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Sec. 225-10 Specific Purposes

The Board of Zoning Appeals shall have all powers and duties as provided by IC 36-7-4-900.

A prior zoning ordinance has created a Board of Zoning Appeals. Said Board shall consist of five members as prescribed in, IC 36-7-4-900 as amended. The Board shall elect a chairman from its membership shall appoint a recording-secretary, and shall prescribe rules of procedure for the conduct of its affairs.

Sec. 225-20 Appeals Jurisdiction

The Board of Zoning Appeals shall hear and determine the following:

- A. Administrative Appeals.
- B. Any order, requirement, decision, or determination made by an inspector, administrative official, hearing officer, or staff member under the zoning ordinance.
- C. Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of the zoning ordinance.
- D. Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of an ordinance adopted under this chapter requiring the procurement of an improvement location or occupancy permit. [IC 36-7-4-918.1, as added by P.L. 357-1983, § 10.].

The BZA may condition or require commitments as part of its approval.

Sec. 225-30 Appeals from the Zoning Ordinance

The Board of Zoning Appeals shall also approve, or deny all the following from terms of the zoning ordinance, but only as specified in the zoning ordinance.

- A. Variances.
- B. Special Uses.
- C. Conditional Uses.
- D. Special Exceptions.

Sec. 225-40 Termination, Expiration or Voiding of Special Exception

The grant of a special exception shall be voided after *one* [1] year from the date of authorization or such lesser time as authorization may specify unless said use or substantial construction have taken place. The Board of Zoning Appeals may,

upon written request, extend the authorization for a period not to exceed one [1] year provided, however, that the written request is received one [1] month prior to its expiration.

The grant of a special exception shall be voided when ownership of the subject parcel is changed.

If, at any time the person who has been issued a special exception permit carries on an operation, which is not in accord with the standards required for approval of a special exception, or interferes with the general welfare of the surrounding area, the Board of Zoning Appeals shall have cause to terminate that special exception.

Sec. 225-50 Special Exception Considerations of the Board of Zoning Appeals

Special exceptions to the zoning ordinance may be approved only upon a determination in written findings by the Board of Zoning Appeals that:

- A. The approval will not be injurious to the public health, safety, morals and general welfare of the community.
- B. The use and value of the area adjacent to the property included in the special exception will not be affected in a substantially adverse manner.
- C. The need for the variance arises from some condition peculiar to the property involved.
- D. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship is applied to the property for which the special exception is sought.
- E. The approval does not interfere substantially with the Clarksville Comprehensive Plan.
- F. The Board of Zoning Appeals may impose reasonable conditions as part of its approval of a special exception from the zoning ordinance.

Sec. 225-60 Variances of Use from Terms of the Zoning Ordinance

Use variances are prohibited in an EBCZ, VPCZ, CLMU, MD, AB, R-1, R-2, R-3, RPO, B-1 or MHP districts. If approved by the Board of Zoning Appeals, a use variance permits the property owner to use property in a manner otherwise not allowed by the zoning ordinance. Through a variance, the Board of Zoning Appeals may allow the owner to vary or adapt the strict application of any terms of this zoning ordinance.

Sec. 225-70 Considerations by Board of Zoning Appeals for Use Variance

The Board of Zoning Appeals shall grant no use variance, in the strict application of any provisions of this ordinance, unless it finds in writing that:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- C. The need for the variance arises from some condition peculiar to the property involved.
- D. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship, if applied to the property for which the variance is sought.
- E. The approval does not substantially interfere the Comprehensive Plan adopted by the Town of Clarksville.
- F. There must be an extra-ordinary need for a use variance. Economic gain is not considered an extra-ordinary need.

Sec. 225-80 Consideration by BZA for Variance From Development Standards

Considerations of the Board of Zoning Appeals for Variance from Development Standards.

The Board of Zoning Appeals may approve or deny a variance from the development standards [such as height, bulk, or area]. The determination of the Board of Zoning Appeals shall be based only upon a determination in writing that:

- A. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

- B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- C. The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. Additionally, the need does not arise from a self created hardship as opposed to the strict application of the zoning ordinance.

Sec. 225-90 Conditions

The Board of Zoning Appeals may add reasonable conditions to granting a variance, use, or special exception, or conditional use so as to accomplish the intent and purpose of this ordinance.

Sec. 225-100 Commitments

The Board of Zoning Appeals may permit or require the owner to make written commitments or conditions concerning the use or development of the parcel.

Commitments shall be recorded in the office of the Clark County Recorder and take effect upon the approval of the exception, variance, or conditional use. Commitments are binding on:

- A. The owner of the parcel.
- B. A subsequent owner of the parcel.
- C. A person who acquires an interest in the parcel.
- D. The commitment is binding on the owner, even if it is not recorded.

Sec. 225-110 Procedure

The Board of Zoning Appeals shall act in strict accordance with the procedure specified by law, the Board’s adopted procedure and by this ordinance. All appeals and applications shall be in writing, on forms prescribed by the Board. The Board of Zoning Appeals shall render its decision of each case by resolution. Such resolution shall contain the full record of findings and shall be filed in the offices of the Board and shall be open to public inspection.

Sec. 225-120 Special Exceptions

A special exception is to be used for instances where a use may be desirable or essential for the neighborhood or Town. Additionally, such use is not incompatible with neighborhood standards or Town. A special exception, if approved by the Board of Zoning Appeals gives the owner authority to put a building, structure or land to a use expressly permitted by right in the zoning ordinance if approved by the Board.

- A. Special exceptions of this Ordinance may be permitted, enlarged or altered upon authorization of the Board of Zoning Appeals in accordance with the standards and procedures as set forth in this section.
- B. The Board may authorize a special exception as defined herein, provided the evidence presented at the public hearing is such as to establish the following:
 - 1. That the proposed use, at the location requested is necessary or desirable to provide a service or a facility which is in the interest of public health, safety, and convenience and will contribute to the general welfare of the neighborhood or communities. The essential character of the neighborhood will not be altered.
 - 2. That such use will not, under the circumstances of the case, be detrimental to the health, safety, morals, or general welfare of the person residing or working in the vicinity, or injurious to property value or improvements in the vicinity.
 - 3. The proposed use will comply with regulations and conditions specified in this Ordinance for such use and with the stipulation and condition made a part of the authorization granted by the board.

A. Time Limits

Authorization of a special exception shall be voided after one (1) year from the date of authorization or such lesser time as authorization may specify unless said use or substantial construction have taken place.

B. Granting of Special Exception

The grant of a special exception by the Board shall be by resolution and shall not be by ordinance (meaning the Zoning Ordinance) after a public hearing.

