commission and its staff for investigations and hearings.

The Board of Zoning Appeals is hereby authorized to perform those duties and functions specified in Indiana Code 36-7-4-900 et. Seq. and any other applicable sections of Indiana Law. The BZA shall adopt written rules of procedure pertaining to the administration and the conduct of hearing.

**Sec. 10-200 Saving Provision – Non Interference with Greater Provisions or Any Prior Zoning Ordinances**

The zoning ordinance and each amendment adopted under any prior ordinance that has been validated and continued in effect until amended or repealed by action of the Clarksville Town Council taken under the authority of the Indiana Advisory Planning Law.

**A. Pending Action**

This ordinance shall not be construed to abate any action pending at the time of adoption of this zoning ordinance.

**B. Pending Penalty**

This zoning ordinance shall not discontinue, abate, modify or alter any penalty accruing or about to accrue.

**C. Not Affect Liability**

Except as shall be expressly provided herein, this ordinance shall not affect the liability of any person, firm, or corporation, or waive any right of the Town of Clarksville under any section or provision existing at the time of the effective date of this zoning ordinance, or vacating, or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town of Clarksville.

**Sec. 10-210 Applicability to Prior Permits**

Nothing herein contained shall require any change in the approved plans for the construction or has a designated use of land or a building for which an "Improvement Location Permit" or a "Building Permit" has been heretofore issued, and the actual construction of which has been diligently pursued within 90 days of the date of such permit, and which entire building shall be completed according to such plans filed within 12 consecutive months of such permit. Actual construction is hereby defined to include the erection of construction materials in a permanent position and fastened in a permanent manner.

**Sec. 10-220 Repealer**

Upon adoption of this ordinance, any zoning ordinances that may have been adopted or amended by the Clarksville Town Council are hereby repealed.

**Sec. 10-230 Conflict with Other Regulations**

All conflicts with the provisions of this ordinance with any local, state or federal rule, ordinance, regulation or statute shall be ruled in favor of the most stringent rule, ordinance, regulation or statute.

**Sec. 10-240 Relations to Private Agreements**

It is not intended by this ordinance to interfere with, abrogate or amend any existing easements, covenants, restrictions, or other agreements between parties, nor is it intended by this ordinance to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances not specifically repealed by this ordinance, or any rules, regulations or permits previously adopted or issued pursuant to the law relating to the use of buildings or premises provided, However, that where

this ordinance imposes a greater restriction upon the use of buildings or premises than is imposed by existing provisions, provisions of this ordinance shall control. This ordinance shall not affect valid private covenants.

**Sec. 10-250 Applications of Zoning Regulations During Local Emergency**

Theses zoning regulations may temporarily be suspended in the extra ordinary event of an emergency declared by the Council of the Town of Clarksville.

**Sec. 10-260 Severability**

If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional by any court or otherwise invalid, the validity of the remaining section, subsection and clauses shall not be affected thereby.

**Sec. 10-270 Commitments**

The Plan Commission or Board of Zoning Appeal may, in its sole discretion require or permit written conditions or commitments concerning any attribute of development that will assure compatibility with the surrounding area or to minimize the potential for the occurrence of detrimental effects of any attribute of a development. The commitments shall be recordable and shall be signed by the owner[s].

**Sec. 10-280 Annexed Area**

Newly annexed areas will be zoned in compliance with IC 36-7-4-3, as may be amended.

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**Sec. 13-10**    **Specific Purpose**

The Land-Based Classification Standards<sup>1</sup> & <sup>2</sup> [LBCS] provides a consistent model for classifying land uses based on their characteristics. The LBCS recognizes and refines traditional categories into multiple dimensions; these are by activity, function, building type, site development character, and ownership. Each dimension has its own set of categories and subcategories. Using these multiple dimensions provides a better understanding of land-use.

For purposes of this zoning ordinance, when there is a question regarding the interpretation of a land use, the LBCS function dimension will be used first and then activity, structure type, followed by site development characteristics and finally ownership. A brief explanation of the dimensions follows.

**Sec. 13-20      Activity**

Activity refers to the actual use of land based on its observable characteristics. It describes what actually takes place in physical or observable terms (e.g., farming, shopping, manufacturing, vehicular movement, etc.). An office activity, for example, refers only to the physical activity on the premises, which could apply equally to a law firm, a nonprofit institution, a courthouse, a corporate office, or any other office use. Similarly, residential uses, in single-family dwellings, multifamily structures, manufactured houses, or any other type of building, would all be classified as a residential activity.

**Sec. 13-30      Function**

Function refers to the economic function or type of establishment using the land. Every land use can be characterized by the type of establishment it serves. Land-use terms, such as commercial and industrial relate to enterprises. The type of economic function served by the land use gets classified in this dimension; it is independent of actual activity on the land. Establishments can have a variety of activities on their premises, yet serve a single function. For example, two parcels may be in the same functional category if they belong to the same establishment, even if one is an office building and the other is a factory.

**Sec. 13-40      Structure**

Structure refers to the type of structure or building situated on the land. This structural or building characteristic suggests the utility of the space (in a building) or land (when there is no building). Land-use terms, such a single-family house, office building, warehouse, hospital building, or highway, also describe structural characteristics. Although many activities and functions are closely associated with certain structures, it is not always so. Many buildings are often adapted for uses other than its original use. For instance, a single-family residential structure may be converted to an office.

<sup>1</sup> American Planning Association, LBCS Project, 1999 <http://www.planning.org/bcs>

<sup>2</sup> Disclaimer: This material is based upon work supported by various departments and agencies of the US Government in Agreement No. DTFH61-96-00017. Any opinions findings, conclusions or recommendations expressed in this publication are those of the authors and do not necessarily reflect the views of the federal government.

**Sec. 13-50 Site Development Character**

Site development character refers to the overall physical development character of the land. It describes, “what is on the land” in general physical terms. For most land uses, it is simply expressed in terms of whether the site is developed or not. But not all sites without observable development can be treated as undeveloped. Land uses, such as a parks and open spaces, which often have a complex mix of activities, functions, and structures on them, need categories independent of other dimensions. This dimension uses categories that describe the overall site development characteristics.

**Sec. 13-60 Ownership**

Ownership refers to the relationship between the use and its land rights. Since the function, of most land uses is either public or private and not both, distinguishing ownership characteristics seems obvious. However, relying solely on the functional character may obscure such uses as private parks, public theaters, private stadiums, private prisons, and mixed public and private ownership. Moreover, easements and similar legal devices also limit or constrain land-use activities and functions and this dimension allows classifying such ownership characteristics more accurately.

**Sec. 13-70 Determination of Use**

In the event, the use of a building or property cannot be determined by LBCS, the NASIC code shall be consulted.

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Sec. 15-10 Rules of Interpretation

- A. Words in the present tense include the future tense. The singular includes the plural.
- B. The word "person" includes a corporation as well as an individual.
- C. The words lot, land, plot, tract or parcel have the same meaning.
- D. The term "shall" is always mandatory.
- E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or designed to be used or occupied.
- F. For the purpose of this ordinance, the following terms shall have the meaning indicated unless otherwise specifically stated in this ordinance.

**ABUTTING PROPERTY OWNERS AND/OR INTERESTED PARTIES** - Official owners of record as shown by the tax records of the Clark County Auditor whose property is contiguous to the subject property; and property which would touch at any point, the subject property ignoring all right-of-way, easements, alleys, or any other public way..