C. Investigation

The Board of Zoning Appeals shall request a recommendation from the plan commission or their agent which shall investigate each proposed exception to determine that it is properly related to the principal use, adjacent land uses and with other uses permitted in the zone.

D. Hearing

The Board of Zoning Appeals shall hold a public hearing on each requested special exception.

E. Special Conditions

The Board of Zoning Appeals may impose such conditions and restrictions deemed necessary to ensure compatibility with the surrounding area.

F. General Restrictions

Those uses, which in the judgment of the Board of Zoning Appeals would constitute an objectionable use of property due to potential noise, increased pedestrian and vehicular traffic or any other conditions, which might interfere with the general welfare of the surrounding area should not be granted a special exception permits.

G. Abatement

If, at any time, the person who has been issued a special exception permit carries on an operation which is not in accord with the above standards or interferes with the general welfare of the surrounding area, the Board of Zoning Appeals shall have cause to terminate the special permit.

H. Special and Conditional Use Requirements by Functional Classification

A special or conditional use may only be granted, after findings can be made base on additional information and documentation has been reviewed and approved by the BZA.

Special and Conditional Use Requirements			
Function Code	Applicable Zone District	Function Description	Special Exception or Conditional Use Review Requirements
1320	R-1, R-2, R-3, OTC, CLMU, B-1, & B-2	Rooming and Boarding	Conditional use: At least one parking space for each rented room plus two for the owner occupant and minor development plan.
2110	B-2, I-1, I-2	Air craft dealers	Conditional use: Major development plan including, documentation of sufficient property and air space by a qualified professional, environmental assessment, TIA, FAA approval, land uses within one mile of the boundary of the proposed site, topographic contour map with two foot contours, existing and proposed structures, access roads, with dimensions
2126	B-2	Lumber yard and building materials on property exceeding 20,000 square feet	Conditional use: Major development plan, hazardous chemical identification and containment, storage information, copies of IDEM permits, method of containing run-off from lumber and chemicals into the storm water system.
2710	R-3	Includes pubic storage, mini-warehouse and mini-store, other than	Special Exception:

		storage required in the MHP development standards	A development plan is required to include internal circulation. The total number of storage units shall not exceed the design number of mobile homes or dwelling units.
5120	CLMU, B-2, OPS, PUD	Race track establishment	Conditional Use: Major development plan, documentation that the use is essential and desirable for the Town. TIA, waste control and method of disposing of waste. Method of controlling and eliminating as much as possible nuisance from vehicles, including noise dust, dirt, noise, lights, fumes, odors, traffic, smoke, exhaust, outdoor storage, visual nuisance, and possible similar results from the permitting and operating this use.
5230	B-2, PUD	Zoological gardens, petting zoos, reptile exhibits, wild animal parks, live animal exhibits, animal safari park,	Conditional Use: Major development plan, documentation that the use is essential and desirable for the Town. TIA, waste control and method of disposing of waste. Method of controlling and eliminating as much as possible nuisance from vehicles, including noise dust, dirt, noise, lights, fumes, odors, traffic, smoke, exhaust, outdoor storage, visual nuisance, and possible similar results from the permitting and operating this use.
6222	B-2, I-1, I-2	Correctional institution	Conditional Use: Major development plan including, documentation of sufficient property, environmental assessment, TIA, land uses within one mile of the boundary. This use shall not be located within 1,500 of a school, park, social, cultural or place of religious assembly, residential use or zone. Documentation that this use is desirable and essential for the Town in this specific location. Information regarding community alert and alarm system.

Food, textiles, and related products

Establishments in this category primarily produce food products for intermediate or final consumption in a process that primarily uses raw materials from livestock or agricultural products. This category also includes establishments that produce tobacco, textiles, and leather products.

3110	I-2	Food and beverages processing and manufacturing, that involve in any way the slaughtering, food processing of raw materials, animal carcasses, boxing of product involving carcasses canning, dressing, rendering, or similar functions involving cattle, swine, fowl, duck, geese, poultry and oils, or dairy products.	Special Exception: Major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. Also included is food process from raw ingredients of any kind. Explanation controls for odor, waste control, noise, smoke, chemicals storage, dust, and lights. Number of vehicles per day and peak hour broken down by vehicle type. A TIA may be required. Storage of ingredients, raw materials, carcasses, slaughtering methods, and waste removal of raw materials, scrapes and methods of waste removal. Documentation of compliance with state, federals, and local regulatory agencies, laws, regulations, and ordinances, including storm water.
3130	I-2	Textiles excluding cut and sew apparel contractors	Special Exception: A major development plan and explanation controls for chemicals, dyes, odor, waste control, noise, smoke, chemicals storage, dust, and lights. Number of vehicles per day and peak hour broken down by vehicle type. A TIA may be required. Storage of raw materials, scrapes and methods of waste removal. Documentation of compliance with state, federals, and local laws, r regulatory agencies, regulations, and ordinances, including storm water.

Paper and printing materials

Establishments in this category manufacture wood and paper products, such as lumber, furniture, wood building products, mobile homes, and paper products. Some perform related services, such as printing and bookbinding. Subcategories reflect product distinctions.

3210	I-2	Wood products establishment, these uses manufacture wood and paper produces	<p>Conditional Use: Major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. A hazard mitigation plan and explanation controls for dust, tannic acid from run-off, odor, waste control, noise, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. A TIA may be required.</p> <p>Storage of raw materials, scrapes and methods of waste removal. Documentation of compliance with state, federal, and local laws, regulatory agencies, regulations, and ordinances. Including storm water.</p>
3220	I-2	Paper, milling, and printing, manufacturing of paper products	<p>Conditional Use: A major development plan and distances of 2,000 feet from any residential use, and 1,500 feet from any business use and explanation of any paper or newspaper milling processes, controls for dust, tannic acid from run-off, odor, waste control, noise, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type, a TIA may be required. A hazard mitigation plan is required.</p> <p>Storage of raw materials, scrapes, paper stock, pulp, and methods of waste removal. f raw materials, scrapes and methods of waste removal. Documentation of compliance with state, federals, and local laws regulatory agencies, regulations, and ordinances, including storm water.</p>

Chemicals, and metals, machinery, and electronics manufacturing

Establishments in this category transform or refine chemicals or metals, and manufacture products from chemicals or metals. Subcategories group them by the production processes; the result being that establishments working with base materials (such as iron ore) are classified by the input material, while establishments creating more finished products (such as machinery) are classified by the finished product. For establishment which engage in transformation or refinement, but which primarily extract materials from the earth, use the mining and extraction category instead.