**ACCELERATION LANE** - A paved auxiliary lane, including tapered areas, allowing vehicles to accelerate when entering the through traffic lane of the roadway.

**ACCESS** - The way over which traffic moves to or from a property to a street, road or alley and the way over which traffic moves to or from an arterial street/road to a collector street/road or from a street or road to an alley.

**ACCESS CLASSIFICATION** - A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, Clarksville’s plan for roadway, subdivision, and existing level of access control.

**ACCESSIBLE ROUTE** - A sidewalk, trail, path or other pedestrian way meeting the requirements of American with Disabilities Act as enforced by the US Department of Justice, Civil Rights Division, Disability Section.

**ACCESS MANAGEMENT** - The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, function, capacity, and speed.

**ACCESS MANAGEMENT PLAN [CORRIDOR]** - A plan illustrating the design of access for lots on a roadway segment or an interchange area that may be or has been developed by state, federal government, Clark County or Town of Clarksville.

**ACCESSORY BUILDING OR STRUCTURE** - A building or structure subordinate to another building or structure, the use of which is incidental to that of the dominant use of the principal building, structure or land; which is located on the same lot as the principal building or structure; which does not change or alter the character of the premises; and which is not used for human occupancy.

**ACCESSORY DWELLING UNIT**- An accessory dwelling unit is an attached or detached residential dwelling unit, which provides complete independent, living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single family dwelling is situated.

**ACCESSORY USE** - A use, which is clearly incidental to a principal use, which is located on the same lot with the principal use, which does not change or alter the character of the premises.

**ACCESS POINT** - An intersection, driveway, or opening on the right hand side of the roadway. An entry on the opposite side of the roadway or median opening also can be considered as an access point if it is expected to influence traffic flow significantly in the direction of interest.

**ACCESS POINT DENSITY** - The total number of access points on the roadway is divided by the length of the roadway and then averaged over a minimum length of three miles. If the road is not three miles long, the default number of access point shall be eight.

**ADEQUATE ACCESS** - Any access connection or point meeting the access standards of this ordinance.

**ADULT BUSINESS GROSS PUBLIC FLOOR AREA** - The total area of an adult business building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.

**ADULT ENTERTAINMENT** - An establishment consisting of including or having the characteristics of any or all of the following:

- A. **Adult Bookstore** - An establishment having as a substantial or a significant portion of its stock-in-trade books, magazines, publications, tapes, films, or videos that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
- B. **Adult Cabaret** - An establishment including a restaurant devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainment for observation by patrons.
- C. **Adult Motion Picture Theater** - An enclosed building used for presenting material depicting, describing, or relating to sexual activities or anatomical genital areas.
- D. **Adult Massage** - An establishment that practices the art of body massage, by hand or mechanical apparatus, oil rubs, corrective gymnastics, dietetics, hot packs, and mechanotherapy relating to sexual activities or anatomical genital areas.

**ADULT ESTABLISHMENT** - Any business regulated by Division 60 of this zoning ordinance.

**ADULT MEDIA** - Magazines, books, videos videotapes, DVD, movies, slides, CD-ROMs or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hard-core material.

**ADULT MEDIA STORE** - An establishment that rents and/or sells media and that meet any of the following three tests:

- A. 25 percent or more of the gross public floor area is devoted to adult media.
- B. 25 percent or more of the stock-in-trade consists of adult media.
- C. It advertises or holds itself out in any forum as "XXX," "adult," "sex," or otherwise as a sexually oriented business.

**ADULT MOTION PICTURE THEATER** - An establishment emphasizing or predominantly showing sexually oriented movies.

**ALLEY** - A public or private way which is other than a street, road, crosswalk, or easement; and which, is not designed for general travel but is designed to provide only a secondary means of access to the side or rear of premises, where principal frontage is on some other street.

**ANNUAL AVERAGE DAILY TRAFFIC** - The total volume of traffic passing a point or segment of a highway facility in both directions for one [1] year divided by the number of days in the year.

**APARTMENT BUILDING** - A building containing three (3) or more separate living units with private bath and kitchen facilities comprising an independent self-contained dwelling including units that are located one over the other.

**APARTMENT COMPLEX** - A group of inter-related apartment buildings with common parking and support facilities such as laundry and/or recreational facilities.

**APPEALS BOARD** - The Clarksville Board of Zoning Appeals.

**APPLICANT** - The fee simple owner, an agent or representative of land who makes application to the Clarksville Plan Commission for action by the Plan Commission or by the Clarksville Board of Zoning Appeals thereby affecting that land.

**AREA** - The total area within lot lines.

**AUTOMOBILE SERVICE STATION** - A building where gasoline (stored only in underground tanks), kerosene, lubricating oil or grease for operation of automobiles, trucks, or boats, are offered for sale directly to the public on the premises, and including minor accessories and service, but not including such major repairs as, among others, any of the following: (a) spray painting; (b) body, fender, clutch, transmission, differential, axle, and frame repairs; (c) major overhauling of engine requiring removal there from of cylinder-head or crankcase pan; (d) repair of radiator requiring the removal of radiator there from; and (e) complete process of tire recapping (installation of recaps allowable; however, recapping of tires is not permitted.) All work to be entirely done within the confines of the garage area and not in the drive area exposed to public view.

**AUTOMOBILE WRECKING YARD** - Any place where two or more motor vehicles, not in running condition or inoperable or not having a current license, are stored or any parts there from are stored in the open and are not being restored to operate; or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts there from and not being restored to operating condition; and including the commercial salvage of any other goods, articles or merchandise.

**BASEMENT** - Any story below the first story of a building in which the surface of the floor is more than four feet below the adjacent ground elevation at all points and shall not be included as a story for the purpose of height measurements [also cellar].

**BED AND BREAKFAST UNIT** - Room or group of rooms forming a single habitable unit used or intended to be used for transient accommodations, where the owner lives in the facility, rents room on a nightly basis for periods of less than a week. Meals when provided are for guests only and are provided by the owner or manager. No room or group of rooms may be used by renters for cooking or eating. There shall be no more than five guestrooms providing overnight accommodations to transient guests for compensation.

**BLOCK** - A tract of land bounded by streets or by a combination of streets and routes (such as railroad right-of-way), waterways, public open spaces (cemetery or park), or other barrier, and not transverse by a through street.

**BOARDING HOUSE** - A dwelling unit or part thereof in which, is provided for compensation, lodging, meals, laundry and cleaning may be provided. The dwelling is not available for transients, and no room or group of rooms being used by tenants for cooking or eating.

**BOARDING HOME FOR SPECIAL POPULATIONS AND CARE** - A nonprofit or profit boarding home for the sheltered care of a maximum of six persons with special needs, which in addition, to providing shelter may provide food, social or counseling services. These may be for homeless, sheltered care, assisted living, and shelters for the victims of domestic violence.

**BOARDING KENNEL** - A place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets.

**BOND** - Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Town Council. The Town Council shall approve all bonds wherever a bond is required by these regulations.

**BUFFER LANDSCAPING** - Any trees, shrubs, walls, fences, berms, or related landscaping features required under this Ordinance or the Subdivision Regulations to be placed on private property and privately maintained or in public right-of-way for the purpose of visually and audibly separating one use from another. Buffer landscaped areas are used to shield or to block noise, lights, or other nuisances.

**BUILDABLE AREA** - The portion of the lot remaining after required yards set back lines, or visibility requirements on corner lots, have been provided. Buildings may be placed in any part of the buildable area.

**BUILDING** - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any person, animal, process, equipment, goods, or materials of any kind.