3310, 3320, 3330, 3340, 3350	I-2	Petroleum and coal products, Primary metal manufacturing, machinery manufacturing	<p>Conditional Use: Major development plan, 1,200 feet distances from any residential use, and 1,500 feet from any business use. A major development plan and explanation controls for dust, odor, waste control, noise, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type, a TIA may be required.</p> <p>A plan for storage of raw materials and methods of waste removal. Explanation of rail use. Documentation of compliance with state, federal, and local laws, regulatory agencies, regulations, and ordinances, including storm water. A hazard mitigation plan is required.</p>
3360	I-2	Electrical equipment, appliances, and components manufacturing	<p>Conditional Use: A major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. Explanation of rail use, a TIA may be required.</p> <p>Storage of raw materials and methods of waste removal. Documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances, including storm water.</p>
3370	I-2	Transportation equipment and automobiles	<p>Conditional Use: A major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. Explanation of potential rail use,</p>

			including number of rail cars per day, time of switching, rail road company, a TIA may be required. Storage of raw materials and methods of waste removal. Documentation of compliance with state, federal, and local laws, regulatory agencies, regulations, and ordinance, including storm water.
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Miscellaneous manufacturing

Use this category for manufacturing establishments not classified elsewhere. The subcategories reflect common establishment types which do not have special categories in other manufacturing types.

3400	I-2	Miscellaneous manufacturing These uses are unclassified manufacturing uses.	Conditional Use: A major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. Explanation of potential rail use. A TIA may be required. Storage of raw materials and methods of waste removal. A plan for documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances. Including storm water. Depending on proposed use, a hazard mitigation plan may be required.
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3430	I-1	Office supplies, inks, etc.	Conditional Use: A major development plan, 1,500 feet distances from any residential use, and 1,000 feet from any business use. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. Explanation of potential rail use. A TIA may be required. Storage of raw materials and methods of waste removal. Documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances. Including storm water.
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3440	I-2	Sign and related display manufacturing of all materials except printing paper or paperboard	Conditional Use: A major development plan. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights. Number of vehicles per day and peak hour broken down by vehicle type. A TIA may be required. Storage of raw materials and methods of waste removal. Documentation of compliance with state, federals, and local laws, regulatory agencies, regulations, and ordinances. Including storm water.
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3510	I-2	Durable goods wholesaling, these wholesaling uses include a wide range of wholesale uses, from heavy equipment to hand tools.	Conditional Use: A major development plan. Explanation of use, type of durable goods wholesaled. Location of inventory or storage of goods. Transportation mode for delivery, trips per day or any vehicles, and whether rail service is involved. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.
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3320	I-2	Non-durable goods wholesaling, a range of goods from limestone to table salt.	Conditional Use: A major development plan. Explanation of use, type of durable goods wholesaled. Location of inventory or storage of goods. Transportation mode for delivery, trips per day or any vehicles, and whether rail service is involved. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.
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4000 - Transportation, communication, information, and utilities

This is a catch-all category comprising transportation, communication, and utilities for essential facilities. In this category, an establishment cannot be distinguished by a single physical location as it can in most other categories. To classify land in this category, other factors are needed for deciding which land serves a particular establishment. In most cases, the type of establishment in this category is easily deduced from the type of structures and activities on the land. The remaining difficulty is deciding how significant a structure or activity is necessary for the land to be associated with an establishment type. For example, it would not be realistic to classify all land with telephone lines under telephone

communications; however, land with more important telephone communication facilities may be classified here.

4000	I-2, CLMU, EBCZ, OTC, VPCZ	Transportation, communications, information and utilities	<p>Conditional Use: All require the following, except as may be indicated below. A development agreement and bond security may be required. The impact on the neighborhood and community are of particular concern, as are environmental impacts, traffic generation, access, and circulation. The adequacy of the transportation system to carry the traffic that will be generated is of concern. In every case, except as may indicated below, an emergency response plan shall be developed and implemented.</p>
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Transportation services

Transportation establishments serve passengers, and cargo movements and are grouped by the modes of transportation. They use transportation equipment as a productive asset although many may have service and repair facilities (railroads or airlines)

4110, 4111, 4112, 4113, 4114	I-2	These uses serve passengers and cargo movements and are grouped buy mode of transportation	<p>Conditional Use: A major development plan. Explanation of use, type of durable goods wholesaled. Location of inventory or storage of goods. Transportation mode for delivery, trips per day or any vehicles, and whether rail service is involved. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.</p>
4121, 4131, 4132, 4133, 4134, 4135, 4136, 4180	CLMU, B-2, EBCZ, OTC	Special purpose transit transportation, local transit, interurban, excluding school and charter services. These uses are for passengers only, no freight. These uses operate over long distances between metropolitan areas, some may provide local service.	<p>Conditional Use: A major development plan. Explanation of parking needs, needs for station, other stops, whether local service is also provided, route schedule, number of rail passenger cars/day, destinations, switching, and other relevant considerations. An explanation controls for vehicle traffic, noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.</p>
4122	I-2	Rail freight transportation, no passengers, long distance and local	<p>Special Exception A major development plan. Explanation of parking needs, needs for rail switching yard with sizes, whether local service is also provided, number of rail cars/day, destinations, switching, and other relevant considerations. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.</p>
4123	I-2	These uses provide services for rail transportation, They service, repair, converts, over haul or re-build rolling stock	<p>Conditional Use: A major development plan. Explanation of needs for rail switching yard with sizes, building and spurs needed, number of freight cars being repaired, etc., at any one time. An explanation of controls for noise, chemicals, greases, dust, odor, waste control, smoke, dust, potential combustion, and lights.</p>

Utilities and utility services

This category comprises establishments that provide utility services, such as electric power, natural gas, steam supply, water supply, and sewage removal. Not included are waste management services, which collect, treat, and dispose of waste materials, and do not directly use or operate utilities.

4310, 4311, 4312, 4313, 4314, 4320	I-2	Utilities and utility services, these uses provide electric power, natural gas, fossil fuel, nuclear, transmission, alternative fuel, control and distribution.	<p>Conditional Use: A major development plan. Type of power to be generated, all state, federal, and other local approvals. Environmental assessment and potential an environmental statement. A TIA. An explanation controls for noise, dust, odor, waste control, smoke, chemical storage, dust, potential combustion, and lights.</p>
4341	NP	<p>Hazardous waste collection This use is not essential or desirable for the health, welfare and safety o f the Town. This class comprises establishments that (1) operate treatment and disposal facilities for hazardous waste; and (2) combine, collect, or haul hazardous waste materials within a local area while operating treatment or disposal facilities. Hazardous waste collection. This use is not considered to be essential or desirable for the health. Welfare, and</p>	