**BUILDING, ATTACHED** - A unit attached to one or more unit by one or more common vertical walls. Typical attached buildings include patio homes, duplexes, quadruplex, office condominiums or suites or townhouses.

**BUILDING FORM** - The style of the structure; includes ranch, tri-level or two-story structures, among others.

**BUILDING HEIGHT** - The vertical distance from the finished grade to the top of the highest roof beam on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and ridge level for gable, hip, and gambrel roofs.

**BUILDING LINE** - The building line is the inner edge of any required yard or required setback, and the corresponding outer edge of the buildable area. Except as specifically provided by these regulations, no portion of any building or structure may be extended to occupy any portion of a lot outside its building lines

**BUILDING MASS** - Considered the outline of the structure. This is determined by the height, width, and depth of the structure.

**BUILDING PERMIT** - Written permission issued by the Planning Department for the construction repair, alteration, or addition to a structure.

**BUILDING, PRINCIPAL** - A building in which is conducted the main or principal use of the lot on which said building is located. Where a substantial part of an accessory building is attached to the main building in a substantial manner, such accessory building shall be counted as part of the principal building.

**BUSINESS** - An enterprise that occupies time, attention, and materials or wherein merchandise may be exhibited, purchased, bartered, exchanged, or sold or where professional persons serve clients who seek advice, consultation.

**CAMP, PUBLIC** - Any area or tract of land used or designed to accommodate two or more automobile recreational vehicles, either towed vehicles or motorized, or two or more camping parties, including cabins, tents, or other camping outfits.

**CAR WASH** - An enterprise located within a building, or portion thereof, where automobiles are washed, blower or steam cleaned by production line methods or other mechanical devices.

**CELLULAR TOWER/CELL TOWER** - See personal wireless service.

**CELLAR** - See basement.

**CEMETERY** - Property used for the interring of the dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CERTIFICATE OF OCCUPANCY** - A written document issued stating that the required constructions, inspections, tests, or notices have been performed and complies with applicable requirements of the building code and zoning ordinance.

**CHILD CARE CENTER** - means a nonresidential building where at least one (1) child receives child care from a provider:

1. While unattended by a parent, legal guardian, or custodian.
2. For regular compensation.
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

**CHILD CARE HOME** - means a residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative or any child who is at least fourteen (14) years of age and does not require child care) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian.
2. For regular compensation.
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.
4. The term includes:
  - a. A class I child care home.
  - b. A class II child care home.

**CHILD CARE MINISTRY** - means child care operated by a church or religious ministry that is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

**CLEAR SIGHT TRIANGLE** - A triangular-shaped portion of land [“vision clearance”] established at street intersections, parking lot aisle and driveways in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct vision between a height of four feet and ten feet above the centerline grade of the intersecting streets in the area bounded by the street lines of the corner lots and a line joining points along the street 25 feet from the point of the intersection of any public way or public or private corner lot.

**CLINIC OR MEDICAL HEALTH CENTER** - A business establishment where patients seek advice, consultation, or treatment on an outpatient basis by one or more physicians, dentists, chiropractors, or other licensed medical practitioners, medical personnel, psychologists or social workers and are not lodged overnight.

**CLUB OR LODGE, PUBLIC OR PRIVATE** - A non-profit association of persons, who are organized for a common purpose that pursue social, cultural, educational or religious goals and interests. Bona fide members pay annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. The operation and management of such private club or lodge is conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. It shall be permissible to serve food and meals on such premises providing facilities approved by the appropriate governmental agency are procured prior to food functions. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common law, and local laws.

**CLUSTER [OR AVERAGE DENSITY ZONING]** - Cluster development provides a developer that option of grouping units close together and leaves more land as open space. Cluster development is used to protect environmentally sensitive features or to provide large open space areas. Dwellings are grouped on the most buildable portion of a development site, with the remainder of the site preserved as open space. Smaller building lots are permitted, with the lots grouped closer together. However, the total number of buildings allowed on the site cannot exceed the number otherwise permitted by the zoning district.

Cluster development can also be the required type of development in zone districts specified by the zoning ordinance. Clustering provides a developer the option of grouping units close together leaving more land as open space.

**COMMERCIAL** - See business.

**COMMISSION** - The Advisory Plan Commission of the Town of Clarksville.

**COMMUNITY FACILITY OR INSTITUTION** - A facility that is provided by the Town or by another group or organization without profit or with gain for such special purposes as community meetings, community center, museum, public library, cultural center and similar uses, but not commercial recreation establishments or any type of group home or boarding house.

**COMPREHENSIVE PLAN** - The complete plan, or any of its parts, for the development of the town, prepared by the Plan Commission and adopted in accordance with applicable statutes, as amended, as is now or may hereafter be in effect.

**CONDOMINIUM** - A form of tenure for real estate authorized by the 1963 Horizontal Property Act, Chapter 349 of the Acts of the State of Indiana, and amendments thereto.

**CONDOMINIUM OWNERS ASSOCIATION** - Formed under the Horizontal Property Law and operating, maintaining and managing common area.

**CONFERENCE CENTER** - A facility used for service organizations, business and professional conferences, and seminars. A conference center is not designed to be utilized by the public for overnight purposes, although a hotel or motel may be attached or directly accessed from the center.

**CONSERVATION** - Management of natural resources to prevent waste, destruction or degradation of the natural resource.

Conservation and natural areas are listed below:

1. **Primary Conservation Areas**
  - a. Areas within the 100 year flood way and floodplain.
  - b. Woodlands, canopy, and understory.

- c. Wetlands.
- d. Streams 10 feet on both sides from the midpoint of stream.
- e. Slopes 18% and greater.
- f. Historic sites, structures, including archaeological sites.
- g. Cemeteries.

2. **Secondary Conservation Areas**

- a. Lands having with 12 to 18 percent slopes.
- b. Woodland edges.
- c. Riparian zones.
- d. Hedgerows, wildlife habitats and travel corridors.
- e. Ponds and water impoundments.

**CONSERVATION SUBDIVISION** - A subdivision where 50% or more of the total area is designed as undivided open space or common area and is density neutral.

**CONSTRUCTION AND DEMOLITION WASTE** - Means solid waste resulting from the construction, remodeling, repair, or demolition of structures. Such wastes may include any of the following:

- 1. Scrap lumber.
- 2. Bricks.
- 3. Concrete.
- 4. Stone.
- 5. Glass.
- 6. Wallboard.
- 7. Roofing.
- 8. Plumbing fixtures.
- 9. Wiring.
- 10. Non-asbestos insulation.

The term does not include the following types of regulated solid waste such as, but not limited to:

- 1. Fluorescent light fixtures.
- 2. Appliances.
- 3. Regulated asbestos-containing material as defined in 40 CFR 61.
- 4. Any other waste resulting from construction, remodeling, repair, or demolition of a structure that, when placed in the landfill, would potentially result in contamination of ground water or present a risk to human health or the environment.

**CONVENTIONAL SUBDIVISION** - Conventional subdivision includes setbacks, densities, and height and other development standards.

**CORNER LOT** - A lot at the junction of and abutting two or more intersecting public ways having a designated space (known as the Sight Triangle or Vision Clearances) in which nothing is permitted to be built, placed, or grown in a way that would impede visibility at the intersecting public ways.

**COUNTY** - Clark County, Indiana.

**CUL-DE-SAC** - A local street or road right-of-way with only one outlet having an appropriate terminal for the safe and convenient reversal of traffic movement.