		safety o f the Town
4342	NP	<p style="text-align: center;">Hazardous waste treatment and disposal</p> <p>This class comprises establishments that (1) remediate and clean contaminated buildings, mine sites, soil, or ground water; (2) provide mine reclamation activities, including demolition, soil remediation, waste water treatment, hazardous material removal, contouring land, and re-vegetation; and (3) asbestos, lead paint, and other toxic material abatement.</p> <p>Hazardous waste collection and treatment. This use is not considered to be essential or desirable for the health, Welfare, and safety o f the Town</p>
4344	I-2	<p style="text-align: center;">Conditional Use (See Section 225-120: Conditional Use Requirements)</p> <p>These operate combustors and incinerators for the disposal of nonhazardous solid waste. These also include other nonhazardous waste treatment and disposal facilities (except landfills, sewer systems, or sewage treatment facilities).</p> <p>Establishments may produce byproducts such as electricity and steam. They may locally collect or haul nonhazardous waste materials along with the operation of facilities. Compost dumps are included in this class. Some establishments use the term resource recovery facility for the sites they manage.</p>
4345	I-2	<p style="text-align: center;">Conditional Use (See Section 225-120: Conditional Use Requirements)</p> <p>Solid waste landfills operate landfills for the disposal of nonhazardous solid waste. These may locally collect or haul nonhazardous waste materials along with landfill operation. These establishments also manage recycling and resource recovery facilities that operate in conjunction with landfills.</p>
4346	I-2	<p style="text-align: center;">Waste Treatment and Disposal (See Section 225-120: Conditional Use Requirements)</p> <p>This class comprises establishments that (1) operate facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garbage); and (2) operate facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted.</p>
8000, 8100, 8200, 8300, 8400, 8500	NP	<p style="text-align: center;">Mineral Extraction</p> <p>These establishments extract natural mineral solids (coal and ores), liquid minerals (crude petroleum), and gases (natural gas). Mining includes quarrying, well operations, beneficiating (e.g., crushing, screening, washing, and flotation), and other preparations customarily performed at the mine site, or as a part of mining activity. These uses are considered not essential or desirable for the health, Welfare, and safety o f the Town.</p>

Sec. 225-130 Conditional Use Requirements

- A. All solid waste fill and mineral extraction operations require a Solid Waste Land Fill or Mineral Extraction Operations Permit.
- B. An application for solid waste land fill or mineral extractions operations permit shall be accompanied by the following:
 - 1. A major development plan to be drawn to scale complying with division.
 - 2. Documentation from the Clark County Health Department and the Indiana Department of Environmental Management that the location does not have any outstanding violations, enforcement proceeding pending, including agreed orders. Dates, circumstances, and outcomes of any previous violations, or enforcement actions.
 - 3. An environmental site assessment [ESA] based on EPA all appropriate inquiry shall be submitted. The ESA shall have been completed within 12 month of the application submittal. Based on the environmental assessment, a phase 2 ESA or an environmental impact statement may be required.
 - 4. An estimate of time required for the removal of material or filling.
 - 5. A final grading plan which shows the existing ground elevations of the site and the land immediately adjacent thereto, the location and elevation of all bounding streets or roads, and the final elevation of the site at the termination of the operation with respect to the elevations of the immediately adjacent land and bounding streets or roads.
 - 6. A plan to control dust, mud, noise, and other nuisances.
 - 7. A transportation plan showing the routes to be taken on local roads by trucks and other heavy equipment associated with the mineral extraction operation. The routes that are chosen should maximize the public health, safety, and

welfare. The Department may require a modification of the plan if such modification is reasonable and results in improved traffic safety.

8. Operating hours.
9. Security plan.
10. Hazard mitigation plan.
11. All required permits of any regulatory agency.
12. A local road maintenance plan approved by the department. The plan shall address the applicant's maintenance responsibilities regarding road damage caused by the transport of materials to and/or from the fill or mineral extraction operation. A schedule of maintenance carried out by the applicant.
13. A schedule of compensation to the Town to defray the cost of maintenance by the Town or a combination of the two.
14. The applicant's maintenance responsibilities shall be limited to that which is directly related to road damage caused by the mineral extraction or solid waste operation.

Sec. 225-140 Development Limitations

- A. Fencing and landscaping shall be placed at the perimeter of the property and maintained to screen cut slopes from public view.
- B. There shall be no open storage of discarded machinery, trash or junk which would present an unsightly appearance.
- C. The land areas exposed by the mineral extraction operation shall not have a final cut slope of steeper than three (3) feet horizontal to one (1) foot vertical distance and shall be left suitable for development purposes in accordance with the final grading plan.
- D. Temporary operating cut slopes steeper than one (1) foot horizontal to one (1) foot vertical shall in no case be brought closer to an exterior property line, right-of-way line of any street, roadway or alley, as existing or as proposed in the Thoroughfare Plan than fifty (50) feet where a sight screen is provided or seventy-five (75) feet in the case where no provision is made for sight screening.
- E. All equipment used for the mineral extraction operation and other earthen material shall be constructed, maintained and operated in such a manner as to eliminate, as far as practicable, noises, vibrations or dust which are injurious or annoying to persons living in the vicinity.
- F. All access roads shall be maintained as dust-free surfaces from the public street to within one hundred (100) feet of the loading point within the area for the mineral extraction operation.
- G. Explosives shall be used only between sunup and sundown except in the case of an emergency.
- H. All buildings, structures or equipment, shall be removed, entirely, from the property within one (1) year after the expiration of the permit.
- A. Dikes and other barriers and drainage structures shall be provided to prevent silting of drainage channels or storm drains in the area surrounding the operation.
- B. Final cut slopes shall be treated to prevent erosion, and topsoil shall be replaced on such slopes to support vegetation. Ground cover shall be planted in accordance with IDEM requirements after a cut slope is excavated to its final position, and such ground cover shall be maintained for a period of time sufficient to provide vegetation of a density that will prevent erosion.
- C. Vehicles carrying materials from the site shall be loaded and covered in such a manner as to prevent spilling of any materials of a mineral nature while in transit upon roads and highways.
- D. Any excavated area shall not collect and permit stagnant water to remain therein.
- E. Off-street parking shall be provided on the site of the mineral extraction operation for all equipment and employee vehicles.
- F. Any proposed signs shall meet the requirements of this zoning ordinance

Sec. 225-150 Site Access and Material Transport on Public Roads

- A. Access roads to any mineral extraction operation shall be limited to two (2) points and shall be constructed on a level with the pavement of any public street or highway for a distance of not less than eighty (80) feet, and said eighty (80) feet shall be improved with dust-proof all-weather surface.
- B. Access roads shall be located so as to have adequate sight distance as determined by the Town Engineer.
- C. The transport of materials related to the mineral extraction operation shall follow the routes shown on the transportation plan approved by an engineer selected by the Planning Department.
- D. There shall be filed with the Town Council, a bond payable to the Town, and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by the Town Council. The bond shall be released upon written certification of an engineer

Sec. 225-160 Restoration

- A. There shall be filed with the department a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage, courses, or other improvements contemplated.
- B. All fill and excavation shall be made either to a water-producing depth, such depth to be not less than five (5) feet below the low-water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids, to secure:
 - 1. That the fill, or excavated area shall not collect and permit to remain therein stagnant water.
 - 2. That the surface, of such area, which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to adjoining land area. The banks of all fill or excavations not backfilled shall be sloped not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.
- C. There shall be filed with the Town Council, a bond payable to the Town, and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by the Town Council. The bond shall be released upon written certification of an engineer

SEC. 230-10 LOCATION PERMIT 1

SEC. 230-20 BUILDINGS UNDER CONSTRUCTION..... 1

SEC. 230-30 SPECIAL EXPERT CONSULTANTS AND COSTS 1

Sec. 230-10 Improvement Location Permit

A Building Permit shall be required for the construction, reconstruction, and enlargement or moving of any building or structure, and shall be applied for in writing and issued by an authorized employee of the Plan Commission.

No permit shall be issued unless the proposed construction, reconstruction, enlargement or moving the building or structure conforms to all the provisions of this Ordinance.

Application for said permit shall be made upon forms prescribed by the Plan Commission and shall be attached to plans and specification of significant detail to ensure the staff to determine whether the proposed improvements are in compliance with this zoning ordinance. A Development Plan shall accompany all applications for any and all uses in all zone districts.

The applicant shall post said permit in a prominent place and protect it from destruction on the site prior to and during the period of construction.

The permit may be revoked if active work is not commenced within sixty [60] days after the date of its issue, or if work has started and then stopped for a period of six [6] months.

The authorized employee of the Plan Commission may revoke said permit if work is not proceeding according to the detailed statement, plans and specifications filed with the permit application, or it is perceived as a violation of this Ordinance. It shall be his duty to give notice thereof to the owner or his agent requiring that the same shall be immediately rectified.

In the event, that a dwelling within a Plan Commission approved and recorded plat is occupied prior to the completion of the infrastructure improvements serving the dwelling [as shown in the subdivision construction plans], or if such infrastructure improvements are completed but not operational, a permit shall not be issued within said subdivision until all infrastructure improvements are approved and certified as complete and operational.

Sec. 230-20 Buildings Under Construction

This Ordinance shall require no change in the plans, construction or intended use of any building or structure, which was legally started before the effective date of this Ordinance. Said building or structure may be completed and used in accordance with plans and specification provided, however, the construction of such buildings or structures shall be completed within one [1] year after the effective date of this Ordinance.

Sec. 230-30 Special Expert Consultants and Costs

The Planning Commission may retain special expert consultants, as it deems necessary to provide assistance in the review of site location alternatives analysis. Application fees may be established to cover the costs of staff and/or special expert consultant review of a request filed for any application including a petition for a rezoning, special exception, variance or conditional use.

SEC. 240-10 SPECIFIC PURPOSE..... 1
 SEC. 240-20 AGREEMENT..... 1

Sec. 240-10 Specific Purpose

The purpose of this section is to provide a sample of a basic method of establishing role, responsibilities and other terms for the completion of large projects.

Sec. 240-20 Agreement

IMPROVEMENT AGREEMENT

This Improvement Agreement is between, ("Developer") and the Town of Clarksville, Indiana, ("the Town").

WHEREAS, the Developer seeks to develop a tract of property within the Town to be known as Clarksville Docket # and ("the Development"); and

WHEREAS, the developer shall submit, and the town shall review and approve a district development plan;

WHEREAS, the development shall meet the requirements of Clarksville ordinances, State, and Federal regulations and laws;

WHEREAS, the Town seeks to protect the health, safety and general welfare of the community by requiring and participating in the completion of various improvements and thereby to limit the harmful effects of substandard subdivisions, including incomplete developments, which leaves property undeveloped and unproductive;

WHEREAS, the purpose of this Agreement is to protect the Town from the cost of completing development improvements itself and is not executed for the benefit of material, laborers, or others that provide work, services, or material to the development or subdivision or for the benefit of a lot or home buyers, lessees, or tenant in the development or subdivision.

NOW THEREFORE, the Developer and Town agree as follows:

- A. **EFFECTIVE DATE:** The effective date of this Agreement will be the date that final development plan or subdivision plat approval is granted by the Plan Commission or acceptance by the Town of security satisfactory to assure completion of the project.
- B. The Developer shall construct and install, at his own expense, those on-site and off-site improvements listed on Exhibit A, which is attached hereto and incorporated herein by this reference ("the Improvements").
- C. The Developer's obligation to complete the Improvements is dependent on an obligation of the Town and is conditioned on commencement of construction in the development.
- D. **SCOPE OF IMPROVEMENTS AND COMMITMENTS:** The scope of improvements and any commitments are identified in Exhibit A and Exhibit B respectively and are part of this Agreement.
- E. **SECURITY:** To secure the performance of this obligation hereunder, the Developer will deposit with the Town satisfactory security for of completion in the form approved by the Plan Commission Attorney and accepted by the Town Council. The documentation of security is Exhibit C to this Agreement.
- F. **STANDARDS:** The Developer shall construct the Improvements according to the Standard Specifications of the town, approved development and construction plans, the Clarksville Subdivision Regulations, and any other Town, federal, or state regulating agency, as applicable.
- G. **ASSURANCE OF MAINTENANCE:** The Developer warrants that all Improvements shall be free from defects in material and workmanship for a period of five years from the date that the Town accepts the dedication of the last improvement completed by the Developer. The Developer shall file with the Town, at the time of completion and acceptance of said improvements, a separate Maintenance Bond acceptable to the Town Council for this period.
- H. **COMPLETION:** The Developer is obligated to complete the Improvements in accordance with the timeframes specified in this agreement or no later than _____ months, whichever is shorter.

COMPLIANCE WITH LAWS: It is the sole responsibility of the Developer to comply with all relevant federal, state, and local laws, ordinances, and regulations in effect at the time of final development plan or subdivision plat approval when fulfilling obligations under this Agreement. These obligations include, but are not limited to, the Americans with Disabilities Act and Architectural Barriers Act Accessibility Guidelines as may be amended, Indiana Department of Transportation Design Manuals and the town of Clarksville Stormwater and illicit discharge ordinances.

- I. **INSPECTIONS:** The Town will periodically inspect the improvements as they are completed and, if acceptable to the Town, docket files shall note that such improvements as being in compliance with the standards and specifications of the Town. Such approval does not constitute a waiver by the Town of the right to draw funds under the Security due to defects in or failure of any improvement that is detected or which occurs following such certification. The initial estimated cost of inspections is Exhibit D of this agreement. The development inspection procedure is Exhibit E.