**CULTURAL FACILITIES** - Those facilities, either public or semipublic (i.e., nonprofit), which may serve to enhance the appreciation of community residents of their cultural heritage. Such uses may include, but are not restricted to, museums, art galleries, and arboretums.

**DAY CARE CENTER** - See childcare center.

**DAY CARE HOMES** - See childcare.

**DEAD-END STREET** - A street with a single common ingress and egress.

**DENSITY OR INCENTIVE USES** - These strategies allow a developer to apply for higher density or other variances in exchange for providing open space or other community amenities. Cluster and court yard lots area are an example of this type of development.

**DESIGN SPEED** - A speed used to design the horizontal and vertical alignments of a roadway.

**DETACHED BUILDING** - A building having no structural connection with another building on the same lot or any other lot. A detached building may be an accessory building to the principal building and, as such, shall conform to the definition on accessory buildings.

**DEVELOPMENT** - A development meeting the requirements, restrictions, provisions, and standards of the zoning ordinance of a development plan, subdivision ordinance or planned unit development requirements.

**DEVELOPMENT PLAN** - A specific plan for development of real property that:

1. Requires approval by the Plan Commission.
2. Includes a site plan and information relative to the adequate review of a proposed development.
3. Satisfies the development standards and requirements specified in the zoning ordinance regulating the development within the zoning district in which it is located.
4. Contains the plan documentation and supporting information required by the zoning ordinance, Plan Commission or Technical Review Committee.

**DISCOMFORT GLARE** - Does not reduce the ability to see and object, but it produces a sensation of ocular discomfort.

**DISABILITY GLARE** - Also known as veiling luminance or stray light at the eye, alters the visual field in such a way as to reduce the brightness of a viewed object and its background, thereby making the driver's visual task more difficult.

**DISPLAY PUBLICLY** - The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen, and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

**DISTRICT** - A section of the town for which uniform regulations governing the use, height, area, size, and intensity of use of buildings and land, and open spaces about buildings, are herein established.

**DRIVE-IN OR DRIVE THROUGH ESTABLISHMENTS** - An establishment which is designed to provide service, either wholly or in major part, to customers, while in their automotive vehicles, upon the zoned premises, excluding drive-in theaters.

**DUPLEX** - A building containing two single family dwelling units totally separated from each other vertically by a wall extending from ground to the roof and having separate entrances.

**DWELLING** - A building substantially affixed to the land or portion thereof, used primarily as a place of abode for one or more human beings and meeting the definition of the building, but among other things not including hotels, motels, lodging or boarding homes, tents, buses, vans, tourist, or "bed and breakfast" homes, or recreational vehicles.

1. **Dwelling, Single-Family** - A detached building designed for or occupied by one family exclusively.
2. **Dwelling, Two Family** - An attached building designed for or occupied by two (2) families.
3. **Dwelling Multi-Family** - A building designed for or occupied by three or more families, exclusively for dwelling purposes.
4. **Dwelling, Patio Home** - A one family dwelling on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar houses on adjacent lots and still meet this definition, in which case they are known as zero lot line homes.

**DWELLING UNIT** - A dwelling unit consists of one or more rooms that are designed, and used as the cooking, living and sleeping quarters for one family only. Individual bathrooms are not necessarily provided, but complete single kitchen facilities, permanently installed, shall always be included in a dwelling unit. Room sizes shall meet *Section 157-140: Minimum Room Sizes*.

**EASEMENT** - An authorization grant made by a property owner for use by others of any designated part of his property for a clearly specified purpose and officially recorded in the Clark County Recorder Office.

**ENVIRONMENTAL CONSTRAINT**

1. **Primary** - comprise only the most severely constrained lands, where development is typically restricted under current codes and laws (such as wetlands, floodplains, archaeological, historic sites and building, cemeteries and slopes exceeding 25%).
2. **Secondary** - include all other locally noteworthy or significant features of the natural or cultural landscape – such as mature woodlands, wildlife habitats and travel corridors, prime farmland, wellhead protection areas, greenway and trails, river and stream corridors.

**ESSENTIAL FACILITIES** - Public or private facilities that are needed to provide essential services.

**ESSENTIAL SERVICES** - Public or private services that provide safety from fire, flood, and other dangers and provides for the convenience of access, adequate light and air.

**EXTERIOR SURFACE MATERIAL SCHEMES** - Exterior surface materials on a structure such as brick, stone, stucco, siding, or combination thereof may be used to create a distinctive differentiation between structures.

**EXPLICIT SEXUAL MATERIAL** - Any hard-core material.

**EXTENDED STAY MOTEL** - See hotels.

**FAMILY** - An individual or two or more persons related by blood or marriage and/or a group of not more than 10 persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.”. This definition allows for group homes of up to 10 residents.

**FENCE** - Any construction of wood, metal, masonry or other material erected for the purpose of assuring privacy or protection. In no case shall the fence or its material resemble junk (as described in this section) or be assembled from junk.

1. **Partition Fence** - Is a fence that is used by adjoining property owners as a property partition unless agreed upon by the property owners, and shall be repaired, maintained, and paid for as provided IC 32-26-9. The partition fence is any one of the following that is maintained to be sufficiently tight and strong to hold cattle, hogs, horses or mules, and sheep, as follows:
  - a. **Straight Board and Wire Fence** - A straight wire fence, a straight board fence, or picket fence four feet high.
  - b. **Straight Rail Fence** - Four and one-half feet high.
  - c. **Worm Rail Fence** - Five feet high.
  - d. **Spite Fence** - An unlawful structure in the nature of a fence unnecessarily exceeding six feet in height and erected or maintained for the purpose of annoying the owners or occupants of adjoining property is considered a nuisance controlled by IC 32-26-2.

- e. **Hedge or Live Fence** - A hedge or other live fence grown along dividing properties owned by different persons in Indiana is required to be cut and trimmed down to a height of not more than six feet and to a width of not more than three feet once in each calendar year.

**FLAG LOT** - Lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, easement, or driveway.

**FLOOD HAZARD AREA** - Those flood plains which have not been adequately protected from flooding caused by the Regulatory Flood, and are shown on the zoning map and/or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the Indiana Natural Resources Commission.

**FLOOD PLAIN** - The area adjoining the river or stream, which has been or may hereafter be covered with flood water from the Regulatory Flood.

**FLOOR AREA** - The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages, or space in a basement or cellar.

**FUNCTIONAL CLASSIFICATION** - The FHWA and INDOT system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

**FUNCTIONAL INTERSECTION AREA** - Both its functional and physical areas define an intersection. The functional area of an intersection extends both upstream and downstream from the physical intersection area and includes any auxiliary lanes and their associated canalizations.

The functional area on the approach to an intersection or driveway consists of three basic elements.

1. Perception-reaction distance.
2. Maneuver distance.
3. Queue storage distance.

**GARAGE, PRIVATE** - An accessory building, including a car port, with capacity for not more than four motor vehicles per family, which may be the family's boat or trailer for transportation of the boat, no more than one vehicle of which may be a commercial vehicle of not more than one and one half (1 1/2) ton capacity.

**GARAGE, PUBLIC** - Any building, or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**GENERAL BUSINESS** - Businesses serving the region as well as the local community.

**GREENHOUSE, COMMERCIAL** - A greenhouse having having less than 200 square footage does not fall under this ordinance.

**GROUND FLOOR AREA** - The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, detached garages, and exterior stairways.