The developer shall pay to the Town an inspection fee based on the estimated cost of inspections or as established in Town ordinances. The final plat or development plan shall not be signed, and the Town Council shall not release the Security unless the inspection fee has been paid.

- J. **NOTICE AND CORRECTION OF DEFECT:** The Town will provide notice to the Developer whenever inspection or improvement failure reveals that an improvement does not conform to the standards and compliance with laws as agreed upon in the agreement, or is otherwise defective. The Developer will have 30 days from the issuance of such notice to cure the defect. In the event, the defect or failure of the improvement requires emergency repair in order to protect the public health, safety, and welfare, the Town may make said emergency repair without the necessity of notice to the Developer. The Developer shall pay to the Town the cost of said emergency repairs.

This agreement is subject to specific performance. The Developer and the Town agree that, as a cumulative remedy for failure to correct any defect, the Town has the right to refuse any building permit or certificate of occupancy for any structures, or for any use of the subject property.

- K. **OWNERS STATEMENT OF COMPLETION AND RELEASE OF SECURITY:** At the completion of construction of improvements required by this agreement the Owner and the Owners representative shall complete a Statement of Owner and Owners Representative Statement of Completion, included in this agreement as Exhibit F.

- L. **REDUCTION OF SECURITY:** A request for reduction of security will be accompanied by a signed and sealed statement of partial completion with values from the developer's engineer verifying that the improvements have been completed satisfactorily, and the requested reduction is in order. Applicable department heads shall review the statement and make recommendations to the Planning Department regarding the reasonableness of the request. The Planning Department will compile the Departmental recommendations statement and submit them to the designated Town Engineer and Town Council for consideration.

After the acceptance, of any improvement, the amount of which the Town is entitled to draw on the Security may be reduced by an amount equal to 90 percent of the estimated cost of the improvement. The Town will prepare a letter verifying the acceptance of the improvement and waiving its right to draw on the Security to the extent of such amount. The Developer in default under this Agreement will have no right to such Security. Upon the acceptance of all of the improvements, the developer shall provide an acceptable maintenance bond for consideration and acceptance by the Town Council.

- M. **EVENTS OF DEFAULT:** The following conditions, occurrences, or actions will constitute a default by the Developer.
1. Developer's failure to complete the Improvements within the approved time of performance.
 2. Developer's failure to cure any defect of any improvement within the applicable cure period.
 3. Developer's insolvency, the appointment of a receiver for the Developer, the filing of a voluntary or involuntary petition in bankruptcy respecting the Developer, or dissolution of any corporation, if any, or Developer's abandonment of the development or subdivision.
- N. **MEASURE OF DEFAULT:** The measure of reimbursement for default or breach of this agreement shall be 110% the actual amount of local participation.

It is further agreed that, in the event, the reasonable cost of completing or repairing the improvements is greater than the amount of the liquidated damages, the Developer shall be responsible for said amount.

- O. **TOWN'S RIGHT UPON DEFAULT:** when any event of default occurs, the Town may draw on the Security to the extent of the face amount of the credit, less 90 percent of the estimated cost, as shown on Exhibit B, of all improvements theretofore accepted by the Town.

The Developer hereby grants to the Town, its successors, assigns, agents, contractors, and employees, a nonexclusive right to enter the property for the purposes of constructing, maintaining, and repairing such improvements. Alternatively, the Town may assign the proceeds of the Security to a subsequent developer (or a lender) who has acquired the development or subdivision by purchase, foreclosure or otherwise who will then have the same rights of entry and completion as the Town if, and only if, the subsequent developer (or lender) agrees in writing to complete the unfinished improvements.

In addition, the Town also may suspend the development plan or final plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots, or any structure within the development or subdivision without the express written approval of the Town, or until the improvements are completed and accepted by the town.

The Developer also agrees to pay to the Town any amount remaining after the application of the proceeds of the Security in the event that the amount of the Security is insufficient to complete the improvements. Also, the Developer agrees pay to the Town all reasonable attorney's fees, expert's fees, and court costs incurred by the Town in enforcing the terms of the Security or this improvement agreement. These remedies are cumulative in nature.

Further, due to default or breach by the developer, the Town has the right to refuse any request by the Developer for any building permit or certificate of occupancy for any structures or for any use of the subject property.

- P. **NO WAIVER:** No waiver of any provision of this Agreement will be deemed or constitute a waiver of any other provision, nor will it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both the Town and Developer; nor will the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. The Town's failure to exercise any right under this Agreement will not constitute approval of any wrongful act by the Developer or the acceptance of any improvement.
- Q. **AMENDMENT OR MODIFICATION:** The parties to the Agreement may amend or modify this Agreement only by written instrument executed by the Town and by the Developer.
- R. **SEVERABILITY:** If any part, term, or provision of this Agreement is held by the courts to be illegal or otherwise unenforceable, such illegality, or unenforceability will not affect the validity of any other part, term, or provision and the rights of the parties will be construed as if the part, term, or provision was never part of the Agreement.
- S. **BENEFITS:** The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the Town. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, personal representatives, successors, and assigns of the Developer. The Town may assign its rights under this Agreement, including the accompanying Security, to any third party without notice.
- T. **NOTICE:** Any notice required or permitted by this Agreement will be deemed effective when personally deliver in writing or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified, and return receipt requested, and addressed as follows:

For the Developer:

For the Town:

Planning Department

Municipal Administrative Center,

2000 Broadway, Rm. 234

Clarksville, Indiana 47129

U. **RECORDATION:** The Developer shall record this Agreement in the Recorder’s Office of Clark County, Indiana. A copy of the recorded Development Plan shall be provided to the Town prior to the issuance of any building or improvement location permit.

V. **SUCCESSORS AND ASSIGNS:** the terms of this agreement shall be binding upon the Developer and Town hereto, their heirs, personal representatives, successors, and assigns.

IN WITNESS WHEREOF, the parties, hereto have executed this Agreement this _____ day of _____, 2_____.