**GROUP HOME** - A dwelling or boarding house used as living quarters established as a home for housekeeping by a group of people having a reduced ability to cope with and function in the everyday world.

**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. In and of themselves, 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; any result of land division requiring a variance from the development standards of this Ordinance in order to render that site buildable.

**HEAVY INDUSTRIAL USE** - See manufacturing.

**HIGHWAY CAPACITY MANUAL** - Manual published by the US Transportation Research Board, National Research Council providing guidance and methods for analyzing capacity and level of service for a broad range of transportation facilities.

**HOSPITAL** - A building or institution for the reception of the sick or injured in which they are given medical, mental or surgical care.

**HOTEL OR MOTEL** - A building or group of buildings on the same parcel in which lodging is provided and offered on a temporary basis. The building shall contain sleeping rooms occupied singly to the public for compensation and which is open to transient guests, as in contradistinction to a "boarding house". No provisions shall be made for cooking within any individual room; however, maid service, the furnishing and laundering of linens, bell boy, desk service, and upkeep of the furnishings are provided.

1. **Extended stay motel/hotel** — motel or hotel with provisions for cooking for transient guests, as opposed to a multiple family dwelling or duplex.

**HARD-CORE MATERIAL** - Media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

**HUMAN MALE GENITALS** - in a discernibly turgid state, even if completely and opaquely covered.

**HYDRANT**

1. **Dry Hydrant** - A water supply consisting of a pond, stream, river, canal, lake, reservoir, quarry, pressure tank, elevated tank, swimming pool, other fixed systems, or fire department delivered portable system capable of providing the required fire flow.
2. **Fire Hydrant** - An upright hydrant that can supply large volumes of water to use in fighting a fire. They are commonly placed at intervals at the street edge of a sidewalk or spaced for convenience in suppressing fires, in the town.
3. **Flush Hydrant** - Used for cleaning water lines.

**IMPROVEMENT LOCATION PERMIT** - A permit provided by town ordinance for a proposed land development.

**INDUSTRIAL PARK** - A special or exclusive type of subdivision or planned industrial area designed and equipped for a community of industries.

**INFRASTRUCTURE IMPROVEMENTS** - Installation of storm sewer facilities, sanitary sewers, water lines, street, curbs, gutters, gas lines, electrical lines, telecommunication lines, sidewalks and other utility services.

**INTERSECTION TURN LANES** - Intersection turn lanes are desirable at selected locations on two-lane highways and to reduce delays caused by turning vehicles and to reduce accidents related to turning at such intersection turn lanes.

**INTERESTED PARTIES** - Those parties who are owners of properties adjoining or adjacent to the property for which a zoning map change, conditional use or special exception are being sought.

**JUNK** - Waste, refuse, or discarded or salvaged materials that are used, bought, sold, baled, packed, disassembled or handled, including automobile parts and inoperable and unlicensed vehicles, used furniture, household equipment, and appliances used or salvaged materials from manufacturing equipment, operations, or motor vehicles, and such other materials as may from time to time be designated as junk by the Clarksville Plan Commission.

**JUNK YARD** - A place, usually outdoors but which may be indoors, where waste or discarded used other than organic matter is accumulated and/or stored and is or may be salvaged for reuse or resale, including but not limited to one or more unlicensed or inoperable motor vehicles or parts there from or other discarded or waste material or property and materials and items defined in "JUNK" above.

**KENNEL** – A place housing four or more domestic animals

**LAND AREA** - The total area within the lot or project boundaries.

**LEGISLATIVE BODY** - The Town Council of Clarksville, Indiana.

**LETTER OF CREDIT** - Any form of instrument of credit in an amount and form satisfactory to the Town Council issued by a bank or other financial institution.

**LEVEL OF SERVICE** - A qualitative measure describing operational conditions within a traffic stream, based on service measures such as speed and travel time, freedom to maneuver, traffic interruptions, comfort, and convenience.

**LEVEL TERRAIN** - A combination of horizontal and vertical alignments that permit heavy vehicles to maintain approximately the same speed as a passenger car; this generally includes short grades of no more than one percent to two percent.

**LIGHT INDUSTRIAL** - Heavy manufacturing, processing, attraction, heavy repairing, dismantling, storage, or equipment, raw materials, and manufactured products, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed by a fence, wall, landscaping, berm, or other visual barrier.

**LINGERIE MODELING STUDIO** - An establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

**LOADING AND UNLOADING BERTHS** - The off-street area required for the receipt or distribution by vehicles of material or merchandise, which in this Ordinance is held to be at least twelve (12) feet in width by fifty (50) feet in length per loading space with a height clearance of fourteen (14) feet.

**LOCAL BUSINESS** - Businesses serving the community on a neighborhood scale.

**LOCATION MAP** - A small inset map showing the location of a tract of land in relation to a larger area, also known as a vicinity map.

**LOT** - A parcel, tract, or area of land accessible by means of a public way or place and of sufficient size to meet minimum zoning requirements.

**Lot - Corner** - A lot having a continuous street frontage along two or more different streets.

1. **Lot – Interior** - A lot other than a “Corner Lot” or “Through Lot”.
2. **Lot – Through** - A lot having frontage on two parallels or approximately parallel streets.

**LOT COVERAGE** - The percentage of the lot area that is represented by the building area, excluding sidewalks and driveway.

**LOT GROUND LEVEL** - The ground level of a lot shall be as follows:

1. For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets.

**LOT LINES:**

1. **Front-Lot-Line** - The lot line separating a lot from a street right-of-way.
2. **Rear Lot Line** - The lot line opposite and most distant from the front lot line. In the case of triangular or otherwise irregularly shaped lots, a line ten feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
3. **Side Lot Line** - Any lot boundary line not a “Front Lot Line” or a “Rear Lot Line”.

**LOT OF RECORD** - A lot that is part of a recorded subdivision, planned unit development and recorded in the Clark County Recorder’s Office, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT WIDTH** - The horizontal distance between side lot lines of a lot measured at a point midway between the front lot line and the rear lot line; or at the rear line of the required front yard [building line], especially on irregular shaped lots.

**MANUFACTURE HOME** - A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufacture Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.) and

1. That is transportable in one or more sections.
2. Which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.
3. Except that such term shall include any structure which meets all the requirements of this voluntarily files a certification required by the Secretary and complies with the standards established under this chapter; and except that such term shall not include any self-propelled recreational vehicle.

**MOBILE HOME COMMUNITY** - An area of land on which two (2) or more mobile homes are regularly accommodated with or without charge, including any building or other structure, fixture, or equipment that is used or intended to be used in providing that accommodation.

**MANUFACTURING OR HEAVY INDUSTRIAL USE** - Enterprises engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors. This term covers all mechanical or chemical transformations, whether the new product is finished or semi-finished as raw material in some other process.

**MANUFACTURED/MODULAR HOME** - A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a seal certifying that it is built in compliance with the federal manufactured Housing Construction and Safety Standards Law of 1974 [42 USC 5401 et seq.] or IC 22-11-1-1 et seq., as promulgated by the Indiana Administrative Building Council in Modular homes, prefabricated homes.

**MASSAGE STUDIO** - An establishment offering massage therapy and/or body work by a massage therapist licensed under IC 25-21.8, as may be amended.

**MAINSTREAM MEDIA STORES** - These include video stores, bookstores, and newsstands that carry some sexually oriented media are expressly protected and not made subject to the zoning and separation requirements applicable to sexually oriented media outlets, even if they carry some material that may be considered hard-core pornography. Adult media in a mainstream store or shop shall be kept in a separate room or section of the shop, which room or section shall:

1. Not be open to any person under the age of 18.
2. Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less.
3. Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children.
4. Have an access control device either by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter such room, section, or provide continuous video or window surveillance of the room by store personnel.
5. Provide signage at the entrance stipulating that persons under 18 years of age are not permitted inside.

**MEDIA** - Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or video production, or pictorial representation, or any electrical or electronic reproduction of anything.

**MEDIA SHOP** - A general term, identifying a category of business that may include sexually oriented material, but that is not subject to the provisions applicable to adult media shops. In the context of sexually oriented material, media shop means a retail outlet offering media for sale or rent, for consumption off the premises provided that any outlet meeting the definition of adult media shop shall be treated as an adult media outlet. See special conditions in these definitions for media shops in

which adult media constitute more than 10 percent but less than 30 percent of the stock in trade or occupy more than 10 percent but less than 30 percent of the floor area.

**MINERAL EXTRACTION**

1. Mining or quarrying.
2. Removal of earth materials.

**MIXED-USE** - A tract of land, buildings or structures developed or used for two or more different activities or functions.

**MOTEL/HOTEL**- See hotel/motel.

**NATURAL RESOURCE** - Components and process present or produced by nature, including slopes, geology, surface water, wetlands, flood plains, wildlife, woodlands, woodland edges, stream corridors, soils, historic and archaeological sites and structures.

**NON-CONFORMING ACCESS FEATURES** - Features of access to a property that exist prior to the date of this ordinance adoption and do not conform to the requirements of this ordinance.

**NON-CONFORMING LOT** - A single lot of record prior to the effective date of this Ordinance that fails to meet the area or dimensional requirements for lots within the zoning district in which it lies.

**NON-CONFORMING STRUCTURE** - Improvements because of size or location on the lot, do not meet required lot size, setback lines, and other regulations for the district in which they are situated.

**NON-CONFORMING USE** - Any building or land legally occupied or used at the time of the passage of this Ordinance or amendment thereto which does not conform after the adoption of this Ordinance or amendment thereto with the use regulations of the district in which it is situated.

**OCCUPIED SPACE** - Means the total area of earth horizontally covered by a structure, excluding accessory structures such as, but not limited to, garages, patios, and porches.

**OPEN SPACE** - Outdoor area of a lot or tract which is designed and used for outdoor recreation, pedestrian access, or landscaping. Such areas may be ground or roof space that is 75% open to the sky, balconies having a minimum of five feet wide, an unenclosed deck, porch, or ground floor portions of a building constructed on columns. Off-street parking and loading space, driveways, or unenclosed fire escapes do not qualify as usable open space. Required yards are not used when calculating required open space.

**OPEN USE** - The use of a lot without a building, or a use for which a building with a floor area no larger than five percent of the lot area is only incidental.

**PARKING AREA, PUBLIC** - Any open area, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles, when available for public use, whether free or for compensation, as an accommodation for clients or customers.

**PARKING SPACE, (OFF STREET, ONE)** - A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine (9) feet wide and eighteen (18) feet long, exclusive of passageways.

**PEDESTRIAN** - An individual traveling on foot, by wheel chair or crutches.

**PEDESTRIAN SPACE** - The average area provided for pedestrians and moving pedestrian stream or pedestrian queue, in square feet per pedestrian.

**PEDESTRIAN WAYS** - Sidewalks, accessible routes, paths, trails, and public ways for pedestrian travel.

**PERFORMANCE MEASURE** - A qualitative or quantitative characteristic describing the quality of service provided by the transportation facility or service.

**PERFORMANCE STANDARD** - A set of criteria or limits relation of to certain characteristics that a particular use or process may not exceed.

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

**PERSONAL WIRELESS SERVICE** - Commercial mobile services, unlicensed wireless services, and common carrier exchange access services including facilities other than direct to home satellite services.

**PLAN COMMISSION** - Refers to the Town of Clarksville Advisory Plan Commission established by the 200 series –Commission Establishment and Membership. [IC 36-7-200, as added by Acts 1981, P.L 309, Section 23].

**PLAN DIRECTOR** - The officer appointed by and/or delegated the responsibility for the regulations is the Plan Director.

**PLANNED UNIT DEVELOPMENT** - A zoning ordinance that does the following:

1. Designates a parcel of real property as a planned unit development district.
2. Specifies uses or a range of uses permitted in the planned unit development district.
3. Specifies development requirements in the planned unit development district.
4. Specifies the plan documentation and supporting information that may be required.
5. Specified any limitation applicable to a planned unit development district.
6. Meets the requirements of IC 36-7-4-1505.

**PLAT** - A map indicating the subdivision or re-subdivision of land filed or intended to be filed for the record with the Clark County Recorder.

**PRIMARY APPROVAL** - Approval [or approval with conditions imposed] granted to a subdivision by the Plan Commission after having determined in a public hearing that the subdivision complies with this ordinance, also known as Preliminary Plat Approval.

**PRIMARY LIVE ENTERTAINMENT** - On-site entertainment by live entertainers that characterize the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**PRINCIPAL BUILDING** - See Building Principal.

**PRIVATE SCHOOL** - Any school not considered a public school.

**PROFESSIONAL OFFICE** - Office of a member or members of recognized professions, such as an architect, accountant, attorney, artist, dentist, engineer, musician, physician, surgeon, or other professional person.

**PROPERTY OWNERS ASSOCIATION OR HOME OWNERS ASSOCIATION** - An association of owners of property or home, formed to operate, maintain and manage common areas of a development.

**PUBLIC IMPROVEMENT** - Any drainage way or system, street, highway, parkway, sidewalk, pedestrian way, tree, alley, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**PUBLIC PLACE** - Is any tract owned by a federal, state or local political subdivision.

**PUBLIC WATER SUPPLY** - See water distribution system.

**PUBLIC WAY** - Includes any highway, street, avenue, boulevard, road, lane, sidewalk, or alley.

**RECYCLING FACILITY** - See refuse disposal facility.

**REFUSE DISPOSAL FACILITY** - A refuse disposal facility is deemed to include sanitary landfill incineration, grinding or any other process oriented to disintegrating or recycling of solid waste material, provided, however, that salvaging of scrap or junk shall not be permitted in any refuse disposal facility.

**REGULATORY FLOOD** - That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana

Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent in any given year.

**REPLAT** - A change in a recorded subdivision plat, if such change affects any road layout on such plat, or area reserved thereon for public use; or any lot line, except as otherwise exempted in this ordinance.

**RESIDENTIAL BUILDING** - Any structure which shall be:

1. Permanently and securely affixed to the land.
2. Has one or more floors (stories) and a roof, the roof being supported by columns or walls, for the shelter, support, enclosure, or protection of persons, chattels, or property.
3. Is bounded by either open space or the lot lines of a tract.
4. Separated by party walls, without opening through such walls, each portion of such a building shall be considered a separate structure.

**RESIDENCE OR RESIDENTIAL** - A home abode, or place where an individual is actually living at a specific time applies to a lot, a structure, a building, or a portion of a structure, which is used for any of the uses, permitted in the residential districts. A residential building shall not include, among others: tents, tanks of any type, lunch wagons, buses, vans, dining cars, trailers manufactured for recreation, or other roofed structures on wheels, or other supports used for residential business, mercantile, storage, commercial, industrial institutional assembly, educational, or recreational purposes. A building shall not include such structures as billboards, fences, television towers, or radio towers, or structures with interiors not normally accessible for human use.