For the Developer:

For the Town:

President

Clarksville Town Council

Attest:

Attest:

Clerk-Treasurer

Docket # _____

Town of Clarksville Improvement Cost Estimate

IMPROVEMENT COST ESTIMATE FOR SECURITY AGREEMENT	
IMPROVEMENT ITEM	AMOUNT
curbs-concrete forms and pours	
sidewalks-concrete forms and pours	
driveways onto public streets	
ramps	
street construction	
subgrade	
finish rock grade	
asphalt base coat	
final coat	
frontage paving strips	
dumpster, enclosure, and sign	
catch basins/inlets	
retention and detention basins	
inlet pipes	
structural retaining walls	
street and parking lot lighting	
parking lots and spaces	
landscaping	
street signs & traffic signs, excluding traffic signal lights	
advertisement signs, including setback & vision clearance	
vision clearance at streets and driveways	
Subtotal	

+10%	
Total Security	
Prepared by:	
Signature:	
Print Name:	
Accepted:	
Town Council President	

COMMITMENTS

EXHIBIT C

SECURITY AGREEMENT

Project Name:			Date:	
INITIAL INSPECTION COST ESTIMATE				
Project Docket #			Plans Stamped Approval Date:	
	ITEM	Estimated Hours	Hourly Rate	Amount
1.	curbs-concrete forms and pours			
2.	sidewalks-concrete forms and pours			
3.	driveways onto public streets			
4.	ramps			
5.	street construction			
6.	subgrade			
7.	finish rock grade			
8.	asphalt base coat			
9.	final coat			
10.	frontage paving strips			
11.	dumpster, enclosure, and sign			
12.	catch basins/inlets			
13.	retention and detention basins			
14.	inlet pipes			
15.	structural retaining walls			
16.	street and parking lot lighting			
17.	parking lots and spaces			
18.	landscaping			

19.	street signs & traffic signs, excluding traffic signal lights			
20.	advertisement signs, including setback & vision clearance			
21.	vision clearance at streets and driveways			
	Totals			
Prepared By:				Date:
Printed Name:				
Checked and Approved:		:		

EXHIBIT E

Development Plan Inspection Procedures

The Development Inspector inspects for construction compliance with approved construction, development plans, and subdivision plans. These include the following and any other work shown on approved development plans.

The Development Inspector inspects construction that is permitted following approval of a development plan. Pre-construction meetings are encouraged prior to any construction. To schedule a pre-construction conference call (812) 283-1510.

For the following inspections call (812) 283-1510. Provide the docket number, location, and type of inspection. Allow 24 hours advance notice for inspections.

- | | |
|--------------------------------------|---|
| subgrade | retention and detention basins |
| finish rock grade | inlet pipes |
| concrete forms and pours | structural retaining walls |
| asphalt paving and pavement overlays | street and parking lot lighting |
| curbs | tree wells and grates |
| sidewalks | parking lots and spaces |
| driveways onto public streets | landscaping |
| ramps | signs & vision clearance |
| street construction | any other work shown on the approved development plan |
| street widening | alleyway |
| frontage paving strips | catch basins/inlets |
| dumpster, enclosure, and sign | |

Unless included in the Improvement Agreement, the Development Inspector does not inspect private streets, sidewalks, or driveways. Other departments inspect waste water, storm water, erosion control, building, and fire. It is the developer's responsibility to contact these departments for inspections.

EXHIBIT F

TOWN OF CLARKSVILLE, INDIANA

OWNER AND REPRESENTATIVE STATEMENT OF COMPLETION

As the owner's representative and having made site visits at intervals appropriate for the various stages of construction, to the best of my professional knowledge and belief, the construction of all on-site infrastructure and other required elements, including but not limited to landscaping, lighting, sewer, water, sewer, storm drain facilities, and streets, ADA compliant ramps, sidewalks, curb, and gutters to serve the project known as: _____, and Clarksville Docket Number: _____ were constructed in accordance with all federal and state requirements, the Standard Specifications and ordinances of the Town of Clarksville, Indiana and the approved: District Development Plan or Subdivision Construction Plans.

To the best of my knowledge and belief, no changes or modifications from the approved plans were made, except as approved by the proper town inspector and shown on the accompanying "as built" plans. All testing has been completed in accordance with the appropriate regulatory agencies and departments. Reasonable site inspections and inquiries during and after the construction of the project were made by me or a qualified employee or agent under my supervision or employment to ensure the truth and accuracy of this statement.

By Developer's Development Design Engineer:

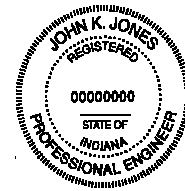
Signature: _____ Date: _____

Print Name: _____

Indiana Registered Professional Engineer License Number and Seal:

or

Indiana Registered Land Surveyor Licensed Number and Seal:



By Owner:

Signature: _____ Date: _____

Date: _____

Print Name: _____

ATTACH AS BUILT PLANS

EXHIBIT G

TOWN OF CLARKSVILLE, INDIANA

OWNER'S REPRESENTATIVE

STATEMENT OF COMPLETION

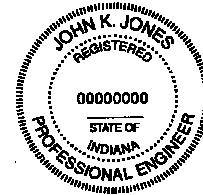
As the owner's representative and having made site visits at intervals appropriate for the various stages of construction, to the best of my professional knowledge and belief, the construction of all on-site infrastructure and other required elements, including but not limited to landscaping, lighting, sewer, water, sewer, storm drain facilities, and streets, ADA compliant ramps, sidewalks, curb, and gutters to serve the project known as: _____, and Clarksville Docket Number: _____ were constructed in accordance with all federal, state requirements, the Standard Specifications and ordinances of the Town of Clarksville, Indiana and the approved: District Development Plan or Subdivision Construction Plans.

To the best of my knowledge and belief, no changes or modifications from the approved plans were made, except as approved by the proper town inspector and shown on the accompanying "as built" plans. All testing has been completed in accordance with the appropriate regulatory agencies and departments. Reasonable site inspections and inquiries during and after the construction of the project were made by me or a qualified employee or agent under my supervision or employment to ensure the truth and accuracy of this statement.

By: _____ Date: _____

Print Name: _____

Indiana Registered Professional Engineer License Number and Seal or
 Indiana Registered Land Surveyor Licensed Number and Seal



SEC. 245-10 PUBLIC HEARING AND PROCEDURAL STEPS 1

SEC. 245-20 PRE-FILING CONFERENCE 1

SEC. 245-30 APPLICATION 1

SEC. 245-40 FILING 1

SEC. 245-50 PUBLIC NOTICE 1

SEC. 245-60 PUBLIC HEARING 1

SEC. 245-70 NOTICE REQUIREMENTS 1

SEC. 245-80 CERTIFIED MAIL 2

Sec. 245-10 Public Hearing and Procedural Steps

The following steps must be completed prior to any petition receiving a hearing before the Plan Commission or the Board of Zoning Appeals [BZA]. It is the sole responsibility of the petitioner to satisfy the procedural process as herein set forth.

Sec. 245-20 Pre-filing Conference

A pre-filing conference is not required but is recommended. At the conference, the applicant, checklist, instructions, and procedures can be discussed as well as other pertinent questions. Appointments can be made by calling the Planning and Building office. Failure to comply with these procedural steps will delay the hearing process.

Sec. 245-30 Application

- A. The applicant must obtain and complete application and checklist items. Application materials and checklist are available at www.town.clarksville.in.us and at the Planning and Building Department.
- B. All instructions outlined on the application instruction form must be followed.