**REST HOME, NURSING HOME, CONVALESCENT HOME** - A health care facility where persons are housed and furnished with meals and continuing care for compensation.

**RIGHT-OF-WAY** - A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other public uses. The maker of the plat on which such right-of-way is established shall dedicate rights-of-way intended for any use involving maintenance by a public agency for the public use.

**ROADWAY** - The portion of a road including shoulders, for vehicle use. A divided highway can has two or more roadways.

**ROADWAY OBSTRUCTION** - An object or barrier along a roadway or median that affects traffic flow, whether continuous [as a retaining wall or similar structure] or not continuous [such as utility poles, mailboxes or bridge abutments].

**ROOMING HOUSE** - See boarding house.

**SECONDARY APPROVAL** - Approval insuring that the plat reflects all terms, conditions, and commitments given by the subdivider or required by the Plan Commission at the hearing for primary approval and that the plat complies with the Subdivision Control Ordinance.

**SETBACK** - The minimum distance between the property line and the building or structure, excluding projections specifically permitted.

**SHALL** - This term is mandatory.

**SHOPPING CENTER** - A group of commercial establishments planned, developed, and managed as a unit, with off-street parking provided on the property, and related to its location, size, and type of commercial establishments to the trade area, which the shopping center serves.

**SHOPPING MALL** - A shopping center with stores on both sides of an enclosed or open pedestrian walkway.

**SHOULDER** - Is the portion of the roadway contiguous with the travel way that accommodates stopped vehicles, emergency use, and lateral support of sub-base, base, and surface courses. In some cases, this can accommodate bicycles.

1. **Graded Shoulder Width** - that part from the edge of the traveled way to the intersection of the shoulder slope and the fore slope planes.

2. **Usable Shoulder** - The actual width of the shoulder that can be used when a driver makes an emergency or parking stop. Where the side slope is 1V:4H or flatter, the “usable” width is the same as the graded width since the usual rounding width at the shoulder break will not lessen its useful width appreciably.

**SHOULDER USE** - Paved shoulders also may be used to increase passing opportunities on a two-lane highway.

**SIGHT DISTANCE TRIANGLE** - The triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of four and twelve feet above established grade, determined by a diagonal line connecting two points measure at least 15 feet equal distance from the street corner along each property line provided, however, greater distance may be required to meet American Association of State Highway and Transportation Officials (AASHTO) standards due to the prevailing speed and traffic control at the intersection.

**SIGN** - Any display to public view of letters, words, numerals, figures, statues, devices, emblems, pictures, or any parts or combinations thereof designed to inform or advertise or draw attention to or promote merchandise, services, or activities. The displayed message is located on the face of the sign.

1. **Sign, Animated, Dynamic or Moving** - Any sign or part of a sign that changes physical position or light intensity to depict motion, special effect or a scene by any movement or rotation or that gives the visual impression of such movement or rotation.
2. **Sign, Awning Canopy** - A sign composed of a roof like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decoration and which is supported by and projects from a wall or roof of a structure over a door, walk, window, or the like.
3. **Sign, Balloon** - A temporary sign consisting of a bag made of light weight material which is filled with a gas lighter than air and deigned to rise or float in the atmosphere.
4. **Sign Banner** - Any temporary sign of lightweight fabric or pole or to a building at one or more edges by a permanent frame. Flags of governments or political subdivisions shall not be considered a banner.
5. **Sign, LED** - A dynamic sign, or component of a sign such as an electronically or electronically controlled message center, where the characters, letters, or illustrations can be changed or rearranged in the field, or from a remote location.
6. **Sign, Flashing** - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.
7. **Sign, Freestanding** - Any non-movable sign not affixed to a building. These are usually pole signs, ground signs, and construction signs.
8. **Sign, Governmental** - A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.
9. **Sign, Ground** - Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure.
10. **Sign, Holiday Decorations, and Promotion** - Temporary signs, in the nature of decorations, clearly incidental to, customarily, and commonly associated with any national, local, or religious holiday.
11. **Sign, Home Occupation** - A sign of limited size containing only the name and occupation of a permitted home occupation.
12. **Sign, Human Sign** - A costumed person or a sign carried by a person advertising a business
13. **Sign, Identification** - A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of the name, symbol, and address of a building, business, development or establishment on the premises where it is located.
14. **Sign Illuminated** - A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

15. **Sign, Inflatable** - Any display capable of being expanded by air or other gas, and used on a permanent or temporary basis to advertise a product or event.
16. **Sign, Marquee** - Any sign including movie marquee signs with copy changes either manually or by hand and that is a permanent roof-like structure projecting beyond or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather
17. **Sign, Memorial** - This sign is a sign, tablet, or plaque memorializing a person, event, structure, or site.
18. **Sign, Off Premises** - An advertising sign that is not located on the property of the business, it advertises.
19. **Sign, On-site Informational** - A sign commonly associated with, and not limited to, information and directions necessary or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and delivery areas.
20. **Sign, Pennant** - Any sign of light plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire, or string, usually in a series, and which is designed to move in the wind. Flags of government or political subdivisions shall not be considered pennants.
21. **Sign, Pole** - A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is nine feet or more above grade. Also, known as a pylon sign.
22. **Sign, Private Sale or Event** - A temporary sign advertising private sales of personal property, such as "house sales," "garage sales," "rummage sales," or private not-for-profit events, such as picnics, carnivals, bazaars, game nights, art fairs, craft shows, or Christmas tree sales.
23. **Sign, Projecting** - A sign that is wholly or partly dependent upon a building for support and that project more than twelve inches from such building. This sign is also known as a shingle sign.
24. **Sign, Real Estate** - A sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.
25. **Sign, Roof** - A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a fiat roof, the cave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.
26. **Sign Suspended** - A sign hanging down from a marquee, awning, or porch that would exist without the sign.
27. **Sign, Temporary** - A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.
28. **Sign Portable** - A free-standing advertising device, which is designed to be moved from one location to another and is not permanently affixed to the ground or to a structure, or is only affixed by means of tie-down straps or stakes.
29. **Sign, Wall** - Any building sign attached parallel to, but within 12 inches of a wall, painted on the surface of, or erected and confined within the limits of an outside wall of any building or structure that is supported by such wall or building, and which displays only one sign surface. Also, known as a "facade sign."
30. **Sign, Wind** - A sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflated and flutter by movement by natural or mechanical wind.
31. **Sign, Window** - Any building sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed : 1) inside of, and within two feet of; or 2) upon the window panes of glass, and is visible from the exterior of the window.

**SADOMASOCHISTIC PRACTICES** - Flagellation or torture by or upon a person clothed or naked, or condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

**SEXUALLY ORIENTED BUSINESS** - An inclusive term used to describe collectively: adult cabaret; adult motion picture theater; video arcade; bathhouse; massage shop; and/or sex shop, also, known as an adult business.

**SEXUALLY ORIENTED TOYS OR NOVELTIES** - Instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

**SPECIFIED ANATOMICAL AREAS** - Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.

**SPECIFIED SEXUAL ACTIVITIES** - Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**SPECIAL EXCEPTIONS** - Authorization of a use that is designated as such by this Ordinance as being permitted in the district, if it meets special conditions, and upon application and after a public hearing is specifically authorized by the Advisory Board of Zoning Appeals.

**STREET, ROAD AND HIGHWAY** - A thoroughfare within the right-of-way that carries traffic between land use activities and/or provides access to abutting properties. The designation of roads by type of use or function is defined by the functional classification of the Federal Highway Administration and Indiana Department of transportation unless otherwise defined by future town ordinance or amendment of this ordinance. A road may be designated an avenue, boulevard, drive, highway, lane, parkway, place, street, court, or appropriate name. Roads are identified according to type of use or function, as follows:

1. **Expressway, Interstate, and Other Principal Arterials** - Roads serving primarily to carry traffic between communities to major state and intermediate highways, and carrying high traffic volumes for longer trips at high speeds.
2. **Major Collector Street or Road** - A road serving both to carry through traffic as well as to provide property access in residential, commercial and industrial areas; and conveying the traffic from "arterial" streets [roads] to "local" streets [roads].
3. **Major Collector Street or Road** - A road serving to provide property access in residential, commercial, and industrial areas.
  - a. **Local or Minor Street or Road** - Any road providing access to, within or abutting areas zoned or used for businesses or industries or residential.
  - b. **Local Industrial and Business Street or Road** - A local or minor road serving businesses or industries.
  - c. **Local Residential Street or Road** - A local or minor road serving residences.
    - i. **Sub-collector Street or Road** - A sub-classification of "local residential road" providing access and frontage to residential lots and conveying traffic to "collector roads". Like the "access road", the sub-collector provides access and frontage to residential lots but also carries some through traffic to "access roads".
    - ii. **Access Road or Minor Street** - A sub-classification of "local residential road" and frontage to residential lots and conveying the traffic from dwelling units to higher-order roads. This is the lowest order of roads and includes short streets, places, lanes, court, and cul-de-sacs.
  - d. **Private Road** - A local road that is not dedicated or accepted for public use or maintenance, which provides vehicle or pedestrian access.

**STRUCTURAL ALTERATION** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, girders, or any substantial change in the exterior walls or the roof.

**STRUCTURE** - Any constructed or erected or a combination of materials to form a structure for use, occupancy, or ornamentation whether installed on, above, or below ground level, not all structures are buildings, among others a structure includes signs, parking lots and fences, etc.

**STRUCTURE, TEMPORARY** - A structure without any foundation or footings and that is removable when any permitted use for the temporary structure ceases.

**STUB STREET** - Street that is connected to another street at one end, but is ultimately intended to connect with another street at the closed end.

**SUBDIVIDER** - The person or persons who own all or any part of the real estate included within the plat at the time of the secondary approval of said plat.

**SUBDIVISION** - Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, condominium, tracts, or interest for the purpose of offer, sale, lease, or development whether immediate or future, either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of residentially and non-residentially zoned land; whether by deed, metes and bounds description, devise, intestacy, lease map, plat, or recorded instrument. Subdivision includes re-plat, amendment, and condominium creation or conversion.

**TATTOO** - Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instrument; or any design, letter, scroll, figure, or symbol done by scarring.

**TATTOO ARTIST** - Any person who provides a tattoo to an individual.

**TATTOO OPERATOR** - Any person, who controls, operates, conducts, manages or owns any tattoo parlor.

**TATTOO PARLOR** - Any room or space where tattooing is provided or where the business of tattooing is conducted.

**THOROUGHFARE** - A public way or public place that is included in the thoroughfare plan of the town. The term includes the entire right-of-ways for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, trails and accessible routes.

**TOURIST HOME** - Refer to Bed and Breakfast.

**TOWN** - The Town of Clarksville, Indiana.

**TRADE, VOCATIONAL OR BUSINESS SCHOOL** - Vocational or business school or college when not publicly owned or not owned or under the sponsorship of a religious, charitable, or a nonprofit organization; or a school conducted as a commercial enterprise for teaching trade or business technology, including, but not limited to: instrumental music, dancing, barbering or hairdressing, drafting, or for teaching industrial or technical arts, including but not limited to automotive, heating, air-conditioning, and computer technology.

**TRAFFIC IMPACT ANALYSIS** - A specialized study of the impact that a given type and size of land use has on a nearby transportation system.

**TRAVEL WAY** - The portion of the roadway for the movement of vehicles, exclusive of shoulders.

**TRIP** - A single one-direction vehicle movement with either the origin or destination [exiting or entering inside a study site.

**TRIP GENERATION** - The number of trips generated by a land use.

**TURNOUTS** - A turnout is a widened, unobstructed shoulder area on a two-lane highway that allows slow-moving vehicles to pull out of the through lane so that vehicles following may pass. Turnouts are relatively short, generally less than 625 feet.

**TWO-WAY LEFT TURN LANES** - Is a paved area in the highway median that extends continuously along a roadway section and is marked to provide a deceleration and storage area, for vehicles traveling in either direction and making left turns at intersections and driveways.

**UNDERFLOOR SPACES** - Spaces between the bottom of the floor joints and the earth.

**USE OF PROPERTY** - See Land-Based Classification standards in Division 13.

**USE VARIANCE** - Approval by the Board of Zoning Appeals of a use other than that permitted by this ordinance.

**VARIANCE** - A specific approval granted by the Board of Zoning Appeals in the manner prescribed by this ordinance, to deviate from the development standards (such as height, bulk, yards) that the Ordinance otherwise prescribes by this ordinance.

**VERY LOW VOLUME LOCAL ROADS** - Local roads as defined by FHWA having an ADT of less than 400.

**VIDEO-VIEWING BOOTH OR ARCADE BOOTH** - Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM,

books, magazines, or periodicals) for observation by patrons therein. A video-viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

**VISION CLEARANCE ON CORNER LOTS** - A triangular-shaped portion of land [“clear sight triangle”] established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the between a height of four feet and ten feet above the centerline grade of the intersecting streets in the area bounded by the street lines of the corner lots and a line joining points along the street 25 feet from the point of the intersection of any public way or public or private corner lot.

**WATER DISTRIBUTION SYSTEM - ONE OF THE FOLLOWING:**

1. In a public water supply system, the term means the network of water piping, pumping stations, storage equipment, valves, fire hydrants, pressure regulators, and equipment required to transport water to the customer’s service connection from one of the following points:
  - a. A treatment plant.
  - b. A source of raw water supply if not treatment is provided.
2. In a non-public water or private supply system, the term means the network of water piping pumping stations, valves, fire hydrants, pressure regulators, and equipment required to transport water to the point of use from one of the following:
  - a. A point that is one foot beyond the water storage tank.
  - b. The well if no water storage tank is utilized.

**WIDE CROSS SECTIONS** - Two-lane highways with lanes about 50 percent wider than normal may be used as a less expensive alternative to passing lanes. Roadway sections with wider lanes can be provided at intervals, like passing lanes, to increase passing opportunities on two-lane highways.

**YARD** - A space on the same lot with a main building, open, unoccupied, and unobstructed by structure, except as otherwise provided in this chapter. Refer to the diagrams for illustrations of yards.

1. **Front Yard** - A yard extending across the full width of the lot, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar structures, the depth of which is the least distance between the street right-of-way line and the building line.
2. **Rear Yard** - A yard extending across the full width of the lot between the rear of the main building and the rear lot line (refer to the appropriate zone district requirements).
3. **Interior Yard** - A side yard adjacent to another side yard.
4. **Required Yard** - The minimum yard required by the provision of the zoning ordinance.
5. **Side Yard** - A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is measured horizontally, at 90 degrees with the side lot line, from the nearest part of the main building.
6. **Street Yard Side** - A side yard facing a street.

**Sec. 15-20 Illustrations**

Illustrations of relevant to definitions are shown in Division 210