Sec. 245-40 Filing

- A. Filing deadlines are the first Tuesday of the month preceding the month that the docket will be heard by the Plan Commission or BZA.
- B. Applications must be complete. Incomplete applications will not be reviewed or placed on the BZA agenda.
- C. Docket numbers will be assigned and all filing fees paid at the time of filing.

Sec. 245-50 Public Notice

- A. All public hearings require that legal notice and notice to adjoining property owners to be provided at least 10 days prior to the public hearing.
- B. The applicant is responsible for mailing notice to all adjoining property owners and posting the site at least 10 days prior to the public hearing with signs available at the Planning and Building Department.
- C. Signs must be posted along the frontage of the property and be easily seen, but not obscure vision clearances at driveways or corners.
- D. The applicant is responsible for publishing the legal notice of the public hearing in a general circulation newspaper in Clark County, Indiana at least 10 days prior to the public hearing.

Sec. 245-60 Public Hearing

- A. A public hearing is required for consideration of all petitions to the Plan Commission or BZA.
- B. The applicant must provide each member of the Plan Commission, BZA, the attorney, recording secretary, and two copies for staff copy of all documents presented at the public hearing.

Sec. 245-70 Notice Requirements

The applicant is responsible for giving appropriate notice of his/her petition by:

- A. Certified mailing of notice to adjoining land owners.
- B. Posting a notice sign on the property.
- C. Legal advertisement in the newspaper.

Sec. 245-80 Certified Mail

- A. All adjoining property owners must be served notice of the public hearing via certified mail
- B. Return certified mail receipts shall be delivered to the Planning and Building Office no later than 4:00 p.m. on the Thursday prior to the public hearing. In the event, the petitioner receives any of the certified letters back as undeliverable items, such unopened envelopes shall be submitted with the receipts to the Planning Department in lieu of the delivery receipt.
- C. Adjoining property owners may be obtained at the Clark County Auditor's office. If there are less than five adjoining property owners, a fifth Clarksville property owner must be notified.

SEC. 250-10 PUD AMENDMENT 1

SEC. 250-20 ZONING ORDINANCE; PROCEDURE ON PROPOSAL TO AMEND OR PARTIALLY REPEAL A ZONING ORDINANCE 1

SEC. 250-30 FAVORABLE RECOMMENDATION FROM PLAN COMMISSION 1

SEC. 250-40 AMENDMENT OF ZONING ORDINANCE..... 1

SEC. 250-50 AMENDMENT OF ZONING MAP..... 1

SEC. 250-60 AMENDMENT PROCEDURES 2

SEC. 250-70 ZONE MAP AMENDMENTS..... 2

Sec. 250-10 PUD Amendment

Before a PUD district ordinance may be adopted, a text amendment to the zoning ordinance must be adopted. The text amendment must do all of the following:

- A. Specify any limitation on planned unit development in the jurisdiction.
- B. Specify standards, requirements, and procedures that:
 - 1. Are consistent.
 - 2. Govern the establishment and administration of planned unit development districts; including any appropriate regulation of reviews and the consideration of approvals and modifications to planned unit development districts under IC 36-7-4-1500.

Sec. 250-20 Zoning Ordinance; Procedure on a Proposal to Amend or Partially Repeal a Zoning Ordinance

This section applies to a proposal as described in IC 36-7-4-602(b), to amend or partially repeal the text (not zone maps) of the zoning ordinance.

- A. If the proposal is initiated by the Town Council instead of the plan commission, the proposal must be referred to the Plan Commission for consideration and recommendation before any final action is taken by the Town Council.
- B. On receiving or initiating the proposal, the Plan Commission shall, within sixty (60) days, hold a public hearing in accordance with IC 36-7-4- 604. Within ten (10) business days after the Commission determines its recommendation (if any), the Commission shall certify the proposal under IC 36-7-4-605.
- C. The Town Council shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal under IC 36-7-4- 605.

Sec. 250-30 Favorable Recommendation from Plan Commission

This subsection applies if the proposal receives a favorable recommendation from the Plan Commission:

- A. At the first regular meeting of the Town Council after the proposal is certified, (or at any subsequent meeting within the ninety (90) day period), the Town Council may adopt, reject, or amend the proposal. The Town Council shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
- B. If the Town Council adopts (as certified) the proposal, it takes effect as other ordinances of the legislative body.

Sec. 250-40 Amendment of Zoning Ordinance

If there is a proposal is to amend or partially repeal the text (not zone maps) of the ordinance under IC 36-7-4-607, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

Sec. 250-50 Amendment of Zoning Map

If the proposal is to change the zone maps incorporated by reference into the ordinance under IC36-7-608, it may be certified with a favorable recommendation, an unfavorable recommendation, or no recommendation from the commission.

Sec. 250-60 Text Amendment Procedures

The following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of the ordinance:

- A. The Plan Commission or Town Council may initiate the proposal. If the Town Council initiates the proposal, the Plan Commission is required to prepare it.
- B. The Plan Commission must prepare the proposal so that it is consistent with IC 36-7-4-601.
- C. The Plan Commission and the legislative body both must comply with IC 36-7-4-603.
- D. The Plan Commission must give notice and hold a public hearing under IC 36-7-4-604.
- E. The Plan Commission must certify the proposal to the legislative body under IC 36-7-4-605.
- F. The Town Council must consider the proposal under IC 36-7-4-607.
- G. If the proposal is adopted under IC 36-7-4-607, the Plan Commission must print the amendments to the zoning ordinance under IC 36-7-4-610.
- H. (8) The amendments take effect as described in IC 36-7-4-610 of this chapter.

Sec. 250-70 Zone Map Amendments Procedures

The following procedure applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into the ordinance:

- A. The proposal may be initiated either:
 - 1. By the Plan Commission.
 - 2. By a petition, signed by property owners who own at least fifty percent (50%) of the land involved.
 - 3. (Under the advisory planning law or the area planning law, any participating legislative body also may initiate the proposal and require the Plan Commission to prepare it.)
- B. The Plan Commission or petitioners must prepare the proposal so that it is consistent with IC 36-7-4-601.
- C. The Plan Commission and the legislative body both must comply with IC 36-7-4-603.
- D. The Plan Commission must give notice and hold a public hearing under IC 36-7-4-604.
- E. The Plan Commission must certify the proposal to the legislative body IC 36-7-4-605.
- F. The legislative body must consider the proposal under IC 36-7-4-608, governs whether the proposal is adopted or defeated.
- G. If the proposal is adopted under IC 36-7-4-608, the Plan Commission must update the zone maps that it keeps available under IC 36-7-611.
- H. The zone map changes take effect as described in IC 36-7-4-610.